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Uri Yanay

*Hebrew University of Jerusalem*

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# VICTIMS OF TERRORISM:

## Is it a 'Non-issue'?

Uri Yanay, Ph.D.

The Hebrew University of Jerusalem

*Despite the growing 'detente' or because of it, the world faces the danger of an increased number of ethnic, religious and separatist movements that actively seek visibility, fearing that otherwise their case might be overlooked. This may be one of the reasons terrorism is a growing phenomena, causing injuries and death to people and significant damage to property.*

*Most governments ignore victims of terrorism. Denying the problem or providing scant help to victims does not solve the problem fairly. The political nature of the problem and the multitude of damages caused by terrorism requires legal entitlements and State resources to support victims and compensate them.*

*The phenomenon of terrorism and its political, fiscal and value implications are acknowledged as a social problem.*

Informed almost daily of terrorist activities,<sup>1</sup> the eyes of the public, paradoxically, seem to focus on the terrorists, while little attention is paid to the victims of such events.

Despite the immense security efforts made to combat terrorist acts, no specific programs have been designed to either cover civilian victims and their dependents, or to care and compensate for their injuries, income and property losses.

This paper discusses the obstacles that exist in the process of addressing victims of terrorism as a social problem.

### Introduction

Despite the spirit of reconciliation and the growing social and economic ties between countries in the world, or perhaps because of these, the world faces an increasing number of ethnic, religious and separatist movements which fear that unless their visibility grows, their cause and claims might be forgotten.

The relative power of any group in a democratic society depends on its size. If opposed by the majority of the public, minorities feel helpless. Wishing to pursue their cause and remain on the public agenda, some of these groups engage in what the chronicles call 'terrorist' activities. Terrorism is defined (Oxford Dictionary) as a "Policy intended to strike with terror those against whom it is adopted; the employment of methods of intimidation."

Terrorist acts are targeted for visible, crowded public places: town centers, public meeting places, aircrafts and ships, and even buses and trains. By so doing, they injure and kill people, and cause severe damage to property, (Bell, 1975).

Despite the physical and mental injuries inflicted upon victims, the short and the long-term implications of these injuries, and the heavy financial losses it incurred, most countries do not have a specific, comprehensive program designed for this group of victims. Existing programs which could look after the victims' health and welfare do not relate to damages and loss of earnings inflicted upon these victims.

Since terrorism is a political crime, the political system should be highly sensitive to its victims, yet ostensibly and paradoxically, it is not. If governments assist victims of terrorism, this assistance is based upon an implicit policy of providing such help on an individual, discretionary basis.

### The Arena

In most industrialized countries, the risks people face are covered by occupational (work related) welfare or by contributory (voluntary or compulsory) insurance schemes. Unless injured or killed in a terrorist activity while at work, victims are not covered by their occupational welfare programs. Sick funds and medical insurance schemes do not cater to such victims as they do not cover the treatment provided to casualties of car accidents, covered by private insurance.

Victims of terrorism or their survivors may soon realize that even if existing programs partially cover their medical and personal needs, (as under the National Health Service in the U.K.) no one would compensate them for damages caused

to property or loss of earnings. Neither would many private insurance firms.

Private insurance firms normally cover the risks resulting from crime. However, most of those private insurance schemes and even National Insurance Institutes do not cover people or property losses caused by terrorist activities, just as they do not cover losses or damages due to war or civil unrest. Such exclusions usually appear in the 'small print' of most insurance policies.

It is, therefore, the State that covers the entire population during war. Terrorism, however, is not considered an act of war, and does not qualify civilians to receive either war damages or pensions.

Programs aimed at helping victims of crime have been developed mainly by non-governmental, voluntary groups, (Maguire and Corbett, 1987; Mawby and Gill, 1987). Some governments have initiated such programs, covering little if any direct, personal losses. Only basic medical costs and hardly any rehabilitation would be offered. No funds would be paid to crime victims to cover damages caused to property or extended loss of earnings, (Elias, 1983, Abell 1989). It is true to say that victims suffer twice: once from the traumatic event itself, and the second time when they find out that there is little or no help available.

In Northern Ireland (Greer 1989a 1989b) and Israel (Yanay, 1992), specific programs were initiated to insure physical and mental treatment, rehabilitation, coverage of damages to property and, to some extent, even loss of earnings due to terrorist activities. These examples serve to highlight the lack of similar programs elsewhere, despite the existence of terrorism.

