



## **Violent extremism and terrorism: conceptual and normative limitations**

### **Extremismo violento e terrorismo: as limitações conceituais e normativas**

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Terror is a weapon that has been widely used throughout history, whether for military, strategic, political or ideological purposes. Of Latin origin, this term, although dear to international relations, derives from a relevant and difficult-to-define theme: terrorism. In order to conceptualize it, we initially sought answers in its different guises in space-time. In order to analyze the phenomenon of modern terrorism historically, we will base ourselves on the assumptions of David C. Rapoport, based on the four waves of terrorism. From the perspective that waves are cycles of activity, characterized by their expansion and contraction in a given period. In common, these waves have international characteristics, occurring in different countries, and are differentiated by marking "the predominant energy that shapes the participating groups"<sup>9</sup>, they are: anarchist, anti-colonialist, new left and religious. It is worth noting that the waves are made up of organizations, but there is a big difference between the rhythms of the two, and one organization can even extend into other waves.

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<sup>9</sup> RAPOPORT, David C., **The Four Waves of Modern Terrorism**. Available at: [https://www.iwp.edu/wp-content/uploads/2019/05/20140819\\_RapoportFourWavesofModernTerrorism.pdf](https://www.iwp.edu/wp-content/uploads/2019/05/20140819_RapoportFourWavesofModernTerrorism.pdf) Accessed on: 20 Nov. 2022



The first wave was possible thanks to changes in the means of transportation and communication, as well as the doctrine and culture present in Russian society. Some points of anarchism, such as its perceptions of society and motivations for seeking a new status quo through revolutionary means, would have been fundamental to this first wave. Rapoport points out that terror would be the quickest and most effective means of achieving the desired results, and this same reasoning would also relieve them of the guilt of acting as agents of freedom. The targets in this first wave were the iconic representatives of oppression in the anarchist view, so the murders and attempted murders of nobles and politicians marked this moment. The most important was the attack on Archduke Franz Ferdinand and his wife Sofia, Duchess of Hohenberg.

The second wave, marked by anti-colonial struggles, was driven by the signing of the Treaty of Versailles at the end of the First World War. The treaty, Woodrow Wilson's 14 points for peace speech and the newly founded League of Nations, events that converged in an attempt to structure a post-war world that was geared towards peace, were based on the principle of the self-determination of peoples. At a time when some countries still had imperialist colonies, the spread of this principle would end up undermining imperial interests, leading to the wave of terrorism that continued until the end of the empires.

Among the groups that acted in the second wave, the following stood out: the IRA, which succeeded in forming the Irish state, although they also wanted the British to leave the territory of Northern Ireland; the National Organization of Cypriot Fighters (EOKA) fought for the sovereignty of Cyprus to be tied to Greece, but they accepted their own sovereignty; and the National Liberation Front (FLN), in Algeria, sought to build a democratic state formed with the occupying population.

The methods of murder and martyrdom were used less and less, and became more complex as the targets grew and the sequence of attacks became more important. Rapoport points out that for second-wave terrorists it was important to eliminate the police, agents of the state, who would be replaced by less structured military units to respond to attacks in the same way. Furthermore, according to the author, they understood that social support for their cause would grow if they were seen as "weak and without an alternative". For Alessandro Visacro, they had legitimate interests, but the extremism and radicalism of their positions would prove incapable of gaining significant popular support.

The third wave was marked by the Vietnam War as the biggest political event to influence the world. Located in the historical context of the Cold War, the world was divided into first world capitalist countries, second world communist countries and the rest, third world countries. The Cold War is so named because direct clashes between the United States and the Soviet Union would be a great risk to humanity, considering the possible consequences of a nuclear war. The political tension, however, spread to supporting countries on both sides.

The third wave groups developed in third world countries and in the western *heartland*: Red Army Fraction (FRA), of German origin, also self-described as anti-imperialist, fought against the "Fascist State";



Red Brigades (BR), Italian, aimed to weaken the Italian state as a means to a Marxist revolution; Japanese Red Brigade (JRA), aimed to overthrow the Japanese monarchical government and a world revolution, was also known as the International Anti-Imperialist Brigade (AIIB); French Direct Action (AD), aimed at the proletarian revolution. These groups received Soviet funding and used guerrilla strategies and kidnappings.

