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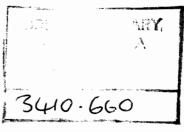
Terrorism versus Liberal Democracy - The Problems of Response

By Paul Wilkinson

- Undeclared war against society
- Underlying causes
- Risks of 'soft-line' approach
- Case for death penalty
- Mobilising public opinion

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Terrorism versus Liberal Democracy: The Problems of Response

SUMMARY

(Subject headings and main conclusions)

Nature of the challenge

Political terrorism—a form of clandestine, undeclared and unconventional warfare—is indiscriminate; it is an attempt to exercise a peculiar kind of tyranny over its victims. Many terrorists motivated by idealism, though their movements attract common criminals and psychopathic killers. Revolutionary theorists have argued that terrorism alone is ineffectual. Tactical terrorist objectives include publicity and militarisation of a political situation.

Underlying causes (*Page* 3)

Success has encouraged emulation; proxy terrorism promoted by number of States; modern communications add to terrorists' potential. Liberal democracies extremely vulnerable; increasingly dangerous trends—kidnappings, embassy attacks, availability of nuclear weapons.

POSSIBLE RESPONSES

Submission: lessons of Lebanon (*Page* 5)

Where rival movements form virtual enclaves within a State a vicious circle of terror and counter-terror can develop, as in Lebanon.

Counter-terror and ruthless repression (*Page* 6)

Liberal democracies cannot resort to totalitarian terror as practised by Stalin and Hitler.

Counter-terror against foreign-based terrorists, plus democracy (*Page* 6)

Israel's fight against guerrilla and terrorist attacks has not led to extinction of liberal democratic system, though its counter-terror methods are arguably politically costly and counter-productive.

" Soft-line " approach (*Page* 7)

High success rate of terrorism largely due to governments' soft-line response, fostering greater boldness and emulation; Japanese Red Army exploited French weakness.

" Tough-line " approach (*Page* 9)

Effective temporary measures combined with maintenance of liberal democracy —maximising risk of punishment and minimising potential rewards—have proven record, exemplified by Trudeau campaign against Quebec terrorists. Political and psychological warfare must complement other measures.

ANTI-TERRORIST MEASURES

Some ground rules (*Page* 10)

Democratic governments must proclaim determination to uphold rule of law, must not resort to indiscriminate repression and must avoid concessions to blackmail and negotiations with active terrorist groups. Public welfare should not be neglected.

" Two Wars " strategy (*Page* 11)

This doctrine, used in South-East Asia in 1950s and 1960s, harmonises the security war and the political, ideological and psychological war.

Case for death penalty (*Page* 12)

Principled abolitionists believe " judicial murder " can never be justified; pro-hanging lobby point to cold-blooded planning, and inevitable demand for amnesty for jailed terrorists. In author's view powerful case exists for reintroduction of capital punishment.

Police as Intelligence agents (*Page* 14)

Police most appropriate Intelligence agency; Army should be brought in only as last resort (apart from such services as bomb disposal).

Mobilising the public (*Page* 15)

Citizens can be priceless asset; enrolment in police reserve; information and education; briefing of property owners in high risk areas.

Special powers: detention (*Page* 16)

Proscription can drive groups underground but does curtail recruitment and fund-raising. Detention without trial should be subject to automatic periodic review. Ulster has shown terrorism increases after release of detainees.

Transnational terrorism (*Page* 17)

Increased international collaboration by terrorists—but not by governments; UN powerless; but avenues still open, such as bilateral pacts, regional collaboration and conventions on punishment of terrorists.

Appendix: Tables 1, 2, 3.

Terrorism versus Liberal Democracy: The Problems of Response

By PAUL WILKINSON

Major conflict has been avoided since the Second World War but small wars have persisted and political violence has grown in non-totalitarian States. Sometimes these have been manipulated or even stimulated by outside interests—often major powers. But rebellion against the State can take many forms and arise from many causes, which should be distinguished if the response is to reinforce just rule rather than simply to crush revolution.

Four major categories of conflict spring to mind immediately: struggles following withdrawal from colonies, as in Portuguese Africa (though in many cases political negotiation has sufficed); separatist or autonomous movements arising from ethnic, religious or linguistic differences, which continue to fight for minority rights in all five continents; ideological struggles, usually waged by small groups, to subvert a society from within; and exiled groups who work to promote revolution at home in authoritarian régimes. Political violence rarely falls neatly into one category; it is more likely to involve several elements, but for political response to be effective these elements must be recognised. Terrorism as a tactic may be employed in any of these conflicts, and this paper considers the problems of response which confront a liberal democracy, with some suggested counter-measures.

Nature of terrorist challenge

Political terrorism may be briefly defined as a special form of clandestine, undeclared and unconventional warfare waged without any humanitarian restraints or rules. It is well known that both governments and revolutionary groups employ terror, but this study is concerned primarily with the terrorism of revolutionary movements directed against governments and societies of liberal democracies, meaning those States which enjoy the benefits of constitutionalist government, democratically elected and sovereign legislatures, established rights of peaceful political opposition and dissent, and effective protection of civil liberties.

I include among others in this category the member States of the EEC, the USA, Canada, Sweden, Norway, Austria, Switzerland, Turkey, Israel, Japan, Australia and New Zealand.

Terrorism has characteristics which distinguish it from other forms of violence. It is indiscriminate in its effects in that nobody is sacrosanct, and this helps to create an atmosphere of fear and helplessness. Terrorists frequently claim to " select " the victims of their macabre lust for punishment and revenge: no one is innocent, all are potentially guilty, if only by alleged association with " class enemies ", " imperialists " and " enemies of the revolution ".

Terrorists do not recognise any rules of conventions of war for combatants, non-combatants or the treatment of prisoners. They use particularly ruthless weapons and methods to attack civilians, including foreigners who are not remotely involved. Their typical weapons are bombings, assassinations, massacres, and bargaining with the lives of hostages. Political terrorism is therefore unpredictable and arbitrary, and can be seen as an attempt to exercise a peculiar kind of tyranny over its victims.

It is quite wrong to assume that all terrorists are psychopaths. Many are motivated by passionate idealism. The pure idealism of the kind portrayed by Camus in the character of Kaliaev, or by Conrad in the portrait of Victor Halden in *Under Western Eyes*, is probably rare in the real world of terrorism, yet it is important to recognise the powerful ideological convictions that sustain many political terrorists.

Most would claim with Leila Khaled that their movements are " fighting for humanity —all those who are oppressed and tor-

tured ".[1] Nevertheless, many terrorist movements have attracted and exploited common criminals and there are " hit men ", couriers and arms suppliers who are primarily out to make quick profits from such activities. Most hard-core terrorists, however, are fanatically sincere and fully prepared to sacrifice their own lives. The typical terrorist tends to be of above average intelligence and education, is highly resourceful, and is trained in weaponry and explosives. It is a serious error to underrate the terrorists' will to succeed and their destructive capabilities.

There is often much confusion, both among analysts and terrorists themselves, concerning the rationale, strategic aims and tactical objectives of revolutionary terrorists. They cease to be political when they lose the will and interest to realise their longer-term political objectives: the obsessive pursuit of death and destruction for its own sake is purely psychopathic. (This is not to deny that such movements often contain psychopathic elements.) They are ready to justify the use of any means, including the shedding of innocent blood, to bring about the elimination of their most hated " oppression " or social or political " injustice ".

Hence their propaganda of word and deed constitutes a peculiarly distorted reverse image of government: revolutionary terrorists frequently claim to be " executioners " administering " revolutionary justice ", and their decision to resort to these methods is often rationalised as being the only effective means of struggle open to them. They claim that their methods are the only sure way to break the will of the government, and that terror is bound to win in the end. Yet in fact such tactics are by no means " dictated " by the needs of a revolutionary situation. Terrorists may share the same revolutionary-strategic aims as non-terrorist revolutionaries; the destruction of the existing political system, seizing power and carrying through the revolutionary programme.

Effectiveness challenged

Almost invariably, however, there are bitter tactical internal controversies. Sometimes, as with the " Rejectionist " groups in the Palestine Liberation Organisation (PLO) coalition, certain extremist factions develop rival maximalist programmes in conflict with the political leadership of the movement. It is important to recognise that many revolutionary theorists, from Marx and Lenin to Guevara, have argued that terrorism is at best ineffectual and at worst damaging to the revolutionary movement.

Critics can point to an impressive weight of historical evidence showing that terrorism *alone* has never sufficed to bring about a political or social revolution. Practically the only clearcut instances of political terrorism *per se* succeeding in realising strategic or long-term aims are: the 1945–47 campaign to force Britain to relinquish the Palestine Mandate; the terrorism used by Egyptians against British occupation forces in the Suez Canal zone in the early 1950s; and the EOKA campaign against the British between 1955 and 1959 leading not to *Enosis* but to the establishment of an independent republic of Cyprus.

