



E1 Is There a Terrorist Profile? Psychological and Legal Dynamics of Terrorism

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The goal of this presentation is to analyze the psychological and motivational dynamics of terrorism and their relevance for legislation and judicial due process.

Terrorism is the use of actual or plausibly threatened violence in the name of an ideological or political position, and has a long and evolving history. While in-depth psychodynamic investigations of individual terrorists are relatively rare, clear patterns have emerged.

While terrorism is a hate crime in that hate usually contributes to the driving force behind its violent acts, terrorism is a specific subset of hate crimes. Also, while there have been lone terrorists (Ted Kaczynski among them), most terrorists function as part of a tight-knit group that cultivates a unique world view and serves to block out or rationalize any information that may conflict with their own convictions. While most hate crimes are committed by lone individuals whose anger explodes into spontaneous and often random violence followed by an awareness of the inappropriateness of the actions and possibly even suicide, terrorists are usually systematic and calculated in their attacks, rationalizing and even relishing their crimes.

Terrorism is often exploited in support of broader national or political agendas, and attracts supporters and functionaries motivated by their own unique needs. However, when one thinks of terrorists, one is usually thinking of the people who plan and execute acts of violence against seemingly random noncombatants in order to generate fear and intimidation throughout a broader civilian population. These terrorist perpetrators are typically of average intelligence, come from comfortable backgrounds, blend in well and are usually seen as "normal" psychologically and otherwise, and therefore easily progress into some form of post-secondary education.

While this access to education has created an image of terrorists as "intellectuals," few complete their college education and it is difficult to find concrete examples of their professional or intellectual achievements. Instead, beginning at about puberty, these individuals view themselves as rightful heirs to a favored destiny that would have been theirs had it not been for some past act by a group that becomes increasingly despised. Most often this root act is obscured in history, vague, and not open to any plausible remediation. However, current events are typically viewed as a continuation of the legacy created by the root injustice. Terrorist perpetrators seek to gather into networks that share what becomes the collective focus of an obsessive rationalization that offsets and justifies their own shortcomings or feelings of inadequacy.

Although the terrorist's world view may bear some superficial similarity to the attitudes of their parents or other significant figures, this need not necessarily be the case; and parents and friends are genuinely shocked when they learn of the extremism of a perpetrator's views and the acts that those views are used to justify. While most terrorists, as with most criminals generally, show evidence of serious character disorders, they do not lack a capacity to distinguish right from wrong. They act with deliberate premeditation; are systematic and meticulous in their planning; and gather and act on information, altering their course of action based on their findings. They closely follow press coverage of their actions, use that coverage to glorify and justify their behavior, and screen out or rationalize anything inconsistent with their own views.

This is the behavior not of an insane person in the federal and most state definitions of legal insanity, but of a person who knows that his or her actions are wrong and nevertheless chooses to ignore that reality and act counter to its imperatives. It is often assumed that such actions must therefore be motivated by some deeply held ideological conviction or the result of unjust hurt or trauma. Neither of these assumptions finds much support in the facts.

While terrorist perpetrators clearly feel deep and seething hatred, it is rare that they have any plan for the future should their terrorist campaigns prove successful. In fact, since they are driven by the satisfactions that come from perpetrating terrorist violence, they have difficulty even conceiving a time or place in which those actions would not be justified. They come from privileged backgrounds, and often the links between the alleged root transgressions and their own lives and backgrounds are tenuous at best. This has led many terrorist groups to seek out allies among "workers" and the disadvantaged; but since this has often provided one of their few openings to police infiltrators, that practice has been largely discontinued.

In short, terrorist perpetrators are most likely to be people who by temperament and possibly critical-phase development are attracted to violence, and who are fortunate enough to have the time and resources to fashion an environment that affords opportunities to act on their base impulses. Since society has severe sanctions against anti-social conduct, terrorist perpetrators ally themselves with religions that can be interpreted to support the violent acts they wish to commit, and operate in the name of political ideologies – generally of the extreme left or right – that also glorify violence.

Obviously terrorist perpetrators lend themselves to exploitation by political regimes, and therefore it has been argued that terrorism has increased because terrorism "works." Shifts in the nature of terrorist activity are more complex, and are complicated by the shift to a postColonial era in the 1960s, and the fact that many regimes that harbor terrorists are among the remaining closed dictatorships and lack a free



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marketplace of information and ideas. One of the last gasps of Marxism in the Sixties was the fostering of a worldwide philosophy that all ideologies had equal validity; thus society has moved from a world of competing superpowers to a world of freelance anarchists. But while political leaders are thought of those who exploit terrorism as terrorists, most politicians do have a sense of future and a blueprint for what they think that future should resemble. Therefore they are leery of terrorist perpetrators, seeing them quite rightly as dangerous and unpredictable. Paths for advancement of perpetrators within political administrations are therefore limited, and they are often considered most useful as suicide bombers.

While the psychological profile of terrorist perpetrators is highly specific, it lacks the uniqueness required of a legal profile (see *U.S. v. Sokolow*, 490 U.S. 1 (1989); Edwards, C.N. Behavior and the law reconsidered: psychological syndromes and profiles. *J Forensic Sci* 1998; 43(1):141-150). Since terrorists quickly reach a point where they dismiss all outsiders as irrelevant and untrustworthy, they are not proselytizers; and since they have the means to blend in with the surrounding culture, their detection requires more sophisticated approaches.

Apprehended terrorists present unique judicial challenges. While it would be difficult to make a case that they were insane during the commission of a terrorist act, they are prone to an incarceration pseudo-psychosis that can result from the clash between their protected world view and the realities of capture and trial. They are likely to reject the authority of the courts, resist negotiated resolutions, seek to use the courts as a forum for their espoused ideologies, fail to cooperate with counsel, and be disruptive in court. Their trials tend to be high profile and require special care from all parties in order to assure not only the fairness that justice deserves but also the appearance of fairness essential to public confidence.

Terrorism, Psychological Profiles, Judicial Due Process