The fourth wave represents religious terrorism, which in Muslim-identifying groups is seen as a by-product of the Iranian Revolution of 1979, a year that was also marked by the beginning of a new Islamic century and the Soviet invasion of Afghanistan. With the events that followed these, it became clear to many that, despite their religious appeal, their motivations are highly political. Visacro points to "the existence of the State of Israel, the power of Western powers to interfere in the Middle East, the existence of secular governments on the borders of Islam or the Palestinian national question" as examples<sup>10</sup>.

The main terrorist groups today are: *Hezbollah*, following Shiite radicalism, born in Israel's invasion of Lebanon in 1982; *Hamas*, is an acronym from Arabic for "Islamic Resistance Movement"; Palestinian Islamic *Jihad*; *Al-Qaeda*, a Sunni fundamentalist organization, famous for causing the September 11, 2001 attack on the twin towers, was founded by fighters from the Soviet-Afghan war.

One of the biggest challenges, if not the biggest, facing the international community is the fight against terrorism. To this day, there is not even a global definition of what terrorism is. However, in the interests of peacekeeping, history records the conventions and treaties that have been created to counter terrorism. The first treaty drawn up was the 1937 *Prevention and Punishment of Terrorism convention* promoted by the League of Nations, the convention was proposed by the French government following the assassination of King Alexander I of Yugoslavia in Marseilles<sup>11</sup>. The focus of the convention is the prevention and punishment of crimes against international actors in general, as these crimes pose a serious threat to the international system and cooperation and the maintenance of international relations. The treaty was signed by 24 states, but the convention entered into force on February 20, 1977.

On December 18, 1979, the International Convention against the Taking of Hostages was promoted, with the aim of guaranteeing international cooperation between member states to ensure the prevention of the crime and consequently establish the punishments of the act, it is agreed, the duty of the State to guarantee the safe release of hostages, and offer the necessary support, certifying compliance with international humanitarian law, it is the responsibility of the State and its legal system to punish those responsible for the crime. The treaty entered into force on June 3, 1983. It is remarkable how the international system has adapted and acted to contain the advance of terrorism, promoting various

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<sup>10</sup> VISACRO, Alessandro. *Terrorism. In: Irregular War: Terrorism, guerrilla warfare and resistance movements throughout history*. 1. ed. São Paulo: Editora Contexto, 2022. p. 289. ISBN 978-85-7244-433-0.

<sup>11</sup> King Alexander I of Yugoslavia was assassinated in an attack by a Croatian terrorist. The king was on an official visit to France, where he was assassinated with a Mauser pistol.



conventions, on December 15, 1997 there was the International Convention for the Suppression of Terrorist Attacks, later, the UN realized the importance of regulating the consequences for states that finance terrorism, however, the International Convention for the Suppression of the Financing of Terrorism was held on December 9, 1999.

In 1945, the atomic bombings of the cities of Hiroshima and Nagasaki took place, the first time that the world noticed the disaster that nuclear weapons can cause, there were more than hundreds of thousands of deaths, environmental disasters that remain to this day, It has always been an international agenda to contain this type of weaponry due to the catastrophe that nuclear weapons have the power to cause, therefore, in the Treaty on the Non-Proliferation of Nuclear Weapons signed by sovereign countries, it was with the aim of preventing the spread of this weaponry, only 5 countries have the right to possess nuclear weapons, the United States, Russia, the United Kingdom, France and China. However, in order to maintain international peace, the UN developed the International Convention for the Suppression of Acts of Nuclear Terrorism, which aims to prevent and suppress nuclear terrorist attacks. Article 4 of the treaty emphasizes the importance of member states following the UN Charter:

Nothing in this Convention shall affect other rights, obligations and responsibilities of States and individuals under international law, in particular the purposes and principles of the Charter of the United Nations and international humanitarian law. (International Convention for the Suppression of Acts of Nuclear Terrorism, 2005, p.5)