The Pan Am jetliner which exploded over Lockerbie, Scotland in December 1988 is a tragic illustration of the catastrophic outcomes of one terrorist act. In this case, all passengers and crew members of the plane were killed, while all additional eleven persons were killed as debris hit the ground setting houses and cars on fire. The victims of this event were of thirty different nationalities. Families in almost all parts of the world lost their dear ones and their breadwinners. Financial losses and damage to property were enormous, (Emerson and Duffy, 1990).

The destruction caused in this single case had and will have long-term, direct and indirect consequences for many individuals, families and communities throughout the world. No one government or international organization accepted the responsibility to fully compensate the victims of this tragedy and their survivors. Instead, a voluntary disaster fund was initiated.<sup>2</sup>

If and when the public is responsive and supportive, as in the Pan Am tragedy, a disaster fund is initiated to help victims in a philanthropical, informal manner. In some instances, the State would also make a contribution to this fund. By responding to an informal public appeal, the State avoids making any direct, official commitment towards the victims and avoids defining any legal 'right' of those victims. In fact, it releases itself from officially addressing the problems. It sets no precedent, and the sharp political 'sting'<sup>3</sup> which terrorism might bear is thus partly neutralized. However, who will support a single victim of a terrorist act? Those who never made the headlines? Such cases might be overlooked, and the support from the public, if any, might be too limited or short-lived.

As long as a government's implicit policy is to ignore a social problem and not to acknowledge it, no program will be initiated and no claim will be made, (Burt, 1983). It is suggested that only with a growing public awareness of the problem and acknowledging terrorism and its victims as a social problem, more institutionalized solutions will emerge. However, there are different types of obstacles in addressing the issue, leading to the inability to develop specific statutory service programs designed for victims of terrorism.

#### From a Social Phenomenon to a Social Problem

As a rule, explicit public policy aims only at acknowledged and well defined social problems. Based on Merton (1971, p. 799; Spector and Kitsuse 1977, p. 32-3), one can argue that a social phenomenon becomes a social problem if three conditions have been met:

- A. A substantial discrepancy exists between widely shared social standards and the actual conditions of social life.
- B. The majority of people agree that this disparity between

'what is' and what 'ought to be' is disturbing and calls for change.

- C. There is a feasible, effective way to solve the 'actual condition of social life' or control it.

Not all three conditions are met when considering victims of terrorism in terms of a social problem. The first and second conditions will be discussed later. The third condition, related to a feasible, effective solution to the situation is probably the most difficult obstacle to overcome.

Adopting such a solution requires overcoming three hurdles which are the Political, Fiscal and the Value perspectives, (Tropman et al 1981, p. 3-5). According to Tropman, the value perspective questions the limits of responsibility of the public and the State towards individuals and families. The political perspective deals with the need to design solutions that accommodate the different value orientations. The fiscal perspective examines a policy in terms of its present and future costs, based on the amount of fiscal discretion available in any particular situation. Each of these three interrelated perspectives can present an obstacle to the formation of any explicit social policy.

Bulmer (1986, p. 5-6) claims that after the goals, values and objectives related to a problem are set out, all possible solutions should be listed, forming alternative strategies, courses of action or policies. These alternative strategies are predicted, and the probabilities of those consequences occurring are estimated and compared to the goals and objectives identified earlier. Finally, "a policy or strategy is selected in which consequences most closely match goals and objectives, or the problem is most nearly solved."

The central issue therefore focuses on the transformation of a disturbing situation, an undesirable reality or phenomenon into an acknowledged social problem. The process of acknowledging a phenomenon as a problem is possible only after overcoming the series of obstacles noted above. Failure to do so will prevent acknowledging the problem, thus obstructing the formation of an explicit policy and leaving the social phenomenon either unresolved, or solved on an individually selected basis. The discussion will focus on the following issues:

1. Is terrorism 'nothing but crime'?
2. How disturbing is the phenomenon?
3. The value perspective.
4. The political perspective.
5. The fiscal perspective.