It is important to note that these campaigns were all independence struggles against a hated British presence. The conflicts were asymmetrical in the sense that all the independence movements concerned were militarily weak compared to the British security forces, but they had the considerable psychological advantages that accrued from widespread popular support. (This made the intelligence and counter-insurgency work of the security forces infinitely harder.)

Moreover, the terrorists knew that British political leadership and public opinion were weary of expensive colonial conflicts and lacked the will to maintain a presence by force. In such conditions terrorism became, as Brian Crozier pointed out, the chosen " weapon of the weak ".[2] Yet it is worth bearing in mind that the track record of terrorism as a weapon for overthrowing indigenous autocracy, liberal democracy and totalitarianism is abysmal. Even in the case of colonial independence campaigns most were solved through political measures rather than through resorting to terrorism.

It is a common but elementary mistake to equate terrorism with guerrilla warfare in general. Political terrorism proper through the use of bombings, assassinations, massacres, kidnaps and hijacks can and does occur without benefit of guerrilla war. This has been so throughout history. Historically rural guerrilla war was largely waged without resort to terrorist tactics, although today urban and rural guerrilla movements in Africa and Latin America do employ terrorism.

Guevara believed terrorism to be " a measure that is generally indiscriminate and ineffective

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[1] Interview, BBC " Man Alive " programme on terrorism 12 June 1975. Leila Khaled was overpowered, and a man accomplice killed, when they tried to hijack an Israeli airliner over Britain on 6 September 1970. She was released after being held for 23 days at Ealing police station.

[2] Brian Crozier, *The Rebels: A Study of Post-War Insurrections* (Chatto and Windus, London, 1960).

in its results, since it often makes victims of innocent people and destroys a large number of lives that would be valuable to the revolution ".[3] He also claimed it could turn a people against a revolutionary movement and may provoke police repression, hindering the revolutionary movement and its communication with the masses. On the other hand, Debray has argued that city terrorism has a strategic value, provided it is properly subordinated to the needs of the struggle in the countryside: " it immobilises thousands of enemy soldiers in unrewarding tasks of protection ".[4]

Terrorism for publicity

The urban guerrilla theorist, Marighela, defined terrorism as " an action usually involving the placement of a bomb or explosion of great destructive power. . . . It is an action the urban guerrilla must execute with the greatest cold-bloodedness . . . ".[5] He sees it as a necessary adjunct to the urban guerrilla's repertoire, but he offers even less guidance than other revolutionary theorists as to the appropriate tactical objectives for terrorism. Debray, as we have noted, emphasises its usefulness as a diversionary device in the context of a wider guerrilla war. What are the major characteristic tactical objectives of terrorism *per se*?

● Perhaps their commonest objective is to publicise a cause by means of the massive and immediate publicity which will follow a terrorist atrocity.

● It may win concessions or short-term objectives such as the release of terrorists from gaol, payment of ransoms or alterations in government policy.

● A considerable number of assassinations stem from the lust to avenge the deaths of fellow-terrorists.

● Terrorism can be used as a catalyst to arouse fierce repression by the authorities, to " militarise " the political situation, to alienate the masses from the government, and to drive large numbers of them into alliance with the terrorists.

● A frequent objective is to sow intercommunal hatred and conflict.

● Terrorism can be used to destroy the declared enemies or scapegoats of the revolutionaries.

● A frequent objective is the " punishment " of members of the movement for infringements of discipline or alleged acts of betrayal.

Terrorism is employed as a weapon of psychological warfare to help create a climate of panic, or collapse, to destroy public confidence in government and security agencies, and to coerce communities and movement activists into obeying the terrorist leadership. As " propaganda of the deed " it is widely used to advertise a movement and its cause, to inspire followers and sympathisers to further acts of terrorism or insurrection, and as a signal or catalyst for revolution.

In these roles as in others, however, " terrorism is a faulty weapon that often misfires ".[6] Wanton murder and destruction may have the effects of uniting and hardening a community against the terrorists, of triggering a violent backlash by rival groups or of stinging the authorities into more effective security measures in the ensuing period of public revulsion.

Partly to compensate for their military weakness, their political minority status, and the crudeness and unreliability of violence as a psychological weapon, terrorists engage in phrenetic politico-ideological struggle, aided by their political wings and front organisations. In liberal democracies they are able to take full advantage of democratic freedoms to orchestrate propaganda defaming and subverting the values, institutions and leaders of parliamentary democracy.

They find ready collaborators among the extremists of left or right to aid them on the political and propaganda fronts. Such persons are always willing to cheer on enemies of the parliamentary system and, despite occasional forays into electoral contests, it is clear that they do not care a fig for the survival of democracy. More insidious, because less clearly recognisable, is the assistance rendered to terrorists by woolly-minded liberals who succumb easily to terrorist propaganda. These fellow-travellers of terrorism fancy that it is always " progressive " to be on the side of a rebel, and are more ready to retail a terrorist atrocity story than to find out what really happened. They make set speeches about the evils of war, yet are prepared to justify murder and massacre by terrorists.

Underlying causes

The underlying causes of the continuing international proliferation of terrorism are a matter for further research and debate, but there is wide agreement among students of

[3] Che Guevara, *Guerrilla Warfare* (Harmondsworth: Penguin Books, 1970), p. 26.

[4] Regis Debray, *Revolution in the Revolution?* (Harmondsworth: Penguin Books, 1968), p. 74.

[5] Carlos Marighela, *Manual of Urban Guerrilla Warfare*, 1969.

[6] Robert Moss, *Urban Guerrillas* (Temple Smith, London, 1972), p. 64.

the subject that the following conditions have been conductive to terrorism:

1. Success in gaining short-term objectives has encouraged emulation.
2. Emulation has been facilitated by diffusion of information about techniques, tactics, and weaponry, both through the mass media and terrorist literature (such as the works of Begin, Grivas, Fanon, Marighela).
3. The overall strategic situation is conducive to terrorism as to all other forms of unconventional warfare. The major nuclear powers attempt to avoid involvement even in limited international war lest the conflict should escalate and disrupt nuclear balance and *détente*. And both major and minor powers increasingly resort to cheaper and less hazardous indirect methods of coercion such as the fostering of internal subversion and proxy terrorism within allegedly hostile States.
4. Domestic and internationally-based terrorism as methods of unconventional war by proxy have been energetically promoted by a wide variety of States such as the Soviet Union, China, Libya, Iraq, Syria, Algeria, Vietnam, and Zaïre. The backing of foreign governments has enormously increased the cash, weaponry, and training facilities available to terrorist movements. Ironically, the West has unwittingly financed much recent Arab terrorism through providing some of the oil revenues of Arab States which are then tapped for large contributions to Palestinian terrorist movements.
5. The scale, complexity and vulnerability of international communications have made the terrorist more mobile and potentially more dangerous.
6. The world-wide development of mass media with international news coverage has vastly increased the terrorists' opportunity and appetite for publicity. There is almost a Gresham's Law of terrorism: "those who spill the most blood will make the biggest headlines".

Many profound theories have attempted to explain the proliferation of civil violence in general by reference to socio-economic and cultural developments such as responses to feelings of intensifying deprivation and oppression or stresses engendered in States undergoing rapid modernisation. However, none of these theories can explain why, or under what precise conditions, people resort to terrorism rather than to other forms of violence.

Whatever its underlying causes, terrorist violence confronts liberal democracies and the international system with special dangers. Most obviously it poses a threat to the life and limb of citizens. It is true that the number of casualties from terrorism is extremely small compared to the number of victims of international and civil wars. But that surely does not mean that killing and maiming by terrorists is tolerable, or that it can be safely ignored. Moreover, terrorism poisons communal relations and, if carried out extensively over a long period it can also disrupt and destroy normal government and political and economic life. Widespread and sanguinary terrorism can sow the seeds of civil war and exacerbate international relations.

In contrast to totalitarian régimes, which ruthlessly suppress even the first flickers of dissent, liberal democracies are extremely vulnerable to harassment and disruption by terrorists. This is due to the relative ease with which the terrorist can exploit liberal democratic freedoms of international and national travel, communication and association. Yet liberal democratic States are extraordinarily resilient in withstanding terrorist attempts at a revolutionary seizure of power.

In this respect they have an overwhelming source of strength compared to dictatorships and colonial régimes: they have the unqualified support of the overwhelming majority of the population behind them and against the terrorists. The only clear case of terrorism, combined with urban guerrilla war, bringing about the collapse of a liberal-democratic government is Uruguay in 1972. Yet even in Uruguay what the Tupamaros actually achieved was not the left-wing revolution they desired but an overwhelming repressive reaction from the authoritarian right which effectively extinguished democracy.