As mentioned before, to this day there is no exact global definition of the term "terrorism". Terrorism is often related to terror, i.e. actions that result in a feeling of terror in people are terrorist actions? From this point of view, an attempted robbery would be a terrorist act, because it causes a feeling of terror and fear, and can occasionally be extremely violent. However, these actions are often defined as "criminality" by society, but what are known as terrorist attacks are also crimes, and this is evident in international humanitarian law, so it is worth noting that historically the army has used the strategy of terror to win its battles. Despite this, military acts are often defined as protecting the state or even peacekeeping missions, as can be seen in the terrorist attack on the twin towers on September 11, which quickly spread around the world using the term "terrorism", In 2003, the United States invaded Iraq, claiming that the state had nuclear weapons. It is worth noting that there was no proof of this accusation. This invasion caused fear, terror and instability among the Iraqi people; however, it was not considered a terrorist act, but an act of international security.

From this point of view, terrorism goes beyond psychopathology and the feelings it can cause, it is necessary to analyze its political and ideological bias, most of the terrorist groups known in the contemporary world are driven by religious ideology. However, each state defines terrorism according to its own society and political ideology. Occasionally, however, there are characteristics in common between



states regarding the definition of terrorism, which are the use of violence, the political character and the intention to preach fear and then terror. In Brazil, terrorism is defined in the Brazilian Constitution, in Law No. 13,260 of March 16, 2016, Article 2 as follows:

Art. 2 Terrorism consists of one or more individuals committing the acts provided for in this article, for reasons of xenophobia, discrimination or prejudice of race, color, ethnicity and religion, when committed with the purpose of provoking social or generalized terror, exposing people, property, public peace or public safety to danger.

It is therefore extremely challenging to agree on a universal definition of terrorism, but it is possible to combat it, and international law is one of the most effective ways of doing so, and it is necessary for the international system to keep up with the forms of "contemporary terrorism" in order for the system to be effective. This concern can be seen in the UN, and it is worth emphasizing the recent agreement promoted by the UN Security Council to combat digital terrorism, which has become "contemporary terrorism", and through documents and concerns such as these, the international system remains effective in combating terrorism in the contemporary world.

## **OBJECTIVE**

Given these introductory considerations, the aim of this article is to search the literature on the conceptual and normative limitations of terrorism and extremism.

## **METHODOLOGY**

Therefore, in methodological terms, this is a literature review on the subject of Terrorism and Extremism. Only published articles dealing with the subject and having some form of academic relevance were included.

### **1. VIOLENT EXTREMISM: FROM GENESIS TO DEFINITION**

The term extremism can first be identified in Western history, according to Astrid Bötticher (2017, p.73), in 1546, when Bishop Stephen Gardiner used the term '*extremite*' to refer to his enemies. The author also points out that conservative US Senator Daniel Webster popularized the term when referring to the most violent supporters in the anti-slavery debate of the American Civil War. However, it was in the 1990s that the term came to encompass political extremism with the research of Manus Midlarsky, who studied the motivations behind the violence of individuals and groups and what this political violence entailed (BÖTTICHER, 2017). It was in 2005 that US President George W. Bush adopted the term violent extremism:



This terminology was constructed in an effort to repackage the Global War on Terror (GWOT) in a way that shifted the focus away from the overly militarized responses of the 1990s and early 2000s, to methods linked to social support and prevention (BAK; TARP; LIANG, 2019, our translation; NÜNLIST, 2015)<sup>12</sup>.

Coming up with a static and absolute definition of violent extremism is not a simple task. For this reason, there is no globally established definition of violent extremism. According to Alex Schmid (2013, p. 17), much of the literature on terrorism equates radicalism with extremism and both with terrorism. This poses challenges for how to combat and measure violent extremism, since it has no specific definition. Due to the lack of an official definition, there are different meanings at national, regional and international level (BAK; TRAP; LIANG, 2019; UNODC, 2018). The United Nations Office on Drugs and Crime (UNODC) highlights some governmental and intergovernmental definitions of violent extremism.

Firstly, it is important to note that the definitions have elements in common, as can be seen in the governments of Australia, Canada, Norway, the United States, Sweden and the Organization for Economic Cooperation and Development (OECD). For these international actors, violent extremism is primarily motivated by achieving political, ideological or religious goals. For the UK definition, opposition to democratic values, the rule of law, the armed forces, mutual respect and tolerance of different beliefs are the main motivations for violent extremism. Secondly, the definitions also point to the means by which this extremism occurs. In common with Australia, Norway and Sweden, the willingness or use of violence by groups or individuals to achieve the primary motivation is characteristic of violent extremism.

