

**HUMAN RIGHTS AND FIGHTING TERRORISM THROUGH THE RULE OF
LAW:
A GLOBAL PERSPECTIVES**

Liaquat Ali Khan Hridoy

Student of LL.M, The City Law School under the city, University of London.

Abstract

Current terrorism research is divided on the issue of whether or not democratic systems encourage terrorist acts. There is still much to learn about the “rule of law” in combating domestic and foreign terrorism. According to the author, a strict rule of law reduces ordinary citizens’ opportunities and desires to participate in political violence, thereby preventing democracies from becoming victims of terrorism. Several studies including cross-sectional data suggest that terrorist attacks are less likely to occur in nations with a functioning rule of law. Anti-terrorist measures can be bolstered by the rule of law in democratic institutions.

Keywords: Human rights, terrorism, domestic institutions, the rule of law.

Introduction

Today, scholars, policymakers, and politicians are debating the best way to defeat terrorism in the world. Terrorism deterrence, in particular, is a fundamental foreign policy goal for countries. The United States and its allies made it a top foreign policy goal to spread democracy in countries that were dangerous to the world (Gause 2005)¹. They believe that developing a solid legal framework and safeguarding political liberties are the best ways for democratic countries to combat the threat of terrorism (Hinnen, 2009)². Studies on democratic governance’s impact on terrorism, on the other hand, reveal contradictory causal arguments, terrorist attacks are less likely to occur (Eyerman 1998)³. If you look at all of these arguments, the current scholarship cannot say for sure which countries are more likely to be targeted by terrorists: democracies or no democracies.

¹ Gause, F. Gregory, III. 2005. Can democracy stop terrorism? *Foreign Affairs* 84 (5): 62-76.

² Hinnen, Todd. 2009. *Prepared remarks to the Washington Institute for Near East Policy*. <http://www.washingtoninstitute.org/html/pdf/hinnen.pdf>

³ Eyerman, Joe. 1998. Terrorism and democratic states: Soft targets or accessible systems. *International Interactions* 24 (2): 151-70.

I believe that the “rule of law” is best understood as a combination of practical and unbiased judicial institutions, as well as the people’s acknowledgement of the constitution as legitimate, in liberal democratic countries. Ordinary people can peacefully settle their problems through the political rule of law systems, so terrorists are inspired by hopelessness and desperation. Terrorist attacks are less likely to occur in countries with well-established law systems.

Literature Review

For most studies are three categories: (1) the overall effect of democracy; (2) the impact on terrorist activities of various democratic institutions’ auxiliary characteristics; lastly (3) the connection between democracy and specific terrorist events. Assumptions, questions, and conclusions about the role of modern democracies in the possibility of terrorist acts vary widely among these three groups. Most academics in the first group feel that democratic institutions make it difficult for political leaders to take early and practical actions to counter possible terrorist threats (Enders and Sandler, 2006)⁴. People believe that democratic countries promote a conducive climate for terrorist activity because they generally protect civil liberties and rights for everyone, not just law-abiding individuals. According to Eubank and Weinberg (1994)⁵, more terrorist organizations are found in liberal democratic countries than authoritarian ones because of their structural responsibility to protect established liberties. One might assume that because of the vast range of individual liberties that provide terrorist groups with the ability to recruit, in a democracy, terrorist acts will be more common in a democracy than in autocracies.

Some scholars argue that democratic nations provide situations in which citizens have access to nonviolent procedures for resolving disagreements, making these countries less vulnerable to terrorism (Eyerman, 1998)⁶. Research by this group emphasizes the relevance of well-functioning democratic forms and processes. The availability of legal systems and other government organizations ensures that residents’ complaints and grievances can be resolved peacefully through official, legal, and predictable means. As a

⁴ Enders, Walter, and Todd Sandler. 2006. *The political economy of terrorism*. Cambridge: Cambridge University Press.

⁵ Eubank, William, and Leonard Weinberg. 1994. Does democracy encourage terrorism? *Terrorism and Political Violence* 6 (4): 417-43.

⁶ *ibid*

result, Eyerman (1998)⁷ found that established democracies are less likely to be targeted by terrorists than non-democracies, but new democracies are more vulnerable.

