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ISIS: STATE OR TERROR GROUP?

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Jessica Anderson

Considering the significant number of recent fatal attacks in countries throughout the world either orchestrated or inspired by the Islamic State of Iraq and Syria (ISIS), it is evident that the group poses a significant threat to Western nations, including the United States (U.S.). ISIS has been responsible for more than one hundred major attacks throughout the world since September 2014. These attacks, combined with the multitude of threats to the U.S. from ISIS, warrant serious consideration of America's involvement in counter-terrorist efforts against ISIS. Such efforts have included continuous drone strikes on ISIS leaders and targets in Iraq and Syria; however, the number of drone strikes is miniscule in comparison to the rapid advancement of ISIS in conquering Iraq and Syrian territories. In response, the U.S. needs to decide how, when, and at what rate it will continue its efforts against ISIS. Although the extremely violent and gruesome nature of the attacks carried out by ISIS seem to define the group as a terrorist organization, this issue is confounded when considering the group's recent declaration that it is an Islamic State, contrary to its terrorist characteristics. Further, the complexities involved in defining both terrorism and statehood make this a complicated issue that warrants consideration of a multitude of perspectives, definitions, and theories. Should ISIS be categorized as a terrorist organization and not a state? What should be the U.S. respond be to the continuous threats ISIS poses.

# Categorizing ISIS: ISIS as a Terrorist Organization

In order to examine whether ISIS exists as a state or a terrorist organization, it is essential to first define terrorism and its development throughout history. Author Jonathan R. White, an expert in the study of terrorism, acknowledges the difficulty in defining terrorism but seeks to explain terrorism as it is defined in a social and historical context. Throughout Western history, the term terrorism has been modified according to the social, political, and historical context surrounding the emergence and formation of terrorist groups and events. The term first appeared during the French Revolution of 1789-1799, when Edmund Burke used the term "Reign of Terror" to describe the violence taking place during the revolution. While the violent terrorism in the French Revolution was carried out by the government against the people, Napoleon's invasion of Spain in 1807 introduced a form of terrorism carried out by small groups of Spanish partisans resisting the French government employing asymmetrical tactics in what is now known as guerilla warfare. In addition, the Federal Bureau of Investigation defines international terrorism in terms of three characteristics, including the following:

"[1] Involve violent acts or acts dangerous to human life that violate federal or state law; [2] Appear to be intended (i) to intimidate or coerce a civilian population; (ii) to influence the policy of a government by intimidation or coercion; or (iii) to affect the conduct of a government by mass destruction, assassination, or kidnapping; and [3] occur primarily outside the territorial jurisdiction of the U.S., or transcend national boundaries in terms of the means by which they are accomplished, the persons they appear intended to intimidate or coerce, or the locale in which their perpetrators operate or seek asylum".<sup>5</sup>

Considering these three explanations of terrorism, it is reasonable to maintain that the term terrorism may refer to anybody or group of people using asymmetrical or irregular tactics that are violent in nature to intimidate, coerce, or incite fear in a government or civilian population to achieve a political or social objective.

When examining the recent attacks by ISIS in relatively large nations such as France, Belgium, Saudi Arabia, Libya, and Egypt<sup>6</sup>, it is clear that ISIS is engaging in asymmetrical warfare to instill fear of the group throughout the world and coerce other nations to embrace ISIS' goal to establish a global caliphate (a state ruled by Islam) governed by Sharia (Islamic) law<sup>7</sup>. Although ISIS is small in comparison to the nations mentioned above, its ability to instill fear and garner overwhelming media and political attention has demonstrated the group's ability to successfully use asymmetrical tactics, such as suicide and unexpected bombings, to instill fear throughout the world and attract more followers and sympathizers to further their goal of establishing a caliphate. Additionally, the extremely violent and barbaric nature of acts committed by ISIS, including bombings on civilian populations, beheadings, crucifixions, and amputations has prompted many to label ISIS as a terrorist group.<sup>8;9</sup> According to this perspective, ISIS uses terrorist conventions and is to be considered a terrorist organization. However, the unique nature and goal of ISIS reveals the difficulty in defining terrorism, particularly when the violent group begins to gain territory and support over large areas and among millions of people. In addition, this issue becomes more complex when the group regards itself as a developing state seeking to govern itself rather than make concessions with a current existing authority.