Other ways in which violent extremism occurs are presented: Canada considers it to be an offense, the United States points out that violent extremism is not only the intention to use violence, but also condoning, supporting or encouraging a violent act. Finally, Australia and the United Nations Educational, Scientific and Cultural Organization (UNESCO) argue that violent acts also include terrorism and other forms of politically motivated violence (UNODC, 2018). Thus, violent extremism can be seen as a term that encompasses political actors who disregard the law and seek to establish a homogeneous society, rejecting plurality (SCHMID, 2013).

Although there is some difficulty in defining violent extremism, it is possible to find practical examples of this term all over the world. To this end, we look at extremist movements in Europe and the United States. It can be seen that the number of far-right extremist groups in Europe and the United States has increased, especially white supremacist and neo-Nazi groups. There has been an increase in attacks on immigrants, religious intolerance, xenophobia, homophobia, racism and political intolerance. Although the number of violent attacks is not as significant as it was in the 1990s, it is still alarming, because when the

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<sup>12</sup> In the original: *This terminology was constructed in an effort to repackage the Global War on Terror (GWOT) in a manner that shifted the focus away from the over-militarized responses of the 90s and early 2000s, to methods linked to social support and prevention.*



monitoring of such groups is neglected, the possibility of their further organization, recruitment and radicalization increases (KOEHLER, 2016).

The unpredictability of certain types of terrorist attacks increases the dangerousness of these groups that threaten Western democracies. Examples are: violent attacks carried out by people who at first, even if influenced by political ideals, do not participate in far-right groups; and "hive" groups, where a large number of activists who share the same political position on a certain issue form spontaneously and commit terrorist acts or violent hate crimes and then disband (KOEHLER, 2016).

There is no formula that explains exactly why the extreme right rises from time to time, because there is always a caveat or countries that prove the exact opposite. For example, it is not possible to say with complete certainty that the extreme right is resurgent in the face of rising unemployment, since in countries like Austria and Switzerland, even though the unemployment rate was relatively low, there was an increase in votes for extreme right-wing parties. It is possible that there is a level of correlation, but it is low (EATWELL, 2000).

There are four different approaches to the rise of the far right, but they all have in common some kind of aversion to what is different: the historical approach treats this rise as the result of the historical legacy left by fascism, which tends to grow as European capitalism develops and in the rise of pluralism; in the structural approach the far right rises when inequalities increase or in the existence of an economic recession, in this approach it is also mentioned that the fear of unemployment and social dislocation are linked to the rise of immigration and multiculturalism in Europe; the political approach sees this increase as a form of protest by the population who feel distrust and disappointment with the government, usually because of scandals, patronage and corruption. From this point of view, it is common for parties that stand up against such situations to gain many supporters, as was the case with the Freedom Party of Austria; finally, the ideological approach is where the radical right, although a reflection of the particularities of each region, remains similar on issues such as ultra-nationalism, xenophobia, traditionalism, preservation of the family nucleus, hatred of minorities and anti-communism (ANASTASAKIS, 2000).

For the United Nations (UN, [201-?]), combating violent extremism is an obligation for member states. Respect for the principles that govern the UN Charter and the Universal Declaration of Human Rights is an obligation of these countries. Therefore, these international actors must seek ways to prevent and oppose violent extremism, whether through international law, public policies, domestic legislation or strategies.

Measures to prevent and combat violent extremism (PEV or CEV, as found in the literature) must be a global effort that adopts both hard and soft measures. In December 2001, the Organization for Security and Cooperation in Europe called for terrorism to be combated through intelligence and with military forces that deal with its origins. The idea of combating violent extremism circulated in Europe after the 2004 and



2005 attacks in Madrid and London. According to Christian Nünlist (2015), the first practical example of CEV was the British government's *Prevent* program, created in 2005. The program aims to prevent people from becoming involved in extremism and joining terrorist groups (UNITED KINGDOM, [201-?]).