Second, some academics believe that democracy could both attract and deter terrorist activities (Li 2005)⁸. This group argues for representative government by suggesting democratic societies favour terrorist activity when others discourage it. To support its examination of democratic regimes that promote or deter terrorists, this group relies on a range of earlier studies. There are many different types of democracy, but this group is more interested in the effects of certain democratic regime traits on terrorist activity than in taking an overall measure of democratic development. As an example, Li (2005)⁹ demonstrates that residents of democratic countries are unlikely to engage in illegal terrorist attacks since they have a variety of ways to participate in politics. A terrorist attack is more likely when democratic governments and courts restrict constitutional powers or when free news media in democratic countries are open to extremists as political rhetoric and mobilization platforms.

While the first and second groups focus on the overall number of terrorist attacks in a country or terrorist organization, the third category focuses on specific terrorist incidents. Assassinations, suicide bombings, and hijackings may be encouraged by the fragility of some democratic institutions. When Wade and Reiter (2007)¹⁰ They examined no evidence supporting the claim that suicide terrorist attacks against democratic targets are more common than attacks against nondemocratic targets. Research shows that terrorists have better access to the necessary skills and resources to get these weapons from labs and universities of higher learning.

These three academic researchers appear to provide thorough insights into recognizing the vulnerabilities that political processes face from threats of terrorism by examining various liberal democratic traits, including civil liberties, executive restrictions, and media openness. The research, however, has two main flaws thus far. Some of these studies fail to

⁷ *ibid*

⁸ Li, Quan. 2005. Does democracy promote or reduce transnational terrorist incidents? *Journal of Conflict Resolution* 49 (2): 278-97.

⁹ *ibid*

¹⁰ Wade, Sara Jackson, and Dan Reiter. 2007. Does democracy matter? Regime type and suicide terrorism. *Journal of Conflict Resolution* 51 (2): 329-48.

consider the “rule of law” as a crucial factor in violence. As a liberal democratic system, the rule of law has been a central principle and an institutional goal for nearly every country. When it is acceptable to believe that democratic qualities may be the root of terrorism, terrorists, for example, may be able to more readily organize and conduct illegal political activities if civil liberties are strengthened.

The Rule of Law in Terrorist Incidents both at Home and Abroad

To begin with, it is necessary to define the terms “rule of law” and “terrorism” because their meanings are still up for debate. Terrorism is a tricky word to describe because of its value-laden nature: an extreme in one place may be a freedom warrior in another. Non-state actors who wish to achieve a political purpose by instilling fear, coercion, or intimidation against civilian targets are considered terrorists by LaFree and Ackerman (2009)¹¹. This term serves as a practical analytical framework for my research on the topic. When terrorists attack their own country’s citizens, such as in the case of the Oklahoma City bombing, they are committing acts of domestic terrorism. There is an instance of international terrorism when terrorists, victims, institutes, governments, or civilians of a country are involved in a terrorist attack in the country (Dugan 2010)¹². A study of global terrorism could benefit from these slight variations. “Subject to multiple definitional and normative conflicts,” the rule of law is likewise a controversial topic (O’Donnell 2004)¹³.

A strict rule of law and a democratic system of government should have at least these two essential components. For brevity, I am only going to focus on these two. One or more systems of justice that are fair and effective, and two or more people who can see laws and the judicial system as a whole as valid if they meet certain conditions. An international tribunal with fair judges, prosecutions, attorneys and powerful enforcement agencies or police departments are essential components of an impartial judiciary system. The government shows its firm belief in court by creating an independent judiciary.

By establishing judicial authority as fair and impartial, the public can develop trust and confidence in legal principles, procedures, courts, and law enforcement. As a result,

¹¹ LaFree, Gary, and Gary Ackerman. 2009. The empirical study of terrorism: Social and legal research. *Annual Review of Law and Social Science* 5:347-74.

¹² Dugan, Laura. 2010. The making of the global terrorism database and what we have learned about the life cycles of terrorist organizations. Unpublished paper.

