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גיליון מיוחד:
מבט חדש על טרור

גיליון

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הקדמה: מבט חדש על טרור

הנס-יורג אלברכט
טרור, סיכון וחקיקה

מריה אלבאנו
התופעה של טרור המתאבדים הפלסטינים

עדנה ארז וענת ברקו
נשים פלסטיניות בטרור: מגנות או מוגנות?

יורם שוייצר
"אסתשהאד" ככלי אידיאולוגי ופרקטי בידי אל קאעדה

קתרינה פון קנופ
התפקידים רבי הפנים של נשים בתוך אל קאעדה

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Contributors

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Anat Berko is a Research Fellow with the Institute for Counter-terrorism (ICT), the Interdisciplinary Center in Herzliya, Israel. She lectures in the Center's Lauder School of Government, Diplomacy and Security, at a seminar at the Center of Excellence-Defence Against Terrorism in Turkey and for NATO and PIP (Partnership for Peace countries) military and police forces. Dr. Berko serves on Israel's Counter-Terrorism Team and the Israeli Council for National Security as an advisor to senior echelon governmental decision makers. An expert on suicidal terrorists, she is widely covered in the Israeli and international media. Her book *The Path to Paradise: The inner world of female and male suicide bombers and their dispatchers* (2007) is published by Praeger. Dr. Berko completed her military career in the Israeli Defense Forces as a Lieutenant Colonel and she holds a Ph.D. in Criminology from Bar-Ilan University.

Edna Erez Edna Erez is Professor and Head of the Department of Criminology, Law, and Justice at the University of Illinois at Chicago. She has a Law degree (LL.B) from the Hebrew University of Jerusalem and Ph.D. in Sociology/Criminology from the University of Pennsylvania. Professor Erez has published over 100 articles and book chapters in criminology and legal studies. She received around two million dollar in grants from state and federal grants in the US and overseas, and she has served on review panels for National Institute of Justice in the areas of violence against women and comparative criminology. She is past editor of *Justice Quarterly*, and co-editor of *Victims and Violence* and *International review of Victimology*. Among her recently completed or ongoing funded research projects are a national study on violence against immigrant women and systemic responses, policing domestic violence in the Arab/Palestinian community in Israel, women in terrorism, victims of terrorism, and terrorism, crime and the internet.

Yoram Schweitzer is a Senior Research Fellow at Tel Aviv University's Institute for National Security Studies, the Director of the Institute's Terrorism and Low Intensity Warfare project. Mr. Schweitzer is a former official in the Israeli intelligence community and consultant to the Prime Minister's Office. He

has lectured and published widely on terror-related issues and, for the last three years, has been teaching a course at Tel Aviv University on matters related to terrorism. Mr. Schweitzer continues to advise various private and public sector organizations on Counter-Terrorism strategies.

In recent years, among other areas, Schweitzer's research has circled around meetings with failed suicide terrorists and their dispatchers in an effort to analyze their motivations and objectives. In this regard, Schweitzer has recently published two significant studies: "Palestinian Istishhadia: a Developing Instrument", *Studies in Conflict and Terrorism* 30:8, 667-689 (August 2007); "Palestinian Female Suicide Bombers: Virtuous Heroines or Damaged Goods?", Ed. Cindy Ness (Feb. 2008). For further information about Mr. Schweitzer's research, please see Schweitzer's homesite: www.labat.co.il

Katharina Von Knop is a Fellow at the University of the Armed Forces in Munich, Germany at the department for International Politics and International Law. Dr. von Knop received a research grant from the George C. Marshall European Center for Security Studies to conduct the research on the multifaceted role of women inside al-Qaeda and to identify Counter and Antiterrorism measures specifically tailored addressing women. In 2007 she was on the research board at the Jebson Center for Counter-Terrorism Studies at the Fletcher School, Tufts University in Boston. She holds a Ph.D. in Political Science with the focus on Terrorism and Counterterrorism, a M.A. in Political Science with the focus on Security Studies and Political Marketing and Campaigning, and a B.A. in Communication Science, Sociology and Political Science. She has published four books on terrorism and counterterrorism as well as several scientific articles. She has presented at the International Studies Association multiple times as well as at the American Political Studies Association Annual Convention. In 2006 she organized together with Dr. Boaz Ganor a NATO advance research workshop on Hypermedia Seduction for Terrorist Recruiting

Introduction
New Perspectives on Terrorism

Jay Albanese*

*This special issue of the **Journal of National Defense Studies** comes from a conference in held in 2006 in Herzelia/Gelilot, at the Israel National Defence College. Principal organizers were Edna Erez and Pini Yehezkeally, with the assistance of Orit Shalev and Jay Albanese, who sought to bring together experts on terrorism from relevant countries to address the different legal, cultural, religious, and political dimensions of terrorism found among different locations and groups. The National Institute of Justice, the research arm of the U.S. Department of Justice, co-sponsored the conference, and participated in the co-editing of this issue. The findings and conclusions of the research reported here are those of the authors and do not necessarily reflect the official positions or policies of the U.S. Department of Justice.*

New Perspectives

Terrorism is a term used to connote unlawful violence used for the purpose of political or other ideological objectives. The violence is often inflicted on non-combatants in order to create fear or terror among the general public and destabilize existing government and institutional structures. It has become the province of criminology, as terrorism has shifted from state-sponsored activity to the actions of more loosely-formed networks and cells linked by ideology, rather than by government sponsors. This shift from a focus on “outlaw nations” to “outlaw individuals and networks” has created a new spotlight on the motivations and actions of individuals, rather than solely on the actions of states.

There is a long history in criminology of explanations which attempt to spell out the causes and correlates of crime. Most of these explanations are focused in six perspectives:

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- **Learning:** the influence of criminogenic traditions, messages, and examples of individual and group behavior.
- **Strain:** focus on poor economic/social circumstances in producing crime by individuals seeking relief from them.
- **Control** – the influence of a lack of individual attachment to conventional activities and beliefs needed to produce conformity.
- **Labeling:** the impact of others on positive or negative self-concept and the behavior it produces.
- **Rational choice:** crime as the result of free-will decisions to maximize pleasure and minimize pain by choosing easy criminal opportunities.
- **Ethical:** focus on why misconduct produces pleasure, not pain, for criminals, and the lack of empathy for victims.

Each of these perspectives on crime has produced a series of empirical studies which support their application in certain circumstances (Hagan, 2007; Albanese, 2007).

Another way of looking at crime is to recognize that these perspectives actually explain what factors place individuals at “high risk” of committing crimes. What is needed is an explanation of what transforms a person at high risk into a criminal. What triggers the criminal decision? That is to say, most people at high risk of committing crime do not do so, so circumstances must be identified to explain what triggers a person at high risk to make the criminal decision.

Given that there is a large pool of persons at high risk of becoming criminals worldwide (i.e., a variety of unfavorable economic, social, and political conditions), it might be said that motivational and opportunity factors are crucial in criminal decision-making. Motivation comes from how a person defines a situation: is a helpless person viewed with empathy or as a potential victim? Is the presence of a foreign army seen as security from chaos or as an oppressor? (see Pape, 2005). The opportunity factors consist of the availability of suitable targets, low odds of apprehension, and the absence of adequate protection (or “guardians”) of the targets. Therefore, crime is the product of risk factors (that create a pool of persons at high risk of committing crimes) plus the need for situational and opportunity factors which translate this risk into crime (see Clarke and Newman, 2006).

Examination of these risk factors and the “triggers” of motivation and opportunity are important to gain an understanding of how the terrorist “solution” emerges from high risk conditions. The articles in this special issue come from authors in five different countries, and they examine more closely this link among risk, how to reduce it, and better understanding and control of terrorist criminal triggers.

Hans-Joerg Albrecht first examines anti-terrorism legislation enacted after September 11, 2001. He documents the broad scope of these legal changes to include surveillance, immigration, money laundering, new substantive criminal offenses, and criminal procedure. Professor Albrecht explains how this new

legislation places general citizens under suspicion and relies upon voluntary compliance with increased surveillance in the name of risk reduction. He sees the emergence of an “enemy type criminal law,” opposed to the traditional version of criminal law, which places civil rights and fundamental liberties above investigative concerns. Albrecht discusses the implications on both sides of this question.

Maria Alvanou examines the phenomenon of Palestinian suicide terrorism, describing “Al-Aqsa Intifada” in September 2000, involving a campaign of suicide attacks against Israel. She explains that criminology has a unique prism to offer in the study of terrorism, because a suicide attack is an act of homicide, and should be examined as a crime, rather than a mere political statement or “just cause.” She also discusses the use of terrorism as a criminal act for larger social purposes, and the short-term and long-term problems it causes for the local community, the terrorist ideology, and for media interpretation of the terrorist events.

Edna Erez and Anat Berko present a study of Palestinian women’s involvement in terrorism and how their security violations are handled by the Israeli justice system. Their study is based on interviews with three groups: Palestinian women arrested for security offenses; Palestinian social and religious community leaders and social service professionals; and agents of Israeli law enforcement and criminal justice who respond to and process security violations. Their results show that motivation to participate in terrorism by Palestinian women, the roles they play, and the functions they fulfill are different from their male counterparts. Palestinian women also appear to be “doubly penalized” when arrested for both their security violations and for their deviance from traditional gender roles.

Yoram Schweitzer argues that one of the most urgent and neglected elements in countering the spread of modern terrorism is the need to consolidate a united Islamic authoritative voice led by Islamic scholars and highly esteemed leaders to distance new followers from radical interpretations of Al-Qaeda and Islam. By transforming the concept of self-sacrifice in the path of God (Istishad), into its main unifying principle and value, Al-Qaeda leaders have interpreted Muslim life as one of deprivation and humiliation at the hands of oppressors. This has laid the groundwork to justify suicide attacks as a way to rebel against their weak position and prevail. Changes in this interpretation of their situation, laying blame on outsiders and justifying the killing of innocent non-combatants, requires a re-definition that must come from within Islam.

Katharina Von Knop explores the multifaceted roles of women in the Al-Qaeda movement. She sees their importance in the role of ideological supporter and operational facilitator, rather than as suicide bombers, to be more significant for the long-term maintenance and ideological motivation of Al-Qaeda. This supportive and ideological role, she argues, are reasons why more women are not carrying out

suicide attacks. She argues that women associated with Al-Qaeda follow a gender-specific interpretation of the radical ideology, the female Jihad, meaning that the women act by supporting their male relatives, educating their children in Salafist ideology, and in facilitating terrorist operations. Because male terrorists are more vulnerable to arrest as suicide bombers, and often die in attacks, women are in a position to provide continuity, handle the financial issues of the organization, and provide moral and ideological support by educating children in the “right” beliefs.

The articles in this special issue offer unique insights into the structure, operation, and control of terrorism. Each of them study and propose efforts to reduce the number of people at “high risk” of terrorist involvement, and the methods and approaches needed to alter their motivations so that available opportunities for destructive violent crime and terrorism are seen instead as opportunities for constructive social and political change.

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Terrorism, Risk, and Legislation

Hans-Joerg Albrecht*

Abstract: *Anti-terrorism legislation that has been drafted and enacted since 9/11 certainly carries clear signs of coordination and convergence. Coordination and convergence have been pushed by precise demands voiced by the UN, the Security Council as well as other international and supra-national bodies. Moreover, anti-terrorism legislation since 9/11 implements a program that has been developed in the context of controlling transnational organized crime, money laundering as well as illegal immigration throughout the 1980s and 1990s. Anti-terrorism legislation is of a cross sectional nature as it is headed towards amendments not only of criminal law but also towards amending telecommunication law, immigration law, police law, laws on intelligence services and laws regulating bank and other financial services. In substantive criminal law we find new offence statutes that penalize support of terrorist organizations and financing terrorism in procedural law police powers have been widened significantly while telecommunication providers are compelled to develop and to maintain sophisticated surveillance capacity and to prolonged periods of retaining traffic data. The type of control and surveillance emerging puts civil society and the citizen under general suspicion and requests voluntary compliance with surveillance policies based on the promise of reducing risks and strengthening security. Cooperation between police and intelligence agencies has been facilitated; the emergence of task force approaches that combine police, the military, intelligence agencies and customs and immigration authorities is pointing also to the convergence of policies of prevention and repression. At large, anti-terrorism legislation demonstrates the transformation of the formerly privileged status of politically and ideologically motivated violence into behavior deemed to be particularly dangerous and therefore eligible for increased penalties and incapacitation. Such transformation can be also understood as the emergence of an "enemy type criminal law" which is opposed to the version of criminal law that addresses citizens and with that treasures civil rights and fundamental liberty.*

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Introduction

After September 11th, a process was initiated by international and supranational organizations as well as national legislative bodies, a process that is quite familiar to the German public from experiences made in the 70's and during the period of what became known as German terrorism. However, historical parallels can be observed for other European countries, for example the Prevention of Terrorism Act 1984 that followed the bombings in Birmingham in November 1984, or legislation in France after series of terrorist activities in 1986 as well as 1995/1996 (Walker, 1992, pp. 31; Hermant/Bigo, 2000).

Legislative responses to German terrorism, also known as anti-terrorism legislation (Berlit/Dreier, 1984) can be characterized as swift reactions to terrorist acts, they signalled the states' activity and readiness to act; these responses have been also characterized as expressions of a loss of distance between the legislative and executive branches of the state (Berlit/Dreier, 1984, pp. 258). What could be observed also in German anti-terrorism legislation of the 70's concerns politicisation of criminal legislation which included fundamental debates on questions of terrorism, in particular as regards the question of how supporters of terrorism should be separated from legitimate criticism of the states' response to terrorism. It is back then that the label of "sympathizers" of terrorism has been created and made operative in political debates on terrorism. However, the political debates following September 11th have been less spectacular than those of the 70's. On the contrary, the debates that follow September 11th demonstrate in fact an absence of principled discussions, in particular discussions on the relevance of anti-terrorism legislation for human rights (however, see now Council of Europe, 2004). The relevance of anti-terrorism legislation for a profound re-arrangement of fundamental rights certainly is evident (see Crelinsten/Özkut 2000, pp. 261); what has been gaining momentum in particular is a new debate on the limits of interrogation and the legitimacy of torture (Bowden, 2003). It has been concluded in a statement by the US Department of Justice that the general prohibition of torture leaves room for interpretation as only extreme acts of pain inflicting interrogation methods are seen to fall under the prohibition of torture by the UN Convention Against Torture as well as US law implementing the convention (U.S. Department of Justice, 2002). What also merely has been discussed concerns the question whether planned and implemented law reforms

represent actually efficient means in the repression and prevention of international terrorism. But, legislation which follows September 11th partially executes a program that has been set up in its basic structure already in the 1980ies. This programme essentially consists of transnational organized crime legislation, anti-money laundering policies and immigration or migration control.

What becomes visible in international criminal policies against international terrorism headed towards coordination and convergence of legal frameworks and operational devices is then a tendency towards a structure of policy making which is characterized by forced consent (Sack, 1999, pp. 10). Forced consent follows from the dominance of topics such as safety, stability and violence, topics which are in an extreme way either positively or negatively loaded and rule out controversial political debates. The consequence then consists of an escalation in repressive action and of increased competition between political players about who is presenting the toughest policies (Albrecht, 1998, 1999). Such a policy of forced consent evidently has been encouraged through the Security Council Resolution n° 1373. Insofar, a connection between terrorism policies in the seventies and eighties and those following 9/11 can easily be established (Tolmein, 2002).

Within a very short time laws have been enacted as for example the Patriot Act in the United States as of October 21st, 2001 (Zelman, 2001), the Anti-Terrorism, Crime and Security Act of 2001 in Great Britain (amended by the Terrorism Act, 2006), the Hungarian Law n° 83 of 2001 or the law on special measures against terrorism as of October 29th, 2001 in Japan. These laws are similar in their structure and take up concepts and contents that since quite some time have been part of political programmes set up to guarantee internal and external safety. These laws indicate basic changes in substantial and procedural criminal law. These changes can be seen in the transition to a security state (Tolmein, 2002, pp. 89; Grässle-Münscher, 2002, pp. 107) and in the emergence of an enemy type criminal law that moves away from the classic concepts and theories of civil criminal law as adopted by the liberal state (Jakobs, 2000; Kunz, 2001, pp. 403). These changes reflect also the dominance of transnational organised crime as a policy topic on national and international levels. In international cooperation then an outstanding position of police and secret services can be observed which is at the same time pointing to the dominance of the concept of prevention and to the retreat of traditional, repressive and backward looking

criminal law (Sack, 2001). Finally, anti-terrorism policies bring upon re-allocation of funds invested in security. Funding of police and secret services has been expanded; so, for example, Canada placed after 9/11 an additional 1.6 billion Can \$ in security related (repressive) policies (Parent, 2002, p. 53). In general, funding has turned again to the repressive side while prevention is sidelined.

The possible responses to terrorist activities available to the (nation) state point to a wide range of options. These possibilities include the state of emergency or martial law, covered operations of secret services and adjustments of the conventional (criminal law based) legal instruments to perceived needs when fighting terrorism (Hoffman/Morrison-Taw, 2000, p. 3). However, new anti-terrorist legislation tends to exhibit signs of emergency legislation which becomes particularly visible with the use of sunset legislation (Mello, 2002). But, sunset legislation does not mean necessarily that after the sun has set respective laws are put out of effect. In particular in the area of anti-terrorism legislation we find a tendency towards making sunset laws permanent laws (Walker, 1992, pp. 33).

Although, emergency legislation according to article 14 of the Covenant on Civil and Political Rights provides for the possibility to suspend basic rights in periods of emergency the core of human rights, in particular prohibition of discrimination on the basis of religion, gender or political orientation, may not be touched by emergency legislation. However, new anti-terrorism legislation evidently produces conflicts with human rights and the principle of human rights protection (Groß, 2002; Council of Europe, 2004) and – while coping with human rights protection – produces also solutions which themselves are in conflict with basic rights. This is expressed in English anti-terrorist laws following 9/11. The English anti-terrorist legislation introduced suspension of article 5, I of the European Convention on Human Rights (until the year 2006) as the Anti-Terrorism, Crime and Security Act of 2001 (section 4) provided for wide powers to detain those foreign national suspects who - while suspected to be linked to terrorist groups or activities - cannot be extradited to their home countries due to restrictions set by the European Convention on Human Rights nor are put to criminal trials because of insufficient evidence (see also CPT 2003, 2004). The only legal review of detention decisions was held before the Special Immigration Appeals Commission (SIAC) which has access to all information available to the Home Office but may not disclose such information to the detainee or his/her legal representatives. Section 4 of the Anti-Terrorism, Crime and

Security Act of 2001 has been repealed by the Prevention of Terrorism Act 2005 which introduced control orders allow to place restrictions on suspected terrorists.

Guidelines Set Through International and European Policies

Legislation that follows 9/11 emerges along several lines that in principle are not new but have been initiated around the mid 80's. These lines are drawn by various United Nations conventions, regional conventions, moreover in treaties and decisions within the framework of the European Union and the OECD. These lines deal with control of transnational organised crime, money laundering as well as illegal immigration. Anti-terrorist legislation then clearly is an expression of those security council resolutions that have been set into force after September 11th (in particular Resolution 1373). However, besides these international and supranational developments it should be noted that specific trends emerge in national jurisdictions. Anti-terrorism legislation develops in virtually all world regions: in Great Britain the violent conflict in Northern Ireland (Sarma, 2005) has been the trigger for a series of laws on terrorism, in Spain ETA related violence in the Basque Country explain such legislation, Italy has dealt from the 1970's on with right wing and left wing extremism as well as with the Mafia, series of terrorist acts in France that reach back to the Algerian War of Independence have provoked legislation (see also law of September 9th, 1986), in India violent conflicts in Kashmir (Singh Jafa, 2005) have led to special legislation (Prevention of Terrorism Ordinance of October 14th, 2001 as well as precursor legislation), in Russia it was the conflicts in Chechenia that triggered a special anti-terrorism law (Federation Law n°130-FZ as of 25.7.1998). Canada had to cope with secessionist violence in Quebec (Leman-Langlois/Brodeur, 2005) and Sri Lanka has gone through a long period of violence involving the Tamil secessionist movement (van de Voorde, 2005). In Germany corresponding legislation has been initiated through terrorist activities of the RAF and successor organizations in the 1970's (Berlit/Dreier, 1986). At the beginning of the 1990's in Turkey a law went into force that aims at the Kurdish PKK (Law on Control of Terrorism, n° 3713 as of 12. 4. 1991). In the United States of America, the bombing in Oklahoma City in April 1996 has been responded to by drafting and setting in force the Anti-Terrorism and Effective Death Penalty Act of 1996.

The continuation of political and legislative lines after 9/11 therefore takes as points of departure those anti-terrorism laws that have been a consequence of joining international anti-terrorist conventions, however, it is then also the result of national legislation which has been set up since the 60's in order to respond to various phenomena of national and international terrorism. But, as can be pointed out with the example of Australia after September 11th there is no need to be affected by terrorist violence as a condition to create anti-terrorism legislation (Department of the Parliamentary Library, 2002).

International legislation pre-designed through control of transnational crime, money laundering and illegal immigration as mentioned above anyway represents the core of anti-terrorist legislation after September 11th (Militello/Arnold/Paoli, 2001; Albrecht/Fijnaut, 2002; Albrecht, 2002; Huber 2002). This means also that the label of anti-terrorism legislation can be assigned to laws without any basic changes after 9/11. This type of legislation goes into the creation of "precursor" criminal law as for example with offence statutes that criminalize participation or support of criminal or terrorist groups and money laundering, offence statutes which have been designed through the Vienna Convention of 1988 as well as in the UN Convention to control transnational organised crime of 2000. We find expressions of such developments in the attempt to get hold of information collected by private telecommunication providers, in the creation of obligations of the private sector (individuals or companies/organisations) to support actively criminal law based strategies of prevention and repression. These developments become visible in the further deployment and extension of new investigative methods that have been initiated since the 1980's within the context of control of organised crime or transaction crime as well as in the systematic and wide use of conventional precarious investigative methods such as use of private informants or crown witnesses (see for Germany eg. Stern, 2002; Maurer, 2002; Albrecht/Dorsch/Krüpe, 2003). The trends extend to building up networks of preventive and repressive strategies and become visible also in laws on associations and/or political parties, laws on religion and religious groups with facilitating the ban of associations and organisations.

Anti-terrorism legislation becomes part of general security legislation (Parent, 2002, p. 51) which from the view of industrial countries, in particular Europe and North America, represents the response to configurations of problems made up of immigration, transnational and cross border crime, transaction crime, money laundering and shadow economies.

Such legislation and programming represents also a move towards a unified security concept joining internal and external concepts of safety and security. This becomes for example visible in a recent threat assessment made by the European Union which sees the key threats in terrorism, proliferation of weapons of mass destruction, organized crime, regional (violent) conflicts and failed states (European Council, 2003). It seems then that such threats are interrelated and require a “mixture of instruments” which combines intelligence, police, judiciary, military and economic means (European Council, 2003, p. 7). Anti-terrorism legislation represents furthermore cross sectional legislative activities that are made up out of amendments of immigration laws, police laws, laws on secret services, telecommunication laws, general criminal and procedural laws, economic laws, general order laws as well as legislation establishing particular powers in monitoring professional activities in sensitive areas. Out of this cross sectional nature follows the basic problem associated with new anti-terrorist legislation. This type of legislation interferes in civil society in a way which understands freedom and uncontrolled space as potential risks that are then put under a general suspicion. Immigration and asylum, religious organisations and political movements, ethnic minorities, foreign citizens and transnational communities, workforce that is associated with security risks are made targets of supervision and partially exclusion.

However, legislation that follows September 11th takes on developments the substance of which was already in place during the last 20 years (Paeffgen, 2002, p. 338) and which is also part of globalization of criminal law allegedly following an aggressive policy of “legal imperialism” (Schünemann, 2003) which is again fueled by neutralization of conflicts and the elimination of controversial discourses from law making and policy programming in the field of terrorism. As far as states did not respond to September 11th by way of enacting explicit anti-terrorist legislation, such states nevertheless follow the trail which is characterized by control of transnational crime, money laundering and immigration and which easily can be re-labelled as control of terrorism. In particular within the framework of the European Union past changes in immigration policies today turn out to be relevant for terrorism control. Here, we find e.g. the directive to establish Eurodac (in force since December 15th, 2000). This directive implements a system which should prevent asylum shopping in the Schengen space by way of collecting systematically personal data and in particular fingerprints (or in the future biometric information; Albrecht 2002). However, the system can easily be adjusted to control of terrorist or extremist individuals or groups.

Anti-terrorism legislation draws attention in particular to the so-called money trail and with that to the control of financial and money markets by way of introducing elaborate money laundering control systems (United Nations Office on Drugs and Crime, 2004; FATF, 2003; Jahn, 2002). The money trail has been highlighted as an important issue since the end of the 1980's, back then the focus was on the control of drug markets; however, the approach since then has been generalised and made available for control of organised and transaction crime at large (Albrecht, 1998a). As is the case with goals pursued in the control of conventional forms of organised crime control of international terrorism should be made more efficient through adjusting money laundering control rules and forfeiture legislation (FATF, 2002). In this context the extension of duties to identify clients and to forward information to prosecution services or police has to be mentioned. The Second Money Laundering Guideline of the European Union (Directive 2001/97/EC of the European Parliament and of the Council of 4 December 2001) extended such duties to professions such as lawyers, accountants and notaries (besides other professions) and the Third Money Laundering Guideline resulted in further expansion of money laundering control.

The United Nations as well as various regional coalitions of states as for example the Organisation of American States, ASEAN, the Arab League, the European Union or the Council of Europe have enacted conventions with the goal to intensify control of terrorism. The first United Nations anti terrorist convention dates back to 1970 when a convention to protect civil aviation was enacted. Further United Nations conventions extend to crimes against staff of embassies, protection of nuclear substances, control of terrorist acts carried out with explosives and control of money laundering for the purpose of financing terrorism (1999). The International Convention for the Suppression of Acts of Nuclear Terrorism has been opened for signature on September 14, 2005. Currently, within the context of the United Nations, a global convention to control international terrorism is drafted.

Of particular relevance for international legislation following September 11 certainly are resolutions of the Security Council, in particular Resolution 1373 as of 28. 9. 2001. Resolution 1373 demands from all the member states of the United Nations to establish such measures that enable identification of terrorists during the process of immigration, the prevention of abuse of passports as well as the asylum status for terrorist activities, demands efficient exchange of information on terrorism as well as efficient control of financing international terrorist activities. On the basis of the

resolution a counter-terrorism committee was established responsible for the supervision of proper implementation of resolution 1373. Finally, the member states have been required to report within 90 days about implementation of the Security Council Resolution.

Within the framework of the European Union the Common Council Directive as of December 21, 1998 should be noted which demands harmonisation of a criminal offence statute of participation at a criminal organisation as well as a recommendation of the Council as of December 9, 1999 which concerns co-operation in controlling money laundering with the purpose of funding terrorist activities. Immediately after September 11 the European Council presented an action plan which highlights those points in the control of international terrorism which are deemed to be particularly relevant. Here, acceleration and intensification of police and judicial co-operation (in particular by way of introducing a European arrest warrant), establishing an anti-terrorist department within Europol and intensification of information exchange between the European Union and North America are made priority issues. Also noted in this recommendation is the control of the financial basis of international terrorism (which leads the Council to indicate that such countries should be blacklisted and subject to coercive measures that are assessed to be uncooperative by the Financial Action Task Force of the OECD). An update of the anti-terrorism strategy of the European Union can then be found in the European Council Declaration on Combating Terrorism (25 March 2004) following the Madrid bombing. The update stresses among other points the need to assist effectively victims of terrorist attacks (see also Council Framework Decision of 15 March 2001 on the standing of victims in criminal proceedings (Official Journal L 82, 22 March 2001) and the Council Directive on compensation to crime victims, 2003/C 45, E 08).

A series of framework decisions of the European Union implement parts of the action programme. A framework decision on Combating Terrorism of June 13, 2002 requires member states to introduce a new offence category of terrorist offences. This evidently expresses the view that terrorist motivations make a profound difference and justify separate elaboration in terms of criminal offence statutes (Saul, 2003, p. 328). Another framework decision as of June 13, 2002 concerns the European arrest warrant which has been made mandatory for European Union members and must be implemented in national law January 31, 2004 latest (German legislation implementing the European Arrest Warrant, however, has been declared to be unconstitutional by the Federal Constitutional Court, decision as of July

18 2005). A framework decision of the European Union deals with harmonization of the substantive law of terrorist crimes, in particular statutes on terrorist organisations as well as participation at terrorist organisations and penalties foreseen for such activities. This framework decision should be implemented as of December 31, 2003. The Council Framework Decision of 13 June 2002 obliges the member states of the European Union to implement a concept of Joint Investigation Teams that are seen to be a priority issue in the control of terrorism. The focus here is on information sharing and facilitation of criminal investigation in cases affecting several national systems of law enforcement.

Then, the European Union has issued rules which demand from member countries to freeze financial means and assets of such organisations that are listed as an annex to such rules. The Council Framework Decision 2003/577/JHA of 22 July 2003 on the execution in the European Union of orders freezing property or evidence provides for the basic guidelines along which cooperation in this area shall take place. Specific measures are dealt with in the Council Regulation No 2580/2001 of 27 december 2001 where specific restrictive measures (for example freezing of bank accounts) are outlined that can be imposed on individuals and entities listed as terrorists, accomplices to terrorism or supporters of terrorism (see also Council Regulation 881/2002 dealing specifically with the Taliban, Usama Bin Laden and Al Qaeda). Such lists are, by unanimous decision, set up, amended and updated by the Council (see also the updated list in Council Decision of 22 December 2003, 2003/902/EC or Council Regulation No 391/2004 of 1 March 2004). With that not only the financial bases of international terrorism is dealt with but with the list annexed there is also a definition implemented that besides the question who is an international terrorist determines which organisation must be treated as an international terrorist group (a technique well known from the creation of drug laws).

The Council of Europe in May 2005 has opened the Convention on the Prevention of Terrorism (ETS 196) as well as the Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism (ETS 198) for signature.

Finally, the Financial Action Task Force (established by the OECD) plays a significant role in implementing money laundering controls. Its role does not concern only the development of standards of money laundering control, but also evaluation and supervision of international money laundering legislation and its implementation. The Financial Action Task Force has on

the occasion of its meeting on 29./30. 10. 2001 issued special recommendations for the control of international terrorism which focus in particular on the expansion of powers of freezing accounts and forfeiture of assets, on harmonization of criminal offence statutes that deal with financing international terrorism as well as on the creation and implementation of anti-money laundering standards in alternative money transfer systems (e.g. Habalah). In the future, evaluation activities of the Financial Action Task Force should include also reviews of compliance with standards established in the field of controlling the funding of terrorist acts as well as their implementation. This includes recommendations which sanctions should be imposed on such countries which do not comply with standards as issued by the FATF (Financial Action Task Force, 2001). On this point the USA Patriot Act 2001 is also relevant as it provides for sanctions in case of states which do not disclose information relevant for money laundering activities to North American investigators (Mello, 2002, p. 382).

Basics of National Anti-Terrorism Legislation after September 11

Incrimination of Participation at or Support of a Terrorist Organization

Post-September 11th legislation is characterized first of all by the creation of new criminal offence statutes and increased penalties. Already in the UN-Convention on transnational organized crime of 2000, a new offence statute penalizing membership in a criminal organization has been outlined and demanded for (Albrecht/Fijnaut, 2002). The European Union has voiced a need for corresponding plans (Militello/Huber, 2001) as has the Council of Europe in its Recommendation (Rec(2001)11) of the Committee of Ministers to member states concerning guiding principles on the fight against organised crime. With that, a basis for harmonization of criminal offence statutes has been created which in German criminal law e.g. are available in terms of section 129 (criminal organization) as well as section 129a (terrorist organization). Such criminal offence statutes shall facilitate criminal prosecution and cover typical precursor behaviour which can be of particular relevance if a criminal offence is established not only

through membership but through mere support of criminal or terrorist organizations. Such offence statutes go far beyond traditional forms of participation like e.g. complicity, instigation or conventional support (Arnold, 2001). Criminal offence statutes that penalize creation and membership of/in a criminal organization as well as support have historical precursors which assign particular dangers for central governments and internal safety to armed groups. Recent activation of such offence statutes can be traced back to a new concern for transnational organized crime; national and international criminal policies attempt to make out of vague definitions and circumscriptions of organized crime internationally harmonized offence statutes (Militello/Huber, 2001). On the other hand, incrimination of creation and support of terrorist organizations has been subject to substantial criticism from the very beginning. Precursors of terrorist violence – whatever the definition of terrorism may be – always refer to basic conflicts on the distribution of economic or political power. Therefore, political groups or political parties that share political goals of terrorist groups and are engaged in such basic conflicts run a risk of falling into the reach of organizational offence statutes. The risk of disproportional interference into the basic rights of free association and free speech is evident. Insofar it seems understandable that creation of such offence statutes in the past was restricted to those countries in which terrorist and other armed conflicts played a significant role. In Europe, we find that besides Germany, Portugal, Spain, France, Great Britain as well as Turkey make membership in a terrorist organization and its support a punishable crime. However, Italy has – as an immediate consequence of September 11th - now also introduced a criminal offence statute which threatens punishment for membership in an international terrorist organization.

The United Nations Draft Comprehensive Convention on International Terrorism provides in Article 2 a rule that suggests that a person commits a terrorist offence if he or she ... in any other way contributes to the commission of one or more offences referred to in paragraphs 1, 2 or 3 (a) by a group of persons acting with a common purpose; such contribution shall be intentional and either be made with the aim of furthering the general criminal activity or purpose of the group or be made in the knowledge of the intention of the group to commit the offence or offences concerned. It is evident that such wording provokes the risk that behaviour is criminalized which which should be seen to be protected by the basic right of freedom of expression.

The UK Terrorism Act 2006 contains provisions that penalize “encouragement” of terrorism, the dissemination of terrorist publications, preparation of terrorist acts, training for terrorism and attendance at a place used for terrorist training. This is certainly an expression of the problems of evidence law enforcement faces when confronted with various types of supporters of terrorist groups as well as individuals assessed to be dangerous because of close contacts to preparatory activities. This is also an expression of a preventative criminal law which seeks to identify risks and penalizes such risks. Finally, the Terrorism Act 2006 links up with hate or bias crime legislation.

Financing International Terrorism

Anti-terrorism legislation exhibits a trend towards introducing a separate criminal offence statute of financing international (and national) terrorism. Although, the relevance of such offence statutes in terms of its potential of new criminalization will be rather small – as such activities will be regularly covered by offence statutes that penalize general support of terrorist organizations – increases in penalty levels and other impacts will be substantial. As regards increases in penalty levels, we see that in Australia the Suppression of Financing of Terrorism Bill 2002 threatens imprisonment of up to 25 years (in the Anti-Terrorism Act (No. 2) 2005 the penalty is raised to life imprisonment), Denmark has introduced an offence statute that threatens a maximum of 10 years. In France, we observe similar upper penalty ranges.

However, far more important will be the question of how and on the basis of what information it can be established that funds that are made available to charitable or other e.g. religious organizations will be channelled to terrorist organizations. At this point, money laundering control legislation becomes relevant (see FATF 2003; United Nations Office on Drugs and Crime, 2004). While until now, attention paid to money laundering control was focussed on such assets that stem from crime, attention is expanded now to such funds or transactions which shall provide financing of future (terrorist) crime. With such an approach, demands put forward to financial institutions, companies or individuals are extended significantly as regards duties to report suspicious behaviour. Moreover, the possibilities for collecting information and creating suspicion increase dramatically.

Particular Terrorism Offence Statutes: Qualification and Aggravating circumstances

The European Union Framework Decision of June 13, 2002 on Combating Terrorism requires member states to introduce the category of terrorist offences (Troosters, 2004). A terrorist criminal offence – according to the Framework Decision – is established by subjective elements such as the purpose of seriously intimidating a population, unduly compelling a government or international organisation to perform or abstain from performing an act or seriously destabilizing or destroying the fundamental political, constitutional, economic or social structures of a country or an international organization.

While for example in German criminal law, particular statutes on terrorism in terms of separate or independent offence statutes or in terms of qualifications are not provided for (except §§ 129a, b which penalize founding and being a member of a terrorist group), other countries have introduced such separate offence statutes that focus on terrorism (Saul, 2003, p. 337). The French Criminal Code threatens in article 421-1 increased penalties for a range of criminal offences if these are carried out with the purpose of disseminating fear and terror in the public with the effect of serious disturbances of public order. In England/Wales the Terrorism Act 2000 contains a provision which defines a range of criminal offences as terrorist activities if these are committed in order to influence the government or to create fear in the public or segments of the public with the aim to promote religious, political or ideological purposes (Walker, 2000, pp. 8). Denmark has also introduced specific criminal offence statutes against terrorism in the Anti-Terrorism Act of May 31st, 2002. With this type of separate anti-terrorism offence statutes, conventional definitions of terrorism are used which focus on motivation and the pursuit of political and ideological goals. Corresponding statutes can be found in the USA Patriot Act 2001 as well as in the Canadian Anti-Terrorism Legislation, moreover in the Australian Criminal Code Amendment Bill 2002. In those countries where the death penalty is abolished, we find in most countries now the threat of life imprisonment for terrorist offences; in non-abolitionist countries the risk of the death penalty being imposed for terrorist acts is significantly increased. The creation of separate anti-terrorism offence statutes strengthens an international trend towards creating and implementing hate crime legislation, which means that increased penalties are established for such motives that are perceived to be particularly

dangerous or particularly low. However, international and national terrorism alike may also be conceived as “crimes against democracy” thus highlighting a particular aspect of in particular international terrorism that hits so called soft targets and with that undermines the very basis of a democratic society (see Saul, 2003, pp. 330-333, who also points to the possibility to conceive terrorist offences as crimes against international relations).