## Categorizing ISIS: ISIS as a State

Since ISIS declared itself a caliphate on June 19, 2014<sup>10</sup>, the group has received extensive attention in the media, and several attempts have been made to define the goals of ISIS and its role in the world. However, ISIS' claims to statehood are illegitimate and misguided. While organizations such as the U.S. Bureau of Counterterrorism consider ISIS a terrorist organization 11, some have ventured to claim that ISIS is not a terrorist group. Christopher Ruddy, the current Editor in Chief of Newsmax Media, Inc. and scholar of public policy, rejects President Obama's declaration that ISIS should be considered a violent extremist group rather than a state. 12 Ruddy reasons that ISIS is a state and can logically be considered a traditional military opponent due to its control and governance of large areas of territory, available tax revenue, and the existence of training grounds operated by ISIS. Similarly, when looking at the Global Policy Forum's definition of a state, it initially appears that ISIS meets the standards of statehood. The Global Policy Forum defines a state as an entity separate from a government and is a "means of rule over a defined or sovereign territory" (p. 1). 13 Based on this definition, a state consists of institutions such as courts, bureaucracy, and an executive, but also collects taxes and manages a police and military force. According to research analysts at the Institute for the Study of War, ISIS has established several cities with comprehensive governmental programs, such as judicial, educational, and security services, including its capital city Raqqa. 14 In addition, ISIS has established both administrative and service-oriented programs, and provides necessary infrastructure services, including water and electricity. Based on these points, it appears that ISIS should be considered a state. However, the issue of statehood is complex, and there exists no conclusive definition of statehood. As such, it is necessary to further examine the common interpretation and idea of statehood, and to assess ISIS' position as a state accordingly.

Joe Boyle, a BBC News journalist, understands the complexity of the idea of statehood, but compiles common definitions and understandings of the term that can be used when assessing the statehood of a particular body of people. <sup>15</sup> As Boyle mentions, the requirements for becoming a state include acquiring membership in the United Nations (UN), or alternatively obtaining recognition from as many other states as possible if UN membership is not granted, and engaging in trade with other states. Based on this definition, ISIS has not obtained statehood, as the group has not been recognized or legitimized by either the United Nations or a number of other states. <sup>16</sup>

Moreover, the Montevideo Convention of 1933 declared that a state should consist of defined territory, a permanent population, a government, and a capacity to have relations with other states. <sup>17</sup> According to this definition, there may be disagreements and a lack of clarity in determining the legitimacy of statehood for ISIS. While the group currently has control of territory in Syria and Iraq the territory lost by ISIS over the course of the year 2015, which reveals the relative instability of its borders. <sup>18</sup> In terms of a permanent population, experts in national security explain that there is no particular number of citizens necessary for granting statehood, and that the only requirement is a permanent population that "ties its fate to the place in which the entity has been established and exercises its power of governance" (p. 1). <sup>19</sup> While there are a number of people that willingly consider themselves

subject to the Islamic State's caliphate, national security experts argue that ISIS does not meet the definition of a permanent population due to the fact that ISIS gained its territory by forced occupation and invasion of territories and subjugation of the people living in these territories.<sup>20</sup> If most people are not willingly coming under the rule of the Islamic State, and if the rule has been in place for less than a few years, it may not be appropriate to consider them a permanent population in its current state.

Next, in terms of possessing a government, ISIS' rule in the form of the caliphate meets this criteria, as it exercises governmental authority over the people in its territory through collecting taxes, operating a judicial system, and managing a police and military force. However, as a few research analysts mention, ISIS has not proven that it has the capacity to keep current programs and provisions in place, thereby threatening the organization's long-term stability and governing authority over its people. Lastly, in terms of its capacity to engage in relations with other states, ISIS is largely inhibited in this matter due to the lack of legitimacy granted to it by other states, which may decrease its ability to interact with other nations and governments. Conclusively, when examining the organization, it is evident that ISIS operates more as a terrorist group and a pseudo-government than a legitimate state with long-term endurance potential, which will impact the way that nations conduct military operations against the group.

Based on this, the United States should consider ISIS a terrorist organization and regard it as such when conducting military operations against the group.