The gravest internal dangers posed by terrorism to liberal democracy are the weakening of national security, the erosion of the rule of law and the undermining of government authority. Mere handfuls of terrorists can cause serious local disruptions and threats to life, and often cause expensive diversions of security forces, sometimes on such a large scale that they disturb delicate military balances. More prolonged or widespread terrorist campaigns (for example those affecting a whole region or major city, or involving threats to national security) may succeed in blackmailing governments into making major concessions to terrorist demands.

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Dangerous trends

Moreover, it should be remembered that international terrorism also constitutes a serious challenge to international stability and normal diplomatic and economic relations. The idea of terrorists operating from foreign bases is hardly new (it was used by the Assassins in the 11th century); neither is the attempt at an internationally concerted terrorism, or what Crozier terms transnational terrorism. An early example was Bakunin's ill-fated anarchist International.

However, during the past decade there have been some increasingly dangerous trends. There has been a dramatic increase in the number of terrorist organisations operating internationally, based mainly in Middle Eastern and European capitals, and employing a network of highly professional hit men, kidnappers and plane hijackers. Increasingly there is evidence of international co-operation, on a bilateral and regional basis, between terrorist organisations. This co-operation certainly extends to the joint use of terrorist training facilities and arms procurement.

The growing trend towards proxy terrorism by sponsor States has already been noted. Other growing trends are embassy attacks, diplomatic kidnappings ("diplonappings") and the use of business personnel and other hostages to secure release of prisoners, ransoms, or policy concessions. It must be stressed that diplonapping is not merely a violation of traditional diplomatic immunities and privileges: it is an attack on the foundations of diplomatic reciprocity and a potential threat to normal diplomatic and economic relations.

The clearest danger posed by terrorism to the international system, however, stems from the fact that certain terrorist movements are no longer restricting themselves to challenging the domestic authority and laws of States. Some are apparently ready to make undeclared war against foreign countries and citizens. Yet terrorist movements do not share the same responsibilities or constraints imposed on governments. They have no treaties, obligations, citizens or territories to consider.

The worst danger is that, acting entirely irresponsibly and blinded by desperate fanaticism, a terrorist movement may attempt to detonate an international conflict. Nor should the possibility of terrorists acquiring a nuclear weapon be discounted in view of the lax security concerning nuclear materials.

It is clear, therefore, that the international and national problems of response to terrorist threats are interwoven. To be effective, action against terrorists must be synchronized at both levels. By tolerating the terrorists' capacity to provoke international war the international community is playing with fire. And we have seen that terrorists confront liberal democracies internally with a ruthless challenge against the safety of their citizens, the security of the State, and the rule of law. Liberal democratic governments have to decide how to react to terrorist violence, and they have to carry their citizens with them behind their policy. Which policy should they adopt?

POSSIBLE RESPONSES

1. Submission: lessons of Lebanon

In an operative liberal democracy ordinary citizens do not expect to have to arm themselves for their own daily protection: they look to their government, armed forces and police to defend them against internal or external threats to their security. But what happens when a government, faced with intensifying terrorist attacks, fails to take the necessary measures for internal defence?

People begin to take the law into their own hands and form para-military organisations to defend their perceived ethnic, religious, political or economic interests. Rival movements set about forming virtual enclaves within the State, taking over both law and order and defence functions. Acts of terrorism trigger a vicious cycle of terror and counter-terror which can soon develop into bloody and debilitating civil war. Moreover, where a country has experienced a prolonged period of political freedom and has developed strong traditions of pluralism and participation it is extremely unlikely that a single powerfully armed movement with nation-wide popular support will emerge, unopposed, to impose itself as a one-party dictatorship.

Lebanon in 1975 provides a vivid illustration of the more likely scenario that follows from allowing terrorist private armies to take firm root within the State. Radical left Palestinian groups, Lebanese Moslems, right-wing Christian Phalangists, and the Lebanese army and police have all been sucked into endemic strife. It is estimated that well over 8,500 people had been killed in the fighting up to the end of 1975 (and perhaps many more, though no accurate record has been possible). Hundreds of homes and businesses have been destroyed both in Beirut and in Tripoli and its environs in the north.

As the bombings and murders increased communal relations became more poisoned and the hopes of restoring the earlier patterns of mutual toleration and co-operation were endangered. Between April and early October 1975 14 cease-fires were declared and broken.

The Lebanese government has been almost paralysed by the religio-ethnic splits among its own ministers and by Moslem opposition to the use of the Army for fear it would favour the Christians.

A major cause of the spiralling terrorism and guerrilla war in Beirut has been the constant interference of neighbouring States which have been exploiting and aggravating the disruption for their own ends: for example, Libya has poured millions of dollars into radical left Palestinian para-military groups and into buying press and propaganda backing for their cause, while Syria has intervened through its guerrilla movement, *Al Saiqa*, led by Zuheir Mohsin.

Inevitably, PLO factions have been deeply involved in the conflict: there has, after all, been a virtual Palestinian enclave on the Lebanese side of the border with Israel for over 25 years. The bitter lesson of Lebanon is that a permissive and supine policy towards terrorists leads from the destruction of the rule of law to the threshold of civil war and the real danger of the destruction of the State.

Yet Lebanon is not an isolated case of fratricidal self-destruction. The consequences of the communal conflict in Cyprus—before the Turkish invasion—for example, would have been much more serious if it had not been checked by UN peacekeeping intervention. And, to deal with a British domestic problem, those who shout for the immediate and unconditional withdrawal of British security forces from Northern Ireland may care to consider the probability that by conceding to this key terrorist aim the British government would unleash a bloody and weakening civil war that would spill over into all Ireland, and quite probably into British mainland cities?

2. Counter-terror and ruthless repression

Liberal democracy, by definition, precludes rule by State terror. For Western liberals it is a matter for rejoicing that our societies do not have to suffer totalitarian governmental terror of the Soviet kind. For the Soviet system has snuffed out internal revolt only at the price of stifling freedom, dignity and creativity. (There is evidence, however, that even totalitarian methods are incapable of totally eliminating violence by national liberation groups.)

The normal methods of control and terror in the totalitarian State are well known: ubiquitous use of Party and secret police agents and informers; constant checks on identity documents and occupancy of residential accommodation and movements; rigid controls on travel, communication and publication; Party screening for all applicants for professional and scientific employment, and so on. The range of possible sanctions includes imprisonment, labour camps, " psychiatric " detention, economic pressure (*e.g.* threats of dismissal from employment), and constant harassment.

Stalin and Hitler did not hestitate to make extensive use of genocide, massacre, torture and deportation. Totalitarian régimes can also use their controls to deny the would-be terrorist the necessary arms or explosive materials. If an act of political violence occurs in spite of these controls the Party dictatorship can deny it any publicity because of their control of the media, and in dealing with the insurgent they are uninhibited by any judicial restraints.

The repression used by authoritarian régimes and military dictatorships (such as Salazar's Portugal, Franco's Spain, or Greece under the Junta) against political opponents is typically brutal but tends to be far less effective than totalitarian terror in stamping out political violence. For example, the Spanish government has dealt ruthlessly with Euzkadi ta Azkatasuna (ETA), the terrorist movement of Basque separatists and allied groups.

In recent years the government in Madrid has imposed at least six states of emergency in the Basque country: it has resorted to torture, death penalties by garotte or by firing squad, summary " trials " lasting only a day with prosecution evidence being passed to defence lawyers only four days before trial, and harassment of defence lawyers. Yet far from stopping Basque violence in the short term, the harshness of the repression has hardened Basque resistance and has created enormous sympathy abroad for the dissidents.

Liberal democratic arguments against such barbarous repression cannot, however, merely be based on considerations of expediency and efficiency. Liberal democratic States cannot resort to terror and repression to answer revolutionary terrorism because to do so would be a violation of the fundamental dignities and rights of man. Such countries must not seek to eliminate the injustice of terrorists' violence by means of an even greater injustice, for this would be to fall into the same error as terrorists themselves.

3. Counter-terror against foreign-based terrorists, plus democracy

Since its inception Israel has striven to secure its borders and territory against both guerrilla and terrorist attacks and against the armed forces of the Arab States. This has not led, however, to any paralysis of will, nor, to

Israel's great credit, has it led to the replacement of a liberal democratic system by some kind of garrison State dictatorship. Nevertheless, its situation is unique among liberal democracies.

Israelis are in constant danger of terrorist attacks. It is impracticable to seal off the land frontiers with Lebanon, Syria and Jordan. There is a large Arab population settled not only in the West Bank but also in the pre-1967 territory of Israel, many of whom are actual or potential collaborators with terrorists. Israel's response to this exceptional vulnerability has been to wage undeclared border warfare based on the principle of counter-terror, " an eye for an eye and a tooth for a tooth ".

