Can a State be 'Terrorist'?

Paul Wilkinson

BOOKS

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A PARTICULARLY thorny problem in all the major contributions to the literature on terrorism has been the relationship between terrorism by factions and state acts of terror. It is interesting to note that most of the recent academic literature has sought to avoid getting bogged down in this aspect: in general all the authors of the works reviewed below accept that it is unreasonable to insist on encompassing analyses of the complex processes and implications of both regimes of terror and factional terrorism as a mode of struggle within the same covers. There is a rich and growing literature on what most authors now term state *terror*, but the term *terrorism* is now widely used to denote the systematic use of terror by non-governmental actors.

Nevertheless we should not lose sight of the fundamental truth that one cannot adequately understand terrorist movements without paying some attention to the effects of the use of force and violence by states. Indeed some of the best historical case-studies of the use of factional terrorism as a weapon vividly demonstrate how state violence often helps to provoke and fuel the violence of terrorist movements. Historically it is easy to show how the violence perpetrated by autocratic and colonial regimes has almost invariably displayed a symbiotic relationship to the violence of resistance and insurgent movements. Several excellent scholarly studies of the struggle between the French forces and the FLN in Algeria have underlined this lesson. Martha Hutchinson in her fascinating study of the FLN,[1] quotes Lebjaoui, former head of the FFFLN, forcefully attacking Massu's excuse that torture was a response to FLN terrorism:

> To pretend that the campaign of blind terror known as the 'Battle of Algiers' was only a reply to a ''terrorism'' itself blind initiated by the FLN is ignominious because it is a historical countertruth. The dates and facts are there: no bomb struck the civilian population of Algiers before Algerian blood was shed. . . .[2]

It is quite apparent that the French government and higher military authorities in Algeria knowingly allowed lower-level officers in charge of interrogations to make extensive use of torture, not only to obtain information, but also to terrorise the Algerians and to make the costs of helping the FLN greater than the risks of refusing to do so. In this poisoned climate of terror and counter-terror, when torture was often used as a means of irrational vengeance against FLN atrocities, who would be bold enough to assert that the torturer was morally superior to the FLN bomb-planter in Algiers?

We now find ourselves drawn ineluctably into what this reviewer believes is the

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1. Martha Crenshaw Hutchinson, *Revolutionary Terrorism: The FLN in Algeria 1954-1962.* (Stanford: Hoover Institution Press, 1978).

2. *Ibid.*, p. 126.

most important, yet sadly the most neglected, question in the whole literature on terrorism;[3] can the use of terrorism—by definition a means of violence involving the killing of the innocent—ever be morally justifiable? The fact that regimes are frequently guilty of initiating the vicious spiral of terror and counter-terror does not exonerate either side. We are not, as apologists for state terror and factional terrorism often pretend, forced to choose between the torturer and the bomber. This would be to fall into the logical fallacy of the excluded middle. Surely the only consistent moral position for a liberal democrat must be unequivocal opposition to *both* the terror of regimes *and* terrorism by factions. It is a matter of history that tyrants have always resorted to terror to maintain their power, even in ancient times when their technologies of violence were more limited. One has only to survey the ghastly records of Hitler and Stalin to recognise that state terror has caused far more death and suffering than has ever been inflicted by rebel groups.

In the light of this history is it really surprising to find some contemporary dictatorships dabbling in sponsorship of international terrorism as a cost-effective means of subverting foreign states? It is precisely this propensity of tyrannical regimes for supporting terrorism as a form of proxy war that makes hopes of a universal international co-operation against terrorism on fundamental humanitarian grounds, appear so remote. Moreover, as was shown by the Iranian abduction of American diplomats, this form of internationalised state terror faces the victim state and the international community with particularly vexing problems and dangers.

Most academic writers on terrorism either explicitly or implicitly disapprove of the use of terrorism within liberal democratic societies. Some would argue, however, that there are circumstances when it might be morally justifiable as a weapon against tyrannical or oppressive regimes. For example it is sometimes held that terrorism is the only weapon left to the opponents of such governments, or that the terror of the state 'forces' the opposition groups to resort to terrorism in self-defence, or that terrorism is more effective than other forms of struggle and is a 'lesser evil' because it may gain victory without costing so many lives. The present writer's position that terrorism, because it involves taking innocent lives, is *never* morally justifiable whatever the provocation, and that there is always some other means of resistance or opposition even in the most oppressive societies, such as the Soviet Union, may not be widely shared. Of course one does not have to accept any moral universal about terrorism in order to study terrorist phenomena. On the other hand one is not left with a simple choice between accepting moral universals and abandoning ethical judgments altogether. As Ted Honderich has observed, 'if we cannot with confidence make overriding judgements about violence, we can make lesser judgements, and they are of some value as guides to action.'[4]

Many valuable insights into the mentality of one of the first advocates of terrorism against democratic states can be gained from Frederic Trautmann's original and lively biography of Johann Most,[5] the man whom Max Nomad classified as an apostle of revolution, and a 'terrorist of the word', and who invented the letter bomb and enthusiastically advocated mass slaughter in public places. Trautmann casts away all illusions about Most's character and influence:

> He did not originate ideas. As a thinker he was a cipher, a shadow of Marx and a burlesque of Kropotkin. Marx and Kropotkin were first-class thinkers; Most, a first-class agitator. He vivified their ideas and put them across. To him words

3. But see discussion in Michael Walzer, *Just and Unjust Wars* (London: Allen Lane, 1978), pp. 197–206, and Paul Wilkinson, *Terrorism and the Liberal State*, (London: Macmillan, 1977), and 'The Laws of War and Terrorism' in David Rapoport (ed.), *The Morality of Terrorism* (New York: Pergamon), forthcoming.

