
The Challenge of Terrorism to International Society and the Rule of Law

Paul Wilkinson*



Definition and Characteristics of Terrorist Violence

The history of terrorism totally disapproves Hanna Arendt's claim¹ that violence is speechless. Terrorist propaganda is sometimes crude and callow, but it can also be extremely skilful and effective. All serious terrorist campaigns are characterised by frenetic use of every available access to the mass media. Some groups have set up their own radio stations; others have produced videos of their captive hostages to increase the pressure on the governments they seek to blackmail. In democratic states a typical terrorist organ for waging this form of political warfare is a political party 'wing' which can, if necessary, continue to operate 'legally' if and when the terrorist organisation is proscribed. It is obvious that the terrorists' scope for this type of

political propaganda activity will be severely limited under an authoritarian political system, though it is worth recalling that Ayatollah Khomeini managed to sustain an extremely effective covert propaganda campaign against the Shah's rule even from his exile in Iraq and Paris, including the use of tape recorded propaganda sermons smuggled into Iran for use by the Mullahs. But in liberal democratic societies the major terrorist organisations can make maximum use of the freedoms of speech and the press which prevail. In a healthy and vigorous liberal democracy they will be unlikely to win majority approval for the use of terrorism, but they may hope to win substantial backing for some of their broader political aims and to weaken or neutralise support for those who oppose them. At the very least, the terrorist organisation will be aware that its own recruitment, support-base and influence, at home

**Paul Wilinon is Professor of International Relations and Chairman of the Advisory Board of the Centre for the Study of Terrorism and Political Violence, University of St. Andrews. This essay is excerpted from Prakash Nanda Ed. Rising India: Friends and Foes (Lancer Publishers)*

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and abroad, will be crucially affected by this political battle for legitimacy and moral support.²

In the brief discussion which follows, the major forms of justification put forward by terrorists and their supporters will be identified and examined, and their implications discussed. It will be shown that many of these attempts have a superficial plausibility. It would be foolish to underestimate the degree to which they may succeed in deluding sections of public opinion. Even though, thank Heaven, terrorist propagandists have not generally succeeded in getting their myths and doctrines generally accepted, they have often succeeded in confusing politicians and the public, thereby undermining the political will and unity needed to oppose terrorism effectively.

Definitional Aspects

One major source of confusion has been the definition of terrorism. It is endlessly repeated that it is impossible to obtain any generally agreed definition of terrorism and that because one cannot be sure what it means it is useless to discuss policies to deal with it. Many political and strategy concepts are

difficult to define in a few sentences. Concepts such as democracy, imperialism and revolution, for example, have been used in many different ways. But does this mean we can simply dispense with them? Of course not, because there is a sufficient common understanding of the meanings of these terms to make them useful, indeed essential, in scholarly discourse and political debate.

In any case the problems of establishing a degree of common understanding of the concept of terrorism have been vastly exaggerated. Indeed, I suspect that some have tried to deny that any common usage exists as a device for obstructing cooperation in policies to combat terrorism.

Those who still genuinely believe that definition is a fundamental obstacle to the investigation of terrorist phenomena have clearly failed to study the growing academic literature, the proceedings of international scholarly conferences, and the modest but significant advances in international law and cooperation in this field. In a paper by Gurr and Ross, they draw attention to Alex Schmid's thorough international review³ of the definitional problem:

“After an exhaustive analysis of over 100 expert definitions, Schmid concludes that there is no ‘true or correct definition ...’. Nevertheless, he develops a consensus definition consisting of five parts which we accept for our purposes. First, terrorism is a method of combat in which random or symbolic victims are targets of violence. Second, through previous use of violence or the credible threat of violence, other members of that group or class are put in a state of chronic fear. Third, the victimisation of the target is considered extra-normal by most observers, which fourth, creates an audience beyond the target of terror. Fifth, the purpose of terrorism is either to immobilise the target of terror in order to produce disorientation and/or compliance, or to mobilise secondary targets of demands (e.g. government) or targets of attention (e.g. public opinion). This definition encompasses terrorism by governments, by oppositions and by international movements”⁴

Terrorism can be briefly defined as coercive intimidation, or more fully as the systematic use of murder, injury and destruction, or threat of same, to create a climate of terror, to publicise a cause, and to coerce a wider target into submitting to its aims. International terrorism is

terrorism exported across international frontiers or used against foreign targets in the terrorists’ country of origin. There have been very few cases of purely domestic terrorism, but there are of course, many campaigns in which the political violence is mainly concentrated in a single territory or region (for example, the Irish Republican Army (IRA) and the Basque and Corsican terrorists).