The events of the early 2000s established the need for Western governments to create programs to combat violent extremism. In 2011, the European Commission created the *Radicalization Awareness Network* and in 2012, the Organization for Security and Cooperation in Europe (OSCE) adopted a new *Consolidated Framework for the Fight Against Terrorism*, which established that it was the organization's effort to combat violent extremism, since it could lead to terrorist actions (KOEHLER, 2017). In 2015, the OSCE incorporated the Ministerial Declaration on Preventing and Countering Violent Extremism and Radicalization Leading to Terrorism. In addition, in 2016, the UN issued an Action Plan for Countering Violent Extremism, almost 10 years after the unanimous acceptance of the Global Counterterrorism Strategy by the General Assembly. This document has 62 points with recommendations for CEV at global, regional and domestic levels. This document still admits that dealing with violent extremism through counterterrorism has been insufficient (HUMAN RIGHTS COUNCIL, 2016).

The United Nations Office on Counter-Terrorism (UNOCT) is responsible for the UN's approach to preventing and combating terrorism and violent extremism (UNOCT, [201-?]). At the United Nations General Assembly in 2006, resolution 60/288 was created, which resulted in the *United Nations Global Counter-Terrorism Strategy*, the aim of which was to generate policies and programs against terrorists (UN, [201-?]).

One of the basic stages of this strategy is to meet every two years to check and, if necessary, update the measures so that they have better results, while respecting the time it takes for each measure to take effect (UN, 2006). Then, every two years, at the United Nations General Assembly, this strategy is reviewed for its best results, but always taking its previous documents as a starting point. These documents generated are extremely important for the fight against terrorism and violent extremism for all Member States, because in addition to having plans for how to deal with violent extremism, it also gives suggestions for steps that Member States can take to strengthen themselves in the event of attacks, such as strengthening public-private alliances (UN, 2018).

## 2. VIOLENT EXTREMISM OR TERRORIST ATTACK ON THE U.S. CAPITOL

On January 6, 2021, the Capitol<sup>13</sup> in Washington was invaded by hundreds of supporters of then President Donald Trump, motivated by the alleged fraud in the 2020 elections. On that day, the session of

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<sup>13</sup> The meeting place of the United States Congress, composed of the Senate and the House of Representatives, in Washington, D.C.





the United States Congress on the outcome of the presidential elections was taking place there, chaired by then Vice President Mike Pence, and would announce the victory of current President Joe Biden.

Allegations of fraud by supporters were being made months before the hack, and were heavily influenced by Trump on social media. The 2020 election period, in February and March, was marked by the COVID-19 pandemic in the US, where several governors and election authorities postponed primary elections and implemented changes to electoral procedures, due to the obvious risk to public health. Another way implemented for secure voting was mail-in and remote voting, which was adopted by several US states. Some states required a justification for voting by mail, and others adopted the remote system immediately.

Trump's campaign, with several Republican leaders around the country, as well as the "*Stop the Steal*" movement<sup>14</sup>, filed lawsuits claiming that the changes made to the voting procedure would lead to electoral fraud. During a visit to North Carolina in September of that year, Trump condemned voting by mail and encouraged voters to vote twice, by mail and in person.

During the Capitol riot, several far-right radical groups were among the invaders, such as the *Oath Keepers*, *Proud Boys* and *QAnon*. These groups are accused of planning the invasion, united by the idea that forced and violent protests were necessary to stop the counting of fraudulent votes for Biden, but the groups argue that they were only in Washington to protect Donald Trump's supporters. On security cameras, the supporters carried iron bars and chemical sprays, as well as destroying historical objects and threatening congressmen. The episode left 5 dead, including a police officer. 725 people were also arrested and indicted by the US Department of Justice, 225 people were indicted for assault or hindering law enforcement and 165 confessed to committing federal crimes.

In June 2021, the director of the FBI, Christopher Wray, called the invaders of Washington "domestic violent extremists", and in this logic, conceptualized the term as: "individuals who commit violent criminal acts in pursuit of social or political objectives stemming from domestic influences - some of which include racial or ethnic prejudice, anti-government or anti-authoritarian sentiment"<sup>15</sup>. The FBI has arrested hundreds of individuals involved in the attack, some of whom are already at large.