Protecting vulnerable infrastructure of societies

What can be also observed in legislation following 9/11 is a trend towards extending the definition of terrorist crimes to such acts which involve sabotage of sensitive and highly vulnerable social systems (e.g. information networks, health systems). With that, for example cybercrime (hacking, computer sabotage) in principle is included in the range of terrorist activities. Expanding terrorist offence statutes to such areas carries of course the risk to include also behaviour which does not belong to the high profile acts that are evidently imagined when looking at the protection of sensitive infrastructures and therefore should not be eligible for the high minimum and maximum penalties coming with the terrorism label (see 50 Jahre Haft für den PC-Kidnapper? Spiegel Online - 04. November 2005).

Legislation by catalogues

Finally, there is a certain trend towards a type of legislation which has parallels in drug laws. The definition of terrorist groups in a range of countries is done through catalogues or lists which are annexed to anti-terrorist laws and that are set up by Ministries of the Interior or Ministries of Justice, however, without participation of the Parliament (Walker, 1992, pp. 47; Walker, 2000, pp. 14). Other countries decided not to introduce such catalogues but to leave the definition of terrorist and terrorism to the judicial system when interpreting criminal statutes and offence characteristics. But, the European Union policies as outlined above provide for this technique and with that also for a risky automatism in the definition of (international) terrorism. It is here, where control through parliaments and control through the judiciary become marginal as it is in fact the executive power that makes

basic decisions about what organizations and which individuals qualify as international terrorist organizations or international terrorists.

Money laundering and Financial Assistance

Above, the particular significance of money laundering control and financing of terrorism has been mentioned. Money laundering control internationally represents a core area of controlling organized and transnational crime since the enactment of the UN Vienna Convention of 1988 (Kilchling, 2002). The second money laundering guideline of the European Union introduced new obligations of private lawyers, notaries, accountants and similar professions which strengthen the overall duties of the private sectors to contribute to prevention and repression of (financial) crime (Wegner, 2002). Moreover, these obligations infringe on confidential professional relationships which evidently are seen as obstacles for efficient law enforcement.

A third European Union directive is to be implemented within the next 2 years. On September 20, 2005 the Council of the European Union adopted the third directive which will replace the directives of 1991 and 2001 and broaden money laundering controls significantly. All providers of expensive goods or services will be obliged to identify and verify the identity of customers, report suspicious transactions (money laundering or financing of terrorism) to competent authorities and to enact measures to prevent money laundering if transactions exceed the threshold of 15,000 €.

With such duties to participate in crime prevention and crime control the balance and the configuration of social institutions that have been established between the parties of the criminal process through conventional criminal procedure law are changed significantly (Herzog, 1999). The costs which arise out of these changes not only consist of the financial burden which is placed on the private sector (see Yeandle/Mainelli/Berendt/Healy, 2005) but in particular out of consequences for the relationship between clients and legal professions. However, problems go beyond that as legal and social analyses have demonstrated (Hassemer, 1992; Hesse, 1994; Herzog, 1999). These changes have initiated a tendency away from rule of law based states towards a protectionist state as well as towards a type of state intervention which is deformed, aims at symbolic policies and is

ultimately exempted from controls of efficiency and with that from rational policy making (Herzog, 1999).

Expanding powers of police and secret services

Anti-terrorist legislation then creates new powers for secret services and police. In particular, secret services and police are empowered to collect information on financing of international terrorism which includes the power to retrieve information from banks and financial institutions. These powers create in Germany, for example, independence of the Bundeskriminalamt (Federal Bureau of Criminal Investigation) from the public prosecutor as collection of information from banks and other financial institutions may be launched independently from criminal investigations, and thus independent from a criminal suspicion (Herzog, 2003, p. 436). New powers concern also the power to request information from telecommunication companies or internet service providers (Malcolm/Barker, 2002). This all corresponds to the general trend to impose new duties on telecommunication companies in terms of longer periods of mandatory collection of communication information and keeping information available for police or secret service (intelligence) purposes. The European Union has now set common standards for duties to retain telecommunication data with issuing a directive on the retention of telecommunication traffic data (between 6 months and two years). Current legislation available in most European Union countries demonstrates that legislators require providers to retain traffic data for rather extended periods of time and oblige providers to establish and to maintain systems which allow for implementation of interception of telecommunication (see Albrecht/Dorsch/Krüpe, 2003).

Cooperation and exchange of information

Anti-terrorist legislation amends internationally (however changes are evidently dependent on varying sensitivity for data and privacy protection as well as separation between public order maintenance, secret service activities and law enforcement) the relationship between secret services and law enforcement agencies, in particular police, the relationship between such agencies and tax authorities and other public law enforcement

institutions (like customs and money laundering control agencies). The trend towards efficiency and with that towards unrestricted exchange of information is evident. However, September 11th rather accelerates a general trend which has been initiated already in the 80ies and which was justified at the origins by particular problems in controlling and investigating organized crime (Albrecht, 1998).

In particular in Germany, the powers of secret services as well as the relationship between secret services and police have always been of special political relevance (Huber, 2002, p. 793). In this field, terrorism control laws have brought upon changes that consist on the one hand in expanding powers of secret services and on the other hand new rules for communication and exchange of information between secret services, police and other public institutions (Paeffgen, 2002). Recently, e.g., data exchange between immigration authorities and secret services has been authorized. In Canada, anti-terrorism legislation allows now for exchange of information between secret services and money laundering control institutions. The American Patriot Act 2001 increases data exchange between secret services and law enforcement agencies which has been restricted seriously in the 70ies. The viewpoint of national security, existing approaches for the control of transnational and organized crime as well as money laundering thus lead to coordinated systems which include secret services, customs, central and local police, the military and money laundering control. Such coordination materializes in task force approaches [in Australia e.g. the National Crime Authority Agio Task Force; in Canada: national security enforcement teams; in France: anti-terrorism coordination groups (UCLAT and CILAT) as well as Vigipirate Renforcé (which coordinates police, military and customs); in Italy: Political-Military Units (NPM); in the USA: Office for National Security and the recently established Ministry of Domestic Security]. Such task force approaches not only coordinate information but also organizations on the basis of special tasks. They particularly respond to changes in concepts of security and the integration of internal and external security as well as to the obvious demand to increase domestic intelligence collection which can routinely be used for prosecution (Chalk/Rosenau, 2004). Task force approaches develop on supranational levels into inter-governmental or supra-governmental forms like e.g. European cooperation in the Schengen information system, Europol or joint investigation forces.

The growth of new and technological methods of investigation

The expansion of new investigative methods can be observed in particular in the area of electronic surveillance and control of telecommunication as well as search and seizure strategies based upon systematic collection and use of information about in principle unsuspecting individuals. However, anti-terrorist legislation also in this field regularly can be based on legislation which was enacted in the 80ies and 90ies. Extension of electronic surveillance regularly has been part of those laws which have been enacted against organized crime or terrorism before September 11th (Parent, 2002). Such investigative methods play also a prominent role in the UN Convention on Control of Transnational Organized Crime 2000. Extending these powers after 9/11 therefore can be understood as a simple consequence of an existing dynamic in doing away with legal obstacles to the use of electronic surveillance and collection and use of information on the basis of general profiles of risk. Telecommunication traffic data have received particular attention. According to German plans emerging now as part of building a new coalition government traffic data must be retained for law enforcement purposes for between 6 and 12 months by telecommunication providers (Spiegel online, October 28, 2005). The European Union currently drafts a framework decision on retention of traffic data. On a October 2005 meeting of the Council (Justice and Interior) a general consensus was reached that telephone data should be retained by telecommunication providers for a minimum of one year and internet data for 6 months. The maximum period of data retention should be two years.

The practice of using risk profiles in retrieving systematic information from the private sector and using this information for criminal investigation has lead in particular in the United States and in Great Britain to criticism based on assumptions that such investigative methods make use of ethnic profiling, generalized criminal suspicion and ultimately group discrimination based on ethnicity and race. In fact, the European Council has recommended to develop so called terrorist profiles suggesting that nationality, method and means of travel, age, sex, education should be used in profiling (Council Recommendation of 28 November 2002 on the development of terrorist profiles). The outcome of such operations have been until now rather poor as can be shown in German attempts to locate "sleeping" terrorists through dragnet operations and extensive data mining (a thorough description of the failure to identify "sleeper cells" can be found in a decision of the German Federal Constitutional Court, 4. April 2006 – 1

BvR 518/02 – through which data mining after 9/11 was declared to violate the constitution).

Detention and internment

Then, powers of physical control through detention on the one hand and preventive internment (administrative detention) on the other hand have been the consequence of new anti-terrorist legislation. These changes are regularly affecting immigration laws. In particular in Great Britain and in the United States, new powers of detaining immigrants and foreign nationals on the basis of administrative law have been introduced with the consequence that individuals suspected of terrorist activities and who at the same time may not be deported, may be detained indefinitely. However, recently an English court has concluded that English terrorism legislation insofar infringes on basic rights as foreign nationals and nationals are treated differently which according to the view of the court violates the principle of equal treatment. The Prevention of Terrorism Act 2006 has repealed detention powers and replaced them by control orders that allow for various restrictions on freedom of movement and other liberties (such control orders have been also introduced in Australia, see Anti-Terrorism Act 2005). In this context, we may note that new forms of keeping suspects incommunicado and covert investigative methods have been introduced. Amendments range from the power to establish a situation of incommunicado for detainees as practiced in the United States for foreign nationals suspected of terrorist acts or treated as enemy combatants (available as a short term measure in case of terrorism and with other restrictions also in other countries) to the extension of the period of time which is allowed to keep those affected by covert operations uninformed. In the United States, furthermore, the category of unlawful combatant has been created which is established between the status of the prisoner of war and that of a criminal suspect. The unlawful combatant poses manifold problems on the one hand, but on the other hand points also to the need to create a third way besides Geneva conventions and ordinary criminal law. The system of International Humanitarian Law as expressed in the 1949 Geneva conventions and the 1977 additional protocols does not qualify as a legal framework for “the war on terrorism” nor for the new types of small wars that have emerged over the last decades. It would mean to overstretch the concept of “armed conflicts” if situations such as violence in Afghanistan under the regime of the Taliban, in Somalia, in the Congo and in many other

places would be equalized with the traditional concept of “armed conflicts” (see eg. Sassoli, 2004). Pickup mounted machine guns, Kalashnikovs and even thousands of young men ready to engage in violence do not qualify for “armed conflicts” but rather remind large scale and sustained street violence.

Furthermore, we see in the context of anti-terrorist legislation a certain trend towards extending the period of police detention allowed (Hermant/Bigo, 2000; Walker, 2000, pp. 18).

Immigration, asylum and refugee law

Another core point of anti-terrorist legislation concerns changes in immigration laws. International demands call here for prevention of abuse of asylum and refugee legislation. The legislative consequences consist on the one hand of the introduction of techniques of precise identification (biometric procedures), on the other hand of extensions for grounds to expel and deport foreign nationals. Denmark e.g. has introduced legislation which allows for deportation in case that foreign nationals threaten the safety of other states than Denmark. What can be observed, too, e.g. in Germany, concerns abolition of the privilege of religious activities in the law on private associations and with that the facilitation of administrative prohibition of associations of foreign nationals. However, in the member countries of the European Convention on Human Rights (article 3) such changes of immigration laws must be seen in the context of the general prohibition to expel or deport foreign nationals to states where they are threatened by imposition of the death penalty, execution or torture (EC Commission, Working Document 2001). In a EC Commission working document it is stated (EC Commission, Working Document 2001, para. 2.3.1) that the European Court on Human Rights may have to rule again on how far Art. 3 of the European Convention on Human Rights may be restricted by balancing the individuals interests on the one hand and the states interest in security on the other hand. As currently foreign nationals or asylum seekers who are placed under suspicion of terrorism in most cases come from states in which the death penalty can be imposed (Arab countries, Pakistan, the former Soviet Union, China, India; see Hood, 2003), these individuals in principle are protected not only from being expelled and deported but restrictions concern also police and judicial cooperation in criminal investigations (see EC Commission, Working Document 2001).

Under international instruments the asylum or refugee status may not be granted or is to be revoked if somebody has committed crimes against peace, war crimes or crimes against humanity (Art. 1 F a Refugee Convention) or a serious non-political crime (Art. 1 F b Refugee Convention). The burden of proof is here lower as the Refugee Convention demands only that there are “serious reasons” for assuming that such crimes have been committed by somebody applying for refugee status or political asylum. However, these individuals risk to be detained under administrative orders. Insofar, European anti-terrorism legislation offers a double bind. While increased co-operation is thought to represent a most important element in anti-terrorism policies, human rights considerations are placing more and more restrictions on international co-operation. The 2003 amendment to the European Convention on the Suppression of Terrorism of 1977 at the same time enlarges the legal basis for cooperation by depoliticising a number of formerly political offences for which extradition now may not be refused and reduces co-operation seriously by declaring that besides the death penalty also life imprisonment without parole creates an obstacle to extradition.

Enemy criminal law and war against terrorism

Wars against crime are not new. Legislation which follows September 11th contributes however to a situation where new wars against terrorism are not only fought by police, prosecutors, judiciary and criminal corrections but also by the military, secret services and camps of internment. In this respect, military staff and intelligence personnel adopt functions which correspond to those pursued by law enforcement staff and vice versa. It is evident that the understanding of internal and external safety changes and with that the very basis of the definition of crime and criminal offence on the one hand as well as the concept of war on the other hand (Expertenkommission, 2001, p. 5). International and regional alliances become necessary in order to establish internal safety or security (which was once a core task of the nation state and which also symbolized sovereignty in the exertion of power on the national territory). The character of wars changes, from the dominant characteristic of symmetric armed conflicts between states towards conflicts which have been called small or private wars (Münkler, 2002). These new wars are of an asymmetric nature. However, changes point also to a trend

towards military or police interventions abroad which are understood as extra-territorial law enforcement with the goal of providing for internal safety in failing states or providing protection of human rights. Changes in the meaning of internal and external safety have been encouraged already through developments in the control of transnational and organized crime. The UN Convention against transnational organized crime of 2000 is characterized by those elements which play also a significant role in anti-terrorist legislation after September 11th. These changes indicate convergence between concepts of internal and external security and a trend towards privatization of wars. In particular the phenomenon of privatization of wars leads to new socio-legal problems with the emergence of “corporate warriors” (Singer, 2003) or private military firms (see for instance Grosse Anfrage, 2005; Antwort der Bundesregierung, 2005).

These changes display as Beck insists (Beck, 2002), a loss of significance of the nation state and the monopoly of power. The monopoly of power and the nation state step back behind international and transnational forms of police and military cooperation which are expressed in the development of international and transnational forms of police and military cooperation which is expressed in cross-border systems of collecting and exchanging information as well as in the emergence of supranational intervention and task forces. Transnational police is visible in Europol, in systems of liaison officers and joint investigation teams (Proceedings, 2001). This ultimately leads furthermore to a precarious reduction in the role of the judiciary which is non-existent on the international level and thus also demonstrates a strategic defeat for the protection of civil rights.

The goals and functions of secret services change, too. Anti-terrorism strategies are directed today – as is made explicit in the Patriot Act 2001 as well as in the most recent counterterrorism strategy concept of the American administration – towards an integration of formerly separate secret services competent for internal affairs and external affairs as well as towards an integration of law enforcement and secret services (Mello, 2002, pp. 381). Criminal law thus is put at risk of becoming alienated from the classic boundary setting principle of the so-called modern or civil criminal law adopted under the reign of a liberal philosophy of the state (Kunz, 2001, pp. 403; Bloy 2003). In the notion and concept of enemy criminal law this alienation finds an adequate expression. Procedural rights as well as the principle of personal guilt from the viewpoint of enemy criminal law just display mere obstacles (see eg. Turk, 2002, p. 281: “it seems clear by now that the agents and supporters of Al Qaeda cannot be accorded the same

rights as citizens of a democracy, nor can even adjustments created to deal with internal organized threats be used effectively against such a global enemy network”). In the United States president's Military Order on Detention, Treatment, and Trial of Certain Non-Citizens in the War Against Terrorism issued November 13th, 2001 the alienated and preventative enemy criminal law is on display.

The German sociologist Beck predicts two types of transnational cooperation between states which include different forms of criminal law based social control and different forms in treating not only terrorism but deviance at large, crime and risk. One type of transnational cooperation between states refers to the surveillance state. States of surveillance risk at being transformed into fortresses in which safety ranks very prominently while freedom and democracy are downgraded (de Benoist, 2002, p. 40; Beck, 2002, pp. 26); such surveillance or security states are also characterized by transforming criminal law into police laws geared towards the control of risks (Bloy, 2003, pp. 20-21). This type of surveillance state at the same time is in Europe an attempt to establish a European fortress against the culturally different. A development towards this type of surveillance states seems to be clear. This is expressed in immigration control as well as immigration legislation and in the obvious changes in the laws of political asylum (Albrecht, 2002). The latter was subject to rapid changes in the last decade with extending deportation and a loss of importance of the concept of the political offender in exchange for growth in importance in the concept of the terrorist offender (Kittrie, 2000, pp. 193). This becomes also visible in the latest amendment to the European Convention on the Suppression of Terrorism (Protocol amending the European Convention on the Suppression of Terrorism, Strasbourg, 15. 5. 2003) which seeks to enlarge the scope of “depoliticised” criminal offences for which extradition to another state may not be refused.

The paradigm of criminal law in this process is transformed from a liberal or civil type of criminal law and ordinary suspects to a – as Jakobs (2000) has defined it – enemy type criminal law. This kind of enemy criminal law is different from a civil type of criminal law insofar as criminal offenders are imagined who either cannot or do not want to give a cognitive guarantee that they will behave as ordinary/normal citizens (and not as an enemy). Such cognitive guarantees are essential as they convey the message that a person will in principle comply with the basic rules of a society. Enemy type criminal offenders produce in a certain way the picture that they diverted from order and law permanently or – that will certainly determine

the future of enemy criminal law after September 11th – that they have never thought about giving voluntarily that cognitive minimum which enables a minimum trust that they will behave as individuals bound by law, norms and social institutions in the future. As regards the answer to the question what type of offenders will be labeled as not providing these cognitive minimums, well known groups of suspects emerge. Among such groups we find those who are characterized as being determined by (untreatable) rational choice and not by (treatable) social stress as well as personal and individual deficits. The model candidate for the enemy criminal law becomes visible in particular in the context of debates on transaction crime or organized crime (Stegmann, 2004). There, the suspect is described as a general threat and not as a threat for individual interests. The offender is described as a threat for society at large and the social fabric, internal or external safety of the states. Terrorists fit into that model very well.

Concepts of risks and enemies

Perceptions of the potential of risk (and herewith the capacity to act as an enemy of society) are evidently determined by the presence of an organization or a network, in extreme cases also by the view of competing and incompatible cultures. This corresponds to views which see the potential of risk of modern and future terrorism in networks and in the emerging capacity of “swarming” (Arquilla/Ronfeldt, 2001). From the viewpoint of strategic organizational perspectives, the most dangerous variations of future terrorism are described with approaches that are based on the concept of networks and networks. The future enemies of the nation states and security have the following common characteristics. They use modern communication technology, they have a basis which guarantees trust and cooperation (such as ethnic membership, religion), a collective narrative which extends to goals and missions, they form independent but communicating small groups and develop a capacity to swarm (on the basis of a common programme and herewith developing a capacity of acting independently (Hess, 2002, p. 146). Networks of terrorism, by the way, represent only one type of networks which are making up the economic, social and cultural world and which are independent from a territorial basis (de Benoist, 2002, pp. 19). The emergence of networks and the presence of potentials of recruiting followers and activating social emotions that are widely dispersed and therefore guarantee also substantial redundancy

certainly are precarious from the viewpoint of efficiency of this type of networks. Precariousness of such networks follows evidently also from the perspective of possible counterstrategies. If such counterstrategies - as has been suggested - will be based on the development of counterterrorism networks (de Benoist, 2002, p. 39; see also the debate on a European Intelligence Communication Network, Müller-Wille, 2004) then, democratic societies would suffer further defeats as this would contribute to a loss of control of executive powers. If only networks are effective in controlling networks then, democratic safeguards that are based on transparency, checks and balances as well as parliamentary debate and votes are not meaningful anymore.

It is in particular the image of a counter or underworld which makes terrorism a formidable candidate for an enemy criminal law. For, evidently there – in this counterworld - even those motives that make conventional organized crime (e.g. profit and orientation towards the market) understandable and which thus produce in a certain sense security and predictability do not exist anymore. It is the image of the counterworld as well as values and norms that make it different from conventional society which preclude cognitive stabilization of normative expectations and with that also counter-factual stabilization once a criminal offence has occurred. Dangerousness and loss of control are assigned to those who belong to that counter-society.

Sociological analysis of late modernity (which understands late modernity also as the very basis of individualized life styles) point in this context to a precarious balance. It is obvious that the basis for a civil criminal law that addresses first of all the citizen and which is conceptualized on the basis of inclusion and integration of the offender (including all the guarantees of the conventional criminal process for suspects and the accused) is seen in a type of social integration which precludes that the individual possesses a significant possibility to express him or herself as an enemy. The potential to become an enemy under modern conditions of social integration is reduced to the rare case that integration of individuals is not possible because of psychopathological conditions. In the centre of the conventional process of social integration bonds to institutions, values, and the perception of norms and social order as legitimate rank very prominently. This is not the case in a society which is based on individualism. Under conditions of individualism social integration has to be established on another basis. With these conditions prevailing conditions that make out of individuals or social groups enemies emerge correspondingly. Individualization causes more

feelings of unsafety, in particular uncertainty as regards the answer to the question who causes dangers and risks. Individualization therefore places strains on the formerly easily identifiable difference between the co-citizen and the enemy of order. The borderline becomes unclear and ultimately variables which can be operationalized in order to guide information based search strategies for enemies are not available any more. Selective search strategies are not capable to reduce the now large groups of general suspects down to manageable groups of individual suspects. It is here where criticism sets on. The vague descriptions of terrorist offences as set out in criminal offence statutes and which in principle extend to WTO-critics, critics of globalization, hackers and animal protection activists, furthermore electronic surveillance instruments that include more and more information produced by civil society and concepts of pre-suspicion which contain an ethnic profile point towards a state which establishes a general suspicion over large segments of society. The problem of not being able to separate suspects from non-suspects corresponds to the problem of separating combatants from non-combatants. The consequence of not being able to clearly separate such groups is visible in the interest in general data retention and data mining. The consequences point also to the re-emergence of mere suspicion as the basis for decisions on dangerousness that carry intensive interventions (i.e. pre-emptive detention).

Structures and consequences of anti-terrorism legislation

Anti-terrorism legislation after September 11th is determined through coordination and convergence. This was due to international UN and European requirements which have produced new offence statutes as well as determination of those areas where adjustment and coordination shall take place. Of particular relevance insofar is the creation of new criminal offence statutes like participation at and support of terrorist organizations and financing of terrorism, money laundering control as well as the integration of institutions of internal and external safety and integration of organizations of law enforcement, repression and prevention of risks. In particular, money laundering control develops into an instrument which provides for harmonization of legislation as well as its implementation (through black listing and sanctions). Of particular importance is furthermore the transformation of formerly privileged political and ideological motives of violence into conditions which justify increases in

punishment and assignment of particular dangerousness. Official legitimating of anti-terrorism legislation speaks for the emergence of similarity and comparable arguments. The overall goal is seen in providing protection in face of cross-border and international terrorist violence. The question then has to be put forward of whether such an increase in safety actually can be expected. Sound evaluation research, however, is not available. The German Federal Parliament has placed the Anti-terrorism Law Package (2002) under a sunset clause and a requirement of evaluation. In 2005 the Federal Ministry of the Interior presented an "evaluation" according to which the "success" of broadening for instance the powers of secret services has been established on the basis of the finding that six islamistic groups have been put under surveillance since introduction of the law and that also in other areas new powers have been applied (Federal Ministry of Interior, 2005). The Ministry concluded from this "evaluation" that the sunset clause should be suspended and that the new powers should remain in force. This amounts to allowing police to evaluate themselves positively on the basis of (rising) police statistics and claiming success with referring to making use of powers (for instance the mere number of wiretaps). In case of German anti-terrorism legislation, it has been predicted that new laws will not create more safety (Narr, 2002, p. 9). A recent poll among security experts in Australia demonstrates that a majority concluded that new security and anti-terrorist legislation as envisaged by the Australian government will not generate more safety but rather disproportional infringements on civil liberties (Lateline Survey of Australian Security Experts, 27/10/2005, www.abc.net.au/lateline/content/2005/s1492426.htm).

Anti-terrorism legislation has also been labelled as merely symbolic legislation, partially also as not efficient and as a simple demonstration that the state is active comparable to the war on drugs (Paeffgen, 2002, p. 341). Similar predictions have been voiced as regards the USA Patriot Act 2001 (Mello, 2002, p. 385). If impacts are expected then these are assumed to take place in terms of the type of transformation of criminal law and the state that have been outlined above. Furthermore, policization (in terms of moving powers away from the judiciary and toward police forces) of the process of law enforcement and a move toward law enforcement based on intelligence service methods have been predicted (Paeffgen, 2002).

Although literature and research on terrorism have neglected conditions of the break up of terrorist movements, nevertheless, some conditions can be made explicit which are also decisive for assessments of the success or failure of anti-terrorist legislation. As has been stated for ordinary crime

police and judicial strategies will certainly be only of marginal relevance in the explanation of the defeat of terrorist movements. A significant condition for defeat or the dissolution of terrorist groups obviously exists in the erosion of political support or in the transformation of terrorist groups in participants in markets. If the emergence of terrorism is associated with basic conflicts in a society, then the relationship between terrorist groups and those segments of society that are part of the basic social conflicts are of particular relevance for the cause of terrorist violence. Erosion of both obviously is driven by a process which is made up of counterproductive consequences of violence, attitudes and perceptions in the public and general economic and social reforms. Conditions of success of terrorist movements obviously can be found in attacks on central government and institutions of governance which remain within the border set up through social norms and expectations and which are restricted to the framework provided by social norms and expectations.

Insofar, nothing speaks today for expectations that anti-terrorism legislation will create conditions of more safety in society. What will change that is criminal law itself as well as the treatment of criminal suspects as well as of those who – from the viewpoint of risk analysis - might become criminal suspects.

The most interesting question therefore concerns the specific trends that will characterize the future of the enemy criminal law. It is clear that such laws will be characterized by hybrid forms which will oscillate between criminal law, police law and military law (see e.g. the White House Memorandum, 2002 on the treatment of Al-Qaeda and Taliban prisoners). This can be certainly explained by the specific characteristics of transnational or international terrorism. International terrorism brings with it organized violence, however, such violence cannot be equalized with traditional warfare as it is essentially an ongoing and asymmetric form of violence which cannot be settled by conventional treaties and peacemaking agreements. Insofar, the basic elements of neither the Geneva Conventions which deal with prisoners of war nor conventional criminal law which deals with ordinary crime will suit the specific problems.

The British Home Office Secretary in 2005 had announced plans for amending anti-terrorism legislation in order to allow for criminal trials that would be held in secret, before a security vetted judge and possibly state appointed defence councils who have been security cleared. More important still, the secretary voiced demand for lowering the current threshold of

burden proof down from the beyond reasonable doubt standard to a balance of probability (www.guardian.co.uk/terrorism/story/). The German Federal Minister of the Interior also thought loudly about a need to introduce legislation which allows to detain individuals deemed to be dangerous although past crimes cannot be proven (www.bmi.bund.de/). Here, it is considered to create special police detention laws that provide for the power to incapacitate individuals by way of detaining them (as long as dangerousness prevails, see also the statement of the Federal Minister of Interior, Spiegel Online, August 2, 2005; preventative detention (although restricted to 48 hours) has been introduced also through the Australian Anti-Terrorism Bill, 2005) .

In fact, the first trial related to the WTC attacks which was held in Germany and resulted in the first instance conviction of Motassadeq (allegedly conspiring with those directly involved in the attacks and supporting the whole enterprise by channelling funds from Hamburg to North-America, see also the case Mzoudi who was also acquitted) demonstrates the type of problems that have to be encountered when applying due process standards in terrorist cases. The conviction was thrown out by the Supreme Court which argued that the standard of proof beyond reasonable doubt was in this case not fulfilled which in turn then led to the question whether such a system is able to deal effectively with terrorism (Safferling, 2004).

Current legislation that responds to dangerous individuals through preventive (or pre-emptive) detention is based upon rationales which have been accepted already in the 19th century. One form of preventive detention addresses psychiatric conditions which are assessed to create severe dangers for the individual him or herself or for others. Another form of preventive detention refers to the two track system of criminal sanctions which developed in many continental European systems of criminal justice. Here, the preventive track of criminal sanctions responds to dangerousness that, however, must be linked to past crimes and must be justified by an individual displaying the characteristics of an habitual offender. A third form of preventive detention is found in police (or public order) laws which allow for (short term) detention if an individual is assessed to present an immediate danger. Such detention is limited to rather short periods of time (in Germany for example up to two weeks) and must be justified by an imminent danger (e.g. prediction of violent behaviour at the occasion of a soccer game).

Current developments in incapacitative sentencing laws point to a trend towards lowering the thresholds established either through diagnosis of a

loss of self-control resulting from mental illness (see for example predator and civil confinement laws in the US) or through requirements of multiple prior convictions (before being eligible as a dangerous offender, see for example German amendments of the law on incapacitative sentencing or detention for public protection in the UK). Current debates on pre-emptive detention demonstrate an emerging political will to lower the threshold of an imminent danger to a grave risk (that terrorist violence will be exerted in the future) and to extend the period for which an individual may be detained under the prediction that he poses an immediate or long term danger.

Transnational organized crime and international terrorism both point towards a new category of dangerousness which does not result from insanity nor from chronic or career offending nor from a need to respond to an imminent and short term danger. It is either rational (market) behaviour or extremist attitudes which provoke assessments of (longterm) dangerousness. Insofar, there will not be indicators such as chronic past offending or a psychiatric diagnosis available but – according to ongoing debates – rather soft criteria like having spent time in an al Qaeda training camp (see now the UK Terrorism Act, 2006 where attendance at a place used for terrorist training establishes a criminal offence), being part of a communicating network of extremists, voicing certain (extremist) ideas and convictions. However, public opinion and the political will in European societies will inevitably lead to such legislation in the future. This again demonstrates that it will be of paramount importance to establish procedures which will guarantee an independent (judicial) control of detention decisions as well as procedural fairness as requested by the European Convention on Human Rights.

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The Phenomenon of Palestinian Suicide Terrorism

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Abstract: *After the deadly suicide attacks on September 11, the “Al-Aqsa Intifada” has become a pole of scholarly attraction for all those interested in studying suicide operations. Palestinians have launched a campaign of suicide attacks against Israel that created a seismic shock to most observers. The majority of the developed theories regarding suicide terrorism from the disciplines of psychology, international relations, religion and economics have dealt with terrorism from their own point of view: “terrorism or freedom fighting?,” accompanied by the ongoing problem of the definition of terrorism. In such a plethora of studies criminology has to offer its unique prism in the study of terrorism, because a suicide attack is a bloody and extra violent act of homicide, resulting in high death casualties and numerous injuries. It is not just the source of tremendous horror, but above all it is a crime. Criminologists often use the formal legal definition of crime as a starting point. In this perspective, the advantage of criminology over other disciplines is that the controversial ethical dimension in terrorism’s ideological construction has little meaning. A suicide attack as homicide, as a method of intentional killing of others, is legitimately researched in depth, overcoming arguments of a “just cause.”*

Introduction

Palestinians – In the West Bank and Gaza Strip – have launched a campaign of suicide attacks as part of their operational tactics since 1993 and especially after the start of the second “Intifada” in September 2000.¹ The volume of terrorism perpetrated against Israel during the first two years of the “Al-Aqsa Intifada” was unprecedented in the country’s history² and created a seismic shock to most observers. This is why following the deadly suicide attacks on September 11, the Israeli- Palestinian conflict has become an important pole of scholarly attraction for those studying suicide operations.

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The majority of developed theories regarding suicide terrorism have derived from the field of political science and the rest from the disciplines of psychology, international relations, religion and economics. These areas of studies have dealt with terrorism from their own point of view: Political scientists particularly focus on the relationship between terrorism and the State, policy programs and political institutions; international studies scholars investigate the subject in terms of the complicated interconnections between nations and other localities, while psychologists try to explain the inner world, thinking and motivation of the terrorism physical actor. Moreover, suicide missions- like terrorism in general- have been discussed and analysed as a mode of warfare, a method of struggle, a strategy of insurgence, a form of political protest. And all these, under the same shadow of doubt: “terrorism or freedom fighting?”, accompanied by the ongoing problem of terrorism definitions, or the lack of it.³ In such a plethora of studies criminology has to offer its unique prism in the study of terrorism.

Suicide terrorism as a crime

Aristotle agreed over 2000 years ago that it was legitimate to resist tyranny, yet he provided no arguments as to which means were legitimate (Aristotle, 1958). Until today, although we still cannot agree in defining legally what activity can be characterized as “terrorism”, we can all repeat the famous words “I can’t define it, but I know when I see it”.⁴

Despite any definitional controversy, it is beyond doubt that the threat or use of murder, injury or destruction, are all crimes, committed to coerce officials, the government, or other target groups into consenting to the terrorist’s demands. In particular, the suicide attack is a bloody and extra-violent act of homicide, resulting in high death tolls and numerous injuries. It is not just the source of tremendous horror, but above all it is a crime. Yet, few scholars have taken the issue of suicide terrorism to the fore of the criminological debate (Deflem, 2004) and they are indeed an exception to the rule of criminology’s little contribution to the study of this phenomenon.⁵

Criminologists define crime with reference to its formal legal definition. In this perspective, the advantage of criminology over other disciplines is that the controversial ethical dimension in terrorism’s ideological construction has little meaning. A suicide attack as homicide, as a method of intentional killing of others, is legitimately researched in depth overcoming arguments of a “just cause.” While terrorist organisations usually describe themselves as national liberation movements, fighters against social, economic and religious oppression, or a combination of these (Merari, 1993), the truth of their argument has little to do with their violent act.⁶ Some groups undoubtedly do fight for self-determination or national liberation, but not all resort to terrorism. Some groups are both terrorist

and freedom fighters, some are either and some are neither. But what is important is whether their missions break the law of the territory they operate in and concentrate their activities against, or international law. In such a case, regardless their possible virtuous and righteous scope, they can be more than legitimately considered the object of a criminological research. Terrorism can be a tactical tool in a military conflict for undermining the morale and the resistance of the opponent (Eckstein, 1964) and a strategy of insurgency. It is claimed to be an evaluative concept (Wilkinson, 1974, p. 101; Hutchinson, 1972, pp. 373-396), defined in terms either of motivation/aims of the actors, or by the nature of their activities (Bassiouni, 1974; Hacker, 1979). It is exactly this nature of the activities, the means deployed and not the end sought to be achieved (Merari, 1978, pp. 331-346; Dobson and Payne, 1982), that can make very small the definitional distance between even true “freedom fighters” and “common criminals” (Kaufman, 1986)

Suicide bombings, apart from the relevant national homicide laws they violate (depending on where the attacks take place), can also fall into the category of “Crimes against Humanity.” Although the definition might differ slightly from treaty to treaty, all condemn the deliberate, widespread, or systematic killing of civilians by an organization or government.⁷ Unlike war crimes, “Crimes against Humanity” may be committed in times of peace or in periods of unrest that do not rise to the level of an armed conflict.⁸ The most recent definition is contained in the Rome Statute of the International Criminal Court, which entered into force on July 1, 2002. The statute characterizes as “Crimes against Humanity” the “participation in and knowledge of a widespread or systematic attack against a civilian population,” and “the multiple commission of [such] acts...against any civilian population, pursuant to or in furtherance of a State or organizational policy to commit such attack.” The Statute’s introduction speaks of “policy to commit such attack” to mean that the state or organization actively promoted or encouraged such attacks against a civilian population. The elements of the “Crime against Humanity of Murder” require that: (1) “the perpetrator killed one or more persons,” (2) “[t]he conduct was committed as part of a widespread or systematic attack directed against a civilian population,” and (3) “[t]he perpetrator knew that the conduct was part of, or intended the conduct to be part of, a widespread or systematic attack against a civilian population.”⁹

Moreover, the suicide mission- from a criminal law perspective- is a murderous act with a particular *mens rea*: the willingness to kill combined with the willingness to die,¹⁰ with the later expressed as the specific operational method to accomplish the first scope. We are actually dealing with a combined violent act, one of special characteristics. This is why the component element ‘suicide’ indeed may be a misleading one, because the main objective of the mission is not suicide but mass homicide, albeit carried out by means of self-destruction designed to inflict lethal harm on others.¹¹ The suicide terrorist actually becomes a ‘human time-bomb’ in order to hurt others and clearly needs to be distinguished from an ordinary person

who entertains suicidal tendencies.¹² For the suicide bomber, it is not the determination to kill him or herself, but rather the determination to kill the enemy that is the driving force (Israeli, 1997, p. 104).¹³

The criminal dimension of the Palestinian struggle

The word “terrorism” entered our vocabulary of European languages at the dawn of the French revolution as “régime de la terreur” and was viewed as an instrument of the State designed to consolidate the new revolutionary government and protect it from “subversive” elements. The first for which the original term “terrorist” was used, the Jacobins, spoke of themselves positively as terrorists, with the famous phrase of Robespierre:

Virtue, without which terror is fatal; terror, without which virtue is powerless...terror is nothing other than justice, prompt, severe, inflexible; it is therefore an emanation of virtue...¹⁴

After many years and a lot of blood spilled, today's definition of the term in a random dictionary reads as follows:

“Terrorism is the use or threatened use of violence for a political purpose to create a state of fear which will aid in exhorting, coercing, intimidating or causing individuals and groups to alter their behaviour”.