It has adopted a number of special measures: air attacks and shellings of Arab border settlements and refugee camps believed to be used as Palestinian terrorist bases; commando-type raids to avenge Israeli deaths (an example is the April 1973 raid by the *Mivtah Elohim* (" God's Wrath ") terror squad which killed three Palestinian guerrilla leaders in Beirut); the use of assassination squads to hunt down and kill Palestinian operators working in foreign countries.

Fighting on so many fronts and against such fanatical opponents, Israel could not expect to inflict any conclusive defeat on its terrorist opponents. Clearly, its major objectives have been to contain such attacks, and to hope that the Palestinians would gradually tire of the war of attrition, and ultimately resign themselves to a longer-term political settlement between Israel and its Arab neighbours. However, there are several grounds for arguing that the policy of counter-terror offensives has been politically costly and that it has been counter-productive in terms of foreign and diplomatic support.

Terror attacks against Israel continue unabated and it could be argued that counter-terror has helped to harden Palestinian militancy and strengthen Arab popular support for the Palestinian cause. Moreover, the air attacks on refugee settlements, some of which resulted in deaths of women and children, have, in the eyes of much foreign opinion, forfeited Israel's right to sympathy for its own losses in terrorist attacks. While it is understandable that Israelis have wanted to avenge the many lives they have lost, the policy can be questioned both on grounds of both morality and political prudence.

Israel's use of special assassination squads has, of course, been emulated by many other States, though not generally by liberal democracies. Presumably those who justify counter-terrorism implicitly condone terrorism. Moreover, there are significant objections on prudential and political grounds. How can a liberal democracy adequately *control* such clandestine " dirty tricks " departments? How can one ensure that they are not directed against *internal* dissenters or critics of the government, and that they do not corrupt the entire political system? Who is to decide, and on what basis are they to decide, who is to be assassinated as an " enemy of the State? "

4. " Soft-line " approach

Because many governments have modified their policies on terrorism over recent years it is difficult to classify liberal States neatly into soft- and hard-liners. Nevertheless, there are many recent examples of liberal democratic governments conducting ill-judged negotiations with terrorists and conceding to most or all of the terrorists' demands. According to a recent Rand Corporation study, on average, world-wide, terrorists have a 79 per cent chance of evading death or imprisonment for their crimes. In large part this is a result of many governments opting for the soft-line response, a readiness to make a deal with terrorists to gain the release of hostages and a rapid end to each terrorist attack.

Inevitably terrorists will react to repeated acts of weakness, abrogation and vacillation by launching attacks of increasing boldness and making ever more arrogant demands. Moreover, new extremist groups will be attracted into emulating actions which are seen as a way of guaranteeing success in publicising a cause or wringing concessions from the authorities.

The costs of pusillanimity are vividly demonstrated by the long-term pattern of successes gained over governments by a specific terrorist movement: it is misleading to look at specific " deals " in isolation. Table I (see Appendix) charts the " success-rate " of the Japanese United Red Army (URA) since 1970 in winning demands and evading capture. It is true that it has proved an extremely resourceful, tough and determined enemy for governments and security forces to tackle. It is one of a myriad of tiny sects on the Japanese revolutionary left. Estimates of its total number of activists vary between 30 and 300.

What is known is that most of them are university educated and spring from affluent middle class Japanese families. They possess the necessary language and professional skills to operate effectively as international terrorists from a variety of Western and Middle Eastern capitals. Red Army ideology professes the vague aim of fomenting a world revolution in collaboration with other internationally-

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based terror groups such as the PFLP (Popular Front for the Liberation of Palestine), but the group's declarations evince sheer nihilistic will to destroy rather than any positive programme.

Japanese psychiatrist Inada Nada believes: " They're just cogs in a wheel seeking mechanical pleasures. They simply distinguish the ally from the enemy and proceed with that logic in mind ".[7] The gang's ruthlessness in dealing with its own members was demonstrated in its massacre of 14 members in 1972 for alleged deviation. It must be admitted that, despite their small numbers, the Red Army represents a particularly difficult challenge to their own and to other governments. This is largely because of their ruthlessness, their terroristic internal discipline, and their skilful use of international bases and links with other terrorist groups.

Yet even the dangerous qualities just described do not adequately explain the URA's success rate. They have also reaped maximum advantage from the ineptness and weakness of governments' responses to their attacks. The weaknesses of the soft-line approach are well illustrated by the handling of the URA attack on the French embassy in The Hague in September 1974.

On 26 July 1974 a Japanese claiming to be Yutaka Furaya, with three false passports and $10,000 in forged $100 bills in his possession, was arrested in Paris when he arrived by air from Beirut. The French police discovered that Furaya was a Red Army member who claimed to have taken part in the Lod Airport attack of May 1972. It seems that the French authorities acted rapidly on information gained from interrogating Furaya. They discovered that he was carrying a coded letter outlining a planned terror offensive, involving the capture of foreign ambassadors and Japanese officials based in Europe to obtain the release of Red Army men from Japanese gaols.

Following the interrogation the French arrested over a dozen suspected Red Army members. They also expelled four Japanese who, it is believed, then moved their base of operations to Amsterdam. It is generally believed that the originator of the letter containing the plan for an offensive was Fusako Shigenobu, one so-called Queen of the Red Army, and widow of a Red Army man who committed suicide at Lod Airport.

Three Red Army terrorists attacked the French embassy in The Hague on 13 September 1974. A Dutch policeman and policewoman were injured in the initial assault, and the gunmen captured 12 hostages in the embassy. The gang's first demand was that

Yutaka Furaya be released from prison in France and handed over to them. (It is likely that they aimed not at his liberation but at retribution.) An emergency office based in the neighbouring American embassy was set up to deal with the attack. The Dutch deployed a special counter-terrorist squad and a platoon of marines around the French embassy.

Initially the terrorists set a deadline for the release of Furaya and threatened to kill their hostages one by one unless their demand was met. On the third day of the siege, however, they agreed to release three women, retaining the French ambassador, Count Senard, and eight other hostages. Two problems complicated the situation. First, although Furaya had been flown to Schipol Airport, he at first refused point-blank to join his colleagues, thus lending support to the theory that he feared reprisals.

The other far more serious problem was that the Dutch government was not in a position to act decisively and independently; they had to consult with Paris because it was the French ambassador and his staff who were involved and because Furaya was in French custody. The Dutch also consulted periodically with Japanese embassy officials. At the outset a basic difference arose between the French and the Dutch governments. This was eventually resolved by the Dutch acceding to French pressure, and the terrorists won ultimately because the Dutch allowed the French to insist on a soft-line approach.

Initially the Dutch had their marine commando ready to storm the embassy: they had already gained access to the building and had reached the fourth floor. The French, on the other hand, were determined to prevent an attack which they feared might lead to a massacre of the hostages. After intercession by the French Minister of the Interior (M. Poniatowski) the Dutch stood down the marines. The French were clearly prepared to trade Furaya for the release of the nine remaining hostages and to provide an aircraft (though the Dutch provided a crew).

It is unnecessary to detail all the negotiations. The significant point is that due to French insistence a policy of capitulation to the terrorists' demands was adopted even though several other tough-line options were open to the authorities. The security forces were not allowed to storm the embassy. No attempt was made to pressure the terrorists into submission.

The outcome for the Red Army was that they were successful in gaining nearly all their demands: they secured Furaya's release and the four were able to get away scot free to

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[7] *Newsweek*, 18 August 1975.

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Syria. They were even given the coded letter and papers which had been taken from Furaya by the French security service. (The only part of their scheme which misfired was the ransom attempt. They were given only $300,000 instead of the $1m. demanded, and this sum was returned to Amsterdam, probably at the insistence of the Syrian authorities who gave sanctuary to the terrorists.)

The price of the soft-line response to terrorism by governments is inevitably further humiliating defeats. In this case the French government, in common with previous governments that had followed a policy of capitulation, justified their action as a way of saving the lives of the hostages. But this is only to beg a number of critical questions: Was this the only way of saving the hostages' lives? Why were other responses not attempted? How many further lives have been placed at risk by allowing the terrorists to notch up another success? In terrorism nothing succeeds like success.

5. " Tough-line " approach

The liberal State tough-line approach means combining harsh and effective temporary measures to isolate and eliminate terrorist cells, their leaders and their logistic support, with the maintenance of liberal democracy, a vigorous political life of participation, debate and reform within the framework of the law. The keynote of this approach is not panic repression and over-reaction, which in any case plays into the hands of terrorists, but a consistent policy of maximising the risk of punishment run by the terrorists and minimising their potential rewards. There are some historical examples of the effectiveness of this approach.

After France had suffered what is dubbed the Dynamite Decade of bomb outrages in the 1890s the government used the weapon of *les lois scélérates*. These laws were deliberately aimed at suppressing anarchist movements and journals and even made it an offence to apologise for anarchist acts of violence. Despite the predictable outcry these measures caused in anarchist circles there can be no doubt that they effectively snuffed out the anarchist terrorism that had mushroomed in the 'Nineties. And, though the punishments meted out to convicted anarchists were harsh, it is also clear that the democratic institutions and processes of the French Third Republic managed to survive intact.