A major characteristic of political terror is its indiscriminate nature. This is not to deny that terrorists generally have a special human ‘target’, whether individual or collective, which they intend shall be the victim of the most direct physical harm. Quite apart from the physical danger of persons who are not pre-selected targets being hurt, there is the unavoidable side effect of widespread fear that others might be harmed. As Raymond Aron remarks in one of his most perceptive observations on terror:

“An action of violence is labelled ‘terrorist’ when its psychological effects are out of proportion to its purely physical result. In this sense, the so-called indiscriminate acts of revolutionaries are terrorist, as were the Anglo-American zone bombings. The lack of

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discrimination helps to spread fear, for if no one in particular is a target, no one can be safe".⁵

Terrorists are frequently prepared to engage in the indiscriminate murder of civilians. Men, women and children alike, regardless of their role or position in society, may be regarded as potential victims for the sake of the 'cause'. As a policy the waging to terror necessarily involves disregarding the rules and conventions of war: on-combatants, hostages, prisoners-of-war and neutrals have no inviolable rights in their eyes.

It is also characteristic of acts of terror that they appear entirely unpredictable and arbitrary to the society which suffers them. One writer has expressed this point very clearly: 'no observance of commands, no matter how punctilious, on the part of the prospective victims can ensure their safety'.⁶ There are of course many instances of individual victims of terroristic assassination or mass murder being given preliminary warning that they are to die. The point is that such warnings are only 'selective' and 'predictable' according to the rationalisation of the terrorists. As Malraux writes 'le terroriste décidât seul, exécutât seul,⁷ and it is in this sense true to describe

terrorism as a peculiar kind of tyranny in which the potential victim is unable to do anything to avoid destruction because the terrorist is operating and judging on the basis of a personal idiosyncratic code of rules and values. These characteristics of unpredictability and arbitrariness also apply in the case of the repressive terror of the state for two major reasons. First, leaders and agencies of force in the state, who have acquired the preponderance of coercive power, may disregard the underlying values and norms of the existing law with impunity within their domain. Second, tyrannical dictators or totalitarian governments tend in the process of consolidating their power to subvert and manipulate the legal structure in order to forge it into a weapon for the oppression of their internal opponents. Such regimes instinctively use terror as an instrument of domestic and foreign policy. Their terror is far more lethal and large-scale than that of sub-state actors, and it is notoriously difficult for international opinion to alleviate or prevent large-scale violation of human rights by states.

What fundamentally distinguishes terrorism from other forms or organised violence is not simply its severity, but its features or amorality

and antinomianism. Terrorists either profess indifference to existing moral codes or else claim exemption from all such obligations. Political terror, if it is waged consciously and deliberately, is implicitly prepared to sacrifice all moral and humanitarian consideration for the sake of some political end. In their most explicit and candid amoral form such terrorist rationalisations amount to a Nietzschean doctrine of the Will to Power. Might is right; terror can always be justified as the expediency of the strong; and such Judaeo-Christian notions as mercy, compassion and conscience must go with the weak to the wall of history. Political terror is not always justified in such explicit terms. Some utopian or messianic sects and movements that have resorted to terror have attempted a teleological justification, generally involving the rejection of all existing ethical principles and codes on the grounds that morality is manipulated in the interest of the rulers. In some cases it is argued that the acts of terror are necessary sacrifices to be made on the journey toward a new revolutionary order which will introduce a New Man and a New Order and a Revolutionary Morality. But the first task is that the existing order and morality are destroyed and terrorist propaganda is a key weapon in this task.

Terrorist Propaganda And Justification

There have been very few systematic studies of the propaganda and self-justifications used by the major terrorist organisations themselves. But in an invaluable pioneering comparative study Dr. Maurice Tugwell⁸ has developed a powerful model which can be applied equally well to the terrorist propaganda of factions and of terror regimes. Certain elements in his model provide a valuable insight into the ways in which terrorist ideology is used to provide a new transcendental 'revolutionary justification' cleverly designed to subvert and destroy the more and legal values that underpin the existing order.