(Webster's Third New International Dictionary of the English Language, 1976, p. 2361)

As it is generally recognized and repeated often, there is no general official definition¹⁵ of terrorism, although there are many functional descriptions. “Ten years of debates on typologies and definitions have not enhanced our knowledge of the subject to a significant degree ...the study of terrorism can manage with a minimum of theory”,¹⁶ hence, for the purpose of this paper the definition of terrorism chosen is the following: “(1). It is premeditated and aims to create a climate of extreme fear or terror. (2). It is directed at a wider audience or target than the immediate victims of the violence. (3). It inherently involves attacks on random and symbolic targets, including civilians. (4). The acts of violence committed are seen by the society in which they occur as extra normal, in the literal sense that they breach social norms, thus causing a sense of outrage; and (5). Terrorism is generally used to try to influence political behavior in some way: for example, to force opponents into conceding some or all of the perpetrators demands, to provoke an over-reaction, to serve as a catalyst for more general conflict or to publicise a political or religious cause, to inspire followers to emulate violent attacks, to give vent to deep hatred and the thirst for revenge, and to help

undermine governments and institutions designate as enemies by the terrorists” (Wilkinson, 1974, p. 206).

But terrorism is not an easy issue and the fact that the purpose of terror is to terrify,¹⁷ usually is only the beginning in any discussion on the topic. States and commentators describe acts or political motivations that they oppose as “terrorist,” while rejecting the use of the term when it relates to activities or causes they support. In the same way, terrorists and their sympathizers may use a counter-definition, labeling a government or its agents as “terrorists.” This is commonly put in the peremptory phrase “one person’s terrorist is another person’s freedom fighter” (Elliot, 1985, p. 211-219; Tavin and Alexander, 1986). And of course there is the famous quote attributed to Bakunin: “Whatever terrorism does is ethical, what hinders it is unethical and criminal” (Amir, 1987, p. 377).

But maybe the question, the difference, the antithesis itself is wrong or rather a false juxtaposition: “Terrorism” and “freedom fighting” are terms which describe two different aspects of human behaviour. The first characterizes a form of struggle and the second a cause. One can be both a freedom fighter and a terrorist; one does not exclude the other. Freedom fighters can adopt terrorist tactics at times and terrorists can claim in their fighting the legitimacy of a struggle for freedom.

This appears to be the situation with the suicide operations employed by the Palestinians in the context of the Israeli-Palestinian conflict. The United Nations General Assembly has recognized the legitimacy of the struggle of peoples against colonial and alien domination or foreign occupation in the exercise of their right to self-determination and independence.¹⁸ The Palestinians are indeed engaged in what they perceive as a fight to win their freedom. Yet with the strategy of suicide attacks during the Second “Intifada,” the direct object of the attacks has been the Israeli civilian population and indiscriminate attacks failed to distinguish between civilians and military objectives. Actually, the attacks against civilians by Palestinian armed groups are widespread, systematic and in pursuit of an explicit policy to attack civilians. A fundamental principle of international humanitarian law is that parties involved in a conflict must at all times distinguish between civilians and combatants, and between civilian objects and military objectives. It is not permitted to target civilians, that is, people who are not members of the armed forces of either side:¹⁹

...Attacks on innocent civilians are morally repugnant and contrary to international law.²⁰

Palestinian armed groups and their supporters offer a variety of reasons for targeting Israeli civilians: that they are engaged in a war against an occupying power and that religion and international law permit the use of any means in resistance to occupation; that they are retaliating against Israel killing members of armed groups and Palestinians generally; that striking at civilians is the only way

they can make an impact upon a powerful adversary; that Israelis generally or settlers in particular are not civilians:

Under all international declarations and laws, Palestinians are entitled to defend and liberate their land by all means and to redeem their integrity²¹

“The arguments put forward to justify or excuse suicide bombings and other Palestinian attacks on civilians are without foundation. Those who articulate them either fail to understand or have decided to ignore specific obligations under international humanitarian law. There can be no doubt that such attacks are grave crimes. In most, if not all cases, they are crimes against humanity. International law defines those who perpetrate these atrocities as criminals. So are those who incite, plan, and assist them. They should be brought to justice” (Erased, 2002).

Protocol I of the Geneva Convention is particularly pertinent to the argument of Palestinian armed groups that international law permits parties who are struggling against an occupying force to use “all means”, because it applies to international armed conflicts including “armed conflicts in which people are fighting against colonial domination and alien occupation and against racist regimes in the exercise of their right of self-determination” (Article 1.4). Indeed, the situation in Israel and the Occupied Territories was very much in the mind of the drafters of this provision. While neither Israel nor the Palestinian Authority is party to Additional Protocol I, its provisions regarding the protection of the civilian population are regarded as norms of customary international law. Protocol I confirms the rule that “the civilian population and individual citizens shall enjoy protection against dangers from military operations” (Article 51.1) and specifies rules to ensure such protection. The civilian population as such, as well as individual civilians, must not be the object of attack. Acts or threats of violence whose primary purpose is to spread terror among the civilian population are prohibited (Article 51.2). The Preamble of the treaty reaffirms that its provisions “must be fully applied in all circumstances to all persons who are protected by those instruments, without any adverse distinction based on the nature or origin of the armed conflict or on the causes espoused by or attributed to the Parties to the conflict.”

Palestinian armed groups have often claimed that they only target Israeli civilians because Israel has killed Palestinian civilians. However, no violations by the Israeli government, no matter their scale or gravity, can justify the killing of civilians. The obligation to protect civilians is absolute and cannot be set aside because Israel has allegedly failed to respect its obligations. Such reprisal attacks against civilians are explicitly prohibited under international humanitarian law (Article 51.6). Armed groups are not permitted to target civilians in response to violations of the rules committed by the enemy (Article 51.8).

Palestinian armed groups have also suggested that they kill Israeli civilians because they are too weak militarily to defeat the Israeli armed forces and have no other

effective means of fighting. Neither Protocol I nor any other provision of international humanitarian law permit armed groups and individuals to strike at civilians on the grounds that the armed forces of the enemy are too powerful to defeat in combat. Some have even suggested that the prohibition of the killing of civilians does not apply to the situation in Israel and the Occupied Territories because, as Sheikh Ahmed Yassin has said, “are there any civilians in Israel? They are all soldiers, men and women, except those religious persons, who do not serve in the army, the rest are all soldiers. The only difference is that they wear civilian clothes when they are in Israel and military clothes when they come to us,” or “It is a fact that Israel is one big military camp. There is no real civilian there”²² or “there are no [Israeli] civilian...the [Israeli] society as a whole attacks the land of Palestine. They are all armed, they are all part of a military force, they are all recruited...”²³ Such arguments are not only factually erroneous, they seek to blur the distinction between civilians and combatants by describing a whole society as “militarized.” International humanitarian law defines a civilian as any person who is not a member of the armed forces of a party to the conflict.²⁴ Members of the armed forces comprise all organized armed forces, groups and units which are under a command responsible to the party, including militia and volunteer corps forming part of such forces.²⁵ Israelis can be mobilized to serve in the armed forces during most of their adult life, but under international humanitarian law a person remains a civilian for as long as he is not incorporated into the armed forces. Reservists when not in active duty are not members of the armed forces and can therefore not be classified as combatants.

Moreover, the fact that some people within the population are not civilians does not deprive the population of its civilian character and thus of its protection from direct attack.²⁶ The occasional presence of soldiers among passengers on ordinary commuter buses, diners in a café or shoppers in a market does not make such venues legitimate targets for attack. In addition to prohibiting direct attacks on civilians, international humanitarian law prohibits indiscriminate attacks, including attacks which strike military objectives and civilians without distinction, as well as attacks directed at a military objective, but which cause disproportionate harm to civilians.²⁷ There are also obligations on both sides to take precautions to protect civilians by removing civilians from the vicinity of military objectives and avoiding locating military objectives near densely populated areas.²⁸

It has been advocated by Palestinian groups that the prohibition against attacking civilians cannot not apply to settlers in the Occupied Territories, because the settlements are illegal under international humanitarian law; settlements may have military functions; and many settlers are armed. Many settlements do indeed have military functions and before the “Disengagement Plan” they accounted for one third of the total area of the Gaza Strip.²⁹ Settlements can hold military bases and be heavily defended and although the militarization of settlements was strongest in Gaza, some of the settlements in the West Bank also have military functions. The

IDF may use them as staging posts for their operations or to detain people in their custody. A large number of settlers are armed and settlers have been accused of occasionally attacking Palestinians and destroying Palestinian houses and other property. However, settlers as such are civilians, unless when they are serving in the Israeli armed forces. Israeli settlements in the Occupied Territories are argued as unlawful under the provisions of international humanitarian law, as the Fourth Geneva Convention prohibits the transfer of civilians from the occupying power's territory into the occupied territory (Article 49.6). However, the debated unlawful status of Israeli settlements does not affect the civilian status of the settlers. Settlers, like any other civilians, cannot be targeted and only lose their protection from attack if and for only during the time they take a direct part in hostilities.³⁰ Similarly, Palestinian residents of the West Bank and Gaza are civilians benefiting from the protection of the Fourth Geneva Convention unless and for such time as they take direct part in hostilities.

Palestinian suicide attacks: operational, tactical and media expressions of a crime

According to the point of view chosen, there are many ways to name and describe this type of operation that seems to terrify so much. "Genocide bombings" and "homicide attacks" are phrases frequently used by those who identify with the unwilling victims of attacks and these terms emphasize the criminal nature of the violence and de-emphasize the self-inflicted death of the perpetrator. On the other hand, "martyrdom operations" place the emphasis upon the cause of the perpetrators, implying a connection to the notions of "holy war" and/or self defence, even in the killing of civilians. Finally "suicide operations" or "missions" places the emphasis on the self-immolation of the perpetrator and the organization's role in staging the episodes. Of course, none of the above used terms is perfect or exclusive, exhaustive on itself, because the self-explosion of people to kill others is not a simple phenomenon and it entails many or all of the above characteristics. Each of the terms highlights a specific parameter and can be used accordingly.

An adequate definition of a suicide attack could be one of an "operational method in which the very act of the attack is dependent upon the death of the perpetrator. The terrorist is fully aware that if she/he does not kill her/himself, the planned attack will not be implemented" (Ganor, 2003). The death of the perpetrator is the key to the success of the attack; and he/she knows in advance that success depends entirely on this death (Schweitzer, 2002). The aim of the psychologically and physically war-trained terrorist is to die while destroying the enemy target. The terrorist's self explosion has an aim to produce a massacre, which is no mistake,

accident or collateral damage. The death of civilians is clearly the intended outcome of the attack.³¹ Of course, there can be even cases when a suicide mission can be selective, as when used for the targeted assassinations of specific people.

The “Samson model” as it is often called,³² refers to an act of suicide which is at once both pre-emptive and retaliatory and moreover the retaliatory part entails the inflicting of greater punishment on others than that sustained by the person committing the suicide (Arad, 2000, p. 4). This is why they do not include self inflicted deaths that occur without any violence directed outwards, like hunger strikes or cult suicides, even if they do act as a form of protest.³³ Also excluded are the cases when the terrorist killed him or herself, but the suicide was not part of an act of killing other people³⁴ or when the death of the perpetrator was not planned or wished in advance, but resulted out of necessity in unexpected circumstances.

Unlike what happens in a “normal” suicide, the suicide terrorist’s plan is typically prepared by others, not by the individual himself³⁵ and the suicide terrorist is “on call” prior to the attack, often over a period of several weeks.³⁶ Defining a terror attack as a “suicide bombing” depends as stressed above primarily on whether the perpetrator is killed. In the event that his mission is incomplete, it is not a suicide bombing. Another crucial element in this definition is that the weight lies upon the certainty of the agent’s death and not the means used to carry out the attack³⁷

To define a suicide mission we have to signify that it is not simply an attack against the enemy target in which the agent has no chance of escaping or saving himself or herself.³⁸ There is a distinct difference between the readiness and the desire to die.³⁹ This excludes the extreme risk missions,⁴⁰ but can include various forms of attacks differing from self-explosion, in particular, to all and any other kind of actions that do not contemplate whatsoever an escape plan.⁴¹ Any successful attack will necessarily result in the death of the suicide bomber during the detonation of the bombing device at or near the target. It should be also noted that from a tactical point of view, the group that planned a suicide mission will consider a premature explosion (i.e. before the suicide bomber has reached the preselected target) a success⁴² and the suicide bomber will generally be awarded the “Shaheed” (“martyr”) title, regardless of whether the device was detonated prematurely or not, or whether the Israeli forces prevented a more severe damage.

Suicide operations entail very low cost and are cost-effective,⁴³ with the total price of an operation averaging about one hundred and fifty dollars (Hassan, 2001, p. 39). This was the financial estimation of the “electrical components and chemical supplies needed to produce a suicide bomb”, according to an invoice from the Al-Aqsa Brigades Martyrs found during Operation “Defensive Shield” by Israeli troops (Shahar, 2002).⁴⁴ Cynically- but realistically- put, “apart from a willing young man, all that is needed is such items as nails, gunpowder, a battery, a light switch and a short cable, mercury (readily obtainable from thermometers), acetone,

and the cost of tailoring a belt wide enough to hold six or eight pockets of explosives.”⁴⁵ As Abu Shanab, a “ Hamas” leader argued “all that is required is a bomb, a detonator, and a moment of courage and courage is the scarce resource” (Stern, 2003, p. 23).

Suicide attacks increase the likelihood of mass casualties and extensive damage⁴⁶ that time bombs or remotely controlled explosives can produce, since the bomber can choose the exact circumstances in order to inflict more harm. The suicide bomber – carrying the explosives on the body or driving a vehicle loaded with explosives – approaches a previously selected target and is the one, in accordance with the prevailing circumstances, who chooses self-aware the time and place to detonate, so that the explosion will cause the maximum damage to the target. In this regard the suicide bomber is no more than “a sophisticated bomb-a carrier that brings the explosive device to the right location and detonates it at the right time” (Ganor, 2001, p. 137), or – as a number of commentators have noted- a low tech “smart bomb with a human guidance system”.⁴⁷

The suicide attacker who sets out on a mission is virtually guaranteed to be successful, as it is difficult for security personnel to prevent the bomber from detonating the device and exploding, even if they identify in advance the deadly purposes.⁴⁸ There have been of course cases in which suicide bombers were intercepted before setting out on their mission, or other cases when their explosive devices failed to detonate. In fact, Israeli Security Forces are relatively successful in intercepting Palestinian suicide bombers, by snatching them before they set out on their missions, or by targeting them on their way to the attack areas using remotely controlled devices or helicopter gun ships.⁴⁹ Suicide bombers additionally offer to the organizations that send them a simpler alternative to other kinds of missions, since there is absolutely no need for any planning of an escape route or rescue mission, which is a highly problematic element in most ordinary terrorist attacks (keeping always in mind the high state of alert and efficiency of the Israeli Security). Similarly, there is less fear that suicide bombers will be caught, interrogated and coerced into surrendering important information about the sponsoring organization, because if all goes well their deaths are certain (Ganor, 2001, p. 137).

There is little doubt that the “echo effect” of suicide bombings is generally greater than that of most conventional terrorist attacks (Laquer, 1987, p. 56), especially due to the tactic itself, which is newsworthy on its own right. The suicide attacks have an immense impact on the public and the media, because they precipitate an overwhelming sense of helplessness and the suicide bombers with their deadly act simply draw many viewers to the television sets, as a suicide attack attracts wide media coverage. The terrorists put together an operational “package that is so spectacular, so violent, so compelling, that the [media] acting as executives, supplying the cameras and the audience, cannot refuse the offer”.⁵⁰ This type of

violence is simply impossible to ignore. As a result, the organizers of the attack meet an additional goal in reaching a large audience, and in increasing the element of fear they hope to instil on the target population.⁵¹ The phrase that “terrorism is theatre,” (Jenkins, 1975, p. 16)⁵² seems to be particularly true and fitting in the case of suicide terrorism. The Palestinian militant groups are acutely media-conscious and the timing and positioning of attacks are carefully considered, in order to achieve the maximum public impact.⁵³ It is indeed a manifestation of “propaganda by deed”, securing the attention of the populous and providing a message through violence.⁵⁴

Suicide attacks have an additional value in making the suicide bomber the ultimate victim of the act, claiming moral high ground (Margalit, 2003). As people around the world try to comprehend the motivations of such an act, there is the underlying message that the present environment the perpetrators lived in is so humiliating that death is preferable to life under such conditions. The fact that the attacker was willing to trade his or her own life for those of the victims permits a sympathetic audience to balance out the crime.⁵⁵ The key is desperation and the assumption that suicide bombers have been driven to desperation by a brutal and humiliating occupation which has deprived them of their humanity and any hope for a brighter future or as Hanan Ashrawi put it “if you push the Palestinians into a corner, if you drive them to desperation, there will be desperate acts”.⁵⁶ This position does indeed earn the sympathy of people.⁵⁷

When healthy, beautiful, and intelligent young men and women set out to kill and be killed, something is basically wrong in a world that has not heard their anguish cry for justice. These young people deserve to live along with all those whom they have caused to die.⁵⁸

All of a sudden the media finds superficial similarities between perpetrator and victim implying some sort of commonality.⁵⁹ Women especially are seen as such desperate figures and the case in point is the competing frames concerned to describe those who use self-immolation as method of asymmetrical warfare, sway public opinion and generate sympathy. Is the self-exploding person a “suicide martyr” or a “homicide bomber”?

Leaders of Palestinian terrorist organizations often justify the use of suicide bombings as a tactic used by a weaker side against the stronger side, since the violence between Israelis and Palestinians has often been referred to as an asymmetric warfare.⁶⁰ In asymmetric warfare, the respective sides use those tactics that are in their comparative advantage, in order to exploit their enemy’s relative weaknesses and real or perceived vulnerabilities. With one side either incapable (usually this is the weaker side) or unwilling (usually the stronger side) to use tactics similar to its opponent (O’Brien and Nusbaum, 2000), finally the stronger side will usually try to focus on the enemy’s inability to fight, while the weaker side will attempt to break the enemy’s will to fight⁶¹ by relying on at least some of

the following methods: using tactics and weapons in ways that are difficult to prevent or defend against, employing the element of surprise, altering the battle space, attempting to employ all segments of its society and targeting large segments of the enemy's population.

This is evident in the context of the Israeli-Palestinian conflict, where the concept of asymmetric warfare entails more than merely asymmetric military capabilities in quality and quantity, with the powerful and elite army forces of Israel on the one side and the unorganised and poorly equipped Palestinian militant groups on the other.⁶² It involves asymmetric values, asymmetric pressures and asymmetric goals between the Israeli and the Palestinian society. By choosing suicide bombings, Palestinian terrorist organizations have adopted a tactic that is inherently difficult to defend against, that enjoys the element of surprise that characterize all bombing attacks, targets the entire Israeli population in a most indiscriminate manner and alters the battle space bringing the conflict to Israeli cities, targeting mostly large population centres in Jerusalem and other Israeli cities. For the moment it is portrayed to be the only effective weapon:

Once we have war planes and missiles, then we can think of changing our means of legitimate self-defence. But right now, we can only tackle the fire with our bare hands and sacrifice ourselves.⁶³

For Palestinian groups, suicide attacks are not a mere act of wanton cruelty; they are “the ultimate asymmetric weapon” with which the terrorist “can assimilate among the people and then attack with an element of surprise that has an incredible and devastating shock value”.⁶⁴ It is a known method to resort to declaring that there is no alternative to violent terrorism as a “revolutionary strategy”.⁶⁵ As a “ Hamas” leader Khaled Meshal said, the Palestinian people “are fighting with the tools they possess. They possess stones, and, therefore, they fight by using them. Had they possessed weapons, they would fight with them”⁶⁶ and “if our wives and children are not safe from Israeli tanks and rockets, theirs will not be safe from our human bombs”.⁶⁷ As in sheer material terms, all Palestinian militants combined cannot match the Israeli Defense Forces (IDF) in open battle, Abid al-Haleem Izaldain, in the same line said that the real purpose of a “martyrdom operation” is that “it evens out the balance of fear even if it does not balance the military.”⁶⁸

Palestinians are quoted as saying that suicide attacks are the “weapon of last resort”⁶⁹ and the necessity to counteract the enemy's military superiority justifies this highly effective method and removes all culpability from the “shahid”. Sheikh Ahmed Yassin was also quoted saying on the same subject that

The Israelis...will fall to their knees...You can sense the fear in Israel already; they are worried about where and when the next attacks will come. Ultimately, Hamas will win”⁷⁰.

The use of “human bombs” is a way “to make the Israeli occupation that more expensive in human lives, that much more unbearable”⁷¹ as “Israelis now live in constant fear; they cannot venture out of their homes without fear, nor can they go shopping without the possibility of being blown to pieces”⁷² and “whatever else Ariel Sharon brings Israelis, it won’t be personal security”⁷³ with these “new forms of military activity”.⁷⁴

This confidence on wearing down Israeli opposition is derived part from the precedent of the Israeli withdrawal from southern Lebanon. Israel is perceived to be forced to pull back from the Territories, because “it cannot tolerate the consequences of continuing violence and bloodshed, from a psychological, economic and social standpoint”.⁷⁵ Unfortunately suicide attacks as a campaign of terror work;⁷⁶ they do have apparent success not only in the Israeli-Palestinian conflict but to other “battlefields” too.⁷⁷ Terrorists, like other people, learn from experience and until now it seems that their pressure does pay off. When on April 18, 1994 the Israeli Knesset (Parliament) voted the withdrawal of its military forces from Gaza Strip and the West Bank, there is a circumstantial case that the terror by Palestinian organizations had an effect on the decision,⁷⁸ as it appears to be at least in the words of the late Prime Minister Yitzhak Rabin:

...We cannot deny that our continuing control over a foreign people who do not want us exacts a painful price...For two years or three years we have been facing a phenomenon of extremist Islamic terrorism, which recalls Hezbollah, which surfaced in Lebanon and perpetrated attacks, including suicide missions...There is no end to the targets of Hamas and other terrorist organizations have among us. Each Israeli, in the territories and inside sovereign Israel, including united Jerusalem, each bus, each home, is a target for their murderous plans. Since there is no separation between the two populations, the current situation creates endless possibilities for Hamas and the other organizations.⁷⁹

Suicide terror led in the past to the decision of Israel to withdraw on 1985 from South Lebanon, signalling that the terror campaign can produce for the Palestinians greater concessions in the future:

Our Jihad action has exposed the enemy weakness, confusion, and hysteria. It has become clear that the enemy can be defeated, for if a small group was able to instill all this horror and panic in the enemy through confronting it in Palestine and southern Lebanon, what will happen when the nation confronts it with all its potential...Martyrdom actions will escalate in the face of all pressures...[they] are a realistic option in confronting the unequal balance of power. If we are unable to effect a balance of power now, we can achieve a balance of horror.⁸⁰

Palestinians apply the lessons that they have learned about a model of terror that indeed delivered results:

The shameful defeat that Israel suffered in southern Lebanon and which caused its army to flee in terror was not made on negotiations table, but on the battlefield and through Jihad and martyrdom, which achieved a great victory for the Islamic resistance and Lebanese People...we would not exaggerate if we said that the chances of achieving victory in Palestine are greater than in Lebanon...If the enemy could not bear the losses of the war on the border strip with Lebanon, will it be able to withstand a long war of attrition in the heart of its security dimension and major cities⁸¹

... Hizballah has won...Lebanon the weakest of the Arab states, has presented a miniature model, and if we examine it closely we will be able to draw conclusions for success and victory.⁸²

The message conveyed by these attacks is also directed inwards as they solidify group moral, with an act of self sacrifice in the name of the organisation's cause as a unifying factor.⁸³ The willingness to die is also used as evidence of a group's superiority against its adversaries, who are portrayed as pleasure seekers and who in spite their military dominance are essentially weak (Paz, 2000, p. 93). While on one hand the Israeli enemy is supposed to be strong, on the other hand, the Israeli society is made up by "pleasure seekers" cowards who fear death and suicide:

It is a selfish society that loves life. These are not people who are eager to die for their country and their God. The Jews will leave this land rather than die, but the Muslim is happy to die.⁸⁴

Part of the success of the suicide bombings strategy is the fact that is more likely to be employed against states with democratic political systems. Israel is a democracy and as such it is viewed both by domestic critics as well as the terrorists themselves as "soft", on the grounds that the public has low cost tolerance and a high ability to affect state policies. Despite the reality or not of this assumption that democracies are easier to coerce than other regime types (Horowitz and Reiter, 2001, pp. 147-173), the important is that this is how terrorist view it.⁸⁵

It should be noted that the tactic of suicide bombings can possibly also result to negative effects regarding the goals of the organizations that use it. If the scope of the organization is to gain sympathy in the global arena, then the Western culture that does not understand the "martyrdom culture" could lead to the group viewed as a bunch of mere irrational fanatics. "The tremendous anxiety and the intense media reaction evoked by attacks against civilian targets" (Ganor, 2001), the extreme violence and slaughter of innocents may cause to the public even the rejection of the desire and claims of legitimization by the group. Further a prolonged suicide terror campaign instead of breaking the adversary morale could likely make the target population more radicalized, unified, less willing to compromise and more willing to retaliate with extreme measures.⁸⁶ Nevertheless, since as described before there are many benefits gained, the organizations use suicide bombings, despite of possible setbacks.

Concluding remarks

Terrorists believe that the truth of their cause justifies any action that supports it. There can always be a justification for terror given by the terrorists,⁸⁷ but the most important clue and what should be condemned is that the terrorist regardless of the cause believes that violence is the only avenue to achieve his desired goal in society.⁸⁸ Terrorism is intentionally behaving in ways that demean, dehumanize, harm, destroy, or kill innocent people. And although victims are often associated, concretely or symbolically, to the sources of grievances, the selection of “remote” victims, the “innocent”, is actually a tactic to terrorize a government, an institution, a group in society or remain in the public eye through the media (Bell, 1978, pp. 65-89; Cooper, 1976, pp. 42-52.).

The reason why Palestinian suicide operations are to be condemned is because their victims are Israeli civilians. Until the day that war itself is outlawed, the international community is interested in protecting the civilians and limiting casualties among the non combatants. “However noble their cause, however sincere their intentions, however deserving of redress the wrongs done to them, terrorists nullify these claims by their refusal to operate within civilized norms...” (McGurn, 1985, p. 57). The targeting of civilians, often using perfidious methods, makes suicide bombers and their sponsors criminals. Their actions and disregard for basic human rights has tainted and undermined the wider struggle for Palestinian human rights.⁸⁹ In the words of Palestinian officials, the present violent character of the resistance “does not accumulate to any big strategic achievement, rather the opposite. It causes losses and damages and accumulates feelings of vengeance, hate and enmity between Palestinians and Israelis,”⁹⁰ thus “...the resistance to the occupation should continue in all forms and in all means, but not through martyrdom operations against civilians...”⁹¹ Suicide attacks are “contrary to the Palestinian tradition, against international law and harm the Palestinian people.”⁹²

While no one can speak against the right of the Palestinian people to fight for what they view as their freedom and defend their perceived homeland, the matter does not end there. For a just war not only the propriety of *jus ad bellum* is important, but also the propriety of *jus in bello*, thus the belligerent’s subsequent conduct. “Certain acts even in war are beyond the pale and can only be labelled terror.”⁹³

Notes

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- ¹ The Arabic term “Intifada” means the “uprising” and has been used to describe the fight of the Palestinians against the Israelis. Regarding suicide bombings in Israel, data are available on-line from Israel's Ministry of Foreign Affairs site (<http://mfa.gov.il/mfa/terrorism-%0bstacle20to%0peace/palestinian%20terror%20since%202000/>) and the International Policy Institute for Counter Terrorism data base (http://www.ict.org.il/arab-isr_frame.htm). Also, for a resource file on the issue and the Palestinian perspective on it, see Michele Esposito, “The Al-Aqsa Intifada: Military Operations, Suicide Attacks, Assassinations, and Losses in the First Four Years,” *Journal of Palestine Studies*, 134, no.2 (Winter 2004), pp. 85-122.
- ² This is not the first time that Palestinian armed groups have used suicide bombings to target Israeli civilians, although the scale and intensity of the current wave of attacks is unprecedented. Between September 1993 and the outbreak of the latest clashes between Palestinians and Israelis in late September 2000, Palestinian groups carried out fourteen suicide bombing attacks against Israeli civilians, mostly in 1996-97, killing more than 120 and wounding over 550. Suicide bombing attacks against Israeli civilians in late February and early March 1996 killed fifty-six and injured more than 150. Five attacks in 1997 killed twenty-nine and wounded more than two hundred. The last suicide bombing prior to the current unrest was an attack in November 1998 that wounded twenty-four. There were no Palestinian suicide bomb attacks against civilians in 1999 or 2000.
- ³ It is a known and over discussed fact that there is no uniform definition of terrorism and no universal consensus to it. Just indicatively the US State in Title 22 of the U.S. Code, Chapter 38, Section 2656f(d) defines terrorism as: “Premeditated, politically motivated violence perpetrated against non-combatant targets by sub national groups or clandestine agents, usually intended to influence an audience”; the definition of the United Nations reads as follows: “any act 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” (Article 2(b) of **International Convention for the Suppression of the Financing of Terrorism**, May 5, 2004).
- ⁴ Borrowing Justice's Potter Stewart's famous words: “I shall not today attempt to further define [pornography]...but I know it when I see it”, In: **Jacobellis v. Ohio**, June 22, 1964.
- ⁵ Although the research literature on terrorism has been expanded dramatically since the 1970s, not that adequate work has been done by criminologists or has appeared in criminology journals.

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- ⁶ Let us not forget that even Amnesty International with multiple reports condemns unreservedly direct attacks on civilians as well as indiscriminate attacks, whatever the cause for which the perpetrators are fighting, whatever justification they give for their actions. For example see “Israel and the Occupied Territories and the Palestinian Authority: Without distinction: Attacks on civilians by Palestinian armed groups”, **Amnesty International**, July 2002.
- ⁷ One example of a definition is contained in article 18 of the Draft Code of Crimes against the Peace and Security of Mankind, drafted by the expert members of the International Law Commission. It is based on the Nuremberg Charter, but also takes into account developments in international law since Nuremberg. It sets out two conditions that must be met for acts such as murder, enslavement, mutilation and rape to qualify as Crimes against Humanity. The first was that the act has to be committed “in a systematic manner or on a large scale,” meaning that it must have been committed as a result of a deliberate plan or policy, usually resulting in repeated acts. The second condition is that the acts must be directed against multiple victims, either “as a result of the cumulative effect of a series of inhumane acts or the singular effect of an inhumane act of extraordinary magnitude”. See “Article 18—Crimes against Humanity”, chapter II, “Draft Code of Crimes against the Peace and Security of Mankind”, **International Law Commission Report** (1996) online: <http://www.un.org/law/ilc/reports/1996/chap02.htm#doc3> (September 3 2002).
- ⁸ But those who commit crimes against humanity, like war crimes, are held individually criminally responsible for their actions. Actually, crimes against humanity give rise to universal jurisdiction, they do not admit the defence of following superior orders and they do not benefit from statutes of limitation. International jurisprudence and standard setting of the last ten years have consolidated the view that those responsible for crimes against humanity and other serious violations of human rights should not even be granted amnesty.
- ⁹ Article 7(1) (a), “Finalized Draft Text of the Elements of Crimes Adopted by the Preparatory Commission for the International Criminal Court”, U.N. Document, November 2, 2000.
- ¹⁰ Simultaneous or contiguous “suicide” and homicide has occurred also in the past in a military context, in the already mentioned example of some 5000 young Japanese pilots in all died as “kamikaze” in the last ten months of World War II. It was formally a voluntary contract in that the pilots were asked to join the “special units”, they were not drafted. Apparently nearly all accepted the offer. Once the contract was “signed up”, the probability of death was certain and among signatories the rate of defection was virtually zero. Yet the diaries kept and letters sent reveal normal young men, who enjoyed life, gripped by a sense of duty to their country, but also sceptical or even bitterly critical of the military oligarchy and the nationalist fanatics who brought the country to disaster. It is notable that in the Japanese context this only occurred towards the end of the war when Japan was losing, with the development of impending national dishonour and humiliation. As such, it could be postulated that by that time the Japanese collectively were subject to a developing mood of shame and despair, see Harvey Gordon, “The ‘Suicide’ Bomber: is it a Psychiatric Phenomenon?”, **Psychiatric**

Bulletin, 26 (2002), pp. 285; Walter Laquer, "Reflections on Eradication of Terrorism", In: , Kegley Jr. Charles (ed.), **International Terrorism**, New York: St. Martins Press, 1990, p. 209.

- ¹¹ Indicative is the deliberate effort to maximize human suffering not only in the immediate explosion but also in the minutes, days, and even years following it. Planners of suicide attacks in Israel for example have often packed explosives with foreign objects. Long after the attack, victims can have embedded in their bodies pieces of shrapnel, nails, bolts, screws, ball bearings and other projectiles that were built into the bombs. Another recent innovation is the addition of chemicals such as rat poison, which is an anticoagulant and makes it much more difficult for rescue workers to stem the bleeding from injured victims. Over time, suicide attacks that incorporate such elements can be psychologically more punishing, not only to the victims but to the population at large. On the subject see Tracy Wilkinson, "The World Lives Forever Scarred after Suicide Bombings in Israel: Survivors Labor to Recover Physically and Mentally; Some Still Have Shrapnel in Their Bodies," **The Los Angeles Times**, July 21, 2002, p. A1.
- ¹² On the "classic" characteristics of a suicidal individual, see: Daniel S., Soss N. M., "An Economic Theory of Suicide", **The Journal of Political Economy**, 82, no.1 (1974), pp. 83-98.
- ¹³ This is why the term does not include self inflicted deaths that occur without any violence directed outward, like hunger strikes or cult suicides. Even if suicides do act as a form of protest politically motivated, suicide behavior is by no means a new phenomenon; acts of self killing have been used as a methodical demonstration of commitment and unyielding form of protest: For example Stefan Lux shot himself on the floor of the League of Nations in 1936 to protest against England's failure to act against Germany; Buddhist monks set themselves on fire during the Vietnam war to protest against the regime of South Vietnam; the same tactic used Jan Palach and Jan Zajic in 1968 to protest against the Warsaw Pact troops invasion. See Jaber Hala (1997), **Hizballah**, New York: Columbia University Press, p. 76; Uzi Arad (2000), "Do Nations Commit Suicide? A Middle Eastern Perspective", In: **Countering Suicide Terrorism**, Herzelia: International Policy Institute for Counter Terrorism, p. 25; Mansdorf Irwin (2003), "The Psychological Framework of Suicide Terrorism", **Jerusalem Viewpoints**, no 496, Jerusalem Center for Public Affairs. April 15, online: <http://www.jcpa.org/jl/vp496.htm> (April 20, 2003).
- ¹⁴ Maximilien Robespierre, in his February 1794 address to the National Convention entitled Report upon the Principles of Political Morality Which are to form the basis of the Administration of the Interior concerns of the Republic, quoted in Arthur Garrison, "Defining Terrorism: Philosophy of the Bomb, Propaganda by the Deed and Change through Fear and Violence", **Criminal Justice Studies**, 17, no.3, September 2004, p. 260.
- ¹⁵ The question of a definition of terrorism is much-debated, but the central elements of the concept are generally agreed. For more information on the issue, Audrey Kurth Cronin, "Behind the Curve: Globalization and International Terrorism", **International Security**, 27, no. 3, Winter 2002/03, pp. 32-33. On the challenges of defining

terrorism; Malik Omar (2001), **Enough of the Definition of Terrorism!**, London: RIIA; Schmid Alex P., Jongman Albert (1984), **Political Terrorism: A Research Guide to Concepts, Theories, Data Bases, and Literature**, New Brunswick, N.J.: Transaction Books).

- ¹⁶ This was the response of Walter Laquer, to a questionnaire sent by Alex Schmidt, in order for them to position themselves vis-a- vis his proposed definition of terrorism for his book, Schmid and Jongman.
- ¹⁷ Lenin cited in Schmid and Jongman, 50.
- ¹⁸ See, for example, the United Nations General Assembly Resolution 44/29 of 4 December 1989 – the Preamble states that it reaffirms “the inalienable right to self-determination and independence of all people under colonial and racist regimes and other forms of alien domination and foreign occupation, and [upholds] the legitimacy of their struggle, in particular the struggle of national liberation movements...”, **United Nations General Assembly Resolution 2675 [XXV] (1970) and Resolution 3314 [XXIX] (1974)**.
- ¹⁹ This principle, known as the principle of distinction, is codified in the four Geneva Conventions of 1949 and their two Additional Protocols of 1977. The principle of distinction is a fundamental rule of customary international humanitarian law, binding on all parties to armed conflicts, whether international or non-international.
- ²⁰ United Nations Secretary General Kofi Annan's statement, following suicide bombings against Israeli civilians, 20 May 2002.
- ²¹ Sheikh Ahmed Yassin, spiritual leader of “ Hamas ” has said to Amnesty International, quoted in “ Israel and the Occupied Territories and the Palestinian Authority: Without distinction: Attacks on civilians by Palestinian armed groups ”, **Amnesty International**, July 2002.
- ²² Abd al-Azim al Mt'ani, lecturer at al-Azhar University, quoted in Haim Malka, “ Must Innocent Die? The Islamic Debate over Suicide Attacks ”, **BORR Terrorism News**, August 4 2003, <http://www.borrul.org/e/noticia.php?id=20028>, (November 5 2004).
- ²³ Dr. Al-Imam, quoted in “ Debating the Religious, Political, and Moral Legitimacy of Suicide Bombings: Part III ”, **Report no. 65**, MEMRI, July 26, 2001.
- ²⁴ Article 50 (1), Protocol I Geneva Convention.
- ²⁵ Article 43, Protocol I Geneva Convention.
- ²⁶ Article 50 (2) and (3), Protocol I Geneva Convention.
- ²⁷ Article 51 (4) and (5), Protocol I Geneva Convention.
- ²⁸ Article 58, Protocol I Geneva Convention.