1. *Is terrorism 'nothing but crime'?*

Crime and terrorism are two distinct actions against public order. However, in legal terms, terrorism is a purely a criminal offence. To quote Stohl (1990):

"Host contemporary systems of jurisprudence do not recognize 'political' crimes as distinct from 'purely' criminal acts and thus governments consistently portray acts which terrorists conceive of as acts against the state for political ends as criminal activities with purely individual motives" (p. 89 )

Still, crime fears public reaction; terrorism seeks it. Whatever serves this end suits them. The more guarded a target, the more of a 'celebrity' a person is<sup>4</sup>, the greater the social and psychological impact that attacking that target or person would make, hence, the greater appeal to terrorists. Terrorism is aimed at a public audience. Mickolus (1989) claims that:

"Acts of purely criminal nature with no political motivation whatsoever are not considered terrorism, thus, kidnappings solely motivated for money are not considered to be terrorist events unless ransom monies are intended to finance the achievement of political goals. Extortion threats not motivated by a political objective are not classified by us as terrorism"(p. xiii).

The legal definition of terrorism helps politicians avoid acknowledging the problem. Politicians may prefer to say that terrorism does not exist by indicating that terrorists are simply common villains and should be dealt with in court. While this approach may help avoid admission of the existence of a social problem, the public may feel uneasy with such an approach. After all, the public can differentiate between criminals who want to benefit themselves, and those who aim at a social, political end. These questions are not easy to answer and thereby act as a disincentive, an obstacle for setting policy regarding victims of terrorism.

## *2. How disturbing is the phenomenon?*

As noted earlier, for defining a situation as a 'social problem', Merton (1971) claims that a substantial discrepancy between widely shared social standards and the actual conditions of social life should exist. According to this definition, unless terrorism is universally seen by the public as an unbearable situation, no such discrepancy would exist. There would be no significant disparity between 'what is' and what people think 'ought to be'.

Terrorism and terrorist activities are viewed differently in various societies and at different times. Cline and Alexander (1986) claim that:

"Some states tolerate, appease, and frequently glorify terrorists as heroes. Conflict of moral standards in the world community tends even to reinforce the momentum of terrorism" (p. 9).

It could be hypothesized that acknowledging victims of terrorism as a target population is directly and positively related to the level of terrorism in a given country and its impact on social stability and public morale, and that it also depends on the way the public judges the phenomenon and reacts to it.

In those countries which face political terrorism, it would be defined as a social problem only if a workable solution to the situation existed. The lack of a practical, effective and handy solution may result in a fatalistic approach to terrorism. Cline and Alexander (1986) claim that:

"Liberal democracies frequently have lost their resolve to take the necessary steps to deal effectively with terrorism despite the fact that these governments are aware of the dangerous and seriously disruptive effects of terrorism on the quality of life in their nations" (p. 9).

Such an approach may be reinforced by the media. In its ambivalence toward terrorism, it plays a role in influencing public opinion. By showing that terrorism exists everywhere and can neither be tamed or controlled, the media may reduce the willingness to fight against terrorism or discourage attempts to eradicate it.

In a provocative statement, Stohl (1990) claims that:



"Political terrorism is theater. It is profound and often tragic drama for which the world is a stage. Violence, death, intimidation and fear are theatrical ingredients. The plot often involves hostages, deadlines, and high level bargaining. . . while the fear, frustration and often anger have remained just below the surface of public consciousness throughout the decade, an active continuous attention has been lacking. . . the (terrorists), however, achieved stardom as the villain Americans love to hate" (p. 81).

The media seems to be the 'terrorist's best friend':

"Terrorists rely on the media to further their terrorinspiring goal, and the media utilize the terrorist's acts as necessary for a rewarding news item" (Bassiouni, 1983 p. 177).

The public may therefore develop an 'Immunization Effect' (ibid. p. 187) as society becomes desensitized to violence and accepts it as a fact of life, dissociating it with pressing social problems.

Terrorism, therefore, would be acknowledged as a social problem provided the value, political and fiscal perspectives were addressed.

### 3. *The value perspective.*

Terrorism constitutes a value judgment. Terrorism is in the eyes of the beholder. It has a local, rather than an absolute definition, and a temporary rather than a long-term one. Old time 'terrorists' have become state leaders while those defined as 'terrorists' in one place may be acknowledged as heroic freedom fighters in a different location or by different people.

The value perspective emerges from the overall perception of citizenship, from State responsibilities to its citizens and residence. It can be argued that since the State holds the monopoly over power, and is the only legitimate body to use force, it is obliged to ensure the safety and security of its citizens. In failing to do so, the State ought to compensate the victims of its shortfalls.