The definition of what happened in January 2021 was the subject of debate among researchers and political scholars. Domestic terrorism and violent extremism were the main concepts used at the time. During a speech in Delaware the day after the attack, President-elect Joe Biden called the invaders of the Capitol "domestic terrorists".

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<sup>14</sup> *Stop the Steal* is a far-right organization that formed to contest the results of the 2020 elections. The organization claimed that then-President Donald Trump won the election, and that the results had been stolen by widespread voter fraud. The organization is distinct from another with the same name that was founded in 2016 by former Trump adviser Roger Stone, although Stone has often spoken on behalf of the new group.

<sup>15</sup> "*Individuals who commit violent criminal acts in furtherance of social or political goals stemming from domestic influences - some of which include racial or ethnic bias, or anti-government or anti-authority sentiments*" (WRAY, 2021).



The concept of terrorism is not yet an internationally defined term, either in the political or academic fields, but as noted by Ekmekci (2009), it is "war by other means". These are violent acts committed by people or groups against a state or a population in order to achieve political, religious or other objectives. In this way, domestic terrorism is classified as violent acts committed by nationals of a state against their own people or government.

Violent extremism, like terrorism, does not have an internationally defined concept; there are various governmental and intergovernmental definitions of the term. The FBI states that violent extremism is "encouraging, condoning, justifying or supporting the commission of a violent act to achieve political, ideological, religious, social or economic objectives".

According to the investigations, radical far-right groups seemed to have planned the attack in advance. Encouragements to violence were posted on social networks, as well as discussions about the logistics of the attack and how to transport weapons. This showed that the episode was not a spontaneous act, but one that had already been planned by some of the groups taking part in the protest. On social media, Trump made a video asking his supporters to leave the Capitol, and continued to claim that he had won the election. Twitter, Facebook and Instagram later banned his account and removed his statements. YouTube removed *livestreams* showing the Capitol invaders carrying guns, declaring that they would not tolerate violence on their platform.

Combined with an understanding of the events of January 2021, it is possible to discard the term terrorism to define the episode. Professor Joe Young's definition of terrorism makes it easier to understand. Young states that terrorism attacks a victim to send a message to the public, usually to convince the public to do something they want. In the case of the Capitol, the victim and the public were the same, i.e. the government, state agents, police officers, congressmen, among others. We can therefore classify the attack on the Capitol as an expression of violent extremism, where various groups motivated by frustration at the outcome of the elections came together and used violence to prevent the current president from taking power.

As we have seen so far, the invasion of the US Capitol can be understood or categorized as an expression of violent extremism. In this sense, the episode orchestrated in 2021 represents a questioning of the veracity of the elections of that year, but it is not an isolated phenomenon, on the contrary, it is largely a reflection of conspiracy theories<sup>16</sup> and other extremist elements, propagated, above all, by social networks.

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<sup>16</sup> Several authors emphasize the conspiracy discourse of the contemporary far right. Among them are Thomas J. Holt, Joshua D. Freilich & Steven M. Chermak (2020), who point out that many ED extremist groups believe in conspiracy theories that involve a serious threat to national sovereignty and/or their personal freedom, or even some attack on their personal and national way of life that could bring them down. This translates into a fact raised by David Neiwert (2017) in relation to electoral processes, where a public opinion poll in 2013 found that 28% of voters believed in the existence of a secret power elite with a globalist agenda, which would eventually be conspiring to rule the world through an authoritarian world government, or New World Order.



It is therefore possible to demonstrate how extremism in general, and especially the violence perpetrated by the extreme right (ED), has grown considerably in the United States, even before Donald Trump's victory and the violence resulting from not accepting defeat in his election to a second term.

First of all, in order to understand the growth of violent extremism in the US today, it is necessary to emphasize that this problem is not new to the country. In fact, it is known that the state faces problems related to terrorism, especially due to the visibility of Islamic terrorist groups in the media and movies, as well as the War on Terror implemented after the September 11 attacks. However, it is necessary to emphasize violent extremism and acts of domestic terrorism in the US, as these are also a threat to the country's security. This is reflected in the data, as since 2014, the number of attacks carried out by extreme right-wing individuals has been higher than those perpetrated by Islamic extremists (JONES, 2018).