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- ²⁹ At the time of this writing (as submitted and approved by the Ph.D. academic board), the much debated disengagement plan, meaning the pulling out of the settlements in Gaza strip had not yet started. The withdrawal did take place; it began on August 15 2005 and was successfully carried out, despite the strong resistance of a number of settlers.
- ³⁰ Article 51 (3) Protocol 1, Geneva Convention. The ICRC Commentary to this article defines hostile acts as “acts which by their nature and purpose are intended to cause actual harm to the personnel and equipment of the armed forces”. The word “hostilities” covers “not only the time that the civilian actually makes use of a weapon, but also, for example, the time that he is carrying it, as well as situations in which he undertakes hostile acts without using a weapon.”
- ³¹ When civilians who have nothing to do with the state apparatus are killed, terrorists resort to a wide menu of excuses: the killing was a mistake, it was an accident, the police did not take seriously the warning, in every war there are collateral victims, etc. These excuses are regularly provided even if the number of innocent victims is extremely high. Curiously enough, civilians represent the same percentage of total victims, around 37%, both in the “IRA” and in the “ETA” case. When the “IRA” exploded twenty one bombs in Belfast on Friday 21 July 1972 (“Bloody Friday”), killing nine people and injuring 130 others, the organization refused to be held responsible for the consequences because it had issued warnings in every case. In his autobiography, Gerry Adams admits that “Bloody Friday” was a sort of technical mistake, just to add that “the IRA had set out to cause economic damage and had sought to avoid civilian casualties by providing at least thirty minutes’ warning in relation to each of the twenty-one bombs.” For more see McKittrick David et al. (1999), **Lost Lives. The Stories of the Men, Women and Children who Died as a Result of the Northern Ireland Troubles**, Edinburgh: Mainstream, p. 1504; Gerry Adams (1996), **Before the Dawn. An Autobiography**, Dingle: Brandon,, p. 210; Sánchez-Cuenca, Ignacio (2001), **ETA contra el Estado: Las Estrategias del Terrorismo**, Barcelona: Tusquets, p. 256.
- ³² Historically the first person committing suicide while taking the lives of many others was Samson. According to the Bible, he was been held prisoner by the Philistines, tortured, with his eyes gouged out and soon to die anyway. Being held in a palace full of his enemies, he asked to be guided to an exact spot where with a single act and the help of God he brought his life to an end as well as the lives of his enemies. For an intriguing analysis of suicide terrorism with the “Samson Mode”, read Drury Shadia (2003), “Terrorism from Samson to Atta”, **Arab Studies Quarterly**, 25, nos. 1-2, Winter/Spring, pp. 1-12.
- ³³ Politically motivated suicide behaviour is by no means a new phenomenon; acts of self killing have been used as a methodical demonstration of commitment and unyielding form of protest. For example Stefan Lux shot himself on the floor of the League of Nations in 1936 to protest against England’s failure to act against Germany; Buddhist monks set themselves on fire during the Vietnam war to protest against the regime of South Vietnam; The same tactic used Jan Palach and Jan Zajic in 1968 to protest against the Warsaw Pact troops invasion, Jaber, 76; Arad, 25; Mansdorf. For differences between suicide protest and suicide terrorism, Raman B. (2004), “**Suicide and Suicidal**

Terrorism”, Paper no. 947, March 12, South Asia Analysis Group, online: <http://www.sag.org/papers10/paper947.html> (October 22, 2004).

- ³⁴ For example cases in which the attacker has shot the hostages and after he killed himself, do not fall under the category of suicide operations.
- ³⁵ See, for example, Ariel Merari (2000), Statement Submitted in Testimony before the Special Oversight Panel on Terrorism, **Committee on Armed Services**, U.S. House of Representatives, July 13. Additional information about the nature of the planning of the September 11, 2001 attacks will be necessary in order to establish whether the suicide terrorists of those attacks may have posed an exception to this rule.
- ³⁶ One of the most extreme cases is that of September 11 “suicide pilot” Muhammad Atta, who seems to have known about the attack on the World Trade Center months, if not years, in advance – an attack that involved his own death. Psychologists and terrorism experts are likely to focus on Atta’s considerable mental capabilities for many years to come, and may find it necessary to adjust the traditional profile of the suicide bomber.
- ³⁷ For example the explosive device mechanism can be hidden in a bodysuit, a vehicle, aeroplane etc. Suicide attacks can occur with other types of weapons, including jetliners!
- ³⁸ Sometimes the agent’s death can be the unavoidable yet indirect consequence of his action. The psychological standpoint of the suicide mission is quite different, so it is imperative to distinguish amongst those who choose their action to end up with their death (martyrs) and those who do not seek their own death though they are willing to accept it for the cause (heroes). One must not forget that generally terrorism throughout history carried a high risk of death for the terrorists themselves. For example, makeshift bombs used by 19th century anarchists and Russian revolutionaries were so unstable that they had to be thrown from a short distance (that is, if they did not explode first in the hands of the attacker). Those who went on an attack of this kind were fully aware of the risk and many of them wrote fare-well letters to their friends and families, see: **“Suicide Terror: Was 9/11 Something New?”**, online: <http://www.terrorismanswers.com/terrorism/suicide.html> (September 25 2003).
- ³⁹ Some authors have claimed that all terrorist operations that pose grave risks for their perpetrators are suicide operations; for example if though the attack itself is not dangerous, but the country’s penalty is the capital punishment, Walter Laquer (1999), **“The New Terrorism”**, New York: Oxford University Press, p. 141. Although this can be an interesting perspective, it is not at all helpful in studying suicide operations as it does not distinguish between suicide terrorism and ordinary terrorism.
- ⁴⁰ **“Terrorists and Suicide Attacks”**, CRS Report for Congress, August 28, 2003, 2.
- ⁴¹ Of course there have been also cases that terrorists have committed suicide rather than being apprehended or tried. Such is said to have been the case with members of the “Baader-Meinhof” gang in West Germany in the 1970s, although the death through hunger strike by Bobby Sands and other members of the IRA in the 1980s was also a

reflection of what their supporters perceived as martyrdom, Laquer, "The New Terrorism: Fanaticism and the Arms of Mass Destruction"; George Sweeney, "Irish Hunger Strike and the Cult of Self-Sacrifice", **Journal of Contemporary History**, 28 1993, pp. 421-437.

- ⁴² For other definitions of suicide terrorists, compare definitions by Ganor Boaz (2001), "Suicide Attacks in Israel," In: **Countering Suicide Terrorism: An International Conference**, Herzliya: ICT, p. 134, Schweitzer, "Suicide Terrorism: Development and Main Characteristics", p. 76.
- ⁴³ Suicide Terrorism represents value for money, is efficient, cheap and, until recently, has been easy to organize, Pape.
- ⁴⁴ Shahar Yael (2002), "**The Al-Aqsa Martyrs Brigades: a Political Tool with an Edge**", online: <http://www.ict.org.il>, March 22.
- ⁴⁵ According to the words of Palestinian security official, quoted in Hassan.
- ⁴⁶ For example, looking just at Palestinian attacks between 2000 and 2002, suicide attacks represented only 1% of the total number of attacks but they caused about 44% of the Israeli casualties, see: Moghadam Assaf (2003), "Palestinian Suicide Terrorism in the Second "Intifada": Motivations and Organizational Aspects," **Studies in Conflict & Terrorism** 26, no. 2, March-April, p. 65. And as put from an Islamic point of view by Dr. Mustafa Al-Shka', a member of the Al-Azhar Islamic (Egypt) Studies Center: "...He who fights with a sword, kills one heretic; on the other hand, he who bombs himself and kills many of the enemies of Allah...", In: "Debating the Religious, Political, and Moral Legitimacy of Suicide Bombings: Part III".
- ⁴⁷ For example: Goldberg Suzanne (2002), "The Men Behind the Suicide Bombers", **The Guardian**, June 12.
- ⁴⁸ In Israel at the entrance of nearly any kind of shop, from a shopping mall, a supermarket to a café and expensive clubs and restaurants there is security personnel checking the people whether they carry explosives or not.
- ⁴⁹ See, for example, Johnson Tim (2002), "Living on a Hair-trigger Alert: Quick Action by Tense Israeli Civilians Helps to Foil Palestinian Suicide Bombers," **Montreal Gazette**, February 23, p. A17.
- ⁵⁰ J. Bowler Bell, quoted in Nacos Brigitte (1994), **Terrorism and the Media**, New York: Columbia University Press, p. 51.
- ⁵¹ This is an interesting difference between "common criminals" and terrorists. Usually the first try to avoid publicity, unless they are emotionally disturbed individuals who seek notoriety or give a social protest dimension to their actions, Amir, 384; Wardlaw G. (1989), **Political Terrorism: Theory, Tactics and Counter-Measures**, New York: Cambridge University Press, pp. 148-150.

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- ⁵² Actually, many terrorist activities are on purpose directed toward media attention, since the media can help a terrorist group to be placed in the centre of the public arena, and influence the opposing government, by weakening its supporter's morale, Ben-Rafael E., Lisak M. (1979), **Social Aspects of Guerrilla Warfare**, Jerusalem, IL: Hebrew University Press.
- ⁵³ Milner Kate (2001), "Who are the Suicide Bombers?", **BBC News on line**, December 2, on line: <http://news.bbc.co.uk>, (November 5 2004). Actually the exploitation of the media is not a strange strategy to the Palestinian cause. Even as early as the 1960s and 1970s the leftist –at the time – Palestinian groups attended to catch the eye of the global media, Weinmann Gabriel (1985), "Terrorists or Freedom Fighters? Labelling Terrorism in the Israeli Press," **Political Communication and Persuasion**, 2, no.4, pp. 433-445. Abu Iyad, Fatah leader referring to the 1972 Munich Olympics events stated cynically: "...The governing body of "Black September" decided to take matters into its own hands and designed a plan that was meant to achieve three results: to confirm the existence of the Palestinian people in the defiance of the whole world; to take advantage of the extraordinary gathering of mass media in Munich to give our fight global publicity-for good or bad, it doesn't mater..."quoted in *With no Homeland, Talks with Eric Rouleau*, 1978, 158. The eventful hour-by-hour drama and the shout out at the Munich airport were followed by an estimated global television audience of more than 500 million people! See: Livingstone Neil (1982), **The War against Terrorism**, Lexington MA: Lexington, p. 144.
- ⁵⁴ The idea of "Propaganda by Deed" was conceived originally by three Italian anarchists Errico Malatesta, Carlo Cafiero and Emilio Covelli, and adopted formally as a strategy by the Italian Federation of Anarchist International in 1876. Paul Brousse, Carlo Piscane, Johann Most and others have elaborated and written on this idea that became inspiration to terrorists worldwide of all times, places and causes, see: Linse U., "Propaganda by Deed and Direct Action: Two concepts of anarchist violence", In: Mommsen W. Hirschfiel G. (eds.) (1982) **Social Protest, Violence and Terror in Nineteenth and Twentieth Century Europe**, London: Berg Publishers, pp. 201-229.
- ⁵⁵ As Camus noted: "A life is paid for another life, and from these two sacrifices springs the promise of a value", In: Camus Albert (1956), **The Rebel: an Essay on Man in Revolt**, New York: Vintage Books1, p. 69.
- ⁵⁶ The PA spokesperson made this statement in March 2001, **CNN News, online**, <http://www.cnn.com/2001/WORLD/meast/03/28/mideast.03/> (April 4 2002).
- ⁵⁷ Cherie Blair's words are: "as long as young people feel they have got no hope but to blow them selves up you are never going to make progress", quoted in: Jones George, *La Guardia Anton* (2002), "Anger at Cherie 'Sympathy for Suicide Bombers'", **Telegraph**, June 19.
- ⁵⁸ Rev. Dr. Ateek Naim (2003), "**Suicide Bombers: What is theologically and morally wrong with suicide bombings? A Palestinian Christian Perspective**", Sabeel Ecumenical Liberation Theology Center, Document no.1.

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- ⁵⁹ Very indicative and enlightening on this argument is the article by Colean Jacobson “Mirror Images: Two Teenage Girls, Bomber and Victim”, **Associated Press**, April 6 2002, where 17 years old Ayat Akras was compared to her equally young Israeli victim.
- ⁶⁰ The same excuse was employed for the suicide attacks in Lebanon too: “... Faced with the overwhelming military power of Israel, which is sustained and encouraged by the world's most powerful nation, there is little the victims can do other than to strike back randomly through individual, frequently suicidal attacks”, an article in: **In These Times**, June 26-July 9 1985, quoted in McGurn, p. 88.
- ⁶¹ See, for example, Haselkorn Avigdor (2000), “Martyrdom: The Most Powerful Weapon”, **Los Angeles Times**, December 3, p. 5.
- ⁶² In the course of the Second “Intifada”, Palestinian groups have used except of the guerrilla warfare, a wide range of asymmetric tactics concluding in terrorism, such as of course suicide missions, but also kidnappings, shootings against civilian populations, the launching of mortar grenades and “Qassem II” rockets, roadside and car bombs.
- ⁶³ Sheikh Ahmed Yassin, quoted in **The Daily Star** (Beirut), February 8, 2002.
- ⁶⁴ Magnus Ranstorp, Director of the Center for the Study of Terrorism and Political Violence, quoted in Van Natta, Jr. Don (2003), “Big Bang Theory: The Terror Industry Fields Its Ultimate Weapon”, **New York Times**, August 24, sec. 4, 1.
- ⁶⁵ Hacker, 7
- ⁶⁶ “ Hamas’s Mishal: Jihad Palestinians’ Sole Option”, **Al-Zaman** (Arabic), November 23, 2000, 4.
- ⁶⁷ Quoted in Hassan who interviewed nearly 250 ‘volunteers for martyrdom’, Hassan.
- ⁶⁸ PIJ leader based in Jenin quoted in Vivienne Walt, “Dying for a Cause: West Bank Town Sees Sons Become Suicide Bomber”, **Newsday**, August 20, 2001, A5.
- ⁶⁹ Williams Daniel (2001), “Where Palestinian ‘Martyrs’ Are Groomed: West Bank City of Jenin Emerges as Suicide Bomb Capital”, **The Washington Post**, 15 August, p. A1.
- ⁷⁰ Quoted in: Wazir Burhan (2001), “Suicide Bombing is Democratic Right, Says the ‘Soul’ of Hamas,” **Observer**, August 19, p. 20.
- ⁷¹ Yahya Ayyash, a leading “Hamas” bomb maker, with the nickname “The Engineer”, killed by Israel in 1996, quoted by Tarik Kafala, “Analysis: Palestinian suicide attacks”, **BBC news online**: <http://newsvote.ddc.co.uk>, (November 5 2004) and Hassan.
- ⁷² Waseem Shehzad in “Bush's Demand that Arafat Go Exposes Israel's Hand Behind Him,” **Muslimmedia International**, July 1-15 2002, online: <http://muslimedia.com/arcives/oaw02/bush-arafat.htm> (November 4 2004).

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- ⁷³ Jamal Abu Samhadana, Fatah military leader, interviewed in Gaza on February 2002, quoted in: Usher Graham (2003), "Facing Defeat: The "Intifada" Two Years on", **Journal of Palestine Studies**, 32, no.2 (winter) p. 27.
- ⁷⁴ Marwan Bargouti interviewed in Ramallah on July 2000, quoted in Usher, 24.
- ⁷⁵ Yusuf Alsalem, in **Al-Hayat Al-Jedida**, August 13, 2000.
- ⁷⁶ Unfortunately suicide terrorism does work, if it didn't the organisations would not resort to it. As Thomas Hobbes once said of human cruelty: "That any man should take pleasure in other men's great harm, without other end of his own, I do not conceive it possible".
- ⁷⁷ Even the powerful United States of America have been defeated by the suicide tactics in Lebanon, as written by the American President Ronald Reagan himself in his memoirs:" The rice we had to pay in Beirut was so great, the tragedy and the barracks was so enormous...We had to pull out... We couldn't stay there and run the risk of another suicide attack on the Marines", Reagan Ronald (1990), **An American Life**, New York: Simon and Schuster, p. 465. Yet it should be taken into account that a problem in assessing the results of terrorism is that it is never a unique causal factor leading to identifiable outcomes.
- ⁷⁸ Israel and the PLO signed the Oslo Accords on September 13 1993, obligating Israel to withdraw its military forces from the Gaza Strip and the West Bank town of Jericho beginning on December 13 and ending on April 12 1993. Yet, due to major problems in the implementation negotiations with the Palestinian side mainly on security issues, the whole procedure stuck. " Hamas" launched two suicide attacks, on 6 and 13 April 1994 and then on April 18 1994 the Israeli Knesset voted the withdrawal, effectively accepting the Palestinian positions on the disputed issues.
- ⁷⁹ The Assassinated Prime Minister of Israel Yitzhak Rabin, on April 18 1994 during a speech in the Knesset (Israeli Parliament), quoted in Pape, 11.
- ⁸⁰ Fathi al-Shaqaqi, leader of the Islamic Jihad in 1995 quoted Pape, 12.
- ⁸¹ Ramadan Shalah, "Islamic Jihad" leader in 2001, quoted in Pape, 13.
- ⁸² Arab Knesset member Azmi Bishara addressing Israeli Arabs during a "Hizballah Victory Festival" in Um el Fahm, the headquarters of the Northern Islamic Movement, quoted in: Diker Dan (2004), "Lessons from the Or Commission: Rethinking the Ideological and Religious Dimensions of the Israeli Arab Riots of October 2000", **Jerusalem Viewpoints**, no.5, 12 February, p. 3.
- ⁸³ For example organizations like the "Kurdistan Workers Party" (PKK) or the "Liberation Tigers of Tamil Eelam" (LTTE) have adopted this tactic with the principal goal of solidifying its members morale, Schweitzer, "Suicide Terrorism: Development and Main Characteristics". "Our strength is our willingness to make the supreme sacrifice"

declared Gena, the 30-year-old leader of the female “Black Tigresses” in an interview, quoted in Jenny Kay, “Dying for their Cause,” *Eva*, London, p. 19.

- ⁸⁴ The Mufti of Jerusalem Ikrama Sabri, quoted in: Goldberg Jeffrey (2001), “The Martyr strategy: What does the new phase of terrorism signify?”, *The New Yorker*, July 9.
- ⁸⁵ “... I have to inflict the same [pain] on them until Israeli mothers scream at their government and plead with the world to end the conflict...” Younis, a young Palestinian preparing for a suicide mission quoted in: Jaber Hala (2002), “Inside the World of the Palestinian Suicide Bomber”, *London Times*, March 24.
- ⁸⁶ For example no one can doubt seriously that most of Israel’s military over action has been the result of grave attacks inside the state. The checkpoints, the curfews, even the wall, have all been attempts of Israel to protect its civilians from been, usually strengthens after recent attacks.
- ⁸⁷ Alleged oppression and injustice, the defence of the people against tyrants are always present in the argument: “It should not be hidden from you that the people of Islam had suffered from aggression, iniquity and injustice imposed on them by the Zionist-Crusaders alliance and their collaborators; to the extent that the Muslim's blood became the cheapest and their wealth as loot in the hands of the enemies. Their blood was spilled in Palestine and Iraq”, Osama Bin Laden, “Declaration of War against the Americans Occupying the Land of the Two Holy Places”, Delaware Criminal Justice Council Terrorism Research Page, <http://www.state.de.us/cjc/binladen.htm>, (October 13 2003).
- ⁸⁸ From Robespierre to Hitler, Lenin, Stalin, Mao, Nechaev, Bakunin and even Osama Bin Laden, the historical examples show that terrorism cannot be explained by the cause, but it can be defined by the rationalization, logic and perception of how to effect change. “Terrorists are different when viewed from the social context of time, the target selection of the terror, the reason for the use of terror, the justification for the use of terror, the evil that terrorists seek to address, and the goals they have. These and other factors will always differentiate terrorists in history, time and place. But the use of terror as a tool to achieved desired goals has not changed”, Garrison, pp. 262-263.
- ⁸⁹ “Erased In A Moment: Suicide Bombing Attacks Against Israeli Civilians”.
- ⁹⁰ PA Interior Minister Abd Al-Razzaq Al-Yahya during a symposium in Gaza, quoted in *Al- Hayat Al-Jadida*, June 14, 2002.
- ⁹¹ Former Arafat Advisor Bassam Abu Sharif, in an article in *Al Sharq Al Awsat*, London, May 2, 2002.
- ⁹² PA Interior Minister Abd al-Razaq Yahya gave a widely-publicized interview in the Israeli newspaper, *Yediot Aharonot*. see: Lavie Mark (2002), “Palestinian: Stop Suicide Bombings”, *Associated Press*, August 30.
- ⁹³ Douglas Pike, cited in Schmid and Jongman, 16.

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Palestinian Women in Terrorism: Protectors or Protected?*

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Abstract: *The study presents Palestinian women's involvement in terrorism and the way in which their security violations are processed by the Israeli justice system. The study is based on in-depth interviews of three groups involved in Palestinian terrorism or responses to it: Palestinian women who were arrested for security offenses; Palestinian community social and religious leaders and social service professionals; and agents of Israeli law enforcement and the legal system that respond to and process security violations. The results suggest that regardless of Palestinian women's motivation to participate in terrorism, the roles they play, the functions they fulfill and the ways they are portrayed in legal proceedings are different from that of their male counterparts. The data further show that Palestinian women whose missions have failed or who were arrested for their involvement, find themselves doubly penalized – for their security violations and for their gendered deviance. The implications of the results for Palestinian society are drawn and discussed.*

Introduction

Scholars, security experts and particularly the media have begun to show interest in women's involvement in terrorism. Despite prevailing views that women's participation in terrorism is an aberration (see Bloom, 2005, 2007), there is evidence that women have recently become more salient in implementing terrorist activities in a number of nations (see Ali, 2005; C. Dickey in Newsweek, Dec. 12, 2005 issue;), both in support functions and as main perpetrators of terrorist attacks.¹ The upsurge in the number of women suicide bombers has come from

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both secular and religious organizations, even though religious groups initially resisted the use of women in such attacks (Bloom, 2007).

This increased involvement of women in terrorist activity has been framed by the media as an indication of the depth of resistance movements (Ali, 2006; Bloom, 2005) and has served to increase alarm because women are generally better able to avoid detection (Cunningham, 2007). A growing number of insurgent organizations are taking advantage of the fact that suicide bombings carried out by women garner much more media attention than those perpetrated by men, both in the West and in the Middle East. Attacks by women receive eight times the media coverage as attacks by men, largely because women are not expected to be violent (Bloom, 2007).

Although local conflict serves as a critical motivating force for participation in terrorism (Ali, 2006), and both men and women engage in it for a variety of reasons (Berko and Erez, 2005; Bloom, 2007), there is ample support for the proposition that gender plays an important role in terrorist activity. Gender serves as an organizing principle and a motivating factor for engagement in resistance efforts (Goldstein, 2001; Hoogensen, 2004; Kimmel, 2003), shaping the specifics of a terrorist movement and individuals' experiences with it. Gender provides terminology and imagery to explain beliefs, behaviors and motives associated with terrorism.² Gender structures are often employed to create incentives, establish rewards or mobilize individuals to implement terrorist aims (e.g. Berko and Erez, 2005, 2007, 2008; Hasso, 2005; Israeli, 2004). In the context of the Palestinian national struggle, gender has been invoked as a strategic tool; for example, Palestinian women who participated in terrorism through suicide missions "have compared their attacks to perceived weakness and silence of Arab men and leaders and castigated them for failing their duties" (Hasso, 2005, p. 30).

The inclusion of women in terrorism has a logistical weight in terrorist activity. Since women are less likely to arouse suspicion, be stopped at checkpoints, or undergo thorough security searches, their involvement increases the ability of terrorist organizations to successfully carry out an attack. Women's participation may also goad men to join forces (Ali, 2006; Hasso, 2005) because in most cultures, and particularly within military realms, "if women can do it, so can men" (Israeli, 1999).

The role of gender has been well documented in the military, armed conflict and war contexts (e.g. Elshtain, 1995; Enloe, 2000; Goldstein, 2001). Its function in terrorism has been studied to a lesser extent (cf. Bloom, 2005, ch. 7), and its role in Palestinian terrorism has only begun to be addressed (e.g. Berko and Erez, 2007). This article focuses on how gender affects Palestinian terrorism, particularly women's participation in it, and official and communal responses to their involvement.

Our guiding principle is that gender – the construction of femininity and masculinity – carries special significance in the sphere of terrorism, as it does in other masculine pursuits or organizations such as the military. The link of gender to notions of protection and danger – the bedrock of patriarchal social order – makes it particularly relevant for Palestinian terrorism. In Palestinian culture (like in Arab society in general) men are defined as the protectors of women and children; women are perceived as being in need of protection, and are therefore expected to shy away from danger³. As the next sections show, this link between protection/danger, engagement in terrorism (or “military work” as referred to by our interviewees) and conceptions of masculinity/femininity presents Palestinian women entering the world of terrorism with a dilemma – their participation is perceived as undermining the moral foundation of Palestinian society.

Understanding this dilemma and Palestinian women’s involvement in terrorism requires familiarity with the context in which women navigate their daily lives – Palestinian social structure, culture and politics. We thus begin with description of gender relations and women’s status in Palestinian society, and discuss the political context of Palestinian women’s entry into terrorism. We then present the methodology, data and findings about Palestinian women’s experience with terrorism and its aftermath – their legal processing and prison experiences. We conclude with analysis of the implications of Palestinian women’s involvement in terrorism for practice and theory.

Palestinian Society: Social, Cultural and Political Background

Palestinian culture and the female experience

Women’s experiences in Palestinian society are shaped by broader socio-cultural norms and values. Despite recent changes and transformations in Arab/Palestinian society and culture (Barakat, 1985), common socio-cultural characteristics and patterns relevant to the social organization of terrorism can be discerned.

As an Arab society, the Palestinian community is a collective society, based on principles of tribalism and social homogeneity (Sharabi, 1975). The family is the central organizing unit, with nuclear and extended family members providing one another with mutual support, protection, and assistance, and expected to place the well-being of family members above their own personal needs. The significance of the family unit contributes to the heightened importance of family reputation,

which is largely dependent upon individual family members fulfilling gender-appropriate roles.

Women in Palestinian society are expected to maintain their honor, which centers on the preservation of a chaste reputation; this compares to the qualities of courage, religiosity, and hospitality that are valued as Palestinian men's conceptions of honor (Fernea, 1985). If a woman exhibits inappropriate or immodest behavior, she brings shame and dishonor on all of her kin.⁴ Women who deviate from gendered scripts of social relations tarnish the family's reputation and bring scorn to their families, leading to reactions to restore family honor (Shalhoub-Kevorkian, 1999). Because a family's reputation is closely tied to the honor of its women, in particular their feminine/sexual conduct, violations of gender expectations by women (such as unsupervised contact with men) comprise a grave offense that may be punished severely, in extreme cases by death (the so called "honor killing")⁵ (Al-Khayyat, 1990; Kedar, 2006).

The patriarchal structure of Palestinian society places women (and children) in a dependent (or inferior) position⁶, under the protection and control of men. Young women are expected to obey not only male and female elders⁷, but also men who are younger than themselves (Sharabi, 1975). Men are expected to monitor and protect their female blood relatives. Thus, a woman or girl's misbehavior (or abuse, see Shalhoub-Kevorkian, 1999) calls into question the power and privilege of male family members, in particular the father, demanding a response to restore their masculine status and protective capability (Hasan, 1999; Israeli, 2004). To challenge the authority of a father, brother, or other male authority figure is a grave offense for women.

Social conventions limit Palestinian women's participation in the public domain, largely confining their activities to the private sphere. Women's identity and worth is linked to and judged by her central roles of wife and mother. A woman's value is also determined by the extent of her seclusion and obedience (Israeli, 2004; Kedar, 2006; Rubenberg, 2001).

The significance of family and family honor, the burden placed on women to obey gender restrictions and maintain a chaste reputation, and the notion that men are their protectors, frame the social context for understanding Palestinian women in terrorism. It shed light on women's pathways to and roles in terrorism, and the aftermath of such activity for the women and their families.

Palestinian society and its national struggle

Palestinian women's participation in terrorist activities needs also to be understood in the context of the Israeli-Arab military struggle, which dates back to the establishment of the state of Israel in 1948.⁸ Since the War of Independence between Israel and its neighboring Arab countries, and the subsequent creation of Israel, the Palestinian Arabs have continuously been involved in terrorist activities with the aim of annihilating Israel. The issue of whether and how women can contribute to the military struggle has long preoccupied Palestinian political and religious leadership, presenting the women who wish to participate with paradoxes.

Nationalist movements (e.g. Yuval-Davis, 1997), including the Palestinian resistance movement and its leaders, have historically emphasized women's domestic contributions to national causes.⁹ Until recently, women were seen as contributing to the national struggle primarily through their domestic roles--bearing children (particularly sons)¹⁰ and caring for their families, the central organizing unit of the nation. Islamic tradition, to which most Palestinian women subscribe, explicitly limits females' participation in the public domain (e.g. Israeli, 2004).

With the escalation of Palestinian resistance efforts, and the concomitant tightening of Israeli security procedures, the value of women for successful implementation of operations has been recognized, causing a shift in the rhetoric toward greater acceptance of women in terrorism. Palestinian women have been invited "to participate more fully in collective life by interpolating them as 'national' actors: mothers, educators, workers, and even fighters" (Kandiyoti, 1996, p. 9).¹¹ One Palestinian female leader reflected this shift at a rally honoring female suicide bombers, suggesting that the "new" Palestinian woman "is the mother of the martyr, sister of the martyr, daughter of the martyr – and now she is the martyr herself" (Hasso, 2005, p. 34).

The changing rhetoric notwithstanding, Palestinian society has continued to endorse traditional gender boundaries (Petee, 1991; Rubenberg, 2001). Although women are increasingly called upon to assume active resistance roles, they are also pressured to articulate their gender interests within a traditionalist framework (e.g. Ali, 2006). Palestinian women are thus expected to balance their desire to partake in the national struggle with the continued pressure to fulfill their familial roles and to preserve Arab/Islamic constructions of femininity.¹² As observers of Palestinian society have confirmed, militancy and violence have been critical for the construction of masculinity, but not for affirming female identity (Hasso, 2005, p. 29). Consequently, Palestinian women responding to the call have faced a paradox: enacting their nationalist identities by resisting the occupying forces¹³ has threatened and contradicted their femininity and womanhood as dictated by hegemonic patriarchy (Ali, 2006).

These conflicting demands, together with Palestinian women's gender and political oppression (Berko and Erez, 2007)¹⁴, and the masculine nature of Palestinian terrorist organizations with which women have to interact (e.g. Hasso, 2005; Patkin, 2004), provide the context for analyzing Palestinian women's involvement in terrorism and the response of the Israeli legal system, including the aftermath of that response.

Methodology

The data for the study were derived from multiple sources which included in-depth individual and group interviews of the parties involved in Palestinian terrorism and responses to it; observations of the military court proceedings which try women security offenders; and observations of detained or incarcerated women security offenders in the Israeli prisons. Court indictments were examined to validate the content of the women's interviews. No disparities were discerned between the data collected through interviews and the information documented in the participants' files.

The interviewees included sixteen Palestinian female security prisoners who agreed to participate in the study and who were interviewed between February 2004 and November 2006.¹⁵ In-depth individual interviews of the women took place in two separate wings of the prison in which most security violators served their sentences; two of the sixteen women were interviewed in the general prison to which they were transferred due to disciplinary or security problems.¹⁶ Protocols of human subjects' protection were followed, and participants were informed about their right to decline participation, refuse to respond to specific questions, or withdraw at any point from the study without adverse consequences.¹⁷

The interviews of the female prisoners were conducted either in Arabic, Hebrew, English, or a mixture of these languages, dependent on the interviewee's preference and language proficiency. Each participant was interviewed in at least two sessions separated by a period of a few days, weeks or months.¹⁸ Each interviewing session lasted between two to four hours. The interviews consisted of open-ended questions that developed into relaxed conversations addressing the interviewees' familial and social histories from childhood to their incarceration, as well as their views on womanhood, the role of women in Palestinian society and its political struggles, and their wishes for the future. In all cases, in the second or third interviewing session the participants volunteered to describe in detail the circumstances that led them to be involved in terrorist activities and their reasons for participation. They described how they were recruited and deployed, how they felt about their involvement, and their views, beliefs and expectations relative to

their mission. Their stories were validated by the materials found in their court cases and other available documentation.¹⁹

In depth individual or group interviews were also conducted with Palestinian social and religious leaders, professionals representing the Palestinian community (e.g. journalists, attorneys), activists in Palestinian women's organizations, and Palestinian service providers, particularly social workers and counselors (altogether nine interviewees).

A third group consisted of twenty individuals involved in the response to terrorism. This group included Israeli military and law enforcement personnel, legal agents who process the cases through the military legal system, and prison staff who come into contact with the women while they are detained or serving their sentences.

The data resulting from the interviews were analyzed through coding techniques for qualitative data described by Glaser (1992). Patterns and variations in interviewees' responses were identified, and a set of conceptual categories or propositions established. We applied the logic of analytic induction, which involves searching for "negative cases" that challenge the analyst to progressively refine empirically based conditional statements (Katz, 1983). In encountering each negative case we revised our propositions until we saturated the data, making the patterns identified and the propositions offered consistent throughout the data. Once no new conceptual categories could be added, and propositions did not require reformulation, it was assumed that saturation had been reached.

Findings

The characteristics of the sample of women involved in terrorism

The women interviewed ranged in age from 15-30 at the time of the incident for which they were arrested; their education ranged from some high school to having earned a bachelor's degree. Thirteen of the women were single with no children; two of the women had been married or divorced with children, and a third got married and became pregnant just prior to her arrest. Two women were from Israel (i.e. Israeli Arabs,²⁰ citizens of Israel) and the remainder from the Palestinian territories; of the latter, few had more exposure to Israel than a few day trips when they were children. The women resided in rural or urban areas, which contributed to varying levels of familiarity with Western culture.

The interviewees' identifications as being Palestinian and Muslim shaped their experiences as women. Some were shy, reporting having little social, face to face contact with men outside of their nuclear and extended families. In embracing their nationality and religion, the women stressed suffering and obedience, but also pride and exceptionality. They felt that as Palestinians they were "special" and "better than the American or Jewish women."

Most women reported having "normal" childhoods, growing up in large families with mothers who were homemakers. Most had breadwinner fathers, though two grew up with their fathers largely absent (due to prison and divorce). The women tended to have warm, close relationships with their mothers and distant but respectful relations with their fathers. About half the women lost their fathers later in life to illness, accidents, or terrorist activity. This loss of their father figure or the absence of protector may have contributed, directly or indirectly, to the women's engaging in terrorist activity. According This is consistent with the statements of interviewed social service workers, who stated that women who engage in terrorist pursuits come from "weak families", lacking in a protective/disciplinarian father.

Women's pathways to terrorism

The women's pathways to terrorism were triggered by a variety of motives and reflected different personal, often gender-related circumstances. While most women's involvement in terrorism had largely been voluntary, there had also been elements of coercion and entrapment in some of the women's stories, elements which varied in their form and intensity. Those who actively sought opportunities to engage in terrorism did so for a number of reasons, including retribution, religious conviction, and rebellion against gender restrictions. Others were seeking excitement, or a way to end desperate circumstances while presumably gaining respect in the process.

Of the women interviewed, all except two reported that their participation in terrorism was voluntary. One exception was a woman who just wanted to get trained in military activities and use of weapon, and was later coerced by the organization that trained her to go on a suicide mission. The second case had been a 19 year old woman whose parents had been complicit in her involvement in a suicide mission. This interviewee's responses and file indicated that she had been sexually abused by a family member, and had also suffered from burn injuries resulting from a cooking accident at home the year prior to her failed mission; this accident disfigured her neck, face and other body parts. These "blemishes" (sexual impurity and physical appearance) led her parents to offer their daughter as "shahida" (female martyr).

Except for the one interviewee whose parents had been involved in her engagement with terrorism, all women noted that they knew that their families, particularly their parents, would object to their involvement in terrorism and surely to becoming suicide bombers.²¹ They thus kept their involvement secret, knowing well that if it becomes known, “they (family members) would have prevented me from doing it.”

Of those women who actively pursued a path into terrorism, five women reported the desire to seek revenge for harms or losses they suffered and which they attributed to (Israeli) Jews. Three women specifically mentioned what they considered offenses against their brothers as their motivation; two of these women attributed their brothers’ deaths to Israeli anti-terrorism military operations. One of these women noted that before she decided to volunteer for a suicide bombing she had good relationship with Jews, as she worked in cosmetics and bought make-up materials in Israel. Yet, when she went on the mission “I only saw blood in my eyes; I did not think even about my family, let alone about the Israelis.” A third woman reported that the Israel Defense Forces (IDF) had demolished her parents’ home when she was just four years old because of her brother’s involvement in terrorism. Two others reported that the IDF had killed men with whom they had considered or planned marriage.

Religious indoctrination was a strong motivating factor for the women, providing them with a supporting ideology for their actions as well as a vision as to how they might be rewarded for their sacrifices. One woman stated that she wanted to execute a suicide bombing “against the Jews, for revenge and for paradise...Paradise is the most important reason and only then revenge and rewards for my family.” Another described her own motivation as follows:

In paradise, all women are virgins and each woman can select her husband. There are no children or old people in paradise, only young men and women...We are willing to suffer in prison and everything bad in this world, as we believe there are many good things that await us in the next world.

One woman expressed the belief that by becoming *shahida* (female martyr) through suicide bombings, an unattractive woman would reach paradise and become beautiful. The women also believed that in paradise they would see Allah, Muhammad and his companions, as well as the *shahids* (martyrs). In addition, if they were to become *shahidas*, they would save 70 of their family members from the tortures of the grave before their souls rose to heaven.