If this is true regarding victims of crime, so be it regarding victims of terrorism. While a reasonable person ought to be able to steer clear of danger, one can hardly avoid becoming a victim of terrorism. Terror can randomly affect any person at any time

or place. Therefore, the term 'victim of terrorism' is not a neutral one. It reflects the innocence and 'sacrifice' of the few hurt by such acts, representing the collective.

Furthermore, one should consider victims of terrorism as being agents of society. Perhaps like soldiers, they draw 'enemy fire', thus exposing the existence and perhaps also the location of opposition and its objective. If society is obligated to its soldiers, it is consequently committed to the victims of terrorism. In the long run, they both serve the public at large.

If, indeed, the value system views victims of terrorism as innocent casualties, it could make a case for a clear, explicit approach regarding those victims. After all, they were randomly selected and victimized as representing a collective, a given political framework. They ought to be addressed by that collective in a way that reflects and pays tribute to their personal sacrifice. And if they were outsiders, non-members of the collective (as in the case of innocent travellers and tourists) should not this call be even stronger?

#### *4. The political perspective*

Politically, introducing explicit services designed for victims of terrorism may indirectly, or even directly, imply the recognition of terrorism, thus acknowledging an illegal, combative opposition. Politicians and governments who are reluctant to make such an acknowledgment would oppose any initiative to establish a unique statutory rights or services designed for victims of terrorism.

Politicians may therefore claim that the problem does not exist, that it is rare and bears only temporary implications, or that it is a very small and restricted problem that deserves little or no attention, all to avoid terrorism as a public issue.

Acknowledging terrorism as 'harmful' may imply that it is also 'successful'. This, no doubt, bears social and political implications. Accepting State responsibility for the outcome of terrorist acts and its victims, may indicate that terrorism not only exists, but has also reached disturbing magnitude, thus deserving institutional, statutory reaction. Such recognition might lead to undesirable political implications.

This is the main reason why policymakers are reluctant to acknowledge terrorism as a social problem. Moreover, covering one type of unlawful or illegal activity could yield social pressures to broaden definition and entitlements to other areas of risk as well. A citizen hurt through an unlawful activity does not really care which group stands behind that specific event, hence a growing pressure for additional, and perhaps even unconditional coverage. Why then establish a precedent, an initial program? And who will cover its unpredictable, but likely high costs?

##### *5. The fiscal perspective.*

Crime has its direct and indirect social and economic costs (Phillips, 1974:309, Le Grand and Robinson, 1984:127). The costs of damages inflicted by terrorist activities are higher and less predictable, (Mullen 1980; Beres, 1990). Costs are high because terrorism aims at painful, costly targets; unpredictable because surprise is the weapon of terrorism, and a handicap for the State which must keep an ubiquitous, costly and constant alert.

Both combating terrorism and covering its damages may be a heavy burden on any State budget, as it implies an 'open-ended' commitment, the costs of which can be unlimited.

Fiscal considerations are also linked to the nature of the coverage offered. If victims were to be offered only a nominal coverage, program costs could be kept to a minimum. However, under the circumstances, public opinion might expect a level of benefits higher than, say, in disability or survivors' pensions as it ought to reflect a significant compensatory element. This would require a generous level of benefits and support. Furthermore, covering direct and indirect, short and long-term damages and losses might only increase the financial burden if such a program would become statutory.

Furthermore, unlike other injuries, the State has to accept the total, overall funding responsibilities for such a program, without the ability to share it with others. In criminal or civil cases, settlements can be reached, or the offender can be forced to compensate the victim, (Chelimsky, 1981; Mawby and Gill, 1987, 301). This is not the case in terrorist cases.<sup>5</sup>

Political, financial and value considerations act, therefore, as disincentives to recognize victims of terrorism as posing a 'social problem'.

### Summary

This paper focuses on people having suffered losses, injuries and damages as a result of terrorist activities. Whereas the problems of victims of crime were acknowledged in recent years, and one can witness the slow, yet expanding network of services designed to help them, victims of terrorism have not been acknowledged in this framework as they pose significant value, political and fiscal obstacles.

Terrorism, unlike crime, has a profound political element as it is aimed at the social system and the public order. Terrorism wishes to undermine the State, its legitimacy and authority.

Policymakers might fear that institutionalizing services for victims of terrorism will imply an acknowledgment of the phenomenon. This would reflect a concern over the size of the problem and its severity, thus forcing the State to acknowledge terrorism and address its painful outcomes.