Again, there is the case of the newly independent Irish Free State confronted by the rebellion of the Irregulars who opposed the Treaty with Britain. The Free State govern-

ment adopted emergency powers to deal with the terrorist and guerrilla campaign of the Irregulars between November 1922 and May 1923, setting up special military courts with the power to inflict the death penalty. In six months of the civil war almost twice as many Irregular prisoners were executed as the number of prisoners the British had executed between 1916 and 1921. These draconian measures certainly assisted the Free State government to restore order: by 24 May 1923 the leaders of the Irregulars had conceded military defeat.

Trudeau crackdown

More recently Pierre Trudeau and his Canadian Cabinet used draconian powers to suppress the terrorist acts of the Quebecois separatist organisation Front de Libération du Québec (FLQ) in October 1970.[8] A series of FLQ bombings beginning in the early 1960s killed six people in seven years. The terrorists claimed that they were trying to sensitise the Quebec population to their colonial condition but that they were not attempting to seize power. But when the terrorism entered a new phase in October with the kidnapping of James Cross, senior British Trade Commissioner in Montreal, and Pierre Laporte, Quebec's Minister of Labour and Immigration, Trudeau decided that it was time for a massive crackdown.

The kidnappers were certainly making more far-reaching demands as a condition for releasing Cross (who was freed on 5 December) and Laporte, including the release of what they termed " political prisoners " and the publication of the FLQ manifesto by the government. Trudeau moved in army units to protect ministers and diplomats in Ottawa on 13 October. When taxed by a reporter critical of this use of the military Trudeau rejoined: " There are a lot of bleeding hearts around. . . . All I can say is let them bleed ". He declared his belief that society must use all means to defeat a parallel power challenging the power of the people. On 15 October, after a provocative demonstration by Quebec separatists, Prime Minister Bourassa of Quebec requested army intervention. He claimed that there was a conspiracy to overthrow the government.

Trudeau invoked the War Measures Act and put in the army. The Act enabled the authorities to hold suspects up to 90 days without trial and to search without warrant, and made the FLQ a proscribed organisation. Trudeau argued that the temporary suspen-

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[8] *Quebec: The Challenge form Within* (Conflict Studies No. 20).

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sion of certain civil rights was essential to save the democratic system, and that the ordinary criminal law was not adequate for dealing with systematic terrorism. Certainly the massive intervention of the army enabled the police to get on with the job of tracking down the kidnap victims, although at the time there was no co-ordination between the forces involved.

It is possible that the murder of Laporte was a defiant response to Trudeau's War Measures. Some remain critical of the use of the War Measures Act on the grounds that there was not a state of apprehended insurrection. Nevertheless, it cannot be denied that Trudeau and his Cabinet, by acting forcefully, rapidly and decisively, stopped the FLQ bombing and kidnapping campaign. Thus Trudeau's measures provide an illustration of the efficacy of a tough-line response to terrorism, although in the long term government investment policy and compulsory French courses for English language speakers provided the perfect political response.

However, even when the tough-line approach has eliminated a specific threat to the security of the State or to law and order by destroying *active* terrorist cells there will generally be passive sympathisers who remain. Indeed, part of the price we pay for the survival of democracy is the freedom of ideas. Hence in a working liberal democracy it is both dangerous and naïve to hope " to destroy a subversive movement utterly ".[9]

To counter terrorism effectively the tough-line approach involves waging two kinds of war: a military-security war to contain and reduce terrorist violence, and a political and psychological war to secure the popular consent and support which must be the basis of any effective modern democratic government. It is fallacious to assume that terrorists need mass support before they can perpetrate murder and destruction; as we have already observed, many contemporary terrorist groups are numerically tiny. Yet it is important for the success of anti-terrorist operations that popular support for the terrorists should remain limited to a minority—indeed that they be as isolated as possible from the general population.

To be successful this strategy demands a unified control of all counter-insurgency operations, an intelligence service of the highest quality, adequate security forces possessing the full range of counter-insurgency skills and complete loyalty to the government, and last

but not least enormous reserves of patience and determination.[10]

There are rarely any easy victories over terrorism. The characteristic features of political terrorism, its undeclared and clandestine nature and its employment by desperate fanatics already *hors la loi*, imply a struggle of attrition constantly erupting into murder and disruption. Moreover, the terrorists know that security forces in a liberal State are forced to operate at dangerous mid-levels of coerciveness. Judicial restraints and civil control prevent the security forces from deploying their full strength and firepower. No doubt this is inevitable and desirable in a liberal democracy, but it does mean that the tasks of countering terrorism and urban guerrilla war in a democracy are enormously complex and demanding. We must now consider them in more detail.

ANTI-TERRORIST MEASURES

Some ground rules

It is possible to draw from the recent experience of low-intensity and counter-insurgency operations certain basic ground rules which should be followed by liberal democracies taking a tough line against terrorism.

1. The democratically elected government must proclaim a determination to uphold the Rule of Law and constitutional authority, and must demonstrate this political will in its actions.

2. There must be no resort to general indiscriminate repression. The government must show that its measures against terrorism are solely directed at quelling the terrorists and their active collaborators and at defending society against the terrorists. A slide into general repression would destroy individual liberties and political democracy and may indeed bring about a ruthless dictatorship even more implacable than the terrorism the repression was supposed to destroy. Moreover, repressive over-reaction plays into the hands of terrorists by giving credence to the revolutionaries' claim that liberal democracy is a sham or a chimera, and it enables them to pose as defenders of the people.

3. The government must be seen to be doing all in its power to defend the life and limb of citizens. This is a vital prerequisite for public confidence and co-operation. If it is lacking,

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[9] Frank Kitson, *Low Intensity Operations: Subversion, Insurgency and Peacekeeping* (Faber and Faber, London, 1971), p. 50.

[10] Police used these qualities with notable success at the end of 1975 in their handling of the kidnapping of Dr. Tiede Herrema, a Dutch industrialist, in Eire, and of the Balcombe Street siege in London, which ended in the surrender of four IRA suspects.

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private armies and vigilante groups will tend to proliferate and will exacerbate civil violence.

4. There must be a clear-cut and consistent policy of refusing to make any concessions to terrorist blackmail. If the terrorist weapon can be shown to pay off against a particular government then that government and its political moderates will find their power and authority undermined. There is abundant evidence that weakness and concession provoke a rapid emulation of terrorism by other groups and a dramatic escalation in the price of blackmail demands.

5. All aspects of the anti-terrorist policy and operations should be under the overall control of the civil authorities and, hence, democratically accountable.

6. Special Powers, which may become necessary to deal with a terrorist emergency, should be approved by the legislature only for a fixed and limited period. The maximum should be six months, subject to the legislature's right to revoke or renew the Special Powers should circumstances require. Emergency measures should be clearly and simply drafted, published as widely as possible, and administered impartially.

7. Sudden vacillations in security policy should be avoided: they tend to undermine public confidence and encourage the terrorists to exploit rifts in the government and its security forces.

8. Loyal community leaders, officials, and personnel at all levels of government and security forces must be accorded full backing by the civil authorities.

9. No deals should be made with terrorist organisations behind the backs of the elected politicians.

10. The government should not engage in dialogue and negotiation with groups which are actively engaged in promoting, committing or supporting terrorism. To do so only lends the terrorists publicity, status, and, worst of all, a spurious respectability.

11. Terrorist propaganda and defamation should be countered by full and clear official statements of the government's objectives, policies and problems.

12. The government and security forces must conduct all anti-terrorist operations within the law. They should do all in their power to ensure that the normal legal processes are maintained, and that those charged with terrorist offences are brought to trial before the courts of law.

13. Terrorists imprisoned for crimes committed for professedly political motives should be treated in the same manner as ordinary criminals. Concessions of special status and other privileges tend to erode respect for the impartiality of the law, arouse false hopes of an amnesty and impose extra strains on the penal system.

14. It is a vital principle that liberal democratic governments should not allow their concern with countering terrorism, even in a serious emergency, to deflect them from their responsibilities for the social and economic welfare of the community. Liberal democratic governments must, by definition, be grounded upon the broad consent of the governed. They are inherently reformist and ameliorative: it is their citizens' natural and legitimate expectation that their representatives and ministers will respond constructively to the expressed needs and grievances of the people. The business of attending to the public welfare must go on. It is of course true that this is one of the greater inner strengths of liberal democracy and, incidentally, one reason why its citizens constitute such a hostile " sea " for the terrorist to swim in.

It would be the height of folly for a liberal democracy faced with a terrorist emergency to halt its work of amelioration and reform. On the contrary, everything possible should be done to prevent the serious disruption and paralysis of social and economic life so ardently sought by the terrorists. Yet, the liberal democratic government should not, on any account, concede a reform or change of policy under terrorist duress. Such grave acts of weakness would only breed contempt for the normal political processes and for the law.