Most women described their involvement in security offenses with pride and self-importance. They believed that their participation made them “very special,” “different,” and “unique,” and made them feel as though they “have done something important.” This pride was experienced in a gendered context; their status as females led them to view their involvement in terrorism as that much more exceptional. One woman boasted, “I did something that is viewed as manly.

There are hardly any women who are doing what I have done.” This was particularly complicated for them, as they relayed how differences between men’s and women’s status in Palestinian society place them at a difficult position vis a vis involvement in terrorism: “a women cannot go out as she pleases whereas a man can.”

The specifics of the terrorist operations allowed them to push the traditional rules of gender conformity and enjoy social liberties that Palestinian women generally cannot experience without consequences. This motivation, rooted in the thrill and excitement derived from participation in terrorism, applied to both appearance and social interactions. Participation requires that the women adopt Western appearance or behavior so as to blend in the target population and not arouse suspicion, freeing them to wear revealing clothing and have contact with the other sex. One woman noted that “...in the course of performing a military attack, it is possible to take off the veil, wear pants, or even travel unaccompanied in a car with a guy.”

Engagement in terrorism was also a way to provide relief from uneventful existence. One woman, a 17 year old high school student at the time, reported volunteering for a suicide mission because she and a female classmate were bored at school, and felt that they needed “to do something” to inject some excitement into their monotonous life. Another woman sought military training to be able to “get out of the house.”²²

Yet, the gendered expectations for women in Palestinian society continued to guide their actions, out of internalized respect for the practices, and at times to avoid arousing the suspicion of their own families. While the women pursued excitement and engaged in prohibited social interactions, some women simultaneously expressed pride that, while participating in terrorist operations, they had “never spent a night outside of the home.” In the few cases in which women had to spend a night outside their home prior to an operation, the terrorist organization responsible for the operation arranged that they would stay in the house of another woman. To avoid any moral blemishes on women who participate in operations, and to avert any communal criticism and disapproval of terrorist efforts because they violate fundamental rules of Palestinian culture, gender strictures had to be followed.

Finally, some women viewed terrorist involvement, and suicide bombing more specifically, as a way to escape desperate circumstances in a manner they viewed as respectable. One 30 year old woman was upset that her husband (who was also her cousin),²³ went to Eastern Europe to work and married there another wife. She also noted that her husband never showed any interest in their daughter. Her parents frowned upon the idea of divorcing him, so in her despair, she decided to volunteer for suicide bombing. She described how she wrestled with the possibility

of her own demise and leaving her daughter behind by stating that “on my way to the suicide target, I did not think of my daughter, nor of my mother,²⁴ only on what I am about to do.”

Another woman volunteered to be a suicide bomber at age 25, after her father had refused to allow her to marry whom she desired. Feeling that this had been her last chance to marry, she was angry at her father stating that “my life was useless; my life had no use to anyone...,” and decided to volunteer for an operation. Similar reasoning underlined the case in which the woman’s parents supported suicide bombing as a way to erase the tarnish that she had brought to the family through her sexual victimization and disfigurement. This woman stated:

I am a woman who suffered a huge blow in my life, and not only one, many blows. I also failed in the university. And there were other problems. My father treated me badly and was constantly beating me. He told me I will never get married, and I will be a cripple for the rest of my life.

While all but two of the women described first entering terrorist involvement voluntarily, some did report having been coerced in various ways and degrees. Two women had been recruited by men over the internet, and another was initially tricked by false promises into participating in a kidnapping of an Israeli taxi driver. In the latter case, the 20 year old woman had initially been lied to, believing that she and the man with whom she was enamored were going to meet his mother during this trip; she nonetheless continued her involvement in the kidnapping believing that it would enhance the chances that the man would marry her. Despite suspecting that “the man took advantage of me” she intimated “I still miss him a lot”²⁵.

Other women actively sought out terrorist involvement, even working to convince terrorist organizations’ representatives that they should be allowed to participate. Far from being recruited, some of these women were initially denied admittance to terrorist groups due to their gender, their age, or concern about the severe reactions of their nuclear family, particularly the protective father. The organizations’ initial rejection of their ‘services’ led them to either convince the representatives that they should be admitted, or to search for other organizations that would allow them to participate. Some of these women maintained their vigor and enthusiasm throughout their participation; for example, one woman who had been assisting the suicide mission of a fellow student stated that she would have carried out the mission herself had the prospective candidate changed her mind.

In other situations, those who first sought involvement in terrorist activities found themselves unable to leave after changing their minds later in the process. One of the draws to terrorism – the ability to interact with men in ways not condoned by broader Palestinian society and culture – also worked against women who had second thoughts about their participation. These women described being unable to

seek help from their family, as doing so would have necessitated revealing their deviance from fundamental rules of female expected behavior in their relations with men.

Roles Palestinian women play in terrorism

The women assumed different roles within terrorist operations. Half of them (eight) were would-be suicide bombers. In most cases, their missions were thwarted through arrest or equipment malfunction; in one case the woman changed her mind just prior to the operation. The other eight interviewees served in various support functions for terrorist operations. Of those providing support, their roles were often to give cover for a terrorist activity, or to provide shelter or emotional support for other women engaging in terrorist operations. There were also two women in the sample who had orchestrated their own terrorist actions.

The would-be suicide bombers reached their plans in a variety of ways; some had been recruited or coerced, whereas others had actively sought out the opportunity to perpetrate a suicide bombing. Once they had either been recruited or had located an organization to support their intentions, there were a number of patterns to their experiences.

First, the women were often put in touch with other females within the terrorist organizations in preparation for their planned attack, which served multiple functions. Since a woman traveling alone with a man (who is not a family member) would raise eyebrows in Palestinian culture, having another female along helped to serve as cover. One woman who volunteered for military training recalled covering up her terrorism involvement by telling her father that she was going to see a girlfriend; she also noted that in the car that picked her up and drove her to the training camp, there was always another woman present so that she would not be seen alone with a man in the car, because “we do not live in the West.”

Women also reported staying in the dormitory rooms or apartments of other women leading up to the day of their planned suicide bombing. This served to prevent moral disapproval of the activity, maintain compliance with Palestinian cultural expectations regarding appropriate contact between men and women, and provide calming effects on recruits who were not accustomed to be in the company of men who are not blood relatives. The women who gave shelter would sometimes provide emotional support to the intended bombers to sustain the recruits' motivation to go along with the plan. One woman, who was arrested at the apartment in which she was hiding just prior to her scheduled operation, relayed how she had been staying with an older woman who took care of all her needs, hugging and comforting her when she missed her mother. This woman also told the

suicide bombing candidate that “all members of my family will be proud of me and the honor that I would bring them.”

In most cases, the time between recruitment and being dispatched to a target was minimal; it did not take more than a few days. One interviewee described: “It went so fast that I did not even have time to think. Within two days of my recruitment I was on my way to the target and to die.” Consistent with the practices of terrorist organizations, the women would compose a farewell will to state their motives prior to the planned mission. In one case, a woman would be suicide bomber who had a daughter was ordered to open a bank account prior to the suicide mission so that the money for agreeing to be a *shahida* could be transferred for the benefit of her daughter.

Although the women felt special for defying gender expectations with their intentions to carry out a suicide mission, they also sensed as though they had not been given the same level of respect or special treatment provided to men for the same missions. One woman felt used by her recruiters after reflecting upon their insistence that she surrender all of her money to them prior to going on the suicide mission. Another woman had not been provided the ceremonial opportunity to have her farewell will video-taped, stating that “for me, they just took regular pictures.”

Women were often utilized in terrorist operations to avoid arousing the suspicion of others. This was true of both women planning to embark on suicide missions, and those fulfilling support roles. One female was to present herself as pregnant on her suicide mission so as to better conceal the explosives belt. In a different case, a woman was recruited to prepare the explosives for a suicide bombing even though her knowledge of explosives had been limited; the terrorist organization sought her services with the knowledge that utilizing women reduces the likelihood of detection.

The women who had provided shelter to other females engaged in terrorist activities had varying levels of involvement with terrorist organizations, with some having responsibilities that extended beyond providing shelter. In one case, a woman began to provide shelter and fill other support functions for the organization after she had failed to follow through with her own suicide bombing. In another case, the woman providing shelter for an intended suicide bomber had also facilitated the initial contact between the suicide bomber and the terrorist organization. Yet another interviewee assisted the housed would be suicide bomber with the final farewell will, and even expressed a willingness to carry out the mission herself if the prospective bomber were to have changed her mind.

Women filled other support functions within the organizations. The interviewees reported conducting observations of IDF movements, serving as lookouts, or assisting with the creation of explosive devices. In one case, a woman provided

material support to terrorists in the form of a cellular phone. Upon finding herself unable to keep up with the bills, and unable to approach others for help with the knowledge that the phone was being used for purposes of terrorism, this woman began to provide communication and transport for terrorists in return for covering her debt.²⁶

Two women had initiated various forms of terrorist activity. One interviewee, at the age of 16, attempted to stab an Israeli soldier in retaliation for her brother's death. She claimed that her teenage brother had been shot and killed by the IDF while on his way to school. The only female in the sample to organize others in terrorist activity, a 24 year old woman pretending to be a Jewish university student, had used the internet to convince a 15 year old Israeli to meet her in Jerusalem. She arranged for two male accomplices to join her. The men forced the Israeli teenager into a car, and beat him incessantly as he bled to death. They then drove to the Palestinian territories, where the three dumped the body. This woman boasted during the interview that she initiated and planned the mission, and that she had engaged her male accomplices in the execution of the killing as well as in making them remove the victim's blood stains from the car.

The women in this study,²⁷ whether they had been recruited or had actively sought participation in such groups, executed their operations within the context of broader andocentric terrorist organizations. In the overwhelming majority of the cases, the women were implementing plans or carrying out orders issued by male terrorism activists. Though such instances were rare (two out of sixteen) and involved exceptional individuals, there was evidence that women sometimes initiated and carried out terrorist activity independently of terrorist organizations.

Gender and the legal processing of security offenses

Gender and women's status issues often spill into the legal arena, influencing how the justice system processes security offenders' cases, and in return, how male and female offenders interact with the system and respond to terrorism charges. Gender impacts defendants' demeanor in court and the information disclosed in court documents or proceedings about their current or past behavior, including activities during the course of implementing terrorism. It also shapes the legal defenses raised on behalf of defendants and the arguments made for mitigation of penalty.

Both male and female Palestinian security offenders in the Palestinian territories are often tried by the military court.²⁸ In this court, as in Israeli civilian courts, the trials are open public proceedings, although there are sometimes exceptions.²⁹ The roles of prosecutor and judge are filled by military personnel with legal training, who appear in court in uniform. There are also cases in which Israeli attorneys

serve as military judges as part of their reserve service. The proceedings in military court follow standard Israeli adversarial legal system procedures, in which the prosecution presents the charges and defendants either admit or deny the charges. If there is an admission, the trial moves to the sentencing stage.³⁰

The defense lawyers are Palestinians or Israeli citizens who dress in civilian clothes and wear attorney's robes during proceedings. They are recruited by the defendants' families as private attorneys or their services are arranged through legal aid organizations. Commonly, legal aid is made available to security defendants through the "Prisoner's Club," an organization established by the Palestinian Authority³¹ to provide legal representation to all security prisoners who did not retain a private attorney.

Because terrorist activities often involve team work, in trials of security offenses it is common to see several codefendants seated on the defendant's bench. Most trials that involve female defendants usually include a single female defendant with several male co-defendants; in these cases, gender can be seen to determine the way in which the defendants are handled. The women are transported to the military court accompanied by female Prison Authority officers, who are responsible for attending to the prisoners' needs. Throughout their court involvement, women are never housed in the same area as their male counterparts; nor are they seated in court on the same bench as their male-co-defendants. When they are not in the courtroom, female defendants are placed in a separate room, away from male offenders.

Commonly, male defendants charged with security offenses at first do not admit their guilt; this contrasts to Palestinian criminal defendants, who more often plead guilty at the outset. Security offenders who have previous convictions and suspended sentences (invariably men) often "bargain hard" to prevent the inclusion of serious charges in the indictment or prevent any suspended sentences from being imposed, as these would heighten the penalty. Compared to males, women defendants usually do not have prior offenses on their record nor do they normally have to be concerned about suspended sentences.

It is not unusual to observe male security offense defendants attempting to delay the legal proceedings through various maneuvers, for instance, interrupting the court session with untenable objections. Such tactics lead to prolonged court proceedings, providing defendants with the satisfaction of wearing down the system, thus gaining the respect of fellow defendants, while also rewarding them with increased opportunities to see their family members who attend the proceedings. When defendants are brought into the courtroom, family members often exchange greetings with them, sometimes carrying out loud conversations over the heads of the prosecutor and the defense attorney who are seated between them.

Male defendants also tend to show disrespect for court more often than their female counterparts. Signs of contempt for the court displayed at times by male defendants include refusal to stand up when the judge enters the courtroom, reading verses of the Koran during court sessions, and raising their hands to display “V” signs, representing victory, when they are brought in or taken out of court. In a few extreme cases, male defendants have uttered profanities at judges (e.g. “you are dirt under my feet”), and in one case a defendant displayed signs of hatred, performing the Nazi salute and shouting “Heil Hitler.” In another case, a male defendant threw a shoe at the judge.

The demeanor of female defendants in these proceedings typically stands in sharp contrast to that of males. It is rare to observe a female defendant who behaves in a discourteous manner or displays signs of hatred or contempt toward the court; at most, in a few exceptional cases, women contested the court's legitimate right to try them, exchanged smiles with male co-defendants, or signaled V to them. Women are often silent throughout the proceedings, tending to look down and not speak even when asked questions. Women often weep during court proceedings, and their crying does not evoke any reaction by those present. One legal agent noted that “when women cry, it is accepted as natural.” By contrast, crying is unacceptable for male security offenders. One legal agent involved in the processing of security offenders' cases explained:

Women often cry in court; there is no such a thing that a man will cry. It is unaccepted. Even when we see juveniles who have thrown stones (on soldiers) and they cry in court, they are immediately silenced by their families or by other (male) defendants.

Another party stated:

In court proceedings it is common to see women crying. Women also appear eager to talk to their families, who are present in the court. Unlike men, women sometimes also express regret about their act, or at least are not as proud about their participation as fellow men often are during proceedings.

Some elements of female defendants' demeanor in court have been recognized as hypocritical. Women tend to express remorse about their actions even in circumstances that reveal their voluntary, if not enthusiastic, involvement in the terrorist operation, including partaking in lengthy preparatory work, with actual or potential lethal consequences of their acts. In one case the court commented on a woman's attempt to be remorseful for her act as follows:

How ludicrous is the claim of the defendant, who is immersed up to her cheeks in an attempt to execute a suicide bombing operation, who acted maliciously with full knowledge of the act, who carried on her body the explosives, who met the suicide bomber and traveled with him a long distance to reach Israel, and who placed the

destruction tools (the explosives) on him, and who had given him her blessings for the journey...how empty and meaningless is the remorse she expressed...We are faced here with a person in whose eyes human lives are totally worthless.

Another inconsistency noted in the female security defendants' presentation before the court is that these defendants tend to be dressed in traditional cloth, covered from head to toe with *hijab* (head cover) and *jilbab* (long dress), even as their history contradicts this pious image. As discussed in the section on women in prison, Palestinian women who were not necessarily motivated by religious convictions to join operations, or who were not deeply religious prior to engaging in terrorist activities, adopted a religious identity following their detention, embracing the Islamic dress code and daily prayers.³² The moral contradiction between a Palestinian woman's conduct and her chaste court appearance was noted by one court as follows:

It is not clear to us why the defendant, who has covered herself from toe to head, assuring that she appears in front of us completely modest, has allowed male terrorism activists to place items underneath her dress...

Legal agents who process female defendants' cases often feel compelled to respond to perceived contradictions between female defendants' behavior that cannot be reconciled with Arab/Islamic cultural sexual codes, and which may place these women in danger. They invariably omit from the record any facts about female defendants' sexual activity or victimization and avoid testimony that might reveal such behavior, as this could embarrass the woman or put her life in danger. Family honor or reputation becomes a significant issue to reckon with in the legal process. In a few cases, women have admitted guilt to avoid court discussion of sexually related experiences, or other episodes or interactions during the course of operations that may present them in a morally questionable light. Court hearings and records usually will refrain from mentioning any morally unbecoming behavior that occurred leading up to or during a woman's participation in terrorist activities, in an attempt to protect the woman from her family. Family members may react to such information by attempts to avenge the violation and purge the shame the woman brought on the family.

The legal agents interviewed pointed to the distinct differences between male and female defendants' responses to the charges. Once men admit the act, they often boast about their involvement in terrorism or the valor and bravery they exhibited. Women, on the other hand, are commonly presented as victims of circumstances or as simply naïve, if not outright foolish. One legal agent involved in the legal processing of cases noted:

A woman would claim that she has acted out of stress or desperation; quite often we hear the argument that 'it was the situation that forced me to do it.' A man would

usually just admit that he did it, and would do it in a defiant manner, to get more points in regards to the manhood aspect.

Another legal agent characterized women's involvement in terrorism as follows:

In most cases, there is a difficult personal situation that has made them to do what they have done...A woman would usually argue that she acted out of distress, because of an unwanted or bad marriage, because things have been hard for her, or due to family (or life) pressures. Women often express their despair by going to stab a soldier or sometimes even by only displaying a knife, without even attempting to stab...

The interviewees who process security violations in military courts mentioned a few cases in which desperate women have just thrown knives at soldiers so that they will be taken out of their families, even temporarily, thereby avoiding an unwanted (forced) marriage or difficult familial circumstances (Price and Vinitzky, 2008).

Women's defense strategies also rest on the assumption that females are lacking in intelligence, and defense counsels may sometimes allude to women's inability to comprehend what they were doing, or appreciate that they were in fact involved in terrorism. Legal agents described cases in which parents or other family members provided testimony that their loved one was deceived or manipulated into participation, or that she did not comprehend the meaning of her actions; one mother stated on the witness stand that her daughter got involved "because of her stupidity." In one military court case of a joint husband-wife operation designed to transport suicide bombers into Israel, the accused husband, trying to defend his co-defendant wife, claimed that she did not know the purpose of the travel. He spontaneously turned to the judge and with male fraternity remarked, "His honor, you know what a woman is, a woman is half a brain."

Women often offer justifications for lenient sentences or argue at the penalty stage for mitigating circumstances that would result in shorter prison time. As will be discussed next, imprisonment – the standard penalty imposed on security offenders – is particularly hard on women and their families, as well as for Palestinian society in general.³³ Reasons for mitigation of sentence as reflected in Israeli criminal law include traditional defenses such as minority status, coercion or duress, self defense, diminished responsibility, or marginal involvement in the terrorist act. Medical factors, such as being pregnant or having suffered serious injury as a result of the terrorist operation, may also be taken into consideration at sentencing. While demonstrated affiliation with terrorist organizations can lead to an escalation of penalty, this is not the case if the defendants' membership was limited to an organization on a university campus, while being a student.

Women involved in terrorism are often eligible for many of these defenses and mitigating factors, resulting in lower penalties than their male counterparts. Their

role in terrorism is typically secondary; they are hardly ever the initiators or main perpetrators of terrorist activities. If they participate, they often follow orders and may argue that they were subjected to various degrees of duress or coercion. Even in cases where they initially volunteered, women can point to stages or situations in which they were pressured to follow through with the operation. They typically do not have a record of perpetrating terrorism or have membership in terrorist organizations; if they do, it often takes the form of being a member of a student organization sympathetic to various movements. Women have often received more lenient sentences than male co-defendants not only due to special circumstances such as pregnancy, but also because they have not played a major role, were accessory before or after the fact, or for arguing particularly difficult circumstances that move judges to impose a shorter prison sentence than is normally prescribed. But as the next section describes, prison sentences are particularly difficult to women, regardless of their length.

The prison experience and its implications for women

Palestinian female security offenders reported being in prison as a difficult experience. They not only experienced a heightened level of typical “pains of imprisonment” (Sykes, 1958), such as separation from family and friends; they also faced gender-specific implications for their families and their futures.

Prior to arrest, the women had not spent extended amounts of time outside the home, making their time in prison particularly hard to handle. Women in Palestinian society are highly protected by their families, and their time away from home must be accounted for and approved by a male authority (usually a father or brother). Prison sentences placed these women outside of the purview and protection of their family, which constituted a hardship for them. One woman stated that “women are more sensitive than men. It is difficult for us to be far from our families, from our friends, from the world outside.”

Women were also concerned about the implications that their offenses and resultant prison sentences would have on their families. When a daughter spends prolonged time outside the home, it casts a shadow upon her reputation and by extension tarnishes her family’s honor. The prison sentence also served as confirmation of the women’s deviance from gender roles, which by and large do not condone traditionally male activities such involvement in terrorism. One interviewee stated that her brother refused to look at her when visiting her in prison: “Seeing me in prison is something he cannot bear to see. He is ashamed that I, a woman, am in prison whereas he, being a man, is in [sic] the outside.”

Interviewed community representatives echoed this judgment in their views on Palestinian women in terrorism. They referred to these women as “not disciplined,” and as involved in activities that “are not for women.” They all agreed that women who engage in terrorism “are not from good families” and that they “do not know what their role in the family and Palestinian society is.” These interviewees argued that Palestinian women should contribute to the national wellbeing by “becoming teachers, nurses, particularly those working in hospitals.” Women who get involved in terrorism, according to the interviewees, have abdicated their primary role of “raising and educating children.”

The women interviewed indeed expressed concern that they would not be able to marry or have children upon their release. They also articulated fears that their biological clocks were ticking, and that the time spent incarcerated would impede them from being able to achieve a staple of womanhood – the bearing of children. As one woman explained, a long (10-15 years) prison sentence is more difficult for a woman compared to man because “...A woman is not like a man. It is important how old she is because it is difficult for her to build her life and look at the future if she is older than thirty.”

Community representatives and leaders voiced other worries about possible adverse effects of prison on women. They were concerned that women who spend time outside the ambit of family control may have an elevated assessment of their social worth or capabilities: “every woman that has been in prison then thinks she can become somebody.” They were likewise worried that allowing women to challenge established gender roles may threaten the Palestinian social fabric: “women should not get involved in terrorism, does she want to be a man?”³⁴

The women interviewees developed a number of coping mechanisms for their time in prison. Many addressed the void in authority and missing guidance in their lives by submitting to the orders of a self-appointed prisoner leader who would dictate what they could do and with whom they could socialize in prison. Several women spoke with admiration about the advice, counsel and comfort they received from this leader in times of need. There had been a down side to this patronage, though; those failing to respect this leader’s authority could be subject to an orchestrated retaliatory attack in which boiling margarine with melted sugar were thrown onto their faces and bodies.

Several women became religious or reborn Muslim in prison, praying daily and replacing western clothing with traditional Muslim garments. Others coped through crying, keeping a diary, or engaging in religious or general studies in their own groups. Women also reported engaging in other forms of self-improvement. One woman described: “We prepare a warm drink and we talk. We take a book and discuss it. We discuss not only religion but also history and politics.” These interactions not only sustained the women and provided much needed mutual

support, but in some cases retroactively transformed their views of why they have become involved in terrorism, emphasizing the national over personal reasons and motivation.

The women articulated both hopes and fears regarding what might await them upon their release from prison. They imagined themselves resuming a normative lifestyle by marrying and having children, communicating the ideal traits of their future husbands as highly masculine.³⁵ They also stressed nationalist elements in their descriptions of their ideal spouses, and in their plans for raising their children, and hopes for the future of the Palestinians.

Despite these hopes and expectations for some respect and praise for their actions, participation in terrorism and the subsequent imprisonment left women apprehensive about their futures. Most women were anxious about returning to their families for fear that their families would no longer be accepting of them. Many believed that they had brought shame and agony on their families through their actions, making them uneasy about their homecoming.

That the price paid for participating in terrorism far outweighed the profits for these women was confirmed by the responses of interviewed community leaders and representatives. Despite growing public rhetoric to the contrary, these interviewees were in agreement that “it (terrorism/military activity) is not work for a woman but only for men because the woman has to be at home with her children, to raise her children.” One cleric summarized the prevailing view about Palestinian women engaged in terrorism as follows: “I would not want my son or brother to marry such a woman; she was not raised in a right way; she is not disciplined.”

Conclusion

Palestinian women who participate in terrorism face unique limitations and consequences. Regardless of their role in terrorism – whether they played a supportive or primary function, irrespective of their motivation to join the national struggle whether they turn to terrorism primarily to seek revenge for the death of a loved one, support the nationalist movement, break free of restraining gender expectations, react to being blocked from achieving the roles of wife and mother, or escape a monotonous life and achieve fame – women’s experiences are vastly divergent from that of their male counterparts. In Palestinian society, the tension between expectations for being a “good woman” and a “good jihad warrior” is ultimately resolved in favor of its patriarchal social order (Berko and Erez, 2007), backfiring on the “ferocious few” (Elshtain, 1995) who crossed gender boundaries.

Public rhetoric and media glorification of fallen Palestinian female suicide bombers notwithstanding, women whose terrorist missions have failed, or who were arrested/incarcerated for security offenses, invariably find that their rewards are fewer than anticipated, and the costs of their activism are higher than envisioned. Palestinian women who gain access to terrorist organizations often play roles that mirror women's status in broader Palestinian society – fulfilling support functions, nurturing or attending to fellow female terrorists' needs, and reproducing traditional gender restrictions to avoid suspicion or moral objection to their involvement. And once these women have employed their femininity as a tactical tool in terrorism missions, it becomes impossible to reclaim it, leaving them resentful, if not regretful about their involvement.

When women's security violations are processed by the legal system, female perpetrators are usually presented as naïve or outright fools; their qualifications and competence to meaningfully contribute to the protection of the nation are questioned. Further, their involvement is commonly portrayed not as a result of agency or a conscious determination to contribute, but as a product of (men's) manipulation, if not sheer exploitation of their vulnerability as women.

Palestinian women whose missions have failed, who were arrested for their involvement, find themselves doubly penalized – for their security violations and for their gendered deviance. They are not only locked in physical prisons, but also locked out of the conventional gender roles to which they long to return. Having tarnished their womanhood by participating in terrorism, they soon realize that their contribution is not acknowledged and they are no longer accepted in the Palestinian traditional social realm.

Future research should follow up Palestinian women released from prison to examine whether having a terrorism record, or serving prison time for security offenses, helps or hinders women in the political/public and familial/domestic spheres. Contrary to romanticized depictions of Palestinian women as “abandoning weeping for weapons” (Frazier, 2002), or becoming the nation's protectors (Hasso, 2005) rather than protected, the data presented here cast doubt on whether such a transformation is on the horizon in Palestinian society, and whether terrorism can coexist with femininity/womanhood in the lives of Palestinian women.

Notes

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- ¹ The extent of women's involvement varies in different countries; for instance, in Chechnya women comprise a large proportion of those involved in terrorism. Chechen insurgents, Kashmir rebels, the LTTE, and Palestinian groups—to different degrees – have relied on women in their terrorist acts. The involvement of a woman in suicide bombing in Amman, Jordan in November 2005 has called further attention to women in terrorism. It is predicted that with the increased security measures to combat terrorism, there will be increased interest in using women (and children) to implement terrorist aims.
- ² For instance, interviewed Palestinian male terrorists stated: “I felt raped by the state;” “the honor of the land has been desecrated just like a woman’s honor has been violated.” In justifying their terrorist activities, some stated that they were simply “acting as a man.” Some suggested that their actions helped them in the recovery of their manhood from the emasculating actions of the enemy—whether in reference to globalization, the West, or the “occupation regime” (see Berko, 2004; Israeli, 2004; Kimmel, 2003; for the role of gender in war more generally, see Goldstein, 2001).
- ³ The expectation that men defend women and children characterizes most cultures; we present this argument because violations of this expectation are particularly sensitive in Arab culture, are connected to “family honor,” and result in harsh reactions to those who cross gender boundaries.
- ⁴ Instances of what is considered dishonor vary among communities. They may also extend in some localities to engagement in such “manly” pursuits as acquiring higher education, social activism or marrying outside one’s social group (Hasan, 1999).
- ⁵ “Honor killings” by blood relatives of women are perpetrated in circumstances in which women have deviated from various gender related restrictions. For an analysis of “honor killing” and the expansion of this practice in Palestinian society see Hasan, 1999.
- ⁶ One of the ramifications of perceived inferiority of women in regards to terrorism is that families of female martyrs (*shahidas*) receive a substantially reduced amount of money for the death of their loved one (e.g. if she perpetrated suicide bombing) compared to families of male *shahids* (see Victor, 2003). This mode of thinking is practiced in other Islamic countries such as Iran, where the fine imposed for killing a woman is half the fine imposed for killing a man.
- ⁷ In cases where the man has multiple wives, the senior wife has to be obeyed by more junior wives. When a father marries another wife, often a younger woman than the first wife, the second marriage often leads to friction in the family, as the wives and their offspring compete for the husband/father’s attention and family resources, causing the children of first marriage anger and bitterness toward the father. The interviewees whose mothers had to accept their fathers’ second marriage expressed such sentiments.

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- ⁸ The establishment of the state of Israel in 1948 led to a declaration of war against it by the surrounding Arab countries. This war resulted in concentration of Palestinian refugees in Gaza and the West Bank areas. It is these areas from which most of the study participants came, although not all were residents of refugee camps (one interviewee was an Israeli Arab, citizen of the State of Israel).
- ⁹ Yassar Arafat had often referred to the womb of the Palestinian woman as “the best weapon of the Palestinian people,” praising the role of women in preserving the family, producing children who become soldiers that fight Israel, and changing the demographic structure of Israel. Sheik Ahmad Yassin, the former leader of Hamas (a fundamentalist Muslim organization operating world-wide) who was assassinated by the IDF in March 2004, was of the opinion that women should realize their special potential to bear children and refrain from participation in military operations (see personal interview with Yassin in Berko, 2007). In regard to suicide bombing, Sheikh Yassin mentioned specifically that women should not blow themselves up as there are enough men to do the job. He stated that women’s appropriate role is in supporting the fighters. In the fundamentalist spirit of Hamas, Yassin also declared that women must be accompanied by male chaperons when they go out to wage jihad and fight. This ruling was later relaxed in light of the strategic value of women in terrorist activities, as discussed later in the article.
- ¹⁰ See a recent article by a Palestinian writer and journalist, Adel Abu Hasham, who lives in Saudi Arabia and who exalts the Palestinian mother as a “woman who got us accustomed that she is a factory to produce men...” (MEMRI, 2005), In: <http://www.memri.org.il/memri/LoadArticlePage.asp?language=Hebrew&enttype=4&entid=1894>
- ¹¹ The onset of the second *Intifada* (uprising) in September 2000 has led to the reevaluation of women’s role in terrorism by the two major movements of the Palestinian resistance, Fattah and Hamas. In 2005 Hamas established a women’s unit. In January 2002, Yasir Arafat had a mass meeting with Palestinian women and promised full equality between men and women in Palestine. He called women to take part in the Palestinian armed struggle. Arafat proclaimed that women are not just the “womb of the nation” but are “my army of roses that will crush Israeli tanks” (See Kimmerling, 2003; Victor, 2003). Similarly, Yassin has modified his restrictions on women waging jihad, first lifting the requirement that they be accompanied by a male chaperon if the mission is for 24 hours or less, and then embracing them without qualifications (Bloom, 2005, p. 150; Israeli, 2004). In August 2005, the Hamas has announced the establishment of a special unit of women to fight Israel. However, these women – who are mostly wives or sisters of Hamas activists – claimed that they have joined terrorism “not to compete with men but to implement Allah’s orders” (Maariv, August 20, 2005). Most recently (June 2007), in response to Israeli military attempts to stop the Palestinians from sending rockets to Israeli southern towns, the Islamic Jihad has threatened to flood Israel with female suicide bombers, see <http://www.inn.co.il:80/News/Flash.aspx/185204>.
- ¹² See Israeli’s (2004) analysis of the Palestinian and Arab media regarding the role of women in the Palestinian struggle; see also Hasso, 2005 and Patkin, 2004 for the media construction of women suicide bombers.

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- ¹³ The participation of women in demonstrations in the Palestinian territories has been for several decades the major way of expressing their resistance (see Tsoref, 2006).
- ¹⁴ Some argue that Palestinian women suffer from triple oppression: “through the Israeli occupation, through patriarchal structures of society, and through Islamic attempts to discipline women” (Brunner, 2005, p. 37)
- ¹⁵ There are about 120 Palestinian women incarcerated in Israeli prisons for perpetrating security offenses. Our sample of 16 women thus comprises about 14% of the population. Some of the results pertaining to those who attempted suicide bombing are reported in Berko and Erez (2008) and more detailed descriptions of 14 out of the 16 women involved in terrorism are reported in Berko and Erez (2007).
- ¹⁶ In each prison, the women were housed in two different wings. One wing included women who were perceived as non-religious, and who often had some affiliation/identification with the Fattah Tanzim organization. The other wing housed women who were perceived as religious and were often connected with the Hamas or Islamic Jihad movements. The interviews took place in their respective wings. It should be noted that the “affiliations” the women acquired in the prison had more often been linked with liking a particular group’s leader rather than any ideological beliefs and conviction. Outside prison, when women became affiliated with a group, it was usually just prior to the operation in which they participated.
- ¹⁷ The interviews of most women had to be rescheduled often times because the specific interviewee was tired, did not feel like talking, preferred watch a movie on the wing common TV, or wished to listen to a radio program which broadcasted their relatives sending them regards.
- ¹⁸ The interviews were conducted by the second author.
- ¹⁹ Some of the participants were initially suspicious about being interviewed, wanting to ascertain that it was not an attempt by the Israeli authorities to interrogate them or acquire additional information on their mission or contacts. Once they felt confident that the interview involved academic research, and as they realized that the questions focused on their private lives, social experiences and personal views, their hesitation to talk dissipated and they opened up. Their stories provided insights into their world –their life experiences, beliefs, views and dreams, and the circumstances that ended them in prison.
- ²⁰ As of May 2007, 20% of the population of Israel within the Green Line is Arab (The Green Line is the area of Israel prior to the Six Day War in 1967). In 1967 Israel took over the Gaza and West Bank territories. As a result of the Oslo Accord of 1993 and of the August 2005 Israeli withdrawal from Gaza, these areas are under the jurisdiction of the Palestinian Authority.
- ²¹ Palestinian parents as a rule do not want their own children to become suicide bombers; nor do Palestinian mothers rejoice the death of their children who were suicide bombers or otherwise perished as martyrs. Often mothers are drugged or prohibited from showing signs of mourning, or are ordered to express joy (see Shalhoub-Kevorkian, 2003).

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- ²² The warden of the prison that houses the women stated that “often the women tell me that they have more freedom in the prison than they have at home.”
- ²³ It is not uncommon for Palestinian women to marry their cousins, as marriages are often arranged and take place between relatives. At the same time, divorcing a cousin may be problematic, as it put strain on the relationship between close family members (uncles etc.).
- ²⁴ The mother is a strong element in Palestinian society, being loved and revered by offspring. When asked what would could have stopped him from perpetrating the suicide bombing, one of the male suicide bomber stated “only my mother” (see Berko and Erez, 2005)
- ²⁵ It is often the case that families, or young daughters interested in getting married, would object to marriage if the prospective groom is involved in terrorism (unless he is a highly respected activist); the prospects of losing the man of the family attenuates the desire to be married and have children, a deep wish expressed by all women interviewed. At the same time, such circumstances of unmarried women make it easy for these men to recruit females who want to be with them but cannot do it due to family objections. Often the women, who are enamored with these men and would like to marry them, would be willing to do anything the men would ask them to do, including engagement in terrorism.
- ²⁶ Other support functions that women often fill include gathering information.
- ²⁷ The activities reported by the women in the study are typical of most women involved in violations of security offenses, though recently a new type of women’s involvement was revealed, in which the bank accounts of Palestinian women were used to transfer funds to terrorist organizations.
- ²⁸ Security offenses committed by Israeli Arabs are tried by the regular (civilian) Israeli courts.
- ²⁹ Situations that require closed court proceedings include cases in which the behavior at issue involves gender-related moral turpitude, or acts that have “family honor” implications, and cases in which minors are involved. Other situations include cases where the safety of defendants or witnesses may be at risk due to testimony or disclosure of various details (protection of defendants and/or witnesses), and attempts to prevent security risks due to the nature of information disclosed in the proceedings (protection of state secrets).
- ³⁰ Following procedural rules of military court, at the conclusion of the prosecution and the defense arguments, the two sides often arrive at a plea bargain. Pleas must include the agreed upon facts and, at times, a proposed sentence. The court may accept the suggested sentence or may use its discretion to impose a different penalty.
- ³¹ The support has decreased since the Hamas gained power in the Palestinian authorities. Recently, the various terrorist organizations to which the defendants belong (such as the

Popular Front, Islamic Jihad or Hamas), have established their own “Prisoner’s club” to provide legal defense for their members.

- ³² In our experience, the reverse is true of common crime female offenders who serve prison time. They tend to start out in more traditional clothing, then begin to dress in Western looking clothes, often wearing tight jeans and T shirts during their imprisonment.
- ³³ The interviews of the women as well as those of community leaders confirm that having Palestinian women in prison is socially unaccepted and particularly difficult to bear. It is well documented that in any negotiations between Israel and the Palestinians about prisoners release or exchange, women will be the first on the list to be released. A recent example is the Hamas first demand to release all women in exchange for releasing Gilad Shalit, an Israeli soldier who was kidnapped from inside Israel on June 25, 2006.
- ³⁴ The concern about the “adverse” effect of involvement in the Palestinian resistance movement on femininity was also documented by Peteet (1991) who studied Palestinian women in Lebanon. Peteet (1991, pp. 152-53) quotes a husband who laments, “Our women aren’t women anymore; they have become men...even when they go home they are no longer women”
- ³⁵ Some examples were listed in Berko and Erez, 2007; for instance, “He will be huge with nice face and polite, with muscles but not too many, and would not look on other women;” “he should be smart, well regarded in society and should understand me;” “he should be older, religious and know politics, and can even be poor.”