Reluctant to institutionalize programs for such purposes, some governments encourage voluntary organizations to help the victims of terrorism as they do for the victims of crime. Such help, however, is limited by the scarce resources of voluntary organizations. By no means would voluntary aid be sufficient to pay the direct and indirect costs of covering short and long-term damages to body and property.

A second way for a government to avoid the problem is by helping each victim on an individual, discretionary basis. Such a policy permits generous provisions to be made in one case, and none to be provided on another. By maintaining such a selective policy, social and distributive justice cannot be made nor seen to be made. Victims who feel unfairly or insufficiently treated by the authorities cannot pursue their case, make an appeal or claim that the law was broken, as no such law nor explicit entitlements exist.

A third way of politically reacting to the problem could be preventing private insurance firms, by law, from waiving

their responsibility in cases of terrorism. Such a step would encourage individuals and families to make their own, costly yet necessary arrangements to cover the risks of terrorism. This would also imply that the problem is private rather than public.

However, as with similar cases in the social domain, the process could ultimately yield a change. When terrorism reaches a given magnitude and severely affects public life and morale, policymakers cannot ignore the situation, and would acknowledge the problem with the administration of a special assistance program. This is probably why Israel and Northern Ireland have established programs to cater to victims of terrorism. Policymakers probably felt that the public demands it.

Perhaps the fact that Israel and Northern Ireland have instituted their respective 'Prevention of Terrorism Act' symbolizing the acknowledgment of terrorism, has also contributed to the State's accepting responsibilities for its victims. The study of these two laws and the public discussions that followed would contribute to understanding the processes involved.

A possible implication of the analysis is that if a distinction could be made between terrorism and its victims, this would be helpful in addressing the latter. Whereas 'terrorism' itself may not be recognized as a 'social problem', its victims might be considered as such. However, it is difficult to make such a distinction.

The question of what is being done in this area of policy and services is left for further studies and empirical evidence. It may be argued that, as in other areas of social policy, evil may yield progress. Thus, paradoxically, the more terrorist activities occur and the more dramatic they become, the higher the public awareness of the problem will be, and the more institutionalized the services for its victims will become.

The more sensitive the political system is to this problem, the more generous the provisions made to those victims of terrorism will be. Acknowledgment of the problem, public awareness, and demand for action will influence the way the problem will be defined and the manner in which policy related to it will be formed. As things stand now in most countries of the world, there is 'no real problem' of terrorism, hence no policy for its victims.

## Notes

1. The author selected the term 'terrorist activities' (rather than Guerrilla, Freedom Fighters etc). as a common name, without passing judgment or identifying with any of the parties involved in a dispute.
2. In the Lockerbie case, an emergency appeal for funds raised the sum of nearly four million pounds. As the tragedy occurred only two days before Christmas, public response was warm and supportive. The British government added its contribution to the fund, and so did Pan-Am. A public board of trustees has suggested a formula to provide help. Part of the appeal money has already been allocated to the Lockerbie community, to victims in Lockerbie itself and in the USA.
3. This was done by the families of the Pan-Am victims. They put pressure on the authorities to tighten security in international airports, while also seeking someone to respond to their needs. Acting as an independent group, not receiving or depending on government handouts, the families of the victims felt themselves in a better and stronger position to act publicly and politically.
4. This is the reason why targeting top officials or public figures results in a strong public reaction, e.g. the assassination of the President of the West German Employers' Association, the industrialist Hans-Martin Schleyer and four of his trained body-guards, on September 5, 1977, by the Red Army Faction (RAF). The kidnapping of the former Italian Prime Minister Aldo Moro (on March 16, 1978) and his execution by the Red Brigades. The murder of the First Earl Mountbatten of Burma on August 27, 1979 by the Irish Republican Army. All these had strong and impressive impact on the public and its confidence. So did the IRA bombing of 'The Ship', a hotel in Brighton where the Conservative Party convention took place. A bomb exploded, almost killed the Prime Minister, wounding many of her Ministers and other participants.
5. Such an approach has never been tested. It could be tried in the case of Leon Klinghoffer who, tied to his wheel chair, was thrown into the sea by a member of the PLO who hijacked the 'Achille Lauro' in October 1986. The terrorist has been captured and charged. Attempts are made to make the offender, personally, compensate the victim's survivors for his act, (see: Cassese, 1989).

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