# **Alternate Perspective**

Although the evidence suggests that ISIS is a terrorist organization, rather than a legitimate state, it is important to recognize that the definition of statehood varies widely and not all definitions adhere to a Western-centric definition. While ISIS does not seem to be a state according to common Western understanding, the influence and prominence of the religion of Islam in Middle Eastern politics may significantly alter the recognition of ISIS as a state among nations in the Middle East. In light of the increase in ideological terrorist groups in the twentieth and twenty-first centuries, perspective plays a large role in evaluating whether these ideological groups are viewed as terrorists or simply groups that support and further the goals of a certain religion or ideology, which may provoke some sympathizers to accept the group's desire to become a legitimate state actor. This issue is important because if Muslim countries in the Middle East regard ISIS as a valid state rather than a terrorist group, military operations against ISIS may become controversial and America's involvement in attacking ISIS in the Middle East may generate further political and potential military conflict between nations.

The issue of perspective has been a point of discussion since Napoleon's invasion of Spain in 1807. Spanish guerillas wreaked havoc among Napoleon's lines and while Napoleon categorized the guerillas as terrorist "the Spanish called the partisans patriots" (p. 9).<sup>23</sup> While one poll revealed that views toward ISIS are overwhelmingly negative in countries with large Muslim populations, including Lebanon, Jordan, Palestine, Indonesia, and Turkey<sup>24</sup>, a different study revealed that support for Sharia law is supported among a large number of Muslims, particularly in Iraq, Afghanistan, Niger, and Palestinian territories.<sup>25</sup> On the surface, some would venture to reason that Muslims in favor of Sharia law would support ISIS, as the goal of the organization is to eventually establish a global caliphate governed by Sharia law.<sup>26</sup> As the Spanish referred to the partisans as patriots, some may argue that Muslims support and view the jihadists of ISIS as heroes fighting to accomplish a fundamental goal of Islam, which the establishment of a global caliphate.<sup>27</sup> While a small number of Muslims may support the actions of ISIS and potentially agree with this view, as was revealed in a comprehensive poll analysis of the Arab public opinion toward ISIS,<sup>28</sup> there is not enough evidence to assert that Muslims in support of establishing Sharia law in their country also support the furtherance of ISIS.

In view of this, it is clear that perspective is a significant issue in determining whether the actions of ISIS fulfill the definition of a terrorist organization. Despite the possibility that Muslims in favor of Sharia law would potentially support ISIS, the available poll data on the issue of support of ISIS by Muslims worldwide reveal that contrary to the Spaniard's support of the partisans, Muslims in general do not view ISIS jihadists as heroes or even legitimate representatives of their religious views. In response, it is logical and reasonable to suggest that due to overwhelmingly negative views of ISIS among Muslims, the United States is safe to regard ISIS as a terrorist organization and conduct counter-terrorism operations accordingly.

#### **Potential Implications**

Considering the evidence suggesting that ISIS is rightfully categorized as a terrorist organization, it is necessary to examine how the U.S. must respond to ISIS as a terrorist group rather than a state entity. Combatting a state actor versus a terrorist group warrants and justifies quite different actions and responses. If ISIS were found to be a legitimate state actor, the U.S. would likely need to declare war on ISIS in order to make significant advancement in its campaign to defeat ISIS. If the U.S. recognized ISIS as a legitimate state, considerable advancement could be made in deploying ground troops to attack ISIS soldiers and military personnel in defined ISIS territory. However, according to American national security experts, "When military organizations conduct violent operations on behalf of a nation, that is not terrorism; it is war. In war, the internationally recognized Laws of Armed Conflict, which define when those operations are legal or illegal (i.e. war crimes), are well established" (p. 297).<sup>29</sup> In declaring and engaging in war against ISIS, the U.S. would be bound by these laws and consequently restricted in its ability to wage campaigns against ISIS. International law constrains the capacity of the U.S. and other states to defeat ISIS by restricting the ability for armed

intervention in response to ISIS attacks, aggressive expansion, and legitimate threats.<sup>30</sup> In addition, efforts against ISIS would be severely inhibited in Syrian territory, where the issue of obtaining consent from the Syrian government to attack ISIS emerges.<sup>31</sup> Considering these limitations, it seems fortunate that the U.S. is able to reject ISIS' declaration of statehood and instead regard it as a terrorist organization, which enables a different set of responses.