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Istishad as an Ideological and Practical Tool in the Hands of Al-Qaeda

Yoram Schweitzer*

Abstract: *This paper presents Al-Qaeda's unique contribution to the spread of the epidemic around the world through its position as a role model mainly for its affiliates, Islamic terror groups and networks. It argues that one of the most urgent and neglected elements in order to effectively counter the spread of this phenomenon should be the consolidation of a united Islamic authoritative voice led by Islamic scholars and highly esteemed leaders, intended to distance new cadres from the extreme interpretation of Al-Qaeda and its like minded disciples to the imperatives of Islam. The potential reserves of suicide terrorists are part of the civilian population which must be addressed ideologically, religiously, and socially, in addition to the security-oriented activity involved with thwarting attacks. Part of Al-Qaeda's achievement to date has been its success in instilling the supremacy of the concept of Istishad above the leadership itself, including that of Bin Laden. The Muslim world therefore must, at its own initiative and with the encouragement of the West, generate an ideological alternative as an important component of struggling against this concept.*

Introduction

In recent years suicide terrorism has become the most dominant tactic among the various modus operandi utilized by terror organizations. It has captured the attention of the media and consequently the entire world. Al-Qaeda's role in this trend has been crucial both in conceptualizing self-sacrifice for the sake of God (Istishad), as its supreme organizational value and its horrifying implementation.

This paper presents Al-Qaeda's unique contribution to the spread of the epidemic around the world through its position as a role model mainly for its affiliates, Islamic terror groups and networks. It will argue that one of the most urgent and neglected elements in order to effectively counter the spread of this phenomenon should be the consolidation of a united Islamic authoritative voice led by Islamic scholars and highly esteemed leaders, intended to distance new cadres from the

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extreme interpretation of Al-Qaeda and its like minded disciples to the imperatives of Islam.

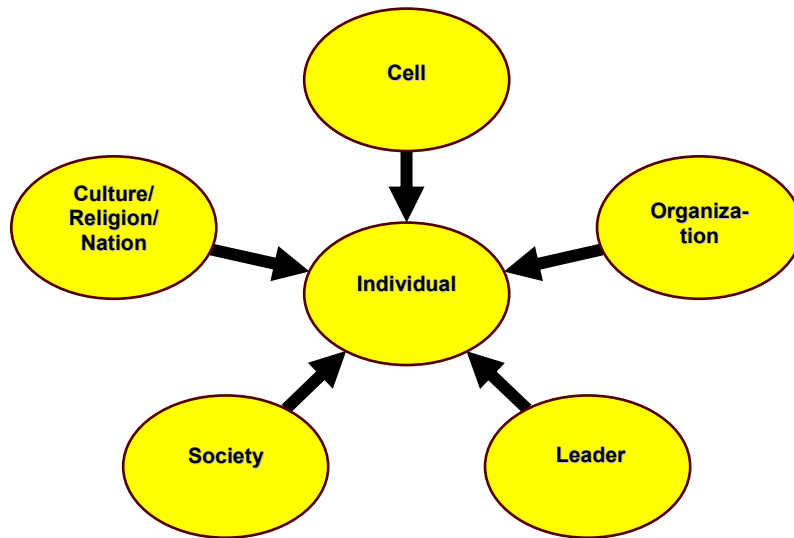
While the willingness of terrorists to extremely risk or even sacrifice their lives during terrorist attacks is not a new phenomenon in human history, still modern suicide terrorism is nonetheless a unique phenomenon. Its most common trait is the fact that it almost exclusively involves explosives being carried either on a person's body or in a vehicle being driven by one or more people, with an aim to detonate oneself at or near a chosen target. Thus a suicide attack is defined here as "a politically motivated violent operation carried out consciously, actively, and with the premeditated intention of an individual (or a number of individuals) to kill himself or herself during the operation, along with a chosen target. The planned and certain death of the perpetrator by such an act is a necessary precondition for the success of the operation" (Schweitzer and Shay, 2002, p. 150). However it should be noted that this definition does not include many cases of self-sacrifice where the perpetrator's chance of survival is extremely low or even where the perpetrator had no intention of remaining alive

The inclusion of such cases in this category would have resulted in much higher numbers of suicide attacks than those appearing here. However last minute interceptions of suicide bombers who failed to successfully execute their planned attacks due to technical failures or to their arrest by security forces are included in the data.

Modern suicide terrorism is both an individual and very personal act, and at the same time it is a group phenomenon. The major role played by organizations in preparing the suicide action and exploiting it for their own purposes after it is carried out is noteworthy. Terrorist groups sending men, and sometimes women, to carry out suicide attacks have used sophisticated means of "production" in the aftermath of the attack to provide videotaped wills, announcements to the press, and interviews with the perpetrators. This exalts the act, mystifies the character of the suicide bombers, and glorifies the idea for which suicide attacks are carried out. In this way, the act of suicide terrorism is at once both a personal and collective process (Schweitzer and Ferber, 2005). On the one hand, the person committing suicide undergoes a deep, complex personal and psychological process leading him or her from a state of conscious awareness to a state of consciousness similar to an operator-dependant hypnotic reaction, from the preparatory stages until the moment s/he actually carries out the act of self-sacrifice combined with murder. On the other hand, it is the outcome of organizational activity. From the moment an individual consciously decides to volunteer for such an operation, the process is closely supervised by an organizational framework which links itself to the personal process, preserves it, and intensifies it, both to make sure that volunteers do not change their mind about carrying out the task and to facilitate execution. In this process, one component cannot exist without the other – the suicide bomber

needs the organizational production, and the organization is ineffective without the individual perpetrator. Convincing the individual to volunteer for the task, to stay committed, and to actually carry it out is usually done without threats, but rather through temptation, persuasion, and indoctrination, according to the personality of the volunteer and the cultural-social-organizational-group context of the volunteer's group of belonging¹ (See figure 1).

Figure 1: Factors Influencing a Suicide Bomber



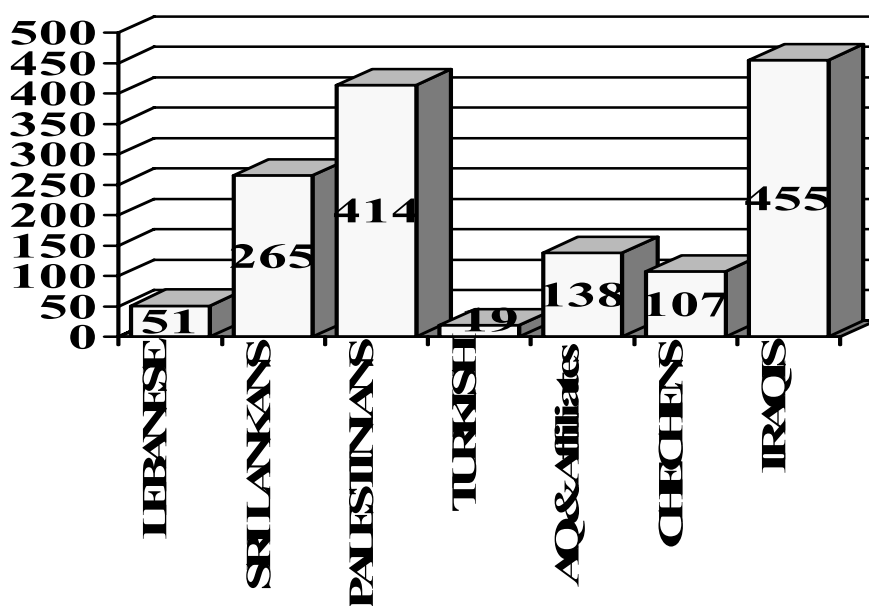
Al-Qaeda and Istishhad

Modern suicide terrorism emerged as an ongoing and familiar phenomenon at the beginning of the 1980s (the fact that it was also used in Vietnam in the mid 1960 was not widely published until recently). The ability of suicide bombers to inflict mass casualties and immense destruction upon their opponents endowed their operators with an image of power that far exceeded their actual strength. This was true in the case of Hezbollah, which was the first to introduce suicide attacks as a continuous and effective tool, and the other, primarily secular, terrorist groups in Lebanon that followed in its footsteps. Thus, Hizbollah served as a role model to local groups in other countries throughout the world, such as Sri Lanka, Israel and

Turkey, which adopted this modus operandi. Later, through the influence of Al-Qaeda the tactic spread to many more countries.

To date, the phenomenon of suicide terrorism has spread out across 31 countries (and 4 more if we also count interceptions)² in five continents around the world and has been carried out by a large number of secular and religious terrorist groups and networks. More than 1,450 male and female suicide terrorists have taken part in the suicide attacks carried out between 1983 and April 2006 (see figure 2).³

Figure 2: Graph of Worldwide Suicide Terrorism (as of 25 April 2006)



Al-Qaeda under Bin Laden's leadership was a latecomer which joined the list of groups carrying out suicide attacks only in 1998, about 15 years after Hizbollah's started its suicide operations. Yet Al-Qaeda has become the dominant force in suicide terrorism and the group directly responsible for its globalization by turning the concept of Istishhad as the organizational symbol and practice for the whole global Jihad camp. Al-Qaeda's involvement has led to escalating levels of death and destruction that reached heights that were hitherto unknown.

The organizational structure of Al-Qaeda's top leadership is based on the legacy which was consolidated during the war in Afghanistan, according to the Islamic model of a leader working alongside of an advisory council (*shura*). Decisions of the supreme leader - supported by his interpretation of the correct path according to the Koran, the oral tradition, and consultations with religious teachers - demarcate the path of the organization. Bin Laden emerged as the supreme and irrefutable leader of Al-Qaeda after `Abdallah `Azam, the primary ideologue of the "Afghanistan War Volunteers" and Bin Laden's partner and spiritual guide, was killed in a mysterious explosion in 1989. Hereafter, Bin Laden was regarded as the leader of the group, and all those who joined the ranks of Al-Qaeda under his leadership declared their loyalty to him. This personal declaration of loyalty obligated organization members to carry out Bin Laden's orders with strict obedience.

Bin Laden always worked with a dominant figure by his side for consultation, sharing the burden of decision making, and sharing responsibility for Al-Qaeda policy. After the death of his guide `Abdallah `Azam, Muhammad `Atef (Abu Hafez al-Masri), Al-Qaeda's military commander, served as his closest associate and advisor, until he was killed by American shelling in Afghanistan in November 2001. During the past few years, this position has been filled by Bin Laden's new deputy, the Egyptian Dr. Ayman al-Zawahiri.

From the beginning of his activity, Bin Laden's working environment and working patterns were shaped during the war in Afghanistan, which he joined in 1979. The multi-national involvement in Afghanistan during the 10 years of war required the development of one ideological framework that would serve to unify all the fighters. The unifying idea was the concept of Jihad in the name of Allah (*fi sabil allah*) against the enemy, which was depicted as a Christian empire of conquest attempting to force its control over Muslim lands and local Muslim inhabitants. The fighters and their chief ideologue, `Abdallah `Azam, regarded this land and its population as a microcosm of the Islamic nation.

With the conclusion of the war, Bin Laden, who had acquired the reputation of a contributor, an organizer, and also as a fighter, decided to maintain this force for the upcoming future. This resulted in the evolution of a mode of operation based on a large number of fighters of different nationalities with common experiences and a strong emotional and ideological common denominator. These fighters could be distributed around the world and used to recruit new cadres to strengthen this force into a tight fist, working to advance the idea of global Jihad.

Based on his multi-national experience in Afghanistan, Bin Laden established a decentralized organization that could accommodate and respect differences between organizations and people. This structure enabled participants - fighters and commanders alike - to retain their freedom of action, as long as the organization's unifying principle of self-sacrifice (Istishad) was zealously maintained as a leading principle. Bin Laden understood that, in a decentralized structure, this principle would guide the leadership and function as a unifying force wherever it was disseminated and greatly increase the intensity of the struggle for global Jihad.

Al-Qaeda's Contribution to the Globalization of Suicide Terrorism

The concept of Istishad as a means of warfare is part of an overall worldview that sees active Jihad against the perceived enemies of Islam as a central pillar and an organizational ideal. According to Al-Qaeda's worldview, one's willingness to sacrifice his or her life for Allah and "in the path of Allah" (*fi sabil allah*) is an expression of the Muslim fighter's advantage over the opponent. In Al-Qaeda, the sacrifice of life became a supreme value, the symbolic importance of which was equal to, if not greater than its practical importance. The organization adopted suicide as a symbol of global Jihad and raised Islamic martyrdom (*al-shehada*) to the status of a principle of faith. Al-Qaeda leaders worked on the spirit of the organization, constructing its ethos around the readiness to volunteer for self-sacrifice and the implementation of this idea through suicide attacks. They worked hard to imbue veteran members and new recruits with this ethos. Readiness for self-sacrifice was one of the most important characteristics the organization looked for in its new recruits (National Commission, 2004, p. 234).

Al-Qaeda's worldview regards the sacrifice of life in the name of Allah as the main aim of a Jihad warrior. This sacrifice is described in terms of enjoyment: "we are asking you to undertake the pleasure of looking at your face and we long to meet you, not in a time of distress...take us to you..."⁴ The organization's idea of suicide in the name of Allah, which repeats itself regularly in statements of its leaders, is contained in what has become its motto: "we love death more than you, our opponents love life." This motto is meant to express Al-Qaeda fighters' lack of fear of losing temporary life in this world, in exchange for an eternal life of purity in heaven. It is meant to express the depth of pure Muslims in face of the weak spirit, hedonism, and lack of values of their enemies. Sacrifice in the name of Allah, according to Al-Qaeda, is what will ensure Islam's certain victory over the infidels, the victory of spirit over material, soul over body, the afterlife over the reality of day to day life, and, most importantly, good over evil.

Suicide expresses the feeling of moral justification and emotional completion in the eyes of the perpetrators and the organization. An echo of Bin Laden's call for the young members of Islam to actualize the path of God through Istishad was echoed in the will of one of the perpetrators of an attack in Saudi Arabia in May 2003, in which he repeats the passage promising the pleasantries of the Garden of Eden:

"Young members of Islam hurry and set out on Jihad, hurry to the Garden of Eden which holds what the eye has never seen, the ear has never heard, and the human heart has never desired! Do not forget the reward that has been prepared by Allah for a martyr. The messenger of Allah, may peace and prayer be upon him, said: 'The martyr is granted seven gifts from Allah: he is forgiven at the first drop of his blood; he sees his status in Paradise; he is dressed in the clothes of Iman; he is safe from the punishment of the grave; he will be safe from the great fear of the judgment; a crown of honor, with a gem that is greater than the entire world and

the contamination in it, will be placed on his head; he will marry 72 dark eyed maidens; and he will intercede on behalf of 70 members of his family.”⁵

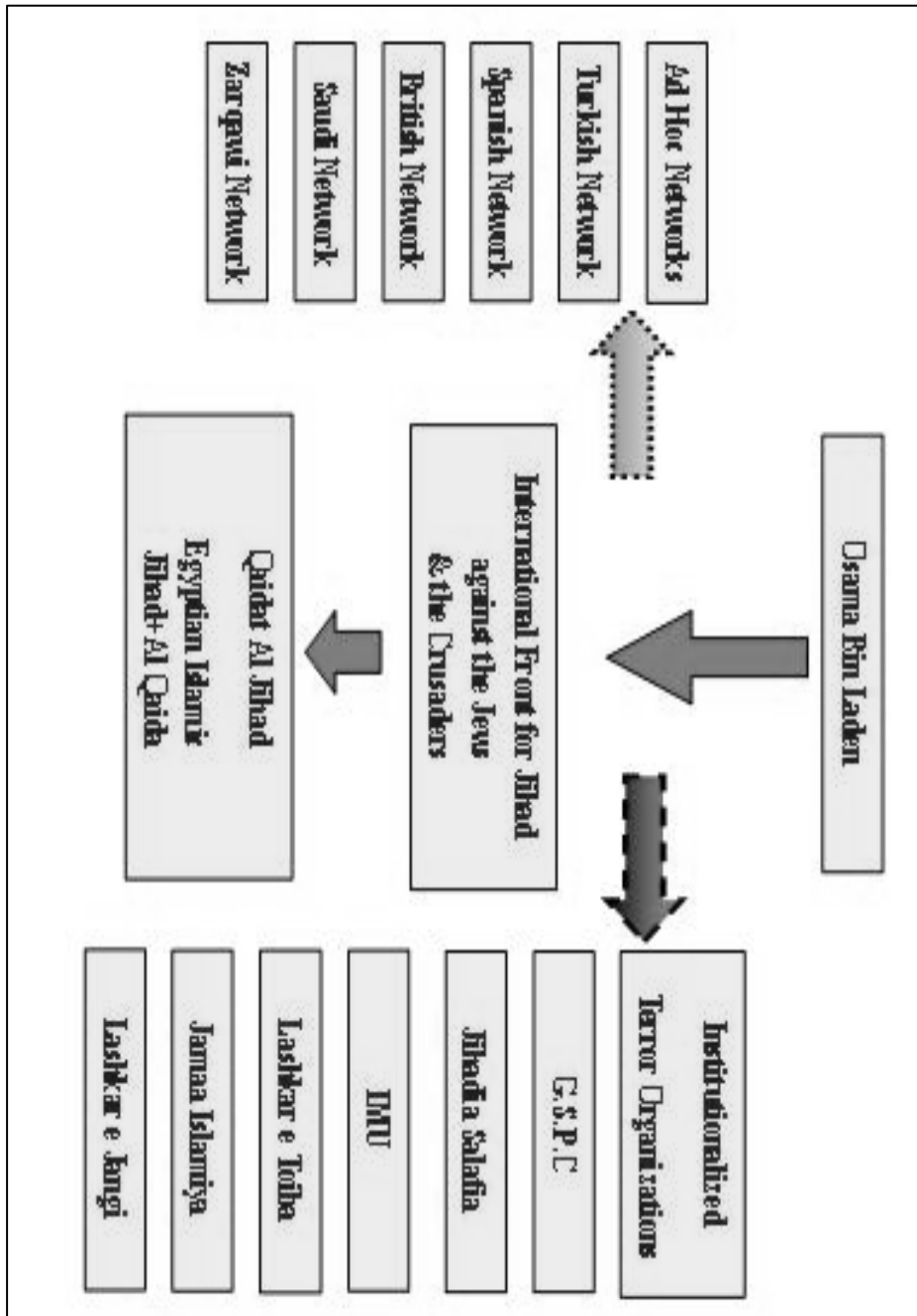
The organization’s success in inculcating the ethos of Istishad among many members was reflected also in the words of one of Al-Qaeda’s senior commanders, who was responsible for dispatching a large number of suicide terrorists: “We never lacked potential suicide operators, he explained, “we have a department called ‘the suicide operators department.’” When asked if the department was still active, he answered, “yes, and it will continue to be active as long as we are fighting a Jihad against the Zionist infidels” (Fouda and Fielding, 2003, p. 114). In one of his interviews, Bin Laden himself clearly expressed the organizational ethos he instilled in his followers: “I do not fear death. Sacred death is my desire. My sacred death will result in the birth of thousands of Osamas.”(Osama, 1998).

Al-Qaeda’s entrance into the arena of suicide terrorism had profound influence on the manner in which this mode of operation was employed by its affiliates around the world. Al-Qaeda sees itself as the representative of all the world’s Muslims, which, in its view, constitute one indivisible entity (Islamic *uma*).

The group’s operations introduced a new paradigm of a “cross-nation” Muslim community⁶ dispersed all over the globe, employing extreme violence against those perceived as being opposed to its worldview. The group worked to disseminate an Islamic fundamentalist ideology that regards the entire world as a legitimate arena in which to wage jihad by means of terrorism in general, and suicide attacks in particular. It is interesting to note that despite the great operational reputation that Al-Qaeda earned for itself over the years, it has only actually independently carried out seven terrorist attacks, all of which were suicide attacks. All the other many suicide attacks which were usually attributed to Al-Qaeda were actually carried out by its affiliates, without its direct involvement.

Al-Qaeda’s continuous links with established Islamic terrorist groups and networks operating around the world were based on their shared experiences and mutual identification of the commanders of many of these groups and networks with Al-Qaeda, from the period during which they fought side by side in Afghanistan or from the period of training they got in the camps in Afghanistan after the war already ended in the early 90's. They maintained their connections with Al-Qaeda commanders and even more so with the doctrine of global jihad and the concept of

Figure 3: The Globalization of Suicide Attacks



Istishad which were instilled in them. The grim consequences later appeared in the suicide campaigns launched in Europe, America, Asia, the Persian Gulf, and the Middle East.

Al-Qaeda has emerged over the years as an organization with global activity and a flexible and dynamic structure. It has undergone changes in membership, leadership, and command locations since its establishment. The globalization of Al-Qaeda (See Figure 3) is reflected in the following ways: 1) the dispersal of “alumni” of Al-Qaeda training camps to locations around the world; 2) the organization’s aspiration to serve as a model for mode of operations for emulation by other groups; 3) the use of psychological warfare; 4) the use of modern communication media and the internet.

- 1) **The Dispersal of the “Afghan Alumni”** – Al-Qaeda’s central objective was to promote this mode of operation among as many Islamic organizations as possible, primarily those identifying with the concept of global Jihad. Al-Qaeda’s policy with regard to suicide attacks also appears to have been of special symbolic importance. Until the second half of the 90’s, the phenomenon of Muslim suicide terrorists sacrificing themselves in the name of Allah has been associated with the Shiite stream of Islam. This stream was responsible for the initial introduction of this mode of operation during the 1980s. Thus, from the perspective of Al-Qaeda leaders, the organization’s entrance into the arena of suicide terrorist operators had to dwarf the suicide attacks that had already been carried out by other groups both in scope and in damage, in order to increase the prestige of Sunni Islam and the prestige of the group and its leader.
- 2) **A Role Model for Operations** – Al-Qaeda worked towards achieving mass death on as high a level as possible. To this end, the group and its partners used especially large groups of suicide terrorists, numbering in certain circumstances 12, 14, 19, or, in the case of Chechnya, 30. And, in fact, these attacks were unprecedented in the number of casualties. The number of terrorists was also unusual in comparison to most other terrorist organizations that had carried out suicide attacks in the past (with the exception of the Tamil Tigers, who operated in Sri-Lanka, at times using cells with a larger number of members, numbering as many as a dozen participants in one operation).
- 3) **Having a Psychological Effect on the Enemy** – Al-Qaeda saw the suicide weapon as an effective tool for deterring the West - first and foremost, the United States and other prominent European countries - from aggression and for instilling fear in attacked populations around the globe. According to his perception of Western culture, Bin Laden has tried to send clear signals that suicide terrorism is a weapon of defiance challenging the western way of life. By creating a psychological effect stemming from mass indiscriminate killing, he is trying to force public opinion in western countries into pressuring their

governments to change their policies to be more in line with his worldview and to give into his various demands. He also uses techniques of propaganda and psychology warfare that intensify the physical effects of harm done to innocents. In this way, Al-Qaeda and its partners tend to issue press releases or videotapes shortly after attacks, reiterating each attack's background and threatening to repeat and intensify attacks if the attacked countries do not change their policies. Sometimes, group leaders aim propaganda directly at public opinion in order to encourage civilians to exert pressure on their governments.

For example, following the attacks carried out in Bali by Al-Jama'ah al-Islamiya with the assistance of Al-Qaeda (October 2002), which claimed 202 casualties, Bin Laden released a cassette in which he threatened to attack Australia a second time, claiming that Australia was cooperating with the United States and harming Muslims with its policy in East Timor.⁷ In a similar manner, shortly after attacks in Madrid (11 March 2004) which killed 191 people, Bin Laden issued a manifest accusing the Spanish government of being responsible for the attack, due to its support for the United States and the presence of its troops in Iraq. In this manifest, he also called for the citizens of Europe to pressure their governments to withdraw their forces from Iraq, in exchange for which they would receive a "*hudna*" (a temporary cease-fire). This generous offer, he threatened, would be removed from the table in three months, after which the attacks in Europe would be renewed.⁸ Taking advantage of the shocking events, Bin Laden attempted to transfer responsibility for the horrific attacks carried out by those working according to his ideas to the Spanish government, and to send a threatening message to Europe: that failure to comply with his demands within a given period of time would lead to more serious attacks.

- 4) **The Electronic Media and the Internet** – There is no doubt that Al-Qaeda uses communications media both for the dissemination of the constitutive concepts of the organization, the most important of which is the principle of self-sacrifice in the name of Allah, and for strategic direction towards preferred targets of operation for supporters of global Jihad. It would not be an overstatement to say that the Arab and Western mass media has been a primary tool of Al-Qaeda commanders in increasing the organization's strength in areas not under their direct control.
- 5) The great importance that Al-Qaeda attributes to the media is reflected in its establishment of a communications committee, which was headed for a long period by Khaled Sheikh Muhammad before he became one of the organization's top operational commanders. At the same time, Bin Laden created a company called Al-Sihab, which produced the professional tapes and "image" films disseminated throughout the Arab and Western world, primarily

by means of the Qatari television station Al-Jazeera. The preferred status that Bin Laden granted Al-Jazeera and selected sympathetic journalists such as Yusri Fouada (the journalist given the first exclusive with Khaled Sheikh Muhammad and his close colleague Ramzi Bin Al-Shibh just before the first anniversary of the September 11th attacks) and Ahmed Zeidan (the Al-Jazeera correspondent in Pakistan who was allowed to interview Bin Laden in Afghanistan a number of times before the American invasion of the country) was part of Bin Laden's deliberate media policy. This policy was aimed at increasing the prestige of the Arab communications media, which had always been considered inferior and of little interest compared to the western media (Zeidan, 2003, p. 15).

The focus of Al-Qaeda's psychological warfare was divided between satellite television stations and the internet. Whereas television stations throughout the Arab world, and primarily the popular Al-Jazeera network, served Al-Qaeda by publicizing its messages by broadcasting videos produced by the organization, the past few years have witnessed increased use of the internet by Al-Qaeda and its partners. Out of the approximately 4,000 Islamic websites that exist on the internet, about 300 are connected to radical Islamic groups that support Al-Qaeda. These websites disseminate the organization's messages and encourage the recruitment of new suicide volunteers to join the ranks of the global Jihad. Some even provide their readers with instructions for carrying out attacks and making explosive devices. Due to efforts by western forces to close or damage these sites, they regularly change their internet addresses. Sometimes, new addresses appear as messages for previous users, and in some cases addresses are maintained for chat rooms only, where it is passed on by chat participants. All terrorist groups maintain more than one website in more than one language. Two internet newsletters are directly associated with Al-Qaeda: Saut al-Jihad and Mua'askar al-Batar.⁹ These two websites provide explanations on how to kidnap, poison, and murder people, as well as a list of targets that should be attacked.

Both the terrorists who carried out the attack in Madrid in March 2004 and those who participated in the attacks of September 11th made regular use of the internet for communication. The anonymity of the web facilitates communication on controversial issues without being exposed and without yielding to the pressure of governments. In Europe, the internet provides young Muslims with a virtual community that serves primarily to ease the emotional strain on Muslim immigrants experiencing the difficulties of adapting to a new environment and feeling a need to maintain their religious identity. The internet provides support on a psychological level, enabling them to overcome the alienation felt by Muslims living in Europe in a foreign religious environment, and to dull the sense of crisis that characterizes all acts of immigration. The internet actualizes the ideal of the Islamic "Uma" by making it real and tangible and enabling Muslims to create super-national, cross-border communities. With cyberspace, internet users can

quell personal misgivings by receiving militant messages, and even instructions regarding religious activities in the form of verses from the Koran or oral law. As already noted, the internet also offers specific instructions for carrying out terrorists attacks for anyone interested in playing an active part in the Jihad. Sometimes, those responsible for maintaining Al-Qaeda websites include people involved with Al-Qaeda operational activity, as in the case of the Al-Qaeda website editor who was apprehended in Saudi Arabia at the location where authorities recovered the body of Paul Johnson, a Martin Lockheed employee who was kidnapped and then killed by his abductors on 18 January 2004 (Wright, 2004). Al-Qaeda has made sure to utilize all channels of the media to take full advantage of its own terrorist attacks, and, more significantly, the attacks carried out by its partner groups. In doing this, the organization has attributed operational successes to the organization and to the idea of global Jihad, and has strengthened the image of power of the message of Istishad.

We can identify a change in Al-Qaeda's policy of claiming responsibility for terrorist attacks after September 11th. Until these attacks, Al-Qaeda had refrained from explicit claims of responsibility for attacks carried out by Al-Qaeda. This policy stemmed from his desire to remain unexposed to reprisal attacks, and, more importantly, to prevent the leader of the Taliban from issuing an explicit order to refrain from causing trouble for the regime. This regime was already under international pressure due to its role in the drug trade and terrorism, and had been told to turn Bin Laden over to the United States and to close the terrorist training camps within its borders. At first, Bin Laden did not claim direct responsibility for September 11 either. Despite the fact that his hints and innuendos on the subject were clear to everyone listening, they left him room to maneuver and to enjoy the fruits of his achievement, without actually providing legal proof of his guilt. After the American attack on Afghanistan and the American-led international coalition's declaration of war, a process began in December 2001, through which Bin Laden indirectly admitted that he had been responsible for the attack. Eventually, Al-Qaeda took responsibility for the attacks in the United States in an unequivocal public declaration. This declaration was released in the form of a three-part series of 1 hour long segments of an Al-Jazeera program called "It Was Top-Secret," directed by Al-Jazeera correspondent Yusri Fouda. This series was initiated by Al-Qaeda. The broadcast of the segments was timed to take place on the one year anniversary of the attacks of September 11th.

Al-Qaeda's view of the role of the media, and the role of the correspondent it chose to announce its responsibility for the attack, is clearly reflected in a letter from Ramzi Bin Al-Shibh, assistant to the commander of the U.S. attacks, to Yusri Fouda: "As you work in a field that has the ability to influence people's opinion, you are obligated to, and it is expected of you to work for the sake of Allah, and not in order to satisfy people or your personal need for material things or glory. You must place the present confrontation between Muslims and Christians and

between the west and the various Islamic countries in historical and religious context – it is important that people understand the overall picture. This is an historic responsibility, in contrast to media coverage until now which has portrayed the struggle inaccurately - that is, as a limited struggle between America and Al-Qaeda” (Fouda and Fielding, p. 153).

Bin Laden’s personal concern for all aspects of the media, including the quality and angles of filming, was demonstrated when he asked Ahmed Zeidan, the Al-Jazeera correspondent in Pakistan who had come to Afghanistan to interview him, to film him from a flattering angle and to disregard previous footage in which, in his opinion, he did not look good enough. Bin Laden also directed Zeidan to re-film a ballad that he played before an audience of listeners because there had not been a sufficient audience in the original filming (Zeidan, p.65). Zeidan makes explicit notes of his impression of Bin Laden as someone who distinguishes clearly between body language and spoken language, and keenly takes both into consideration. Bin Laden stressed to Zeidan his view of the role of the media, and, most importantly, the role of satellite television stations “that the public and the people really like, that transmit body language before spoken language. This is often the most important thing for activating the Arab street and creating pressure on governments to limit their reliance on the United States” (Zeidan, p.65).

Bin Laden attempted to use Ahmed Zeidan to refute the words of the son-in-law of `Abdallah `Azam in the newspaper *Al-Sharq Al-Awsat*, which could be construed to indicate conflicts between Bin Laden and his colleague `Azam and which hinted that Bin Laden was behind the assassination of his spiritual guide. Bin Laden even admitted to Zeidan that “Al-Qaeda selects [sympathetic] journalists and initiates granting them interviews.” The organization’s close attention to its appearance in the media is reflected in a fax from Al-Qaeda to Fouda, which explained how, in the view of the sender, the three-part program should be organized and who should be interviewed, and noted the prohibition of any musical accompaniment for quotes from the Koran and the Hadith (Fouda and Fielding, p. 145). The fax said that Fouda would be expected to prepare the segments with an understanding of his mission (as a Muslim journalist, of course) for Islam.

During the past few years as well, when Bin Laden and his deputy have been the target of intensive pursuit, the two still make sure to appear from time to time in audio and video tapes that they have produced meticulously, in order to prove that they are still alive and active.

Al-Qaeda's Suicide Attacks - an Implementation of the Concept of Istishad

Al-Qaeda has served as an avant-garde and implemented the concept of jihad in practice by carrying out 7 suicide attacks by the cadres exclusively commanded by Bin Laden's own group. The most spectacular attacks were intended to serve as a role model for its partners in terms of tactics, targets, and of the level of destruction and fatalities they caused.

Al-Qaeda started with the attack on the American Embassies in Kenya and Tanzania (August 1998) which were perceived as the out stretched long arms of American foreign policy. These attacks resulted in the death of 224 and the injury of more than 4000 people. The ensuing attack focused on what was perceived by Bin Laden as the long stretched military arm of the American global policy. On October 12th, 2000, a boat-bomb disguised as a service vessel, exploded alongside an American destroyer, the U.S.S. Cole, killing 17 American sailors. On September 9th 2001 two days before the attack in the USA suicide bombers posing as a TV crew assassinated Masoud Shah, the commander of the Northern Front in Afghanistan, in order to defunct the main opposition group to the Taliban – Al-Qaeda's hosts and patrons.

The most significant and lethal suicide operation was carried out by Al-Qaeda in the US on September 11, 2001 which caused the death of more than 3000 people. Following the atrocity in the USA, Al-Qaeda was the target of a massive global manhunt. Yet, on 22 December 2001 Al-Qaeda attempted to blow up an American Airlines flight by detonating explosives that were hidden in the suicide bomber's shoe. Due to a technical-operational failure, as well as the awareness of a flight attendant, This attack was prevented only 3 months after the 9-11 attack and demonstrated Al-Qaeda's determination to activate suicide bombers from its European recruits. The same line of "production" of volunteers for suicide operations was repeated in the attack on the ancient synagogue in Djerba, Tunisia on 11 April 2002, when a French citizen from Tunisian immigrant family blew himself up while killing 21 people, mostly German tourists who were visiting the site.

On 28 November 2002, two simultaneous attacks were executed by an Al-Qaeda cell against Israeli targets in Mombassa, one of which was executed by means of a suicide operative. The first attack involved the launch of two missiles at an Arkia flight carrying 261 passengers and crew but due to a technical-operational mishap, the missiles missed their target and no one was injured. Twenty minutes later, a car-bomb driven by a suicide terrorist was detonated at a Hotel, Ten Kenyans and three Israelis were killed in the attack, and about 80 others were injured.

Al-Qaeda's partners internalized the Al-Qaeda model and used suicide attacks as their symbolic and most effective weapon worldwide but usually added their own unique style and nuances (See Figure 4)

Figure 4: Comparison between Aspects of Al-Qaeda Suicide Terrorists and the Suicide Terrorists of Al-Qaeda Partner Groups

	Al-Qaeda	Partner Groups
Planning	Precise and extended, sometimes lasting a number of years.	Short-term, usually up to one year (9-12 months).
Management and Command	Overall command by a senior member of Al-Qaeda central command, and supervision by an operational commander in the target country.	Supervised by the commander of the local terrorist network.
Number of Attackers	Usually 2 or more attackers.	From individual attackers to groups.
Nature of Attack	Usually simultaneous.	Integrated with other modes of attack.
Targets	Focus on symbolic targets and movement towards "soft" targets."	"Soft" targets.
Claiming Responsibility	No direct claim of responsibility until September 11 th . After September 11 th , move to direct claim of responsibility.	Always claimed responsibility, usually under different names clearly associated with Al-Qaeda and the idea of global Jihad.

Al-Qaeda's affiliates suicide attacks

South East Asia

The regional South East Asian organization of the Jemaa Islamia started using suicide bombers in its operations following its strengthening relationships with Al-Qaeda. These relationships were based on personal knowledge and trust between the senior leaders in both organizations emanated from their previous cooperation in Afghanistan. Thus Jemaa Islamiya which never before used suicide bombers started its campaign which was financed by Al-Qaeda's money since 2001.

The first suicide operation was intended to use 7 trucks filled with explosives driven by suicide bombers into buildings of foreign countries and local economic sites in Singapore but it was foiled due to intelligence information (December 2001). The second suicide attack was carried out by suicide bombers in nightclubs in Bali on October 2002 resulted with 202 fatalities.

Europe

Al-Qaeda affiliated independent local networks carried out a chain of suicide attacks after several attempts which they planned in the past were intercepted. However on November 15th 2003 two suicide attacks were carried out by a local Turkish network against synagogues in Istanbul which caused the death of 23 people and the injuries of few hundreds. On the 20th of November another simultaneous suicide attacks hit British targets killing 38 and injured 500 hundred people.

The network was established by some local Turkish operatives who went to Afghanistan met Bin Laden and later led the attacks by their own infrastructure and members but with Al-Qaeda financial assistance.

The next attack in Europe by an Al Qaeda affiliated network which occurred in *Madrid* on March 11th 2004 when ten explosive devices were detonated within a short span of time in trains and train stations in the capital was not a suicide attack 191 people were killed in these attacks, and approximately 1,400 were injured. Although the attacks against crowded trains and train stations were not performed as suicide operations, when some of the fugitives were surrounded by the Spanish police they chose to kill themselves with an explosives they collected in their safe house and by that practicing the value of Istishad they were brought up to adhere. The explosive belt that was in their possession and the rhetoric they used in their

video cassettes they left behind indicated that they probably planned suicide attack if they hadn't been killed.