In this propaganda war the terrorists constantly emphasise the Absolute Justice, or Righteousness, of their causes. Usually this claim of Justice is founded on a secular ideology. However, today we should note the significance of the resurgence of religious justifications for terrorism. If, like the Al Qaeda fundamentalist terrorists, you believe your acts of violence are ordained by God, and that you will go to Paradise if you are 'martyred' in the course of your struggle

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against the infidel, this will present a far more potent threat to your opponents. However, whether based on secular ideology or religious faith, this belief in the Absolute Justice of the cause characterises the propaganda of all terrorist organisations. And it carries some important corollaries. Firstly, the terrorists can and do claim that because their violence is in a just cause they are 'freedom fighters' or 'holy warriors' fighting a just war: hence they passionately deny that their acts can be described as crimes or murders. Secondly, because of their belief in their own righteousness the terrorists can portray their opponents not simply as misguided, but as totally evil, as corrupt oppressors beyond redemption, it is the duty of the terrorists to kill them, and, indeed, anyone who resists or obstructs the 'just war' of the terrorists.

Thirdly, because the terrorist organisation believes it is waging a Manichean struggle with the forces of oppression or reaction, there can be no toleration of neutrals: 'You must be either with us or against us. If you are with us, join our cause and fight against the enemy. If you are not actively with us, we will assume that you are a traitor and therefore we are entitled to kill you'.

There are three other key propaganda themes which can be derived from Dr. Tugwell's model, and which vividly illustrate the potency of the terrorists' use of the claim of total righteousness as a psychological weapon. For example, it is used to undermine all claims to legitimacy on the part of the incumbents: 'Our enemies by denying the justice of our cause and by acting against us have forfeited all rights to obedience and respect. It is no longer they who are legitimate and whose authority and word you should believe, but we, the terrorist organisation'. The righteousness theme is also deployed in order to push the blame for all the violence on to the terrorists' opponents. The terrorist organisation will always claim that it was not they but the state, or their rival movement that started the violence. 'Our violence was simply a totally justified reaction to the violence imposed on by our enemies: hence all the blame for the sufferings caused to the people should be placed on our opponents. The masses should recognise this and throw in their lot with our movement which will inevitably triumph in the end'. I am sure you will recognise all these themes as you survey the propaganda of numerous contemporary terrorist organisations. We should never under-

estimate their skill in disseminating these illusions among the public and among politicians and other influential groups. It is most subtle and effective; this form of propaganda campaign may more than compensate for the military weaknesses and security failures of a terrorist organisation. And if governments, faced with these more sophisticated challenges, do not succeed in dealing effectively with the terrorists' political and psychological subversion, they may, indeed, be on the slide to disaster.

The Confusion Between Political Ends and Terrorist Means

A second major confusion in the debate on terrorism stems from the failure to distinguish between ends and means. Terrorism is a method which can be used for an infinite variety of goals. The tedious cliché that one man's terrorist is another man's freedom fighter simply reflects the paradox that some groups use terror in pursuit of a cause that most liberal democrats would consider just. But it is important to understand that even in situations where the justice of a particular cause, claim or grievance is widely recognised and supported, it does not follow that any means, however

extreme and unjust, is thereby justified in pursuit of such an end. Indeed the consequence of such policies has been the most horrifying suppression of human freedom by totalitarian regimes and movements. Roads to Utopia are strewn with the bodies of their victims: 'O Liberté! O Liberté! Que de crimes on comment en tone nom'.⁹

As a matter of historical fact, many terrorist groups' claims to be representing a particular ethnic group or constituency can be shown to be spurious. In many cases the terrorists' aims and/or methods are deeply repugnant to the majority of the constituencies the terrorists claim to be fighting for. Obvious examples would be ETA in relation to the majority of the Basques (in Spain), the IRA in regard to the majority of Irish Catholics and the left-wing terrorist groups in Western Europe in relations to the working classes they profess to be liberating.

The widespread failure to distinguish between the methods of terrorists and the political cause they espouse gives rise to another dangerous illusion. Many assume that if only reasonable people could devise a suitable formula to resolve the underlying political conflict then the 'symptoms' of terrorist violence

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would evaporate. This ignores the fact there always tend to be irreconcilable maximalists who regard any idea of a negotiated compromise settlement with their enemy as a betrayal of their ideals, and who will go on waging terrorism to prevent any such 'betrayal' and to realise their ultimate goals. Others will continue the violence because it has become an obsession, a true corruption of the spirit through the pursuit of blind hatred and a desire for vengeance.