I must emphasise that the above general principles are not meant to be comprehensive. Much qualification and elaboration is needed to relate these ground rules to the actual problems of conducting anti-terrorist operations. Nevertheless, I do believe that these broad principles embody some of the major lessons that have been learned from anti-terrorist campaigns of the past. It is now necessary to survey the strategy, tactics, measures, and resources of anti-terrorist operations, and to identify some of the more valuable forms of international response.

The " two wars " strategy

The so-called " two-war " or " two-front " strategy was developed primarily by counter-insurgency specialists engaged in countering the " people's wars " of South-East Asia in the 1950s and '60s. It is true that these conflicts involved a mixture of high and low intensity, and conventional and unconventional warfare. Terrorism, both rural and urban, was

only part of the tactics of revolutionary warfare experienced in Malaya and Indo-China. Nevertheless, while recognising the enormous differences between these conflicts and contemporary terrorism within liberal democracies, the " two-war " strategic doctrine is still broadly applicable to low-intensity operations in heavily industrialised and urbanised societies.

The doctrine prescribes the harmonisation of two distinctive kinds of campaign by the counter-insurgency forces: (1) the military and security war to identify, isolate and destroy the revolutionary forces, their leaders, logistic support, and lines of communication; (2) the political, ideological and psychological war to sustain and strengthen the base of popular support behind the government and hence to render the terrorists politically isolated and vulnerable.

Terrorists are always ready to exploit genuine grievances and profound social problems for their own revolutionary purposes. Naturally governments are in a much stronger position if they can show some bona fide successes in tackling these socio-economic problems. And terrorists invest considerable effort in the propaganda work of their political wings. Where the terrorist organisation proper is proscribed front organisations are used for this work. Governments must effectively counter the barrage of terrorist propaganda and defamation if the counter-insurgency campaign is to have any hope of success.

Case for death penalty

Terrorists in liberal democracies fondly see themselves as soldiers on active service fighting brutally repressive régimes. They claim, therefore, that those members of their revolutionary armies who are captured should be accorded the normal rights of prisoners-of-war. When arraigned on charges of murder or attempted murder they characteristically refuse to recognise the legitimacy and jurisdiction of the courts. Their movements profess to be serving a superior law of the revolution in whose name they inflict their " executions " and " punishments " upon State and society. Yet when one cuts through the crude veil of self-righteous justification it is easy to discern the monstrous hypocrisy and inhumanity of the terrorists' position.

It is true that they are waging a kind of unconventional war, but it is an undeclared and clandestine war, involving sneak attacks on innocent citizens. Terrorist war recognises no conventions or restraints, no distinction between combatants and non-combatants: it is war against civilised society itself. Some of the London bombings in 1975 provide clear examples of this: attacks without warning on crowded restaurants, using bombs filled with coach-bolts and ball-bearings to wreak maximum death and injury.

These acts of barbarism are no ordinary crimes; they are crimes against humanity. It is widely admitted that execution was the appropriate sentence for those convicted of crimes against humanity in the Nuremberg trials. Is there not a clear *prima facie* case for invoking capital punishment for those convicted of terrorist crimes against humanity? The issue of the death penalty for terrorist murder is complex yet inescapable in any democratic society. I shall attempt to examine the arguments for and against the death penalty before briefly stating my own view.

What are the arguments of those who oppose restoring hanging for terrorist murderers? The principled abolitionists believe that what they term " judicial murder " can never be justified. Their position is quite unequivocal: no criminal is totally irredeemable or beyond the forgiveness of God or man. Abolitionists hold that it is barbarous for society to exact a life for a life: this merely adds to the violence, coarsens society, and imposes the intolerable burden of execution upon the hangmen. They also point to the danger of judicial error. In sum, it is the abolitionists' view that a humane and liberal society should not deny its own values by countenancing the execution of any criminal, however horrible his crimes.

Problem of definition

However, even those who hold this position frequently introduce additional practical arguments to support their contention that capital punishment should not be reintroduced for terrorist murderers. Some emphasise the difficulties of precisely defining the capital terrorist crimes. Acts of assassination and planting or throwing bombs would obviously have to be included. But what of those who plan and conspire to commit such offences? What of those many members of terrorist organisations who aid and abet such activities by numerous services and professional expertise?

Very often the actual bomb planter is a pathetic and politically illiterate individual at the end of a long chain set up by the " retailer " in an operation directed by the terrorist organiser who keeps safely away from the action. The political leadership frequently goes scot free even when the activists are captured by the police. These features of terrorist organisations make the precise allocation of

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moral responsibility extremely difficult. It is of the nature of many terrorist groups that their members are ruled by terror and intimidation. Once an individual is *hors la loi* through involvement in the terrorist organisation, he or she is often coerced into committing further offences. Often threats of horrible reprisals against the individual member or his family are used to secure compliance with an order. One is reminded of Gorky's comment that a guilty man is often " like a stone thrown by an unknown hand. Is the stone therefore guilty?"

The anti-capital punishment side also argue that convictions of terrorist murderers would be much harder to secure if the courts knew that those found guilty would hang. They argue that some of the guilty would inevitably slip through the fingers of the legal system. Other practical arguments put forward repeatedly in this debate by the anti-hanging side are:

1. Hard-core fanatics will not in any case be deterred. Indeed, it is argued, some will actually court martyrdom to make a niche in " revolutionary history " and to inspire brother-terrorists to emulate them.

2. By creating martyrs out of those executed the terrorist movement can forge a powerful psychological weapon to win mass support. (The case of Dublin's Easter Rising Martyrs in 1916 is often quoted in support of this argument.)

3. It is claimed that if the death penalty is reintroduced there will be a serious escalation in the level of violence as terrorists will take further hostages to gain the release of brothers under death sentence, and will try to intimidate the government into reprieving or releasing prisoners, or to wreak revenge for executions carried out.

It is these prudential arguments that have notably dominated the statements of the Home Secretary and other anti-capital punishment spokesmen, not the case from abolitionist principle. In sum, they argue that the re-introduction of the death penalty for terrorist murder would fail to act as a deterrent and would most probably lead to an escalation of violence.

How powerful are the counter-arguments of the pro-capital punishment lobby? Firstly, they have a powerful counter to the abolitionist argument from principle. The terrorist murder, unlike the typical domestic murder or crime of passion, is cold-bloodedly planned as part of a deliberate policy of systematic murder. It can therefore be argued that while the common murderer who committed his crime on impulse or in a moment of passion may be ultimately

reformed and returned safely to society, the terrorist murderer will simply kill and kill again unless the State imposes the death penalty.

Moreover, the imprisonment of captured terrorists invites daring attempts to spring them from gaol or to secure their release by terrorist blackmail. (The figures in Table 2 show that terrorists have all too frequently succeeded in evading justice by these means.) It is also clear that while large numbers of terrorists are held in gaol their colleagues will make one of their general aims the granting of an amnesty. Hence it is argued that imprisonment is neither an adequate protection for society nor an adequate deterrent to others. To leave a convicted terrorist alive in gaol is to take a high risk that the terrorist will kill again. Therefore the only good terrorist is a dead one.

Deterrent effect

But would the hanging of convicted terrorists deter others from taking their places in the terrorist organisations? The pro-death penalty side can point to some historical evidence that would indicate that it has a deterrent effect. In the campaign of the Irish Free State government against the Irregulars in 1923 the executions of Irregulars certainly played a part in forcing the Irregular leadership to concede defeat. But of course it was by no means the only factor. The Irregulars had been forced to operate in remote rural areas. They had only small numbers of men and weapons against increasingly well equipped government forces.

Their crucial weaknesses were their lack of foreign military support and their failure to obtain some compensating mass political support in Ireland. There is also evidence that the death penalty was a useful deterrent in the Malayan terrorist emergency. Yet even there the fanatical hard-core continued the struggle undaunted: what happened was that the supply of new terrorist recruits and active collaborators began to dry up. It is believed that this was in part attributable to the use of the death penalty.

One of the most effective arguments for bringing in the death penalty for terrorism in a democracy must be the growing evidence that this is desired by the overwhelming majority of citizens. It is important for ensuring continuing public confidence in, and support for, any democratic system of government that the public should believe in the soundness of its laws, and widely accept that its punishments are just and reasonable. It has been argued that the State owes it to its citizens to take the lives of those who system-

atically set out to destroy the innocent. It is, if you wish, part of the implicit contract between ruler and ruled in a civil society. It is also a clear demonstration to the terrorists that the liberal State values the safety of its citizens before any considerations of short-term expediency.