¹³ O’Donnell, Guillermo. 2004. Why the rule of law matters. *Journal of Democracy* 15 (4): 32-46. Pape, Robert A. 2005. *Dying to win*. New York, NY: Random House.

residents are less prone to engage in physical violence to settle political and personal disputes. Citizens will only use domestic justice systems if they are confident in the impartiality and fairness of the courts that they will be brought before. Trust in the government's legal system is essential to the social and political stability in society (O'Donnell 2004)¹⁴.

Domestic Terrorism and the Rule of Law's Interdependence

Those who have grievances, lack a peaceful way of resolving their grievances, and view violent acts as a just and viable ultimate resort are more likely to engage in political violence, according to the above discussion. The lynchpin of this argument is that ordinary citizens are less likely to consider terrorist acts as a viable alternative to settling conflicts if they have exposure to a peaceful process for conflict resolution. Additionally, I contend that countries with strong liberal democracies have lower rates of domestic terrorism because their rule-of-law systems are known to be effective in resolving disputes.

People in free democratic nations do not have to engage in illegal terrorist means to settle their disputes since the justice system is functional and independent. According to Eyerman (1998)¹⁵, democracies “raise the expected return of lawful activity and allow many means of nonviolent criticism without the prospect of government punishment,” alleviating potentially rising animosity and dissatisfaction (Frey and Luechinger 2003)¹⁶. Those unsatisfied with the justice system are more prone to turning to terrorism in places where there is a dearth of effective legal systems.

As a result, because democratic individuals have been conditioned to believe that the legal system is fair and unbiased in the event of a dispute, they accept existing laws as a way to resolve political conflicts. A self-defeating act of violence, in this view, would ultimately undermine a legal institution that is considered necessary. Even if they disagree with specific legal acts and decisions, residents tend to accept the established legal system because they regard these institutions as fair and genuine. Democratic citizens have faith in the legal system, even if it does not yield the outcome they had hoped for.

¹⁴ *ibid*

¹⁵ *ibid*

¹⁶ Frey, Bruno S., Simon Luechinger, and Alois Stutzer. 2007. Calculating tragedy: Assessing the costs of terrorism. *Journal of Economic Surveys* 21 (1): 1-24.

Suppose this is the case, who live in less democratic nations where everything favours the wealthy and powerful. Those who reside in nations where the rule of law is absent are more inclined to engage in acts of sabotage against their governments, public policy, and peaceful participation. Despite the need for an independent court and law enforcement, law-abiding people in democratic countries are just as crucial in the fight against domestic terrorism as anyone else. As we have seen, the judiciary cannot add significant law rules alone.

It is imperative that all members of society, including the citizens, take an active role in the process. As a result, depending entirely on legal power becomes less likely to result in safe and healthy communities if citizens do not engage with the legal system to resolve grievances and serve as watchful ears and eyes for domestic terrorists (Hardin 2001)¹⁷. When the rule of law is well-entrenched, and the people's voice is heard, it ensures that governments are responsive to their constituents and that crucial civil engagement is improved (Schmid 2005)¹⁸. "It is less likely that a terrorist organization will be formed when more citizens are involved in the democratic process. To put it another way, "the rule of law can be said to have an anti-terrorist effect." To put it another way, democracies' rule-of-law systems, in which citizens have confidence, allow them to settle disputes without resorting to violent extremism, which reduces the likelihood of terror attacks.

The Relationship between International Terrorism and Rule of Law

Research on international terrorism seems to be plagued by a pair of frequent erroneous notions. One of the most common explanations for international terrorism is the belief that religious and ideological agendas are to blame (Reich, 1990)¹⁹. In and of themselves, religious and ideological beliefs do not inevitably lead to acts of terrorism. When there are no peaceful avenues for civilians to express their frustrations, they are more likely to join radicalized terrorist groups that use religion and ideology to excuse their activities. Second, some who study terrorism have a distorted view of the scope of international terrorism. For terrorism to have a worldwide dimension, it does not always necessitate the presence of infamous international terrorist organizations like Al-Qaeda. At least two countries must be involved in political violence to qualify as international terrorism.