London In July, two waves of attacks were planned against transportation targets in the British capital and one of them was actually perpetrated. During the first wave, which took place on July 7, four suicide terrorists, 3 of them of British nationality and Pakistani descent detonated explosive devices they were carrying in bags on three trains and a bus killing 52 people. During the second wave, which occurred exactly two weeks later, an attack was again attempted on transportation targets. However, this time the explosive devices were smaller and, presumably due to a technical mishap, no one was killed and only one person sustained minor injuries. Although still early in the investigation, the London attacks appear to have been carried out by a terrorist network based in Britain that relies on an infrastructure located in various cities around the country (Leeds, and London). A number of the suicide bombers communicated with elements outside of the country. Some of the attackers recently visited Pakistan, where they underwent training and apparently received guidance and instructions for their mission. This attack seemed to be closely supervised by Al Qaeda's commanders. The attackers in the July 21st were mostly from African origin residing in the UK. But it seemed it was an independent operation inspired by the first one. However; the connection between the two attacks is still under investigation which wasn't made public knowledge yet. In these two operations the social close affiliation (friendship, some time kinship and discipleship) as the common traits among Al-Qaeda's affiliates operating in around the world have also appeared to prevail in these cases too (Sageman, 2004, p. 107).

In **Russia** Al-Qaeda's Istishad perception inspired and influenced the Chechens fighting the Russians in what their leaders declared to be part of the global Jihad. The violent dispute in Chechnya served as a pretext for recruitments by Al Qaeda and its affiliates utilizing video cassettes and CDs showing horrors from the battles there to incite young Muslims and lure them to join the ranks of the global Jihad in general and to Chechnya in particular.

Since June 2000, 103 men and women took part in the suicide campaign (See Figure 5¹⁰). This trend reached its peak in two of the most notorious incidents in Moscow and in Beslan. The first incident took place in Moscow in October 2002 when about 40 Chechens among them 19 women wearing explosive belts wearing took over a theatre in Moscow, taking hundreds of hostages. Following a rescue operation, 129 of the hostages were killed. The second incident took place from 1-3 September 2004 in northern Ossetia. 32 terrorists carrying large quantities of explosives and weapons, including some explosive belt took hundreds of hostages in a school in Beslan. The incident, which began as a barricade and hostage situation ended as a mass casualty suicide attack, which claimed the lives of took the lives of over 300 people.

Figure 5: **Suicide Attacks in Russia**

<i>Date</i>	<i>Number of Bombers</i>	<i>Gender</i>	<i>Casualties</i>
07/06/00	1	Male	2
12/06/00	1	Male	2
02-03/07/00	5	Male	60
29/01/01	1	Female	1
22/10/02	41	19 were Female	129
27/12/02	3	2 Male ,Female	72
12/05/03	3	2 Male, Female	59
14/05/03	2	Female	18
05/06/03	1	Female	17
20/06/03	1	Female	0
05/07/03	2	Female	16
09/07/03	1	Female	1
27/07/03	1	Female	0
01/08/03	1	Male	35
15/09/03	2	Male+ Female	6
05/12/03	1	Male	44
09/12/03	1	Female	5
6/2/04	1	Male	41
6/2/04	1	Male	2
25/08/04	2	Female	88
29/08/04	1	Male	0
31/08/04	1	Female	10
-01/09/04 03/09-04	33	Male+ Female	355

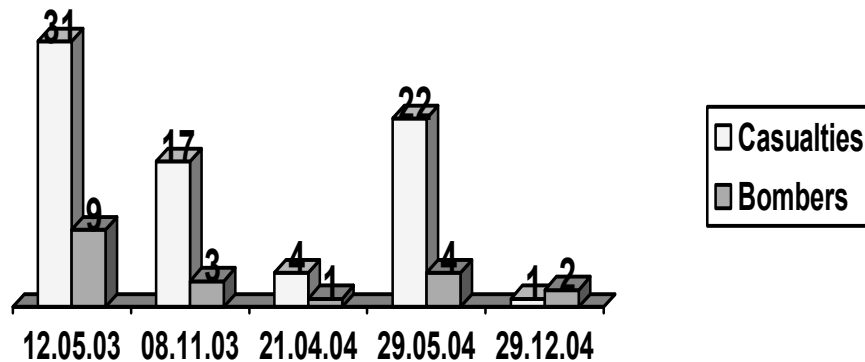
Arab Countries

The Arab countries especially those who were designated by Al-Qaeda as its most bitter enemies due to what they called their treason of Islamic values have become in recent years part of the areas where Al-Qaeda's partners used suicide bombers. It started in Morocco when on 15 May 2003, four cells containing a total of 13

suicide bombers attacked a number of targets in the Moroccan capital of Casablanca which ended with 45 people dead and additional 100 wounded

Saudi Arabia whose nationals have been the dominant component of Al-Qaeda's cadre and its main financial source has also become one of Al-Qaeda's most hated foes. The suicide attacks in Saudi Arabia were carried out by local cells led by Afghan Alumni some of them like Ueyeri and Abd el Aziz Muqrin served in Al-Qaeda camos served as agents of influence and later delegated the concept of Istishad to the new recruits in the Saudi kingdom who operated under their command. The suicide campaign in Saudi Arabia in the last 2 years forced its government to take aggressive counter measures and to face the problem of terror in the name of Islam to which they have contributed for many years.

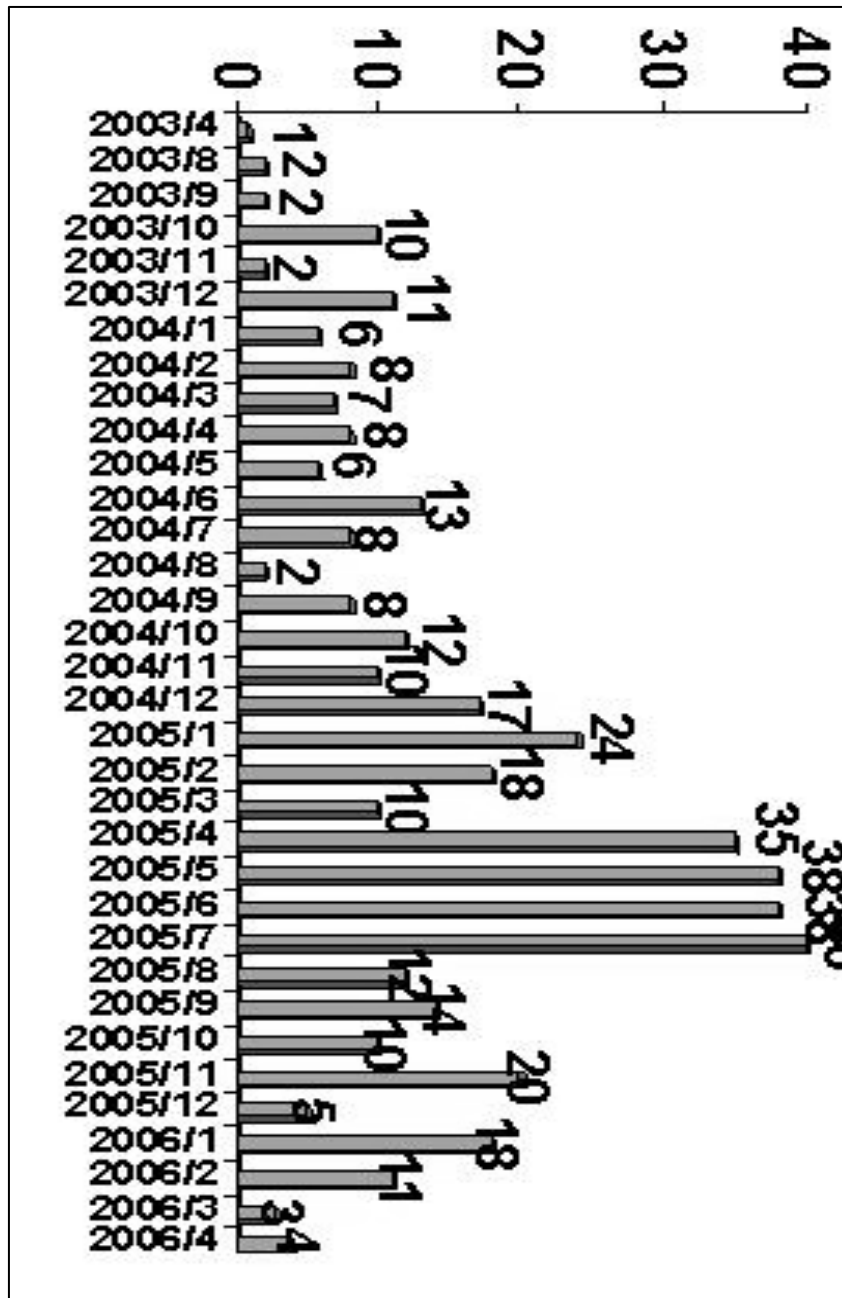
Figure 6: Number of Casualties and Bombers in Saudi Arabia



Egypt has just recently joined the Arab countries which witnessed suicide attacks in their territory. On April 2005 two separate suicide attacks were carried out in Cairo, again tourists and on July 2005 the most devastating suicide attacks occurred again in the resort area of Sharm al Sheikh causing about 90 fatalities.

Iraq has definitely become the most prominent arena where suicide attacks enduring the most vicious and largest quantity of bombers in the world, even though the relative short time since its start. Since March 2003 and up till the end of April 2006 hundreds of suicide bombing were carried out by both local Iraqis and foreign perpetrators most of them apparently belonging to the global jihadist (See Figure 7) ¹¹.

Figure 6: Number of Suicide Attacks by Month
 These figures reflect the situation up to April 2006



The suicide campaign in Iraq is led by Abu Musaab al Zarqawi's own networks and his associates among the Iraqi Islamists like Ansar al Islam and Ansar al Sunna. At the end of 2004 Bin Laden publicly declared that Zarqawi's enterprise in Iraq is officially embraced by Al-Qaeda and he endowed him with the title Al-Qaeda of Mesopotamia.¹² The suicide campaign in Iraq is not expected to subside any time soon and instead it might escalate, unless its leaders, first and foremost Zarqawi, are captured or killed and a stable government system is established in Iraq. However, if the situation remains as it is at the moment, the Iraqi context is likely to continue to serve international jihad activists as a pretext for promoting the movement's supreme unifying principle – the willingness for self-sacrifice in the name of Allah – in order to expand its application throughout the world. Thus Iraq may become the new training camp for the future where the new bombers may attain valuable first hand fighting experience that will prove useful when they return to their own countries or to new ones (Hoffman, 2004, p. 426).

Conclusion

This paper examined the contribution Al-Qaeda has made to the escalation and globalization of suicide terrorism by transforming the concept of self-sacrifice in the path of God (Istishad), into its main unifying principle and value. Al Qaeda's leaders interpreted the reality of the entire Muslim community as one of deprivation and humiliation, explicitly identified the oppressors and introduced the venue of suicide attacks as the sole and ultimate venue for true Muslims to rebel against their weak position and to prevail. The close links of Bin Laden's Al-Qaeda with members of terrorist groups and networks possessing radical Islamic worldviews has been based on the heritage of the war in Afghanistan, as well as common experiences in Al-Qaeda training camps after the end of the war. These links enabled Al-Qaeda to instill its partners with the idea of Istishad and to disseminate it around the world.

Although Al-Qaeda joined the ranks of users of suicide terrorism relatively late in the game, the organization quickly emerged as the main force transforming it into an international phenomenon, and increased the death tolls it claimed to hitherto unknown heights. In this way, Al-Qaeda attempted to serve as a model for other terrorist organizations to emulate. For Al-Qaeda, suicide attacks were both an operational mode of operation and a propaganda tool. Their psychological effect was greatly intensified by the widespread use of a broad spectrum of communications media, which helped highlight its determination to actualize its cross-border ideology. Bin Laden stressed the concept of Istishad as the heart and soul of the idea of Jihad, promoting it through the decentralized and empowering management style that he both employed in Al-Qaeda and instilled in other partner groups. This transformed the phenomenon of suicide terrorism, which had hitherto been regarded as a local problem created by local terrorist groups, into an

international issue, transforming millions of citizens around the world from spectators into participants in, and victims of acts of terrorism.

It seems that at this stage, the cross-border paradigm of suicide attacks that Bin Laden presented and implemented only attracts individuals from the population of Muslim countries and the population of Muslim immigrants in non-Muslim countries. That is, it has not become a model of ideological identification for large groups within these populations. Still, there is a danger that this dynamic of empowerment and self-actualization which Al-Qaeda uses to promote the idea of suicide operations around the world could be adopted by socially frustrated Muslim populations in the west, resulting in the evolution of a more popular culture of suicide.

Beyond the clear operative and practical need to thwart the terrorist attacks of Al-Qaeda and its partner groups in general, and "retain focus and maintain vigilance and keep up pressure on terrorists by adapting and adjusting rapidly and efficiently" (Hoffman, 2005) the major conclusion of this study is that there is an urgent need to provide an ideological answer to the suicide challenge put forward by Al-Qaeda. Supporters of extremist Islam must be offered an ideological Islamic alternative offering moderate and pragmatic interpretation of the commandments of the Koran, in contrast to the unequivocal extremist interpretation offered by Bin Laden and his associates. Such messages have a slim chance of being accepted if they are disseminated by parties that are not seen as possessing primary Islamic religious and moral authority. Thus, such an alternative can be provided only by prominent Muslim clerics and leaders with wide support in Arab and Muslim countries and recognized Islamic institutions whose opinions are regarded as carrying religious, cultural, and moral weight. Countries in which extremist and reputable religious clerics issue religious rulings supporting religiously-sanctioned murder, under the slogan of self-sacrifice in the name of Allah while taking the lives of others, must restrain this activity much more aggressively and not give these individuals the freedom to incite. Non-Muslim forces must play the role of offering encouragement to the leaders of Arab and Muslim countries and of pressuring them to undertake such actions if need be.

At the same time, it is important that countries with large Muslim minority populations – for example, the countries of Europe – begin encouraging leading religious figures to put all of their social and moral weight behind efforts to prevent the spread of radicalizing trends influencing young Muslims today. Increased violence and terrorism coming from extremist Muslim forces may result in counter-extremism among peripheral groups in the west, who could exploit the situation in order to incite a racially-based confrontation, plunging the continent into a bloody cycle of religious and racial violence.

Many circles in the Arab and Muslim world have severely criticized the methods of operation of Al-Qaeda and its partners. This criticism has increased in light of the suicide attacks in Iraq, which primarily hurt Iraqi citizens. There has been especially harsh criticism of the kidnapping and execution of hostages in Iraq (such as the murder of twelve Nepalese citizens, the beheading of American hostages,

and the kidnapping of French citizens, Italian citizens, and nationals of other countries). Muslim journalists, religious leaders, and spiritual leaders were also shocked by the massacre at the school in Beslan, sparking their condemnation of these methods by which Al-Qaeda and its partners, through such sinful behavior, soil all of Islam and give the religion a bad image.¹³ The serious consequences that will result from failing to take practical steps to address the trends of radicalization influencing wide circles of Muslims is what creates a necessity to cause pragmatic forces in the Muslim world to take concrete and effective action to defend their religion's good name. They are also what create the chance for success.

It also shows that the potential reserves of suicide terrorists are part of the civilian population which must therefore be addressed ideologically, religiously, and socially, in addition to the security oriented activity involved with thwarting attacks. Part of Al-Qaeda's achievement to date has been its success in instilling the supremacy of the concept of Istishad above the leadership itself, including that of Bin Laden. The Muslim world therefore must, at its own initiative and with the encouragement of the west, generate an ideological alternative as an important component of struggling against this concept.

In conclusion, it is important to distinguish between Al-Qaeda's "hard-core" and its partners, all of which are identified by the international media as "Al-Qaeda." This distinction facilitates a better understanding of the nature of the threat and the manner in which it is managed and actualized, and allows us to accurately assess Al-Qaeda's real size and strength. Al-Qaeda cannot and its partner groups cannot be understood as a homogenous body operating under a unified command making centralized decisions about carrying out a wave of terrorist attacks around the world. Clearly, failure to distinguish between the activities of Al-Qaeda and the activities of its partner groups strengthens the image of power that Bin Laden strives to maintain for the Al-Qaeda brand-name, in order to advance his interests and emerge victoriously from the struggle of consciousness that he and his colleagues have been waging in a determined and skillful manner for more than a century.

Notes

¹ Interviews with suicide terrorists who survived, undertaken by Yoram Schweitzer in Israeli jails during 2004 and 2005.

² Morocco, Tunisia, Israel, Argentine, India, Sri-Lanka, Kuwait, Lebanon, Iraq, Indonesia, Tanzania, Kenya, Croatia, Turkey, Pakistan, Thailand, China, Saudi-Arabia, USA, Afghanistan, Yemen, Russia, Spain, Egypt, Uzbekistan, Colombia, Qatar, UK. In France, Belgium, Singapore, Australia suicide attacks were intercepted.

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- ³ The source of the statistical data included in this article is a database compiled by Yoram Schweitzer at the Jaffe Center for Strategic Studies. The numbers may vary in different data mainly concerning Iraq as some American sources counted more than 500 suicide bombers in Iraq
- ⁴ Abdul Aziz al-Muqrin, **Saut al-Jihad** (The Voice of Jihad) 18, 3 June 2004.
- ⁵ Excerpt from the will of Muhammad bin-'Abdul Wahab al-Muqit, at: www.cybcity.com/faroq, 20 October 2003.
- ⁶ Interview with Professor Emanuel Sivan, undertaken by Yoram Schweitzer and Sari Goldstein Ferber, Jerusalem, 23 July 2004.
- ⁷ **Al-Jazeera**, 12 November 2002.
- ⁸ "Osama Bin Laden Speech Offers Peace Treaty with Europe, Says Al-Qaeda Will Persist in Fighting the U.S.," at: www.memri.org, No.695, 15 April 2004.
- ⁹ Interview with Reuven Paz, undertaken by Yoram Schweitzer, 19 September 2004.
- ¹⁰ The source of the statistical data included in this figure is a database build and maintained by Yoram Schweitzer at the Jaffe Center for Strategic Studies.
- ¹¹ The source of the statistical data included in this figure is a database maintained by Yoram Schweitzer at the Jaffe Center for Strategic Studies.
- ¹² Ibid.
- ¹³ "Arab and Muslim Reaction to Terrorist Attack in Beslan, Russia," at: www.memri.org, no. 780, 8 September 2004; "Former Kuwaiti Information Minister : 'Not a Single Fatwa has been Issued Calling for the Killing of Bin Laden'," at: www.memri.org, no. 781, 10 September 2004.

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The Multifaceted Roles of Women Inside Al-Qaeda

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Abstract: *The purpose of this four-part article is to explore and analyze the multifaceted roles of women in the al-Qaeda movement. The first part offers an analysis of the ideology and identifies the role of women in the radical Islamist movement al-Qaeda. The second part endeavors to shed some light on the online activities of radical Islamist groups. This issue was explored in collaboration with the Dark Web Team from the Artificial Intelligence Lab at the University of Arizona. The third part explains the notion of “sisterhoods,” in which women are considered operational facilitators and organizational supporters. In the fourth part, the role of women acting as suicide bombers under the banner of al-Qaeda will be analyzed. So far the involvement of women in direct terrorist activities has been treated as a minor issue within the al-Qaeda movement, but it will be argued that in order to achieve strategic goals in the fight against terrorism, measures and concepts will have to be identified and developed that are specifically tailored to address women.*

Introduction

The concept of terrorism, particularly against a soft target, is shocking enough to most liberal Western audiences; the use of female attackers intensifies the already potent psychological effect of suicide terrorism. The inclusion of women in suicide operations is one of the most recent developments inside religiously-motivated terrorist organizations; the suicide operations used to be an exclusively male domain. Perhaps because women have not held leadership roles in al-Qaeda from its inception to the present day, the extent of their involvement in terrorism has generally been underestimated. The function of women in the terrorist movement is in fact multifaceted. The female role the world audience (and media) is familiar with is that of the suicide bomber, but the functioning of women as ideological supporters and operational facilitators is no less important for the maintenance of the operational capabilities and ideological motivation. Even these rather invisible

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female roles play an essential part in both the short- and long-term survival of the terrorist organization.

The Ideology

A logical starting point for identifying the roles of women inside al-Qaeda is an analysis of the ideology. The expected contribution of women is spelled out very clearly in the *fatawa* and some of bin Laden's audiotapes. In the fatwa "Declaration of War Against the Americans Occupying the Land of the Two Holy Places, Expel the Mushrikeen (infidels) from the Arabian Peninsula", published in 1996, bin Laden explains that women are playing an essential role as supporters, facilitators and promoters in carrying out the international Jihad. "Our women had set a tremendous example for generosity in the cause of Allah; they motivate and encourage their sons, brothers and husbands to fight for the cause of Allah in Afghanistan, Bosnia-Herzegovina, Chechnya and in other countries. (...) May Allah strengthen the belief – Imaan – of our women in the way of generosity and sacrifice for the supremacy of the word of Allah. (...) Our women instigate their brothers to fight in the cause of Allah. (...) Our women encourage Jihad saying: Prepare yourself like a struggler; the matter is bigger than the words" (bin Laden, 1996). However, in the fatwa entitled "Jihad Against Jews and Crusaders, World Islamic Front" published two years later, which became the manifesto of the full-fledged global Salafi Jihad, the role of women seems to be diminished. They are mentioned once and then merely addressed as being the victims of the U.S. and the Zionists. "(...) women and children, whose cry is: Our Lord, rescue us from this town, whose people are oppressors; and raise for us from thee one who will help!" (bin Laden 1998).

In a training manual found by the Manchester Metropolitan Police during the search of an al-Qaeda member's home, women are also addressed as victims of the infidels: "To the sister believer whose clothes the criminals have stripped off. To the sister believer whose hair the oppressors have shaved. To the sister believer whose body has been abused by the human dogs" (Disaster Centre March, 2007). From these sentences it can be inferred that the ideology of the global Salafi Jihad considers the capture of a Muslim woman by the *kufar* (infidels) as reason to carry out the defensive Jihad. In such instances, ensuring her freedom is a *fard* (duty) imposed upon the whole Muslim *ummah* (world Muslim community). But women are also addressed as supporters ("Covenant, O Sister (...) To make them desire death and hate appointments and prestige" (Disaster Centre March, 2007) and perpetrators ("Covenant, O Sister (...) to slaughter them like lamb and let the Nile, al-Asi, and Euphrates river flow with their blood") (Disaster Centre March, 2007). In an audiotape broadcast on Saturday 18 October 2003 by Al Jazeera, bin Laden

said: “Our prudent Muslim women are also expected to play their role” (Al-Jazeera, 2003).

A document entitled “The Role of Women in the Jihad against Enemies” (al-Ayyiri, 2006) found on a Jihadist message board encourages women to take an active role in Jihad. Interestingly, the document was written by Yussuf al-Ayyiri, who was one of the ideological leaders of the Saudi Arabian branch of al-Qaeda.¹ This role does not involve actual fighting, but calls for women to encourage and support men in their quest to join the Jihad. While explicitly stating that women should not actively engage in physical combat, the document emphasizes the power that women hold over men, reminding them that their role in Jihad is a vital necessity for the entire Muslim *ummah* (see Rand, 2005). “The reason we address women (...) is our observation that when a woman is convinced of something, no one will spur a man to fulfill it like she will (...) The saying behind every great man stands a [woman] was true for Muslim women at these times, behind every great Mujahid stood a [woman] (...).”² David Cook contends that al-Ayyiri’s statements have laid the intellectual groundwork for the full participation of women in Jihad among radical Muslims (Cook, 2005).

Radical Women on the Web

Nowadays, the essential platform for al-Qaeda and its affiliates to propagate their war against the West is the World Wide Web. In recent years, radical Islamist websites have increased notably in number, technical sophistication, content, and media richness. Terrorist use of the web has expanded beyond routine communication and propaganda dissemination operations to training, the organization of logistics for their campaign, and the development of strategic intelligence and virtual communities. Gabriel Weimann (2006) highlights the innovative ways in which terrorist groups are using the Internet to drive every aspect of their business: psychological warfare³, data mining⁴, fund-raising⁵, recruitment and mobilization⁶, and planning and coordination.⁷ Finally, the Internet’s integral role in the group’s indoctrination and operations has been proven in recent history. The 17 terrorism suspects in Canada mostly communicated with and radicalized themselves via the Internet, similar to the Islamist perpetrators of the London 2005 attack and the group allegedly responsible for the London 2006 attempt. Authorities believe the Internet-savvy suspects conducted much of their communications online, where they also developed and stoked the flames of their radical ideology. “The Internet plays a highly important role in the collective radicalization process: first with web diffuse of the radical Islamist message over the web, second by allow the user anonymity and thirdly the internet has the capability to create a virtual community. Users visiting the over 4500 radical

Islamist websites the users can soon easily develop have the illusion that the whole world shares their beliefs” (von Knop, 2007).

The Internet has certainly become an invisible hand in the organization of terrorism and specifically terrorist cells. The analysis of female al-Qaeda adherents’ online activity therefore presents a logical point of departure. An analysis of the web allows the observation of “Tiefenströmungen”, i.e. flows of information and communication that are hardly visible at the surface and take place in definable subsets. These flows reveal general and specific trends inside cyberspace and Islamic websites, forums and blogs. Radical Islamic web forums with a high degree of female activity belong to the subset providing the data for the analysis.

An analysis of the online activity of radical Islamist women presents many challenges. Terrorist websites are extremely dynamic and unstable. They suddenly emerge, frequently modify their formats, and then swiftly disappear or change their URLs (Weimann, 2004). Al-Qaeda’s website locations and contents, for example, change almost daily. Furthermore, because of their politically controversial nature and depiction of graphic details in some video clips, they are often attacked by various actors. These factors make a long-time quantitative and qualitative analysis difficult. Second, and as a consequence, we have only a very limited number of women who share the belief system of al-Qaeda to analyze. The women involved must be able to read and write, have access to a computer and the Internet, know how to use the technology and, at a very personal level, they must feel or be impelled by the need to communicate their world view outside their direct and culturally defined social environment. At this point it should also be mentioned that there is no assurance that only private persons are visiting these websites and becoming active in the forums; [...may also be engaged as participants]. At any rate, attempting to analyze these web forums has research value because it can allow the scientist to identify trends inside the radical community.

A first observation is that women who adopt radical ideological views do indeed utilize the Internet and that the Internet is being employed to encourage women in their radical views. Extremist Islamist websites generously dispense advice on how women can and should participate in the Jihad. Specific websites contain many suggestions on how Muslim women should bring up children to be good *Shahids* (martyrs) and what books mothers should read to their children to make them devout Muslims and brave fighters. These websites also advise the mothers, wives and sisters of Jihadi fighters on how to be supportive of their men’s decision to become a Shahid and how they should provide food, shelter and care for all Shahids. That women must be willing, indeed eager, to sacrifice their sons and husbands is a recurrent theme in much Jihadi literature.

The online periodical al-Khansaa, published in 2004, is addressed to women who share the ideology of al-Qaeda and illustrates the importance of female support. This magazine purports to be published by an organization called the Women's Information Bureau of al-Qaeda in the Arabian Peninsula and claims that Abdul al-Murqrin, the leader of al-Qaeda in the Arabian Peninsula, and Issa Saad Mohammed bin Oushan are among the founders.⁸ "Al-Khansaa bint Omar was a poetess of the pre-Islamic period who converted to Islam during the time of the Prophet Muhammad, and she is considered "the mother of the Shahids". When her four sons died in the battle of al-Qadissiya, she did not mourn but thanked Allah for honouring her with their death" (Memri, 2007). The choice of the name al-Khansaa for the magazine was not without reason: the magazine clearly aims to motivate women to participate in Jihad by bringing up their children to be good Jihadis and by being supportive of the Jihadist activities undertaken by their husbands, brothers and sons. The magazine specifies that the goal of the virtuous woman should also be to become a Shahid. An editorial in the magazine baldly states: "(...) we love Allah and his Messenger. We march in a single path, the path of Jihad for the sake of Allah, and our goal is Shahada for the sake of Allah, and our goal is (to gain) the pleasure of Allah and His Paradise" (Memri, 2007). The image here is one of women standing shoulder to shoulder with their men, supporting them, helping them, and backing them up. Similarly, an article entitled "Obstacles in the Path of the Jihad Warrior Woman" written by Umm Badr includes indoctrination and guidelines for women. "My noble sisters (...). The woman in the family is a mother, wife, sister and daughter. In society she is an educator, propagator and preacher of Islam, and a female jihad warrior."⁹ One recently emerged web-based female propagandist is Um Muhammad, the wife of the deceased al-Qaeda leader in Iraq, Abu Musab al-Zarqawi. She posted a letter in July 2006 on the Mujahideen Shura Council website urging Muslim men to hold steady in Jihad and warned the Iraqi government that the "great death is coming".

Mohamed Salah states that "What is new here is the use of the medium of the Internet to recruit women (Rageh, 2004)." It is widely known that the whole ideology of the global Salafi Jihad is intended to create a revival of the Golden Age, which took place in the decades between 632 and 661. As a consequence, the role of women is also historically derived. "My sister you might hear these stories and think that they have been fabricated (...) but once you will learn that even today there are women similar to those of the past, you will believe the stories about (the women in) the past."¹⁰ The online periodical al-Khansaa urges women to play a larger role in the Jihad. At this point it is useful to have a closer look at female online conversations.

In collaboration with the Dark Web Team at the Artificial Intelligence Lab at the University of Arizona, four selected web forums were analyzed.¹¹ These four forums were chosen according to the criteria of containing some radical postings, having a timely stability and, based on user name, exhibiting a high level of female participation. The forums examined were:

1. <http://www.ummah.com/forum>,
2. <http://talk.islamicnetwork.com>
3. <http://forum.ribaat.org>,
4. <http://minbar-sos.com/forum/>.

Specifically, influential threads and activity involving authors identifiable by user name constituted an important factor in this analysis.

Figure 1: Overall Forum Statistics¹² (Generated by the Dark Web Team)

Forum	# of Authors	# of Threads	# of Messages	Average Thread Duration (days)	Average Messages per Thread	Forum Duration
Ummah	2,338	3,787	81,976	68	22	4/2002 - 2/2007
Islamicnetwork	885	3,761	30,469	77	8	6/9/2004 – 2//2007
Minbar-Sos	109	1,242	3,945	30	3	1/2006 – 1/2007
Ribaat	2,393	3,571	46,562	133	13	1/2002 – 1/2007

In order to analyze the content of these forums, the Dark Web Teams proposed the following approach: Detection of “hot threads”, detection of “hot authors” and analysis of the content for ideas.

“Hot Threads” were defined based on the thread score: the higher the thread score, the “hotter” the thread. Based on this definition, the Dark Web Team developed the following metric to calculate scores for every thread within a forum. This metric is by no means being proposed as a perfect solution for detecting contagiousness, but represents an initial exploration.

$$\text{Thread Score} = \text{Fnorm}(\text{Np}) \times \text{Fnorm}(\text{Vt}) \times \text{Fnorm}(\text{Dt}) \times \text{Fnorm}(\text{Nam}) \times \text{Fnorm}(\text{Nm})$$

- **Np**: the number of postings in a thread
- **Vt**: the volume of postings in a thread
- **Dt**: the duration of a thread
- **Nam**: the number of active members in a thread
- **Nm**: the number of members who have postings in a thread.
- **Fnorm**: normalize each variable to a range of [0,1].

In this case study, members who had more than one posting in a thread were classified as active members. The thread metric to calculate scores for every author within a forum was adapted. Analogous to the thread analysis, the higher the author score, the “hotter” the author. This metric supplements the hot thread analysis.

Thread Score = Fnorm(Np) X Fnorm (Vt) X Fnorm (Dt) X Fnorm (Nam) X Fnorm (Nm)

- **Np**: the number of postings from an author
- **Vt**: the volume of all postings from an author
- **Dt**: the duration of posting activity from an author
- **Nam**: the number of active threads from the author
- **Nm**: the number of threads in which the author has posted messages
- **Fnorm**: normalize each variable to a range of [0,1].

In this case study, threads that had more than one posting from a given author were classified as active threads for that author.

For the purpose of this article, it is sufficient to have a closer look at the minbar-sos website.¹³ This is a highly aggressive site conducted by a woman named Malika El Aroud. This is her second website; the first one, “islamic-minbar” was shut down in September 2004 after videos containing images of the execution of hostages in Iraq and instructions on how to make explosives were posted. One day before Christmas in 2005 Malika presented an exclusive 40-minute video message from Aiman al-Zawahiri with French subtitles on minbar-sos. It could be assumed that hundreds of users had downloaded the video and Malika commented in her forum that it was an honor to be the first platform to show the interview with Doctor Zawahiri. The 47-year-old Malika El Aroud constitutes an isolated case of a woman brought up in the West being drawn into al-Qaeda. Aroud is a Moroccan-Belgium woman who plunged into radicalism after a rebellious youth of drinking and clubbing. She is the daughter of Moroccan immigrants and grew up in a westernized way in Belgium. She drank alcohol, ate pork and bore an illegitimate child with her cousin. Following two unsuccessful suicide attempts, she happened to listen to a Koran radio broadcast. The Koran apparently provided her with the stability in life she was searching for and she became a very religious Muslim. Malika started to visit a mosque in Brussels identified by the Belgium security forces as a gathering venue for radical Islamists. In this institution she met her future husband, Dahmane Abd al-Sattar, a Tunisian-Belgian fundamentalist. He was subsequently killed by the Northern Alliance in Afghanistan after he assassinated its highly regarded leader Ahmad Shah Massoud with a bomb concealed inside a video camera two days prior to the 9/11 attacks on orders from Osama bin Laden. Prior to the assassination Malika lived with her husband for several months in al-Qaeda elite training camps in Afghanistan. During this time she was trained in using weapons and she met the highest leadership of al-Qaeda. Malika glorifies these days, even while publicly denying that she had advance knowledge of the plans to assassinate Massoud. Although her ignorance of the killing could not be corroborated during her trial in Switzerland, prosecutors also failed to prove her involvement in logistical support efforts for recruits of the Jihad. The Swiss judges stated that her radical worldview has influenced her husband but

she was found not guilty. After her discharge she threatened her accusers by saying that her Mujahideen brothers worldwide knew how she had been treated and suggested that they might take revenge.

After returning from Afghanistan and while living in Düringen, Switzerland she continued her expression of deep affection for Osama bin Laden.¹⁴ She has published her whole radical worldview in a book entitled “Soldiers of Light” and she is planning to write a second one dealing with her trial. She lives today in Belgium with her new husband, a Tunisian named Moez Garsalloui¹⁵, whom, not surprisingly, she gently bosses around.

Figure 2: Hot Threads Identified from Minbar-sos (Generated by the Dark Web Team)

ID	Title	Postings	Volume (char)	Duration (days)	Members	Active Members
831	Communiqués écrits des Mujahideens (IRAK, AFGHANISTAN...) – Written Communiques of Mujahedeens	41	466250	463	4	3
1138	Jihad en Somalie – Jihad in Somalia	41	62412	172	15	11
1649	L'armée israélienne revient en France – Israeli Army returns to France	10	4074	322	5	3
818	Archives d'Alqaeeda en Irak... - Archives of Al Qaeda in Iraq	10	6066	289	4	2
894	Les derniers jours du Hamas.... – The last days of Hamas	9	7940	22	3	2
989	As Sahab: Sheikh Ayman Az-Zawahiri (HA) à propos du Pape, du Vatican, de Bush – As Sahab: Sheikh Ayman Az-Zawahiri regarding the pope, the Vatican, and Bush	5	20450	232	4	1

ID	Title	Postings	Volume (char)	Duration (days)	Members	Active Members
60	Al Qaeda en Irak s'allie avec d'autres groupes de Mujahideens – Al Qaeda in Iraq joins forces with other groups of Mujahedeens	11	16621	244	4	2

The content of the website minbar-sos is both radical and very aggressive. When the user clicks on the link “al Qaeda” he or she is greeted by video messages from Ayman al Zawahiri. From the link “Djihad fissabilillah”, the user obtains access to videos and information about the “Islamic resistance in Afghanistan, Palestine, Iraq and Chechnya”. Overall, it is a professionally made radical Islamist website.

With the variable “hot threads” it is possible to identify the threads that are of particularly interest to the forum members. The “hottest threads” have been marked with red. The topics of the threads are not typically women’s issues but rather highly political daily news topics. The situation in Somalia (ID 1138), Palestine (ID 894) and Iraq (ID 60) received a very high level of interest in the forum. The users who are assumed to be females due to their user names have a strong interest in politics, and issues such as family or children do not play a leading role in this debate. Given the usage of the French language, it is obvious that French is the second mother tongue for a large number of participants, but the orthography and punctuation as well as logical stringency is riddled with errors. Additionally, the educational background of the authors seems to be very low.

The level of radical thinking is sometimes very high. For instance, one forum member with a female user name, identifying herself as a 20-year-old, posted that although she was trained in a women’s unit, the division between men and women persists, and female fighters keep to themselves under male command.

The only “hot thread” identified in this study specifically dealing with the issue women and their role in the Jihad is “Les soeurs et le jihad”. In this “hot thread”, posts commending the female fighters in Chechnya can be found as well as discussions about the permissibility of female suicide bombers. In general, the women in this thread exchanged their views in a very self-confident manner and their postings do not appear much different with respect to topic and content from those posted by participants with male user names in related forums.

In all four of the web forums reviewed, a core set of members contributed the majority of the posts. It will be assumed that the members in these core sets function as opinion leaders for the specific thread and forum. For instance, the top 10 members of Ummah contributed 32% of the total posts and the top 10 members

of Ribaah contributed 17% of all posts. The observation that a small number of forum members contribute the majority of the posts will be assumed to be applicable to any other forum.

At this point it is useful to call attention to the “hot authors” at Ummah.com. This forum was selected because it had the most interesting “hot authors” in terms of expertise relative to the other forums. Additionally, this forum contains a considerable amount of religious advice.