It is the writer's view that a powerful case can be made for the reintroduction of capital punishment for convicted terrorist murderers in the United Kingdom under present conditions. But I believe it would be foolish to regard capital punishment as a panacea. What is needed to beat the terrorists is a flexible and carefully co-ordinated programme of national and international measures of the kind briefly surveyed in the concluding paragraphs of this study. There is certainly no clear-cut evidence either way concerning the deterrent value of the death penalty with regard to the hard-core terrorist.

If the death penalty for terrorist murder is to be reintroduced in Britain the government, security forces, judiciary and penal system should all be fully prepared for a sudden and severe escalation in terrorist violence, at least in the short term. There should be adequate contingency plans for dealing with large-scale terrorist attacks on prisons, police stations and law courts. The provision of larger numbers of special armed police units and counter-insurgency forces held in reserve to deal with more serious attacks should be an essential part of these arrangements. Prison security will need to be drastically improved, and prison service staff should be given full training in anti-terrorist security measures and equipment as a matter of urgent priority.

Police as Intelligence agents

An intelligence service of the highest quality is clearly a vital prerequisite for any effective counter-insurgency campaign. It is absolutely crucial for combating terrorist bombings and assassinations which present difficulties of a rather different order from the problems of full-scale guerrilla war. The archetypal terrorist organisation is numerically tiny and based on a structure of cells or firing groups, each consisting of three or four individuals. These generally exercise a fair degree of operational independence and initiative, and are obsessively concerned with the security of their organisation and lines of communication. Usually only one member of each cell is fully acquainted with the group's links with other echelons and with the terrorist directorate.

Experienced terrorists develop sophisticated "cover" to protect them against detection and infiltration. They are adept at disappearing into the shadows of the urban and suburban environment. They increasingly tend to acquire the funds and resources necessary to shift their bases between cities and across frontiers. Modern internationally based terrorist organisations take full advantage of the mobility afforded by air travel, and are adroit at shifting their bases of operations when things become too hot for them.

For all these reasons the police are the most appropriate intelligence agency for combating terrorism. I do not share Brigadier Kitson's view [11] that intelligence gathering should be primarily an Army responsibility. It is true that in the special circumstances of the troubles in Ulster police effectiveness has been somewhat vitiated by the sectarian conflict. But in most Western States the police Special Branch or its equivalent has enormous advantages over the military in the investigation and prevention of terrorist crimes.

They have firm roots in the local communities and possess an invaluable "bank" of data on both extremist and criminal groups. Moreover, the Army does not possess the manpower, time or police training to duplicate the work of the police forces. Defence chiefs have to make their primary concern the meeting of external defence obligations, and they generally prefer to husband their intelligence services for use in operations in which the Army is militarily involved.

Police in Western democracies have learned many valuable lessons from their recent experience of terrorism. There have been three main trends in this development: (1) improvements in techniques of intelligence gathering, infiltration and surveillance, and in data computerisation. By these means background information can be more readily developed into contact information; (2) improvements in the machinery for co-ordination of anti-terrorist operations at national level; and (3) greater international co-operation, and exchange of data on international terrorism on a regular basis.

One obvious step towards greater rationalisation of British measures, as the writer has proposed elsewhere, is the creation of a police Anti-Terrorist Squad with a nationwide remit to deal with all terrorist crimes. It would be a pity to concentrate all the expertise of such a unit purely on combating the IRA. This long overdue development appears imminent at the time of writing, and it is to be hoped that the new squad will be generously endowed with manpower, research support, professional

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[11] Kitson, *op. cit.*, Chap. 4, "The Army's Contribution," pp. 67 *ff.*

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scientific advisers (including psychologists and psychiatrists) and specialised training facilities.

The Army's role

What should be the role of the Army in countering terrorism? Even in the initial phases of a terrorist campaign, it can provide invaluable aid to the civil power. Bomb disposal, sharpshooting, and training and testing in new techniques and weaponry are some obvious roles in which military expertise may be invaluable. But I believe that the Army should be handed the overall task of maintaining internal security and order only as a last resort; troops should be brought in when it is obvious that the civil power is unable to cope and that there is a very real risk of civil war. If they are given this task they should be given a clear remit and briefing on their role by the civil authorities, and they should be withdrawn as soon as the level of violence has dropped to a level at which the police can act effectively.

There are a number of dangers involved in deploying the Army in a major internal terrorist emergency role which need be constantly borne in mind: (1) an unnecessarily high military profile may serve to escalate the level of violence by polarising pro- and anti-government elements in the community; (2) there is a constant risk that a repressive over-reaction or a minor error of judgment by the military may trigger further civil violence. Internal security duties inevitably impose considerable strains on the soldiers who are made well aware of the hostility of certain sections of the community towards them; (3) anti-terrorist and internal security duties absorb considerable manpower and involve diverting highly trained military technicians from their primary NATO and external defence roles; (4) there is a risk that the civil power may become over-dependent upon the Army's presence, and there may be a consequent lack of urgency in preparing the civil police for gradually re-shouldering the internal security responsibility.

Britain is fortunate in having an Army steeped in democratic ethos. They have shown enormous skill, courage and patience in carrying out a number of extraordinarily difficult counter-insurgency tasks around the world since 1945. Their loyalty in carrying out their instructions from the civil government has never been put in question. In Northern Ireland it is doubtful whether any other army could have performed the internal security role with such humanity, restraint and effectiveness.

It would be naïve to assume that all liberal democracies are as fortunate. It is notorious that many armies, particularly conscript armies, have been infiltrated and subverted by extremist organisations of left and right. Both the Italian and French Armies have had to weed out left-wing activists who were undermining military discipline. The recent history of Greece affords a vivid demonstration of the consequences of widespread disaffection and political subversion within the armed forces. It is a warning that no liberal democracy can afford to ignore, for loyal and disciplined armed forces are the last line of defence for democracies in crisis.

Mobilising the public

Yet there are many other valuable lines of defence open to liberal democracies before the Army is put to the ultimate test of preserving the State. The ordinary, loyal and decent citizens are themselves a priceless asset in combating terrorism if only they can be mobilised to help the government and security forces. One way of doing this is to enrol large numbers of able-bodied men into the police reserve. One is aware that these auxiliaries are treated with some disdain by the professionals, and that there is considerable resistance in some quarters to extending the police reserve. Nevertheless when so many of our major city police forces are below efficient strength a large injection of police reserve manpower could considerably ease the situation.

It would have an obvious benefit for the effective conduct of anti-terrorist operations. Full-time and specialist-trained officers would be freed from more routine duties and more time and manpower could be devoted to combating terrorist crime. Moreover, there is no reason why police reserves could not adequately perform many of the extra duties of patrols, searches, and vehicle checks that may be necessitated by a terrorist emergency. The writer strongly recommends that measures to increase the police reserve be given urgent consideration.

Another valuable way of mobilising public assistance against terrorism is through a concerted programme of public information and education about how to recognise bombs and terrorist weapons, the procedure to be adopted when a suspicious object is sighted, the kind of information that might be valuable to the police, the speediest method of communication with the anti-terrorist squad, and so forth. There should also be much more use of television, radio and public advertisement to convey this essential information. There is a rich fund of experience from Ulster and elsewhere concerning the most effective methods

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of mobilising the public behind an anti-terrorist campaign.

The security authorities should also take care to brief special groups such as property-owners in areas under attack and businessmen concerning the particular terrorist hazards that they are most likely to confront, and to give special advice on appropriate counter-measures. It is to be hoped that the police in British cities have already held such consultations with owners of premises and places of entertainment. The police should also make a regular practice of informing regional hospital authorities of the kind of emergency situations that are likely to arise through terrorist attacks. This task of public education and mobilisation is just as vital to the task of saving lives as the formulation of contingency plans for military and police action.

One general aim of such measures should be to make the public far more security conscious. Members of the public must be constantly vigilant for suspicious objects or activities in the environs of buildings, for signs of tampering with vehicles, and for unattended bags and parcels. Gunsmiths and commercial suppliers of chemicals and explosives should, as a matter of routine, check that their customers are *bona fide*. Any irregular transactions or unaccountable losses should be immediately reported to the police. The eyes and ears of the security forces must be the citizens.

Indeed, without the fullest public co-operation special preventive measures against terrorism are bound to fail. Take, for example, the matter of storage of detonators and explosive substances for industrial purposes. It would be no earthly good the government bringing in a new Act to impose severe penalties for failing to keep explosive stores fully secure if the actual workers and managers involved in their industrial use still failed to observe the minimal rules of security. Police are generally called in only when there is an explosives or weapons theft, *i.e.* when it is probably too late. Truly preventive action against terrorism demands the fullest co-operation of every member of the public.

Special powers: detention

What should be the role of Special Powers in a terrorist emergency? And which have been shown to be the most effective? Much nonsense is talked equating the use of Special Powers with the abandonment of political democracy. Of course the terrorists' political propaganda eagerly seizes upon any crude and confused emotionalism about basic rights being " trampled on " and uses it to foster its myth of repression. Such powers do represent a partial curtailment or restriction of the normal freedoms of a peaceful democracy, but in a liberal State they are, by definition, a temporary expedient to be used only as an ultimate weapon to help save democracy from its enemies within.