For example, if by some miracle an international peace conference won the support of Israel and Arab moderates for a compromise political solution to the Palestinian problem, can it be seriously imagined that the terrorism associated with this conflict would suddenly disappear? On the contrary, hard-line militants among the radical wing of the Palestinian movement and the extreme Right in Israel would almost certainly intensify their violence in order to destroy the agreement even before the ink was dry.

This harsh reality should not deter the international community from its obligation to seek negotiated settlements to the conflicts that threaten peace and stability. There is always the hope that such efforts will

at least limit or even reduce the dangers of a wider conflict. There is a good deal of evidence from the experience of individual states that the recognition and enhancement of minority rights can reduce alienation and political violence and isolate and weaken terrorist groups. It is more difficult to achieve such reforms at the international level, and this is one of the greatest challenges to modern diplomacy. But if such reforms are to succeed and contribute to strengthening of peace and security, they can only do so in the context of greatly strengthened global rule of law. And because terrorism is the very antithesis of the rule of law and a basic threat to human rights, it is vital that such diplomatic reforms and initiatives are seen to emanate from international organisations and multi-lateral diplomacy, and that the savage intimidation of the petty tyrants of the bomb and the gun is not rewarded in any way and does not become an encouragement and an inspiration to other extremists to use terror.

Terrorism and Criminality

It is precisely because terrorists, by definition, follow a systematic policy of terror, that their acts are analogous to crime. The very notion of crime, even in the most primitive legal

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system, implies the moral responsibility of individuals for their actions and hence for any violation of the legal code. We cannot make a general rule that terrorists are to be exempted from criminal responsibility unless we are either prepared to plead their irresponsibility on the grounds of insanity or are willing to allow the whole moral and legal order to be undermined by deferring to the terrorists. In most legal systems the typical acts of terrorist groups (such as bombings, murders, kidnapping, wounding and blackmail) constitute serious offences under the prevailing codes. Without exception murder is punishable under the legal code of all states. As terrorism involves systematic cold-blooded murder it is particularly repugnant to the Judaeo-Christian tradition and to all societies which are deeply infused with human values.

It is still widely held that the divine injunction against murder (the Sixth Commandment) is an absolute imperative which allows only four special cases of exception: i) murder committed in the course of a just war on behalf of one's country (a pacifist would, of course, object to this exception on conscientious grounds); ii) judicial execution in punishment for crimes of murder or treason (a principled abolitionist would deny

this ground) iii) murder committed in the course of a just rebellion against tyrannical rule or foreign conquest; and iv) in self-defence against violent attack. Clearly there is a world of difference between justification for specific acts of murder and justification for a systematic policy of indiscriminate murder as a means to a political end. Even if the terrorists claim, as they commonly do, that they are waging a just war or a just rebellion in terms of the classical criteria laid down by theologians and moral philosophers, they do not thereby succeed in providing ethical justification for their deliberate choice of systematic and indiscriminate murder as their sole or principal means of struggle. It would be a logical absurdity to try to justify terrorism in terms of an ethic founded on the sanctity of individual human life. Hence, terrorists claim to act according to a higher 'revolutionary morality' which transvalues everything in terms of the revolutionary struggle.

This terrorist revolutionary morality takes many different forms and is informed by a confusing and often self-contradictory collection of self-justificatory beliefs, myths and propaganda. The point I wish to establish here is that if we attach any meaning and value to our Western

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Judaeo-Christian, liberal and humanistic values and the ethical and legal systems that have been shaped by this tradition, we must logically recognise the criminal nature of terrorism. Terrorism is more than simply a manifestation of psychopathology, and more than a symptom of social discontent, oppression and injustice – though it may be both of these things as well. It is also a moral crime, a crime against humanity, an attack not only on our security, our rule of law, and the safety of the state, but on civilised society itself.

The terrorists speak a different language of justification, and for them the arguments from ethical and humanitarian principle are dismissed as sentimental and bourgeois irrelevancies. Defiantly and proudly they place themselves outside and 'above' the law. Hence, the apparently close bonds between terrorists and bandits (whom Bakunin regarded as the natural and original revolutionaries). Hence also the intimate organisational, financial and logistics between terrorist movements and criminal sub-cultures.