¹⁷ Hardin, Russell. 2001. Law and social order. *Philosophical Issues* 11:61-85.

¹⁸ Schmid, Alex P. 2005. Terrorism and human rights: A perspective from the United Nations. *Terrorism and Political Violence* 17 (1-2): 25-35.

¹⁹ Reich, Walter. Ed. 1990. *Origins of terrorism*. Cambridge, UK: Cambridge University Press.

Foreigners are more likely to be terrorized by locals who have complaints towards foreigners who violate their political and legal rights and lack faith in the ability to peacefully get justice due to their own country's weak rule of law. Due to an overpowering foreign authority or an unfair international agreement that limits domestic jurisdiction from foreigners' crimes, local citizens having concerns against foreigners have little prospect of addressing them through the legal system. Domestic judicial systems are ineffectual, making locals feel powerless and desperate. Locals fired up with the administration turn to terrorism as a result.

Four classic tales help us better understand how global terrorism and even the rule of law are intertwined in our world. People in their very own country can feel powerless and panicked if others violate their fellow citizens' constitutional safeguards at home and around the world or abuse the political and economic interests of their own country. Terrorist attacks on foreigners and foreign installations are more likely to occur in countries with a lack of legal protection for foreigners in their home countries. A notable example of this is the uprising of Iraqi citizens against armed, privately contracted military forces working outside Iraqi law and even the laws of their own countries (Broder and Risen 2007)²⁰.

As with the first mechanism, the second is an elaboration of the first, in which despondent citizens turn into international terrorists to achieve their own domestic goals. Several attacks have taken place to redress foreign oppression of their own country or weaken Western backing for terrible regimes. Either because international targets are more subject to assault or because launching the attacks on a global scale rather than a domestic one has some strategic benefit. First, because of the ease of access, foreign locations may be more vulnerable to assault (Enders and Sandler 2006)²¹. An international terrorist attack's objective is to incite political resistance within the target country, calling for an end to the foreign presence (Wade and Reiter 2007)²².

²⁰ Broder, John M., and James Risen. 2007. Armed guards in Iraq occupy a legal limbo. *New York Times*, September 20.

²¹ *ibid*

²² *ibid*

The third cause of international terrorism is resentment of politically powerful foreign targets acting in their own country by disgruntled citizens. In these instances, foreigners and their well-protected foreign facilities pose an immediate threat to citizens, but citizens have no means of retaliation at their disposal. Disgruntled citizens who feel powerless may turn to foreign terrorists to avenge their grievances, believing this to be the best course of action (Tessler and Robbins 2007)²³. In these conditions, international terrorist organizations have an ideal opportunity to support disgruntled residents. Many Iraqis are willing to fight alongside Al-Qaeda militants from other nations, such as Pakistan.

Citizens with grievances towards their government have no redress in countries with corrupt domestic laws that favour the government. Lawlessness and "mob rule" are made feasible by a breakdown in the fundamental concepts required to emerge the rule of law. Often, the people seem unable to rise independently instead and seek outside forces, such as worldwide terrorist groups, to fulfil their demands. In order to carry out their terrorist objectives, global terrorists can recruit citizens from their nations who have been disenfranchised or disadvantaged and use them as civilians as shields to fund and carry out their horrible terrorist crimes (Masood, 2008)²⁴.

Settle grievances in nonviolent ways

By safeguarding peoples' rights and disputes to be resolved peacefully, the rule of law strengthens the legitimacy of a democratic system. Terrorist violence no longer needs to be used as a last alternative to settle conflicts in free democracies because of this. As long as there is an impartial judiciary and law enforcement personnel who adhere to the letter of the law, the public will view the courts as a legitimate means of resolving disagreements amicably. Terrorism is anticipated to be reduced in democratic countries due to increased public acceptance of the law and judicial impartiality.

According to several recent studies, people in less developed nations are more likely to engage in terrorist activities because of their sense of relative economic inequality (Kahn

²³ Tessler, Mark, and Michael D. H. Robbins. 2007. What leads some ordinary Arab men and women to approve of terrorist acts against the United States? *Journal of Conflict Resolution* 51 (2): 305-28.