Proscription of terrorist organisations, making membership of such groups illegal, normally results in driving the groups underground, making police surveillance more difficult. However, this disadvantage may be considerably outweighed by the gain in public morale and support for the government. It is widely felt intolerable that a terrorist organisation should flaunt itself publicly while the tally of victims of its atrocities rises. Moreover, proscription does curtail open recruitment and fund-raising. Temporary bans on marches and demonstrations may considerably assist in reducing the level of violence and tension, and can free security forces from the thankless tasks of riot control.

The most controversial Special Powers are those which extend police powers of detention without trial. This is clearly a suspension of *habeas corpus*, yet it must be recognised, that in a serious emergency the normal judicial processes may simply be unable to function. They can break down because of terrorisation and intimidation of witnesses, juries, and lawyers. The police may be totally hamstrung in their attempts to get a man known to be guilty actually convicted and sentenced by a court of law. Are they then to return him to society to continue his systematic murder? The historical evidence in Ulster shows clearly that the level of violence actually increases with each wave of detainee releases. Detention without trial is a security source that government cannot afford to discard lightly in a *severe* terrorist emergency situation. However, if detention without trial is used it is *essential* that it should be subject to automatic periodic review by an impartial judicial tribunal.

Less controversial, but also of proven value to the security forces, is the power to exclude and deport aliens suspected of terrorist activities. In certain States (for example, Eire) use has also been made of powers to ban terrorist organisations and their propaganda from the media. This denial of a public platform certainly hits the terrorists hard: they delude themselves if they believe that their " underground " and informal propaganda is just as effective as the established media. The FLQ in Quebec in October 1970 were so desperate for publicity that they actually made the broadcasting of their manifesto a condition for negotiating the release of their kidnap victim, James Cross.

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Transnational terrorism

We have noted earlier the increasingly international dimension of contemporary terrorism. A growing number of movements have developed tactics and resources to operate internationally, and they specifically aim to strike foreign targets. Some terrorist movements have vaguely defined international objectives and have developed the rudiments of a transnational or multi-lateral collaboration with like-minded organisations. These movements can clearly only be effectively countered by a properly synchronized programme of international and national government measures.

Sadly, however, the record to date of international collaboration in the anti-terrorist field is dispiriting. The United Nations has proved as powerless in countering terrorism as the League of Nations before it.[12] Inevitably, the UN's debates and decisions reflect the predominant beliefs and attitudes of its member States. As many of these actually believe that terrorism is a legitimate weapon of national or class " liberation " it is hardly unexpected that they should seek to condone terrorism in debate after debate. China, the Soviet Union, and many of the Arab States have increasingly resorted to sponsoring proxy terrorism as a weapon of coercive diplomacy. It is therefore not surprising that the same States have repeatedly combined to block attempts at an internationally agreed definition of terrorist crimes, and have failed to support international conventions on the punishment and extradition of terrorists.

In spite of this gloomy picture, I believe that there are three major avenues for further progress in international action against terrorism. In my view these are not mutually exclusive; they should be regarded as complementary measures deserving the wholehearted collaborative efforts of all the liberal democracies.

First we should be pressing forward with constructive bilateral anti-terrorist measures. The February 1973 US-Cuba Hijack Pact is an excellent example of the effectiveness of such arrangements. In the late 1960s Cuba became the favoured sanctuary for numerous aircraft hijackers who had seized control of American aircraft. Many of them were criminally motivated or were suicidal-schizophrenics. Few were predominantly politically motivated. They

were clearly becoming an embarrassment to the Castro régime which in its turn had suffered some hijacks to the USA by anti-Castro elements. Clearly there was a mutual interest in stopping this traffic.

The 1973 Pact was, in effect, an agreement to return hijackers and their seized aircraft to the country of origin. Since 1973 the US skyjacking figures have dropped to almost zero. (See Table 3.) The Hijack Pact cannot take all the credit for this because in the same period the new passenger and baggage search procedures instituted by Lt.-General Benjamin Davis have been dramatically successful in reducing the hijackers' chances of boarding an aircraft.

Nevertheless, the US-Cuba agreement can serve as a valuable model for future pacts with, for example, major Arab countries. Moreover, crude self-interest may influence certain States to abandon giving sanctuary to terrorists. Their airlines may in turn become terrorist targets. Further, they stand to lose by any boycotting action by world airline pilots against countries that have harboured hijackers. Another example of constructive bilateral co-operation is the current attempt of the Irish government to put through the Criminal Justice Amendment Bill which would make it possible to try persons charged with committing terrorism in mainland Britain or Northern Ireland in Irish courts.

The *second* line of approach is improved regional collaboration. Examples of this would be the drafting of the recent Organization of American States Convention on Diplomatic Kidnapping, and the proposed EEC discussions between Western European Ministers of the Interior on the subject of regional anti-terrorist co-operation. In the writer's view the European Community should seize the opportunity to establish a powerful anti-terrorist commission which would act as a clearing-house for intelligence on trends in world terrorism, assist in formulating a European security policy, and provide specialised services and advice to member States.

Thirdly, liberal democracies should patiently work towards the long-term aim of securing international conventions on the extradition and punishment of terrorists. They should also continue to press other States to ratify the Hague and Montreal Conventions on aircraft hijacking. It would be absurd to minimise the difficulties involved in attempting to advance these bilateral, regional and international measures. Yet just because terrorism is an international problem, and one which grows daily more dangerous, liberal democracies must do all in their power to persuade the international community to make a stand against this contemporary barbarism.

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[12] In 1937, under League of Nations auspices, 23 States concluded a treaty which laid upon all signatories the obligation to prosecute or extradite political fugitives accused of " acts of political terrorism ". This was almost valueless because many major powers, including Germany, Japan and the USA, were not signatories.

APPENDIX

TABLE 1

MAJOR JAPANESE UNITED RED ARMY OPERATIONS, MARCH 1970–OCTOBER 1975

Date	Operation	Outcome
30 March 1970	Japanese aircraft hijacked by nine men armed with Samurai swords and daggers. They landed in North Korea.	Fate of hijackers not known.
30 May 1972	Three Red Army men attacked passengers at Lod Airport, killing 26 and wounding over 70.	One was killed; one shot himself. One serving life in Israeli gaol.
20 July 1973	One Red Army man, three Arabs and a girl hijacked a Japanese aircraft to Benghazi and destroyed it on the ground.	Girl hijacker accidentally killed. Others freed from Libyan custody only a year later.
31 January 1974	Two Red Army men and two Arabs attacked Shell refinery in Singapore and hijacked a ferry in Singapore harbour.	Terrorists captured by police.
8 February 1974	Five terrorists (including URA members) seized the Japanese embassy, Kuwait, and took hostages to force release of the Singapore terrorists.	Four Singapore prisoners flown to Kuwait, then flown with five embassy terrorists to S. Yemen and released.
13 September 1974	Three Red Army men attacked the French Embassy in The Hague, took hostages and demanded that Japanese terrorist Yutaka Furaya (imprisoned in France) be handed over, plus $1m. ransom.	Flown to Syria with Furaya plus $300,000, then released. Ransom cash returned to Amsterdam.
4 August 1975	Five Red Army terrorists seized Swedish and American consulate offices in Kuala Lumpur and demanded release of seven Red Army members from Japanese gaols as the price for release of over 50 hostages.	Flown to Libya with five colleagues released by Japan (one Red Army prisoner in Japan was too sick to travel; and one refused to rejoin his colleagues). All who escaped to Libya were released.

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TABLE 2

ARAB TERRORISTS CAPTURED IN EUROPE, JANUARY 1972–JANUARY 1974

	Number captured	Release secured by threat	Released for other reasons	Convicted and sentenced	Awaiting or on trial
ITALY	12	–	7	2	3
FRANCE	2	–	–	2	–
BRITAIN	5	–	4	1	–
AUSTRIA	8	2	6	–	–
WEST GERMANY	7	3	–	–	4
GREECE	3	1	–	2	–
TURKEY	2	–	2	–	–
CYPRUS	10	7	3	..	–
HOLLAND	1	–	1	–	–
	50	13	23	7	7

Economist.

TABLE 3

Year	Worldwide			Originating in USA		
	Total attempts	Hijack succeeded	Per cent. success	Total attempts	Hijack succeeded	Per cent. success
1968	38	33	87	23	20	87
1969	82	70	85	37	31	82
1970	72	46	64	14	11	77
1971	61	24	39	29	13	44
1972	64	18	28	29	12	41
1973	22	11	50	3	nil	nil

Richard Clutterbuck, *Living with Terrorism* (Faber, London, 1975).

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