Thus, "right-wing terrorism generally refers to the use or threat of violence by sub-national or non-state entities, whose goals may include racial, ethnic or religious supremacy; opposition to government authority; and ending practices such as abortion" (JONES, 2018, p. 1)<sup>17</sup>. Considering the definition of terrorism or extremism on the part of the right, it can be said that the practice has been present in American history almost since the emergence of the republic, with the years 1860 and 1870 as a milestone, in terms of the need for containment and the adoption of legal measures, in the face of the emergence of the *Ku Klux Klan* (KKK) (MICHAEL, 2003).

Returning, then, to contemporary actors, groups like the *Atomwaffen Division* (AWD 2015) and its National Socialist Order (NSO 2020) are the prime example of the latest wave of far-right militancy in the United States (WARE, 2020). Openly fascist, they emerge from a wider community of extremists who worship James Mason, a neo-Nazi activist, and his *Siege*, a collection of newsletters published in the 1980s calling for race war in Western societies (WARE, 2020). Jacob Ware points out that they are joined by others like *Base* (2018), a neo-Nazi group that collaborates with links in Canada, Sweden, and Russia, forming the face of the new far right in America, characterized by the author as: young, militant, public and loud, which has turned the attention of US law enforcement and intelligence agencies to a significant and imminent threat.

It is therefore necessary to explain the reasons why this growing<sup>18</sup> threat may continue to be active in the US, so that it is then possible to understand the legal measures adopted to contain it. With regard to AWD, Ware points out that the causes for its possible continued activities are the fact that: most of the attacks promoted in the name of the organization are individual, not collective; most of its members are very

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<sup>17</sup> Right-wing terrorism commonly refers to the use or threat of violence by sub-national or non-state entities whose goals may include racial, ethnic, or religious supremacy; opposition to government authority; and the end of practices like abortion.

<sup>18</sup> Between 2007 and 2011, the number of such attacks was five or less per year. They then rose to 14 in 2012; continued at a similar level between 2012 and 2016, with a mean of 11 attacks and a median of 13 attacks; and then jumped to 31 in 2017.



young; the group mobilizes mainly online. In addition - in relation to online communication - the use of vicious and violent rhetoric, such as the speech by a 20-year-old who said that "the best part of a gun is that it kills 30 babies per shot". In addition - and again as a result of the social media activity - the movement is very internationalized and, finally, as mentioned, the group and its followers existed in a broader ecosystem, Siege, which remains active on social media sites such as Telegram (WARE, 2020).

Faced, then, with the explicit rise of this extremist wave in the US, it is necessary to understand the legal measures adopted by the country in order to contain this practice. First of all, it is necessary to consider that the state itself recognizes the emergence of extreme rightism as a national threat, in the document *National Strategy for Countering Domestic Terrorism* (2021). Since the emergence of the KKK, laws aimed at curbing its activities have been implemented, with the *Ku Klux Klan Act* (1871) having passed through the US Congress; the new law sought to enforce the Fourteenth Amendment and prohibited acts of conspiracy and the use of camouflage to deprive someone of their equal protection of the law (MICHAEL, 2003).

In contemporary times, there have been recent actions taken by Congress, such as the *Domestic Terrorism Prevention Act of 2022*, which authorizes the monitoring, analysis, investigation and prosecution of domestic terrorism: the domestic terrorism unit, the domestic terrorism office - responsible for investigating and prosecuting acts of domestic terrorism and headed by the domestic terrorism council, coordinated with the civil rights division on domestic terrorism matters - the domestic terrorism section of the FBI and *staffing*.

Additionally, it provides information on the required biannual report, where, within 180 days of the date of enactment of the law, every 6 months thereafter, for a period of 10 years, the Secretary of Homeland Security, the Attorney General and the Director of the FBI must submit a report, which must include in its content, among other things, "an assessment of the domestic terrorism threat posed by white supremacists and neo-Nazis, including white supremacist and neo-Nazi infiltration of federal, state, and local law enforcement agencies and the uniformed services" (UNITED STATES....2021)<sup>19</sup>. Thus, given the state's own emphasis on the issue and the adoption of new legal measures to contain extremism in the country, the relevance of this issue in contemporary times can be seen.