Yet there remains a significant difference between them in that the terrorist unlike the criminal insists on

the revolutionary legitimacy and historical necessity and significance of his acts. If captured and brought to trial, the terrorist thus typically refuses to recognise the legitimacy and legality of the courts: in his eyes the judiciary is simply the contemptible creature of an irredeemably rotten order. There can thus be no meaningful dialogue between them. As we shall observe, terrorists generally claim that their own acts dispense justice and punishment according to the higher law of revolution: terrorists claim to extirpate the crimes of the state.

Revolutionary terrorists make war on legality and hence their 'criminality' is an essential part of their self-definition. They regard the law and its agents as both symbol and embodiment of the 'oppressions' and 'injustices' they wish to remove. Echoing Kropotkin they would claim 'everything is good for us which falls outside legality'. Yet the awesome consequences of this nihilistic rejection of all ethical and legal constraints are that the professional terrorists become totally corrupted and criminalised by their obsessive absorption in assassination, massacre and destruction. Terrorism tends to brutalise those involved in its planning and perpetration. A cult of bombs and guns is created and

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headstrong youths can become so hooked on the life of terrorist murder that they perform their tasks in a kind of sacrificial ecstasy. It must be recognised that just as there are war crimes and war criminals guilty of crimes against humanity, there are also revolution crimes against humanity. Revolutionary terrorists are those who choose to devote themselves to the macabre specialism of murder and massacre in the name of revolution. But even revolutionary leaders and theorists have recognised the corrupting and criminalising effects of professional terrorism on the personality of the terrorist conspirator. In a letter to Alfred Talandier, Bakunin vividly describes the case of Nechayev, whose ruthlessness and deceit he suffered for some years. Describing Nechayev's terrorist secret society he wrote:

"Truth, mutual trust, serious and strict solidarity exists only amongst a dozen or so individuals who form the Sanctus Sanctorum of the society. All the others must serve as blind tools, exploitable material in the hands of these dozens of men with real solidarity. It is allowed and even ordered to trick them, compromise them, rob them and even destroy them if need be; they are fodder for conspiracy ... The sympathies of

lukewarm people who are devoted only in part to the revolutionary cause and who, besides this cause, have other human interest such as love, friendship, the family, social relationships – these sympathies he does not consider sufficiently justifiable, and in the name of the cause he has to take possession of your whole being without your knowledge. To this end he will spy on you and try to gain possession of all your secrets".¹⁰

Bakunin also clearly appreciated the implications of this self-corruption for the revolutionary movement. By depending on educating his followers to cheat, lie, spy and denounce, Nechayev was relying, as Bakunin pointed out, 'much more on the external hobbles with which you have bound them, than on their inner courage'.¹¹ And he is quick to see the dangerous implications of this system for the revolutionary cause. 'It follows that should circumstances change, should they realise that the terror of the state is stronger than the fear that you inspire, they would (educated by you) become excellent state servants and spies'.¹² Thus, the inherently criminalising effects of terrorist conspiracy upon the personalities of revolutionaries may, and frequently do, threaten the very survival of the

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cause. And yet the more dependent the terrorist secret society becomes upon intimidation, blackmail and trickery to coerce and control its own members, the more difficult it becomes for its members to break free of the circle of criminality, mutual suspicion and deception.

Thrasymachan Justifications for Terrorism

But of course in any case many terrorists do not care a fig about the alleged immorality of the means they employ. For them moralistic and legalistic objections to the use of terrorism are mere devices used by supporters of the status quo to sustain the existing power structure and to rob the revolutionary or rebel of the inherent tactical and advantages of the weapon of terrorism: i.e. the ability to launch dramatic surprise attacks by stealth, on civilian targets in 'peacetime' conditions or circumstances, and the ability to exploit the ensuing climate of extreme fear which such outrages can produce.

But many terrorists do claim a form of Thrasymachan justification for their use of terror violence, in addition to ideological rationales described earlier. This Thrasymachan position comes in two

major forms: i) 'terrorism is an instrument of proven value in struggles for power, and in achieving short-term objectives of great benefit to a revolutionary cause, such as publicity, the weakening and disrupting of the 'enemy' regime, extorting large ransoms and the release of imprisoned revolutionaries, and hence we cannot afford to relinquish it', and (ii) (a much stronger version) 'terrorism is a proven value as the decisive weapon on struggles for power and hence the revolutionaries should use it to the fullest possible extent, giving no quarter, as the very spearhead of the struggle'.