In considering ISIS a terrorist organization, there exist few unequivocal rules or laws from which to deal with the group, enabling some degree of freedom in combatting and attempting to dismantle ISIS. Declaring war on ISIS as a state would potentially result in a quicker resolution and a clearly defined outcome, which would likely appease both the American people and victims or opponents of ISIS worldwide. However, because ISIS began as a terrorist organization, historically rooted in the leadership and character of al Qaeda,<sup>32</sup> and has continued to operate as a terrorist group, it must be dealt with and understood accordingly. States possess clearly defined borders, known populations, and distinct leadership. At its current state, ISIS has unstable borders, unknown populations, and obscure leadership, conforming itself to the secretive and underground nature of terrorist organizations.<sup>33</sup> If the U.S. seeks to defeat ISIS by regarding it as a terrorist organization, the battle will not be limited to territories publicly claimed by ISIS, but will extend to the secret operations and activities of the group, which may prove far more momentous than the overt affairs of ISIS.

In addition, because terrorist threats cannot be deterred, the U.S. must take an offensive position with regard to the serious threats ISIS has made against it. Although ISIS' forerunner al Qaeda succeeded in carrying out a large-scale, deadly attack on U.S. soil on September 11, 2001, its attacks on the U.S. homeland were limited, and persistent attacks on the homeland were few. However, since 2014, ISIS has succeeded in carrying out a significant number of its threats throughout the world, including attacks on civilian populations in prominent countries allied with the U.S., such as France. Threats of Considering this, it is clear that the U.S. should take the numerous threats of ISIS into serious consideration, and adopt offensive military strategies designed to impede potential attacks from ISIS on U.S. soil or its embassies and military bases throughout the world. If the U.S. limits itself to fighting against ISIS in its self-declared territories, the U.S. may find itself unable to confront the entirety of ISIS forces that may exist in secretive locations or to identify ISIS' clandestine operations taking place outside of its known territory. Considering this, it is evident that it is both logical to label ISIS a terrorist organization and beneficial to deal with it as such.

The deliberation on whether ISIS exists as a state entity or a terrorist organization is not a finite issue. Due to the availability of a range of valid and reasonable definitions of both statehood and terrorist groups, it is beneficial to acknowledge that valid arguments can be made on both sides, particularly with regard to the unique nature of ISIS and its recent success in expanding its borders in the Middle East. When examining the history of terrorist groups since the French Revolution, it becomes evident that ISIS is unusual in its unwillingness to make concessions or negotiate with other nations. While this is characteristic of several Islamic terrorist organizations of the twenty-first century, ISIS has become the forerunner in the media, public, and political eye, and it has become clear that ISIS possesses no desire to stop forcefully expanding its borders with little regard for existing state boundaries. Consequently, it is vital that further discussion is pursued regarding how to respond to ISIS, most prominently in response to its rejection of state borders, barbaric terror attacks, continuous threats to countries throughout the world, and its inability to currently establish stable rule over its territories.

## Conclusion

In sum, the evidence presented throughout this paper suggests that ISIS can rightfully be regarded as a terrorist organization, rather than a state, and that categorizing ISIS as a terrorist group is beneficial to the U.S. in its efforts to dismantle and defeat ISIS. Considering the religious nature of ISIS, it is important to recognize that the form of ideological terrorism that is expanding and developing roots in the twenty-first century poses a significantly different threat to U.S. national security than the political, separatist, and nationalist terrorist movements in the past few centuries. If a terrorist group arises from grievances it has with its government or leaders, and seeks to utilize violent terrorist methods for the purpose of gaining support from its fellow citizens and coercing its government into making negotiations and settlements, such a group will likely cease to exist when its grievances are met.<sup>35</sup> However, when a terrorist organization seeks to fulfill idealistic aspirations promised by religious or ideological conceptions, it becomes extremely difficult for states to meet the impractical goals of the organization, making negotiations and settlements relatively impossible.

ISIS has publicly declared a caliphate, and its goal is to forcefully extend this Islamic-ruled government throughout the entire world, which runs counter to the democratic rule of governments throughout both the Western and Eastern world. If ISIS refuses to stop its terror campaigns until the entire world is under its caliphate,<sup>36</sup> democratic nations will need to remove the civil liberties and freedoms they have so diligently fought for. Of course, it is unreasonable to suggest that democratic and free nations should submit to the authority and control of ISIS, and it is not sensible to claim that ISIS has the ability to bring the entire world under its rule with its limited military power and support. However, the relentless attitude of ISIS's leaders, soldiers, and followers, and the reality that the group has been successful in carrying out attacks and inspiring its followers throughout the world to execute

domestic attacks, demonstrates the need for countries, including the U.S., to take an offensive position with regard to ISIS. Choosing to ignore or deemphasize the threat of ISIS as a terrorist group may produce unfavorable and dangerous results to the national security of nations threatened by ISIS.

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