## FINAL CONSIDERATIONS

Although terrorism is not a new phenomenon, it is currently one of the greatest threats to international security and occupies an important place on the world's political agendas. Rapoport (2001) has

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<sup>19</sup> *An assessment of the domestic terrorism threat posed by White supremacists and neo-Nazis, including White supremacist and neo-Nazi infiltration of Federal, State, and local law enforcement agencies and the uniformed services.*



studied and discussed this issue, establishing four waves of terrorism. In each of them, he highlighted a dominant element, made explicit in the name of each wave: Anarchist, Anti-colonial, New Left, Religious. The first wave, of a revolutionary nature, sought to change the status quo, targeting important figures at the time. The second wave, anti-colonial, was driven by the principle of self-determination of peoples, and the groups' struggle was for liberation and sovereignty.

The next wave, called the new left, developed in the context of the Vietnam War, when there was a global divide between the developed and underdeveloped worlds. In this scenario, several proletarian revolutions were seen, representing an opportune moment to break away from old traditions and governments and international alignments, in political terms. The last wave, the religious wave, represents one of the most important historical milestones in the construction and development of the phenomenon of terrorism. The context of the fourth wave was the Iranian Revolution, representing a new century for Islam, where the religious appeal was visible, but political motivations were relevant and provoked extremism.

Although it is possible to discuss terrorism and the *modus operandi* of terrorist organizations and groups, as we have presented in this paper, there is no globally accepted definition of terrorism. It is common knowledge that the conceptual and normative limitations of the absence of a definition imply difficulties in dealing with this threat. The issue is dear to international relations, above all because it promotes the escalation of international cooperation, developed with a view to promoting peace and combating terrorism in an increasingly intense manner. International cooperation and its aforementioned objectives can be represented through conventions and treaties established between nations, since 1937 with the *Prevention and Punishment of Terrorism* convention, as mentioned above.

As these political meetings took place and strategies were drawn up to prevent and combat terror, punishments for attacks and crimes of terror were established, looking not only at attacks perpetrated against states, but also against human beings, whether they were combatants or not. As mentioned, the lack of an exact definition of the term means that it is difficult to come up with a single, effective combat strategy, but this does not mean that states will not act to promote peacekeeping. However, the means chosen for this must be observed so as not to lead to extremism. This term was applied by President Bush in the development of the GWOT (BAK; TARP; LIANG, 2019; NÜNLIST, 2015), so, as there is no absolute definition of violent extremism, the way to combat and measure this threat will be dealt with at different levels and in different ways, just as in the fight against terrorism.

The unpredictability of terrorist attacks and violent extremism corroborates the growing dangerousness of these groups, which threaten Western democracies and, in the process, encourage the rise of the extreme right (ANASTASAKIS, 2000). The four approaches that discuss this increase, cited in this paper, provoke different analyses of forms of government and the position of the population. However, despite the different perspectives, there is the notion that the obligation to combat violent extremism lies



with the state, a perspective that is especially valid for Western states. According to the UN, member states must be engaged in this obligation, among other ways, through public policies, domestic, national and international legislation.

Particularly since the 2000s, there has been a need to combat violent extremism. The UN issued an Action Plan for Countering Violent Extremism, almost 10 years after the General Assembly unanimously accepted the Global Counterterrorism Strategy. Despite these efforts, terrorist attacks are still recurrent and are increasingly confused with acts of violent extremism, such as the storming of the Capitol in Washington last year. The invasion was motivated by allegations of fraud in the US elections, and the invaders were called domestic terrorists by the current US president, Joe Biden. In view of the above, it is understood that the concepts do not have a universal definition and can be confused or related in the same event, as in what was orchestrated in 2021.

The normative construction of these terms is reflected in the actions taken by governments to monitor and investigate the expansion of these threats. The *Domestic Terrorism Prevention Act of 2022*, mentioned above, demonstrates the relevance of this process and the urgency of it, as it deals with threats that are extremely current and continuous, and which unfold in various ways, in the light of domestic terrorism.

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