

Symposium: Vicente Medina's *Terrorism Unjustified: The Use and Misuse of Political Violence*

Comments on Vicente Medina's *Terrorism Unjustified*

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Coming from the perspective of a behavioral psychologist as well as having spent 20 years in federal law enforcement, I largely agree and appreciate much of the author's well researched, expansive definitions, history, and schools of thought on terrorism. The discussions of the dimensions of terrorism are rigorously presented. These dimensions include, but are not limited to, the notions of just vs. unjust, moral vs. amoral, and the perceived guilt or innocence of combatants vs. noncombatants. The author also includes discourse surrounding broader reckless and deliberate acts of violence.

A generally agreed upon definition of terrorism focuses on the use of political violence by individuals or groups who deliberately or recklessly inflict substantive undeserved harm or threaten to do so on those who can be conceived of as innocent noncombatants beyond a reasonable doubt, while aiming at influencing a domestic or international audience. Kidnapping, extortion, or certain acts of murder

can also be viewed as terrorism if the perpetrator of the act deliberately or recklessly harms or threatens to harm innocent civilians as a way of promoting domestic or international political goals. Terrorism is also described as purposeful and can be used to defend and preserve a certain political order. Terrorists are understood to operate with a sense of rationality being conditioned with what they believe is a higher good, rather than a cost-benefit analysis.

My considerations focus on the primary underpinning of the author's premise and groundwork for the book's subsequent reasoning and deductions. What would the author's reflections be regarding the importance of the mental capacity or incapacity of the actor as it relates to the many variants of definitions, explanations, even oppositional arguments on terrorism presented in the book?

If the mental capacity or state of the actor(s) is such that the actor cannot predict the consequences of his/her actions, or in many cases understand the consequences of his/her actions, under which category would they fall?

For children or culturally deprived individuals that do not develop any skill set with which to reason and predict the consequences of their actions, is it fair or accurate to then place any of these labels onto them, be it as a "terrorist" or "combatant"?

Would these individuals truly have intent, be deliberate, or threaten in a way consistent with many of the components of terrorism? If a person is acting under a defect of reasoning, impaired perception, or not knowing the nature and quality of the act he/she was committing, can that act then be considered terrorism?

If the individual cannot appreciate the wrongfulness of his/her conduct or is unable to conform his/her conduct to the requirements of the law or society, should he/she be considered a terrorist?

The United States Military Justice System, as well as the United States Criminal Courts Code 18 Section 17, The Insanity Defense, have versions of an insanity defense, or a diminished capacity consideration that explore mitigating circumstances on the defendant's

behalf.¹ Among other things, this is largely determined by the mental state of the actor during the crime in question. Did the person understand what they were doing at the time of the crime, and furthermore could he/she foresee the damage that would occur? These are a few of the considerations taken into account to determine the mental capacity of an individual before being held “responsible” or “not responsible” for a crime or, in turn, possessing the “intent” while committing the crime.

What mental assessment should be considered when the actor is involved in “terrorism”? This mental check would, in part, address the overall mental capacity of the individual at the time of the incident. This check would take into account an age level of which the person’s reasoning and overall mental capacity may not be considered that of an adult. Also, should one consider whether there a history or underlying mental disease or defect? These questions are geared specifically towards children, young adults, culturally deprived, and those whose mental capacity was either arrested, not developed due to age, or not developed at all.

In the context of evaluating the justice or injustice of a purported act of terrorism, or the moral status of the combatants and the noncombatants, what considerations, if any, would the author give to a person with an unreliable, distorted perception? If so, what effect would this have on the characterization of the intent of the person, or deliberation before an act of terrorism? Could a less than “rational” individual or one incapable of foresight and insight be, by definition, able to commit a terrorist act? If the intent or deliberateness were undermined due to age, mental defect, or cultural depravity, but the mechanics of the terrorist act were to meet the legal criteria, should the act be considered terrorism?

¹ *Uniform Code of Military Justice: Congressional code of military criminal law applicable to all military members worldwide* (Washington, D.C.: U.S. Dept. of Defense. 2000).