The moral philosophers, from Plato onwards, have mounted a formidable moral indictment of the Thrasymachan approach. The naked pursuit of power for power's sake is the very negation of the values of justice and law. What is the benefit to society or to the ordinary individual if tyrants, large and small, are given carte blanche to oppress the people? Most terrorist groups fall under the heading of petty tyrannies, but by combining their efforts with a wider repertoire of revolutionary warfare some can aspire to establishing tyrannical regimes. Why should it be in the interests of society that their power struggles be

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allowed to succeed? Even an Irish republican with the most incorrigibly confused and romanticized view of the tactics of violence used by the IRA might quail at the thought of the whole of Ireland under the heel of an IRA dictatorship. Moreover, one of the obvious penalties of the crude Thrasymachan position is that it implicitly sanctions the right of all to make war against all. What happens after the terrorists have succeeded in achieving power? How can they lay claim to any legitimacy and authority when they have denied any moral basis for political power? The will immediately be challenged by fresh contenders for power, new would-be tyrants, with their appetites for power further whetted by the successful demonstration of the use of terrorism against the previous regime. Ultimately the anti-nomian and explicitly amoral character of much of the terrorists' self-justification comes home to roost.

However, once one deserts the firm ground of basic moral principles and rules of conduct, it is difficult to give a definitive response to the Thrasymachan arguments. It is all too obvious from the evidence of recent events that terrorist violence and extortion can win valuable short-

term objectives: huge media publicity, vast ransom payments, the release of imprisoned terrorists, even changes in the arms supply policies of Western governments towards pro-terrorist states, have all been achieved in recent years. Indeed, it is partly because terrorism has so often seemed to 'work' at this level that it has grown into such a characteristic mode of violence in our time.

It is much easier to undermine the more ambitious second Thrasymachan proposition described above. Historically all the evidence shows that terrorism rarely if ever works in delivering its strategic goals, i.e. the removal of an existing government or regime and the substitution of a regime dominated by the terrorists. The only clear-cut cases of this in modern history occurred under the unique circumstances of the post-World War II decolonization of Britain from Arden and Cyprus, and of France from Algeria, are the obvious examples. In all these situations governments and public opinion in the metropolitan country were sick and weary of war and had no strong commitment to the retention of colonial empires, and were economically and militarily debilitated after six years of world

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war and the tasks of reconstruction. Against this the terrorists had massive support from their native populations and from the world-wide tide of anti-colonialism. Groups like EOKA and the FLN were thus pushing against a half-open door. It is, of course, foolish to try to transpose this model of anti-colonial terrorism to the conditions that prevail in contemporary terrorists conflicts. The Jews of Israel, the Protestants in Northern Ireland, the Turks in Anatolia, the Singhalese in Sri Lanka, the Afrikaners in South Africa, to give only a handful of examples, are not going anywhere. They have no motherland or imperial metropolis to retreat to. Nor should we imagine that they or even the newest of newly-established nation-states in the Third World will hesitate to use draconian force to preserve their national integrity and security to suppress any major threat to their position. There is also a great deal of historical evidence to show that terrorism is a faulty weapon which often backfires. It can seriously set back or even destroy any prospects of achieving the professed political goals of the terrorists. By alienating the general population and by stiffening the resolve of the governments, security forces and the international community, it can provoke the more effective measures

which may finish the terrorists as an effective movement. Conspicuous terrorists failures and defeats can destroy the last shreds of the terrorists; claims to credibility and authority. Even the pretence of being the voice of their self-proclaimed constituency can no longer be maintained.

The weakest of all the elements of the Thrasymachan or instrumental justification for terrorism is the claim that it is the only method that works. There is a wealth of recent examples to show how much more effective other tactics can be in securing radical political change. It was peaceful demonstrations on the streets, political pressure (internal and external) and regime decay and corruption that brought the transitions to democracy in Greece, Spain, Portugal and the Philippines. It was a general strike by the Ulster Worker's Council that brought about a dramatic change in government structure in Northern Ireland, the collapse of the Northern Ireland Executive in 1974. As political weapons these methods of street demonstrations and the General Strike are today proving far more effective for the Palestinians in Gaza and the West Bank than terrorism ever has. It is the coup-d'etat which is the most usual way in which

dictatorships rise and fall in the Third World. Too often people unquestioningly accept the terrorists' claims that their method is the only effective resort open to them. As an historical generalization it is arrant nonsense.