²⁴ Masood, Salman. 2008. Twelve were killed in a suicide bombing at a Shiite mosque in Pakistan. *New York Times*, January 18.

and Weiner 2002)²⁵. Terrorists have an ideal pretext for their activities because of the instability caused by frequent regime changes in domestic economic and political systems. There are fewer options for terrorists in countries where the system has been in place for a long time (Eyerman 1998; Eubank and Weinberg 2001)²⁶. Terrorism is predicted to decline due to the regime's long-term stability. Marshall and Jagers (2007)²⁷ Provide the information needed to calculate this variable. Many people live in countries with many people, which makes them more vulnerable to terrorist attacks (Eyerman 1998)²⁸.

Terrorists will flock to failed regimes where the central government cannot enforce the law throughout a large portion of the country. Terrorism is linked to failing states in some research, according to empirical evidence (Piazza 2008)²⁹. Armed warfare destabilizes countries, leaving them vulnerable to further terrorist attacks. Plots like this usually try to weaken the country's political and economic institutions and make people angry with the country's enemies (Ross 1993)³⁰.

Conclusion

Previous research reveals mixed results when the topic of whether or not democracy supports terrorist acts is asked with an eye toward internal or international terrorism. As part of this investigation, the researchers looked at the rule of law's role in reducing domestic and foreign terrorism. As a liberal democratic government, people are less likely to choose violence if their complaints can be resolved in a nonviolent manner under a democratic legal system, rather than resorting to violence of any kind. Empirical evidence shows that a strong heritage of the rule of law reduces violent conflicts, regardless of the form of terrorism involved.

Researchers and policymakers, in my opinion, should focus more on the things that lead up to acts of terrorism in the first instance. For example, looking at terrorism's enablers, such as government limitations and political competitiveness, may overlook its core causes. We

²⁵ Kahn, Joseph, and Tim Weiner. 2002. World leaders rethinking strategy on aid to poor. *New York Times*. Section A(1), 3, March 18.

²⁶ *ibid*

²⁷ Marshall, Monty, and Keith Jagers. 2007. *Polity IV project: Political regime characteristics and transitions, 1800-2006*. Dataset Users' Manual Severn, MD: Center for Systemic Peace.

²⁸ *ibid*

²⁹ Piazza, James A. 2008. Incubators of terror. *International Studies Quarterly* 52 (3): 469-88.

³⁰ Ross, Jeffrey Ian. 1993. Structural causes of oppositional political terrorism: Towards a causal model. *Journal of Peace Research* 30 (3): 317-29.

can only begin to lay out a strategy for dealing with terrorism if we go beyond our current inclination toward permissive elements. My arguments and conclusions are particularly pertinent to this research. I want to clarify that religious and ideological views alone are not enough to cause a person to engage in terrorist attacks against foreign or foreign businesses. Terrorism can be linked back to a lack of an effective rule of law rather than a particular faith or philosophy. Terrorist recruiters worldwide get help from a weak rule of law tradition, which leads to more international terrorism.

This study's conclusions have crucial implications for future policy-making. A robust legal system is essential to prevent angry citizens from becoming domestic terrorists, yet some democracies have been persuaded to weaken it due to the growing threat of terrorism. According to the results presented here, the rule of law is much more likely to minimize terrorist occurrences than democratization, which has been the main emphasis of American foreign policy. So, instead of focusing on simple democratic mechanisms like voting or parliamentary discussion, we should focus on more civic training and education in the courts. Studies have shown that the International Agency and other EU agencies play a crucial role in funding autonomous judiciaries in developing countries, and these findings support the importance placed on this function by the European Union. More money and a strong tradition of the rule of law should be established in nations prone to terrorism through collaboration between these types of organizations.

As a deterrent against terrorism, it is irrational to prioritize speedy elections over establishing a rule-of-law system. There must be instruction or training provided for judges, prosecutors, attorneys, and police to bring national procedures by internationally accepted standards for fostering the establishment of an integrated judiciary and encouraging just legal systems in countries in transition. Supporting terrorism may be considered a viable option for victims if legal methods are not employed to uphold equal opportunity but rather perpetuate stark inequities in society.

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