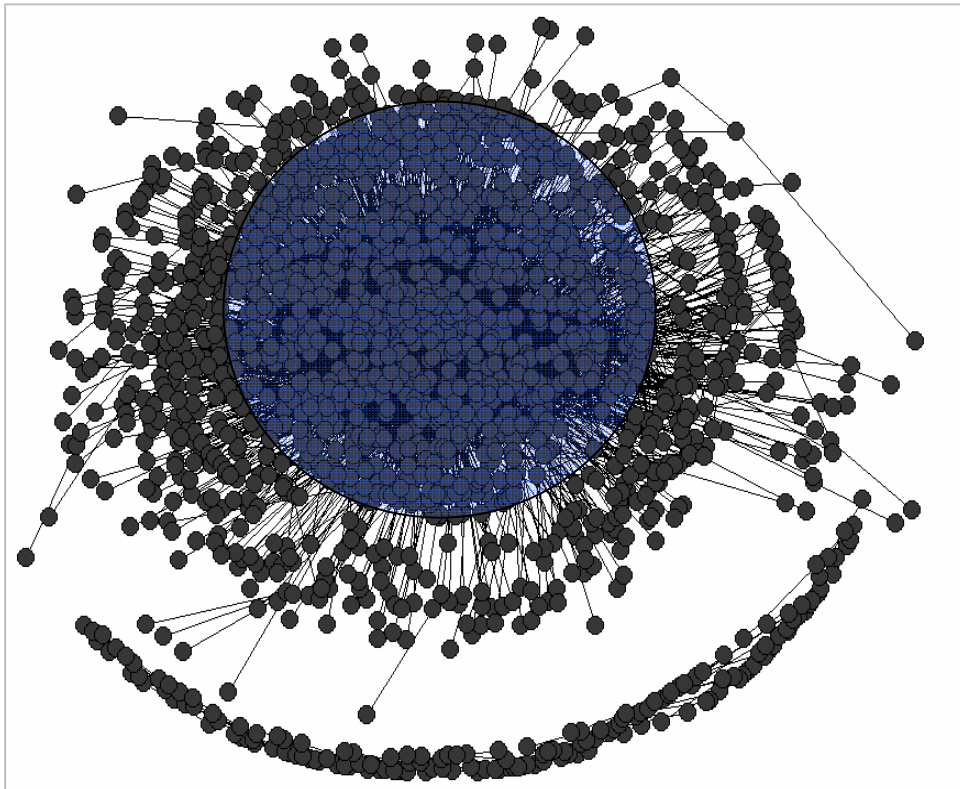
Figure 3: Ummah.com (Generated by the Dark Web Team)

Author	# of Posts	# of Active Threads	Membership Duration (d)
“Women’s Expert”	1530	312	1290
“Religious Expert”	762	98	824
“Financial Expert”	339	36	1295
“Women’s Resource Expert”	358	66	673

According to their user names, these “hot authors” are all female and two of them are considered experts on women’s issues. The remaining two are experts on financial and religious topics. Later in this article more attention will be paid to the involvement of women in the financial activities of terrorist organizations.

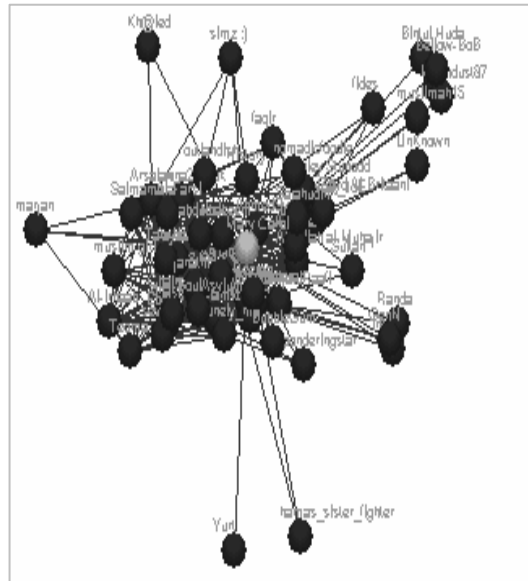
The central nodes indicate members with the highest “hot author” scores. These members form the core set of “hot authors” at Ummah.com

Figure 4: **Network Analysis Ummah.com**
(Generated by the Dark Web Team)

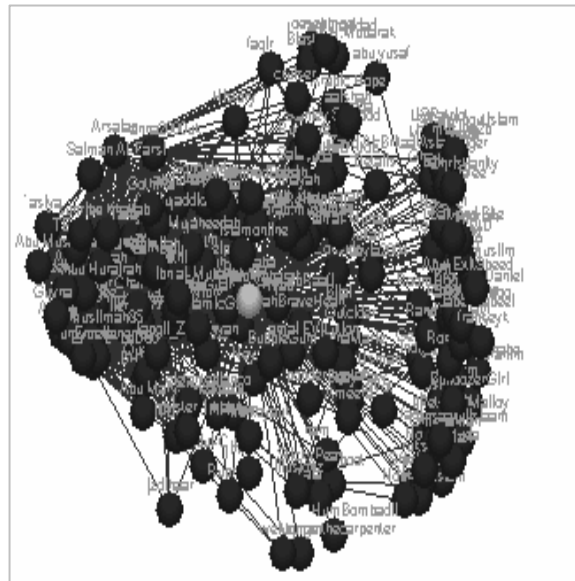


By analyzing the interaction of a “hot author” (in this case the “Women’s Resource Expert” and the Religious Expert at ummah.com) with other forum members, it is possible to identify the author’s social network inside the forum. The pink node represents the author and the red nodes denote other interacting members. The author is at the center of many discussions and the assumption could thus be made that the “hot author” enjoys a high degree of impact and influence on the interacting members. This is neither a gender specific nor a specific radical Islamic behavioral pattern, but it does illustrate the multiplication potential of a female “hot author” to other women.

Figure 5: a. **Women's Resource Expert**
(Generated by the Dark Web Team)

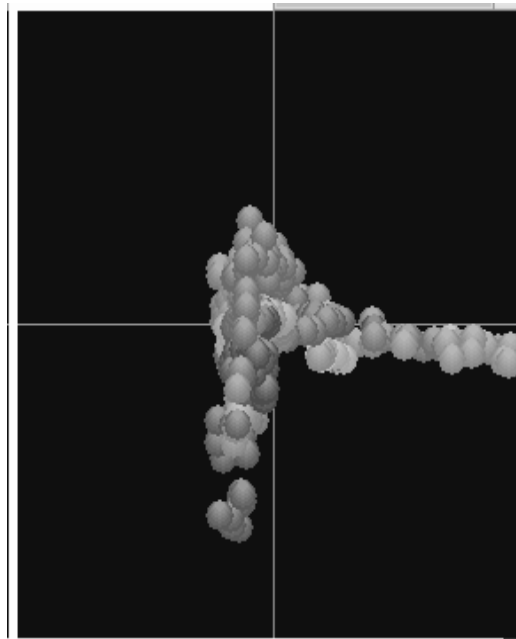


b. **Religious Expert**
(Generated by the Dark Web Team)



The high interaction of a female “hot author” with users who employ a female name leads us to the conclusion that in the radical Islamic cyber world, women prefer to talk with other women. Thus, the impact of a female “hot author” can be very high on other women but at the same time have very little impact on men. It is also interesting to note that “hot authors” use a specific writeprint pattern for bag-of-word variation across several years of postings that continually revolve around similar topics.

Figure 6: **Writeprint pattern for Bag-of-word Variation “Women’s Resource Expert” ummah.com**
(Generated by the Dark Web Team)



Concluding the analysis of female online activity in forums, it is obvious that the four forums analyzed here are less extreme than for instance the minbar-sos website. A total of 10,000 threads was analyzed and only a handful had any relevance to terrorism. Again, only four forums with a high degree of female activity were selected for this study. Most discussions in these forums revolve around religion and politics. There is also considerable discussion of women’s rights and female empowerment. The majority of the females in the forums demonstrate a significant knowledge of Islam and women’s rights in Islam.

Concerning the sites themselves, the Dutch security services report that they have identified dozens of women acting as designers of radical websites.¹⁶

A German woman named Sonja B. was arrested after she inquired in a well-known Internet chat room (on the Turkish website “mucadele”) whether it would be permissible for her to carry out an attack with her baby in Iraq. At the time, she was in contact with members of Ansar al-Islam in south Germany and Austria. In response to her query, 47 other women in the chat room indicated interest in participating in a terrorist plot. Two-thirds of them came from Germany and the others were from Denmark and Belgium (Jansen, 2006).

At this point it should be noted that dozens of forums and chat rooms exist where radical women exchange their views; these clearly merit detailed examination for more systematic research on this topic.

Sisterhoods

It has been observed that women who follow the ideology of al-Qaeda are organized in the cyber world as well as in the real world in so-called “sisterhoods”. An understanding of the relationship between the members of these sisterhoods is provided by an al-Tawheed¹⁷-affiliated website for women. Employing an image of pink roses, this website calls for supporting the “Boycott Israel Campaign” with the words: “My brothers and sisters let us stand, and fight together without fears. (...) Pick up your rifles and set up your tanks, and with our people together we will fight. This war is for our land and is not a prank, so be ready for war with all your might” (Khan, 2005).

The concept of sisterhoods is a well-known phenomenon and it analogous to the concept of the Muslim Brotherhood. It is important to note that the vast majority of sisterhoods do not exhibit any terrorist thinking. The majority of them are very peaceful organizations. The members of sisterhoods are “sisters in belief” and they meet each other in their private homes or on certain platforms on the Internet.

Indeed, in some respects, females are considered to be the most effective and loyal supporters of terrorist organizations. Available evidence suggests that members of sisterhoods in cyberspace as well as in the real world are usually recruited by other females, especially relatives. This in itself is not surprising, given the gender separations in Muslim society. The educational level of radical sisterhood members is highly diverse. One of these groups, Jamia Hafsa, is named after a madrasa in Islamabad, Pakistan built in 1992.

The Operational Facilitators and Organizational Supporters

Various findings support the observation that women acting as operational facilitators and supporters are an emerging trend. In June 2003 the FBI started searching for a woman for the first time since the post-9/11 “war on terror” began, 31-year-old Aafia Siddiqui (FBI, 2005). She was born in Pakistan and graduated from MIT, eventually earning a Ph.D. Together with her husband Dr. Mohammad Amjad Khan, she founded the Institute for Islamic Research and Teaching in 1999; both were identified as suspected al-Qaeda agents by the FBI.

An additional indicator that the position of women is transforming is demonstrated by the warrant for a Tunisian woman named Bentiwaa Farida Ben Bechir. As a member of a cell in Italy, she was active in recruiting suicide bombers to be sent to Iraq (Italy, 2005). In 2005 the Swiss security services identified a would-be terrorist cell of Yemeni origin. Two women, Lubna Khalaf Barakat and Khadija Barakat, played an active role in the organization. The case of Malika El Aroud was discussed earlier in this paper. On November 3, 2005, the Dutch police arrested 21-year-old Soumaya Sahla in Rijswijk on suspicion of being involved in terrorist activities of the Islamist radical group Hofstad, a unique mix of extremist ferocity and modern European attitudes (Dutch, 2005). A few more cases of female involvement in terrorist activities could be mentioned here, but so far it is still an exception.

Marc Sageman discovered that 70% of the 400 terrorists he analyzed had been married. Arranged marriages are a strong tradition in the Muslim society and it could reasonably be assumed that marriages in the global Salafi Jihad world are not arranged by chance. Indeed, every terrorist has a mother and many of them have at least one sister, so it can be assumed that there is a pool of women sympathetic to the cause. Sidney Jones from the International Crisis Group in Jakarta states that marital alliances are the glue that holds JI (Jamaah Islamiyah) together. “Oftentimes senior members of the organization will offer their sisters or sisters-in-law to new promising recruits so that they are not only drawn into the organization, but into the family as well.”¹⁸ The result is that the members are much more closely connected. In some cases, they even have control over finances. They act as couriers to ensure that communication among different members of the organization is maintained, particularly after members are imprisoned. “(...) It’s not a role in actively talking part in bombing activities, the new way some of the women in Chechnya or in Sri Lanka have done. It’s more ensuring that the organization stays solid” (McEvers, 2004).” The wife of the operational chief of the JI, Hambali¹⁹, served as his bookkeeper (Hambali was responsible for the October 2002 Bali bombings). The wife of Omar al-Faruk, another key figure of the JI, translated for him and also acted as his bookkeeper. Both women played a crucial role in the financing of the organization, as did Yazid Sufaat’s wife.²⁰

Women seem to play a secondary but vital role in the operations of groups like the Jamaah Islamiyah, Laskar Jundullah and Laskar Jihad.

A few women have also been involved in the banking aspect of terrorist organizations. In the aftermath of the 9/11 attacks, the U.S. government closed several bank accounts handled by women on behalf of terrorist organizations or supporting institutions. A 25-year-old British named woman Mehreen Haji from Manchester was charged in September 2006 with arranging funding for terrorism purposes. At the current stage of research, women have not been implicated in the larger financial issues of organizations belonging to the al-Qaeda movement, but have been visible in more modest positions as account holders and bookkeepers. It could be that converted radical women often use their maiden name for the bank accounts to avert suspicion.

Given that most male terrorists in the al-Qaeda structure seem to be engaged in some aspect of conducting violent Jihad, it stands to reason that they run a considerable risk of exposure, capture or death. It would accordingly make sense for women to engage in the less risky but nonetheless valuable activities that require stable personnel – covert and overt financial transactions, bookkeeping, the establishment of bank accounts, etc. Dealing with such financial areas can also often be done from home (indeed, some women are generally restricted to the house in a number of Muslim societies).

The Female Suicide Bombers

Up to the present, women have constituted a minority of the suicide bombers serving the interests of al-Qaeda. Nonetheless, the trend is on the rise. To understand why female terrorism is increasing, both individual and organizational motives must be explored. There is a great disparity between what motivates women to join a terrorist group and what encourages a group to recruit women. Regardless of women's individual motives, terrorist organizations are rational and calculating actors. The use of terrorist violence is part of a political strategy and represents "a wilful choice made by an organization for political and strategic reasons" (Crenshaw, 1990).

Changes in targets, perpetrators and tactics can be understood under this framework. The use of female operatives in a male-dominated activity represents a tactical change by terrorist organizations. These groups tend to adapt to high levels of external pressure by altering their techniques and targets. Women provide many benefits to terrorist groups, and the decision of organizations to increasingly recruit women can be seen as a strategic choice. The use of women provides a new media dimension because media images of female terrorists serve as powerful propaganda

tools. “Suicide bombers provide the low-cost, low-technology, low-risk weapon that maximizes target destruction and instills fear—women are even more effective with their increased accessibility and media shock value” (Zedalis, 2004: 8). Female terrorists tend to garner more media attention than men because the “thought of those who bring forth life actually destroying it is disturbing” (Talbot, 2000: 180). Involving women in suicide operations and using their tactical advantages could be understood as a rational choice of a terrorist organization. Several *fatawa* providing religious justifications have been issued.²¹ Finally, female terrorists have a greater capacity for mobilizing support than their male colleagues (Bloom, 2004: 192); for one thing, female terrorists provide strong role models for other women. Curt Cronin states that female terrorism also increases male recruitment because men can be shamed into joining when women appear to be usurping their dominant role in conflicts (Cronin, 2003: 14-15). Given all of these advantages, it is not surprising that women carry out suicide attacks in the name of al-Qaeda.

Husband-and-wife weapon delivery systems

Among the as-yet isolated cases where women have been involved in suicide operations, the most commonly found pattern is husband-and-wife missions. Sajida Mubarark al-Rishawi was arrested after her trigger failed in a suicide attack in Amman, Jordan that she was conducting jointly with her spouse on November 9, 2005; her husband, Ali Hussein al-Shumari, killed himself in the bombing (Fattah, 2005). During her confession, she gave no indication of why she wanted to carry out the attack, saying only that her husband had brought her from Iraq to Jordan, showed her how to use the explosives belt and fit it onto her, telling her that it would be used to attack a hotel (U.S., 2005). Meanwhile, Abdullah Ali and his wife Cossar Ali are in British police custody, suspected of plotting to bring down several U.S. passenger jets over the Atlantic.²² In November 2006 Muriel Degauque became the first European convert to Islam to carry out a suicide attack. Ms. Degauque, 38, rammed an explosives-filled vehicle into an American military patrol in the town of Baquba in Iraq on November 9, wounding one American soldier (Smith 2005). She was married to Issam Goris, a person already known to Belgian Police as a radical Islamist.

Her story supports fears among many law enforcement officials and academics that converts to Europe’s fastest-growing religion could add a disturbing new dimension to the war on terror. European women who marry Muslim men are now the largest source of religious conversions in Europe. While the vast majority of those conversions are pro forma gestures to appease moderately religious in-laws, a small but growing number are women who willingly adopt the conservative comportment of their fundamentalist husbands. Some of them support their spouses in following the radical interpretation of Islam and join a terrorist organization

belonging to the al-Qaeda movement. So far, Ms. Degauque is the only female convert to have carried out a suicide attack, and a theory derived from a single case would be specious at best.

In all, three²³ husband-and-wife suicide missions have been carried out; a handful of other couples were arrested in advance. The instance of female suicide bombers operating under the banner of al-Qaeda can be said to have increased over a relatively short period of time. It can also be stated that female participation in the suicide operations of this global movement remains very unusual. At the individual level, it is very difficult to profile female suicide bombers and would-be bombers; they exhibit all kinds of educational, religious, social and personal backgrounds. Luckily, too few incidents have occurred to develop a theory or discern a pattern. From an analysis of the biographies of the very few women who acted under the banner of al-Qaeda, it is obvious that in the most cases their educational level was above average compared to other female Muslims. Carrying out attacks allows women to fulfill traditional male duties and obtain the chance of being honoured by the society in which they live. Especially for female converts to the radical ideology, active participation is a logical consequence of their commitment. In conclusion, female terrorism is increasing because women are motivated to engage in political violence and organizations are facing stronger incentives to recruit female operatives.

Conclusion

Two new trends of suicide attacks carried out under the umbrella of al-Qaeda are currently observable. The first trend is the use of female suicide bombers and the second is the use of husband-and-wife weapon delivery systems. Nonetheless, too few incidents have occurred to permit forming a profile or drawing conclusions about al-Qaeda's female suicide bombers. Terrorist organizations in general use women as suicide bombers because they provide many considerable benefits. First, they provide a tactical advantage. Second, the inclusion of women as suicide bombers increases the number of combatants. Third, deploying women increases the publicity gained by an attack and ultimately brings to bear a much greater psychological impact. Even if classical Islamic sources are fairly negative about the role of women in Jihad, it is equally clear that radical Muslims have been attempting to legitimize women's participation in Jihad. The necessary ideological justification to allow women to carry out suicide operations clearly exists, but it is questionable whether a revolutionary change in Jihad will be accepted by the larger radical Islamist community.

It appears that women's roles of supporting male relatives and educating children in the ideology of the global Salafi Jihad play a more important role than suicide bombing in the short- and long-term survival of al-Qaeda affiliates. While the

majority of al-Qaeda's women operate in a way that is invisible to the public eye, they have a strong impact on the current and next generation of terrorists and the organizations. It should be noted that the intensity of the involvement of women inside terrorist organizations varies based on specific geographical regions.

The growth of women's involvement in the al-Qaeda movement can be divided in three waves. The first wave took place 10 years ago when women married to Europe's militant Islamists followed their husbands to Taliban-ruled Afghanistan. The second one occurred when women started encouraging their male relatives to follow the "right" interpretation of Islam, began to facilitate the operational work of the organization, and organized themselves into "sisterhoods". While the second wave continues to grow, the opening of the third wave was heralded by the suicide attacks of Sajida Mubaraark al-Rishawi, Dilnoza Holmuradova and Muriel Degauque.

Following the argument that successful counter-terrorism should address both the motivation and the operational capabilities of a terrorist organization, there is an essential need to identify and develop measures and policies specifically tailored for women.

Notes

¹ He was killed by Saudi security forces in May 2003.

² **Document on Jihadist Message Board Calls for Women to Take Active Role in Jihad**, retrieved 16.10.2005 SITE Institute, <http://siteinstitute.org/bin/printerfriendly/pf.cgi>.

³ They use the Internet to deliver threats and disseminate multimedia content designed to create fear and panic, as seen in Iraq. Nearly all insurgent groups in Iraq have media teams posting statements and creating videos and web broadcasts.

⁴ They use a sophisticated array of open-source technologies, including search engines and website analytics, to collect intelligence on enemies and potential recruitment and funding sources.

⁵ They leverage Internet user demographics and online front groups to execute aggressive funding drives, collecting vast amounts of money through difficult-to-track online payment systems.

⁶ The Internet and advanced technology provide them with powerful tools for recruiting and mobilizing members through integrated communications.

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- ⁷ Terrorist groups take advantage of new technologies such as encryption, voice over Internet protocol and secure messaging systems to improve the ease, speed and cost of their communications. This enables the sharing of information such as training videos and manuals, which enhances their planning efforts and agility in an ever-changing environment.
- ⁸ Both were shot by the Saudi Police in 2004.
- ⁹ Al-Qa'ida Women's Magazine: Women must participate in Jihad, retrieved October 16, 2005 from **Intelligence and Terrorism Information Center at the Center of Special Studies**, http://www.intelligence.org.il/eng/memri/sep_e_04.htm.
- ¹⁰ Document on Jihadist Message Board Calls for Women to Take Active Role in Jihad. Retrieved October 16, 2005 from **Site Institute**, <http://siteinstitute.org/bin/printerfriendly/pf.cgi>.
- ¹¹ At this point I would like to express my gratitude for the collection and the quantitative analysis of the data to Prof. Hsinchun Chen, Ahmed Abbasi and Sven Thoms.
- ¹² All postings were automatically extracted and downloaded for further analysis.
- ¹³ To avoid the infringement of personal rights, a deeper content analysis will be dispensed with.
- ¹⁴ Interview with the Journalist Andrea Bleicher in Zurich August 2006.
- ¹⁵ He was also held in custody after police investigations of a website he operated that posted threats against the interests of several European countries.
- ¹⁶ Interview with Berto Jongman in Herzliya September 2006. See also: National Coordinator for Counterterrorism (NCTB), Ministerie van Binnenlandes Zaken en Koninkrijksrelaties, **Jihadis and the Internet**, 2007, p. 65.
- ¹⁷ Al-Tawheed is one of the myriad al-Qaeda affiliated organizations.
- ¹⁸ Robert, (January 11, 2004), **Women in the global Jihad**, retrieved October 16, 2005 from <http://www.jihadwatch.org/archives/000606.php>
- ¹⁹ His real name is Riduan Isamuddin.
- ²⁰ Email Interview with Marc Sageman October 2006. Marc Sageman also states that this intense involvement of women in Islamist terrorist activities could not be identified elsewhere.
- ²¹ A full exploration of this topic, however, is well beyond the scope of this paper. See: Cook, D. (2004) , Women Fighting Jihad? In: **Studies in Conflict and Terrorism**, 28 375-384; Bloom M. (2004), Feminism, Rape and War: Engendering Suicide Terror?. In:

Dying to Kill: The Global Phenomenon of Suicide Terror. New York: Columbia University Press, pp. 197-201.

²² Dodd, V. (August 22, 2006). Eleven charged over alleged airline terror plot, in: **The Guardian**, <http://www.guardian.co.uk/uk/2006/aug/22/politics.topstories3>

²³ The research was closed in December 2006.

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"ביטחון לאומי"

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עריכה לשונית בעברית: שרון פריימן

עיצוב עטיפה: סלעית סלע

"ביטחון לאומי" הוא כתב-עת מקצועי, היוצא לאור על ידי המרכז למחקר של המכללה לביטחון לאומי, צה"ל. מטרתו לקדם דיון אקדמי-מקצועי בענייני הביטחון הלאומי, על היבטיו המגוונים. כתב העת משמש כלי ביטוי לחוקרי המכללה לביטחון לאומי, לבוגריה ולחניכיה. המערכת תיתן במה לכותבים נוספים, שמאמריהם ייצאו מתאימים.

יתקבלו מאמרים רלוונטיים, שלא פורסמו בארץ. המאמרים שיופנו למערכת יישלחו לבדיקת עמיתים-מומחים כדי לבחון את התאמתם לפרסום בכתב-העת.

הנחיות לכותבי המאמרים

את כתב היד יש לשלוח בשלושה עותקים מודפסים במעבד תמלילים Word, ברווח כפול, בצירוף דיסקט. את שם המחבר, מקום עבודתו ותחום עיסוקו יש להדפיס על גבי עמוד נפרד. כן יצורפו תקציר בעברית ובאנגלית של עד עשר שורות. טבלאות ושרטוטים ימוספרו כל אחד על דף נפרד, ובתוך הטקסט יצוין אזכור למקום המיועד לטבלה או לשרטוט. הערות ייכתבו בתחתית כל דף. מקורות יוזכרו בתוך הטקסט, על-ידי שימוש בשם המשפחה של הכותב ובשנת הפרסום. שמות בלועזית ייכתבו בשפת המקור ולא בתעתיק עברי. במקרה של ציטוט מדויק, יש להוסיף את מספר העמוד (לדוגמא: Soffer, 1994, עמ' 51). רשימת המקורות תצוין בסוף המאמר.

מאמרים, שיהיה צורך לערכם באופן יסודי, יידחו או יוחזרו לכותביהם לשם כתיבה מחדש. מאמרים שיחייבו תיקונים מסוימים, יוחזרו לתיקון בצירוף הערות הקוראים. המערכת שומרת לעצמה את הזכות להכניס תיקוני עריכה במאמרים.

הכתובת למשלוח כתבי היד: צבא ההגנה לישראל, מרכז המחקר של המכללה לביטחון לאומי, צה"ל, מערכת כתב-העת "ביטחון לאומי", ד"צ 02624, דוא"ל: yehezkeally@gmail.com.

ביטחון לאומי

כתב עת ישראלי ללימודי ביטחון לאומי

גיליון מיוחד:

מבט חדש על טרור

גיליון מס' 6

אייר התשס"ח, מאי 2008

המרכז למחקר, המכללה לביטחון לאומי, צה"ל

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גיליון מיוחד זה של כתב העת **ביטחון לאומי** מבוסס על כנס שנערך בשנת 2006 במכללה לביטחון לאומי של צה"ל בגלילות, שמארגניו העיקריים היו עדנה ארז ופנחס יחזקאלי, בעזרתם של אורית שלו וג'אי אלבניז. המטרה היתה לכנס יחד מומחים בתחום הטרור ממדינות רלוונטיות, על מנת להצביע על השוני בהיבטים השונים של הטרור בתחומים כמו חוק, תרבות, דת ופוליטיקה, שנמצאו בקרב בני קבוצות שונות ובמקומות שונים.

ה-National Institute of Justice, זרוע המחקר של משרד המשפטים האמריקני, נתנה גם היא הסוטה לכנס והשתתפה בעריכת הגיליון. יצוין, כי הממצאים והמסקנות של המחקרים המדווחים בגיליון הינם של המחברים בלבד, ואינם משקפים בהכרח את העמדות הרשמיות של משרד המשפטים האמריקני, ו/או של המכללה לביטחון לאומי של צה"ל.

טרוריזם, סיכון וחקיקה

הנס-יורג אלברכט*

* מכון מקס-פלאנק למשפט פלילי זר ובינלאומי, גרמניה

חקיקת האנטי-טרוריזם שהוכנה וחוקקה מאז פיגועי ה-11 בספטמבר 2001 מעידה, בלי ספק, על תיאום והתכנסות. תאום והתכנסות הושגו בעזרת דרישות מדויקות שבוטאו על ידי האו"ם, מועצת הביטחון שלו, וכן, ארגונים בינלאומיים ועל-לאומיים (Supranational). יתרה מזאת, חקיקת האנטי-טרוריזם מאז ה-11 בספטמבר 2001 מיישמת תוכנית שפותחה על מנת להשיג שליטה טובה יותר על פעילות הפשע הטרנס-לאומי המאורגן; על תחום הלבנת הון; וכן, על ההגירה הבלתי חוקית – תופעות שהתפתחו לאורך שנות ה-80 וה-90 של המאה הקודמת. חקיקת האנטי-טרוריזם היא מעין "בן כלאים", משום שהיא מכוונת לתקן, לא רק את החוק הפלילי, אלא גם את המשפט בתחומים של הטלקומוניקציה, המשטרה, שירותי המודיעין, הבנקאות והשירותים הכספיים. בתחום המשפט הפלילי הממשי (Substantive Criminal Law) אנו מוצאים חוקים כנגד עבירות חדשות בנוגע לתמיכה בארגוני טרור ולמימון פעולות טרור. בתחום המשפט הפרוצדוראלי (Procedural Law) התרחבו כוחות המשטרה בצורה משמעותית, בזמן שספקי טלקומוניקציה אולצו לפתח ולתחזק יכולת של עיקוב מתוחכם (Sophisticated Surveillance Capacity), ולהאריך את תקופות שמירת המידע שעבר דרכם. סוג השליטה והמעקב הזה מציב את החברה האזרחית ואת האזרח בעצמו תחת חשד. הוא מבקש ממנו להסכים מרצון (Voluntary Compliance) עם מדיניות מעקב, המבוססת על ההבטחה להפחית את הסיכונים שבפניהם הוא ניצב, ולחזק את הביטחון האישי והקולקטיבי. שיתוף הפעולה בין משטרה וסוכנויות המודיעין הוקל; ההופעה של כוחות משימה מעורבים, המכילים כוחות משטרה, צבא, סוכנויות מודיעין, אגף המכס ורשויות ההגירה, מצביעה לדעת הכותב על היווצרות מדיניות של רדיפה ודיכוי (Repression). יחד עם זאת, חקיקת אנטי-טרוריזם מדגימה את המעבר מהסטאטוס הקודם של אלימות פוליטית ורעיונית, לסטאטוס של התנהגות מסוכנת. על כן, התופעה של החמרת הענישה והפרוצדורות המשפטיות היא ראויה. ניתן גם להבין את ההחמרה הזו של המשפט הפלילי המופנה כלפי אויבים, שהוא מנוגד למשפט הפלילי שיועד לאזרחי המדינה ושדגל בזכויות אזרח ובהופש בסיסי.

התופעה של טרור המתאבדים הפלסטינים

מריה אלבנו*

* האוניברסיטה הקאתולית של מילנו, הקבוצה האיטלקית לביטחון ולסוגיות בטרור

אחרי התקפות המתאבדים הקטלניות ב- 11 בספטמבר 2001, "אנתפאדת אל אקצא" הפכה להיות קוטב של משיכה מלומדת לכל המעוניין ללמוד על פעילויות התאבדות. הפלסטינים פתחו במערכה של התקפות טרור על ידי מתאבדים נגד ישראל שיצרה "זעזוע סיסמי" בקרב רוב הצופים מבחוץ. רוב התיאוריות שפותחו בנוגע לטרור המתאבדים מתחומי הפסיכולוגיה, היחסים הבינלאומיים, הדת והכלכלה, התמודדו עם טרור מנקודות מבטם העוסקות בסוגיה: "טרור או לחימת חירות?", המלווה בבעייתיות המתמשכת של הגדרת הטרור. בגודש היתר של הלימוד בתחום זה, מציעה הקרימינולוגיה זווית ראייה ייחודית בלימודי הטרור. לפי גישה זו, התקפה של טרור מתאבדים היא פעולה אלימה ביותר ועקובה מדם, שגורמת למספר גבוה של חללים ולפגיעות מרובות. מעבר לזוועה שהיא מייצרת, היא בראש ובראשונה פשע. בפרספקטיבה הזאת, היתרון של קרימינולוגיה מעל לתחומים אחרים הוא שהמימד המוסרי והשנוי במחלוקת בפירוש הרעיוני של טרור מאבד ממשמעותו. התפיסה של טרור המתאבדים כשיטה של הריגה מכוונת שצריך לחקרה לעומק, מתגברת על טיעונים קיימים נוסח "תכלית צודקת" של פעולות הטרור.

נשים פלסטיניות בטרור: מגנות או מוגנות?

עדנה ארז* וענת ברקן**

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המחקר הנוכחי בוחן את מעורבותן של נשים פלסטיניות בפיגועי טרור ואת האופן שבו מנוהל ההליך השיפוטי ביחס לעבירות ביטחוניות במדינת ישראל. המחקר מציג את מיקומן של הנשים בחברה הפלסטינית ואת נתיבי החיים שהובילו אותן לטרור. כמו כן, מתוארת השפעת המיגדר על תפקידן בטרור ועל ההליך השיפוטי, ומתוארים 'מכאובי המאסר' וההשלכות העתידיות שיש לכליאת נשים בכלא הישראלי מבחינת החברה הפלסטינית.

עבודה זו מתבססת על ראיונות עומק עם שלוש קבוצות שיש להן נגיעה לטרור הפלסטיני: הקבוצה הראשונה כוללת אסירות ביטחוניות פלסטיניות; הקבוצה השנייה – מנהיגים דתיים וחברתיים בקהילה הפלסטינית; והקבוצה השלישית – אנשי מערכת החוק אשר מופקדים על ההליך המשפטי המתבצע כנגד אלו שביצעו עבירות ביטחוניות כנגד מדינת ישראל.

ממצאי המחקר מלמדים כי למרות המוטיבציה ומעורבותן של נשים פלסטיניות בטרור, הן עדיין כבולות ומנווטות על פי מבנה מגדרי נוקשה וברור. התפקידים והתיפקודים השוליים אותם הן ממלאות בשטח, והאופן שבו מתייחסים אליהן בחברה ובמהלך ההליך המשפטי, בשונה מהגברים, מלמד כי נשים טרוריסטיות נענשות פעמיים: הן בשל העבירות הביטחוניות, והן בשל התנהגותן הנתפסת כסטייה מיגדרית בחברה הפטריאכלית ממנה באו. האמירות לגבי מהפיכה פמיניסטית בחברה הפלסטינית נותרות ריקות מתוכן לנוכח הממצאים הללו. הסתכלות מרובת פנים מסוג זה על טרוריסטיות פלסטיניות מאפשרת הפקת תובנות עמוקות מבחינה תיאורטית ואופרטיבית ומציעה התבוננות רב מימדית על נשים העוסקות בטרור.

"אסתשהאד" ככלי אידיאולוגי ופרקטי

בידי אל-קאעדה

יורם שוייצר*

* המכון למחקרי בטחון לאומי, ישראל

המאמר מציג את תרומתו הייחודית של אל-קאעדה להתפשטות מגיפת טרור המתאבדים באופן גלובאלי, ואת תפקידו המוביל כמודל לחיקוי לשותפיו מקרב קבוצות ורשתות טרור אסלאמיות. במאמר נטען כי הצלחתו המרכזית של אל-קאעדה היא ביכולתו להחדיר אצל שותפיו לדרך את האמונה בעליונות המושג של "אסתשהאד" כצווי מרכזי של האסלאם במאבק נגד יריביו הכופרים. על כן, אחד האלמנטים הדחופים והמוזנחים ביותר הנדרשים מצידה של החברה האזרחית שאינה עוסקת בסיכול טרור, הוא לגבש קבוצה משמעותית של מנהיגים אסלאמיים בעלי משקל מנהיגותי כקול מאוחד וסמכותי אחד, שירחיק מתגייסים פוטנציאליים חדשים מהדרך המעוותת המתבססת על הפרשנות הקיצונית של אל-קאעדה וחסידיו לציוויים של האסלאם. זהו כורח ראשון במעלה לצד הפעילות של גורמי הביטחון והמודיעין לסיכול הטרור עצמו, על מנת להתנגד ביעילות להתפשטות התופעה.

התפקידים רבי הפנים של נשים בתוך אל-קאעדה

קתרינה פון קנופ*

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מטרת המאמר לחקור ולנתח את התפקידים רבי הפנים של נשים בתנועת אל-קאעדה. בעת שבעולם החלו להבחין לראשונה במחבלות מתאבדות, התפקיד של תומכת רעיונית ועוזרת אופרציונלית חשוב יותר בפועל עבור תחזוקה לטווח ארוך של היכולת המבצעית והמוטיבציה הרעיונית של אל-קאעדה. תפקיד התומכת הרעיונית הזה, והיתרונות הטקטיים והאסטרטגיים שהוא מייצג, הוא הסיבה שנשים רבות יותר לא מבצעות את התקפות ההתאבדות. טענת הכותבת היא, שנשים הקשורות לאל-קאעדה עוקבות אחר פירוש מוגדר לפי מין של אידיאולוגיה קיצונית הקרויה "ג'האד הנקבה". הרעיון של "ג'האד הנקבה" מתכוון לכך, שהנשים המעורבות בפעילות מוציאות לפועל מעשה פוליטי באמצעות תמיכה בגברים, קרובי המשפחה שלהן; לימוד ילדיהן את האידיאולוגיה הסאלפיסטית; ומתן סיוע בפעולות טרור. ג'האד הנקבה איננו יעיל כאשר הנשים מחקות את המשמעות של ג'האד גברי ומבצעות התקפות טרור. המאמר מציע גישה הגורסת, כי נשים חשובות יותר למאבק ולהישרדות ארגוני הטרור כאשר הן פועלות על פי הגרסה הנשית של האידיאולוגיה. כאשר מחבלים נאסרים, מתים או נפצעים על ידי כוחות הביטחון, הנשים הן המספקות המשכיות, מטפלות בעניינים כספיים של הארגון, מציעות תמיכה מוראלית ורעיונית, ומחנכות ילדים באמונה ה"נכונה". במילוי המשימות הללו, הנשים ממלאות תפקיד חיוני ביציבות ובהמשכיות של ארגון הטרור. המאמר מביא ניתוח מקיף של התפקידים רבי הפנים של נשים בתוך תנועת אל-קאעדה. הוא מנתח את הגישה הרעיונית של נשות אל-קאעדה, סוקר את הפעילות המקוונת של נשים קיצוניות, מסביר את הרעיון של "sisterhoods", מסביר את הסיבות תפקידן כסייעות מבצעיות ותומכות, ואת תפקידיהן כמחבלות מתאבדות.