Conclusion

As I suggested earlier, it is because terrorism can be defined as a kind of revolution crime analogous to a war crime that the most appropriate form of response is through the criminal justice and law enforcement systems. In most liberal democratic states there are already systems which are perfectly capable of dealing with the problem in this way. Unfortunately due to the vagaries of the extradition process, and differences between national legal codes, jurisdictions, and procedures, the necessary machinery for dealing with major international crimes has been very slow to emerge. There is now an International Criminal Court, but currently it does not have power to deal with terrorist crimes. Ideally it should be able to investigate, try and sentence in cases involving international crimes committed anywhere within the borders of member states and would overcome the problem of fugitive terrorists skipping across frontiers to escape

justice. The International Law Association produced an excellent draft international criminal code and statute for an international criminal court as long ago as 1972.¹³ European Union Ministers should at the very least set up a working group to consider this and other proposals to strengthen the international rule of law in this field.

Of course terrorists and their propagandists have nothing but contempt for conventional morality and legal norms. They defiantly reject such constraints. What we regard as the most atrocious crimes against the innocent they regard as the execution of higher 'revolutionary' justice. What we regard as cowardly and barbaric assaults on civilians in peacetime, they regard as heroic acts of 'wars of liberation'. Those who deliberately set out to murder and maim the innocent in the fanatical pursuit of a cause may seek to justify themselves in terms of their own ideology and desire for power. But in reality they are hostes humani generis. Any civilised society has an obligation to do everything possible to suppress this scourge, just as our forbears had to act boldly to suppress crimes such as piracy and slavery. Those who seek to justify and condone terrorism are defending the indefensible. A key to resolving the

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problem of terrorist violence is to get public opinion to recognise the true nature of the threat terrorism poses to human rights and peace. Public support is needed at national level to back firm and consistent policies to suppress terrorist crime through improved law enforcement and judicial control.

It is a dangerous fallacy to assume that there are easy political solutions to the problem of terrorism. We must pursue diplomatic and political solutions to deep-seated conflicts, such as the Arab-Israel conflict, because it is our moral duty to pursue peace and justice. But it is an illusion to think that all the terrorist fanatics will discard their bombs and guns and adopt the ways of diplomacy and dialogue. All the evidence suggests that some extremists will actually intensify terrorism in desperate efforts to derail a peace process which they believe will betray their maximalist demands. The international community must have the courage and determination to pursue peace despite constant threats of this type of violence.

Nor should we neglect our duty as international citizens to uphold and enforce the rule of law internationally. We have no excuse for underestimating the seriousness of the

threats posed by terrorism to the most fundamental human right, the right to life, and to world order and peace. The 9/11 was horrifying evidence that there are terrorists groups in the modern world so evil that they are capable of plotting further massive atrocities. Governments and law enforcement authorities, with the full support of the public, should be intensifying their preparedness to protect the innocent against further threats of civil aviation sabotage, including bombing and the possibility of attempts by terrorists to shoot down airlines by surface-to-air missiles. They must not neglect the very real danger of terrorists acquiring a nuclear device of some kind, or more probably, the chemical weapons of the kind already in the hands of state-sponsors of terrorism, weapons which have been described as the 'poor man's nuclear bomb'.

Unless you are an absolute pacifist you must surely agree that it is our duty to give all the help we can to our own governments and police forces in order to protect society against such horrific dangers. The principle of unstinting support for the protection of society against terrorism should not be in dispute between the major political parties and other institutions in a democratic society. Every effort should be made

to hammer out an effective united strategy which can win the full support of the whole community.

It is essential to avoid a cowardly paralysis of under-reaction and surrender. Terrorism is a fundamental attack on human rights and on the

very foundations of freedom under law. The governments and publics of liberal states must therefore work together with cool determination, courage and common sense, to combat this international scourge of the innocent. ■

Endnotes

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6. André Malraux, *La Condition humaine*, (Paris, Gallimard, 1946) p 189.
7. Maurice Tugwell, 'Revolutionary Propaganda and Possible Counter-Measures', unpublished PhD thesis, King's College, University of London, 1978
8. Words of Mme Roland (1754-93) on passing the Statue of Liberty while en route for the scaffold.
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10. Ibid. p. 257.

11. Ibid., pp 257-58

12. For the full texts see Robert Friedlander (ed.) *Terrorism: Documents of International and Local Control* (Dobbs Ferry, New York: Oceana Publications, Inc., 1979) pp 281-289