4. Ted Honderich, *Violence for Equality* (Harmondsworth: Penguin, 1980), p. 207.

5. Frederic Trautmann, *The Voice of Terror: A Biography of Johann Most* (Westport, Conn.: Greenwood, 1980).

made revolutions: "Change minds to change society". He devoted his life, and lost it, to changing minds. He was the voice of terror.[6]

Yet at the end of his life he had achieved nothing but the sound and fury of his own voice, his anarchist cookbook manuals of destruction, and his polemics of hatred against the bourgeoisie and the liberal state. Trautmann describes his last attempt at a public rally:

> Comrades trickled into the Grand Street Hall . . . ; and half-hearted cheers echoed in a void of unfulfilled hopes. Eight policemen looked bored; two others played cards. Yet he blustered: "Our time will come . . . as surely as the sun rises." Another prophecy, after forty years of prophecies that failed.[7]

The reader of this fascinating biography cannot help being struck by the parallels between Most's litany of violence and class hatred and the callow and repetitive propaganda of the Red Army Faction (RAF) and the Red Brigades today. Like Most's little bands of anarchist-terrorists in the United States the 1980s, the RAF was never more than a tiny bourgeois intellectual movement. As Jillian Becker has shown in her masterly study of the Baader Meinhof gang,[8] there was never a vestige of truth in the claim that the RAF, or indeed the imitator Red Army groups in other Western countries, had any real origin in the workers' movement. The main reason for their failure has been their failure to comprehend that terrorist atrocities are not a magical means of mobilising the working masses or bringing democracy to its knees. The muddled and pretentious ideas of the modern German terrorists[9] would be funny if it were not for the fact that they have resulted in death and injury. Even in countries where terrorist cells are relatively weak and isolated, posing no credible threat to the survival of the political system as such, the authorities still have the awkward tasks of protecting lives and property, upholding the law, placing those accused of terrorist crimes on trial, and holding convicted terrorists in gaol. The West German and Italian experience has been that these very processes in themselves impose enormous pressures on government, judiciary, police, media, and prison authorities. It has been argued that the Federal authorities in West Germany over-reacted by the severity of their anti-terrorist legislation, for example by restricting the contact between terrorist suspects and their lawyers.[10] Yet the gloomy predictions of a lurch to the reactionary right in West Germany have been proved wrong: the centre holds.

When it comes to assessing terrorist threat and response, however, one must beware of rushing to generalisation on the basis of a single case. Context is all. Every terrorist movement has different resources and is confronted by different problems and adversaries. There is an urgent need for more scholarly case-studies of terrorist movements, their campaigns, and the governmental and international response.

Recent publications illustrate three approaches to filling this gap. First, there is the detailed history of the terrorist movement. One ambitious—but unsatisfactory—attempt, a revised and updated political history of the IRA,[11] contains a wealth of detail. Its main weaknesses stem from the fact that the author has got so close to the movement that he is unable to see its relationship to mainstream politics. He is inclined to accept, unquestioningly, the IRA's own romanticised and

6. *Ibid.*, p. xxii.

7. *Ibid.*, p. 220.

8. Jillian Becker, *Hitler's Children: The Story of The Baader-Meinhof Gang* rev. edn. (London: Granada Publishing, 1978).

9. For example, see Hans-Joachim Klein's confused and repetitive *Rückkehr in die Menschlichkeit* (Hamburg: Rowohlt, 1979).

10. This case was stated in a passionate polemic, Sebastian Cobler, *Die Gefahr geht von den Menschen aus*, (Berlin: Rotbuch Verlag, 1976).

11. J. Bowyer Bell, *The Secret Army: The IRA 1916-1979*, (Dublin: Academy Press, 1980).

exaggerated ideas of its importance. Worse still, the author repeatedly turns a blind eye to the barbarities the movement has inflicted on its fellow citizens. When will Irish–American historians be bold enough to admit some basic truths? They must explain that in the North—a separate political entity since 1922—the Protestant majority are so deeply opposed to the idea of unification with the Republic that they would wage civil war rather than submit to it. They should expose the absurdity of the IRA claim that they are engaged in an Algerian-style anti-colonial struggle. The IRA, whether North or South of the border, are living under full parliamentary democracy, yet instead of using the peaceful democractic methods of protest open to them they have chosen to use bombs and bullets to terrorise and blackmail their fellow-citizens. The Irish–American caucus and its starry-eyed supporters ought to realise that the IRA constitutes a threat to democracy, and a major obstacle to reconciliation, in the whole of Ireland.

Other authors weave together analyses of threats and responses. A group of British academics makes a refreshingly bold, and largely successful, attempt to apply this approach to the experience of West Germany, France, Italy, the Netherlands, and Northern Ireland.[12] Furlong on Italy and Pridham on West Germany are particularly shrewd in their assessment of the reasons for the failures of extreme left-wing terrorism. Furlong agrees with Sciascia's judgment that:

> The central error of the Red Brigade consists precisely in believing that they can succeed in striking at the heart of the State. The heart of the Italian State does not exist. Neither, any longer, does its brain. And it is that which paradoxically is its strength, or at least its capacity to resist.[13]

There is an authoritative but brief article on Northern Ireland, but separatist terrorist movements in the Basque region, Brittany, and Corsica, which are showing much more staying power than the ideological groups, are hardly mentioned. But the editor does contribute a useful essay revealing her own bafflement at the European Community's failure to co-operate more speedily and effectively in counter-terrorism. In sum, this volume will give the student an interesting introduction to the problem of terrorism in the European Community.

A third type of case-study, of great potential interest both to scholars and policy-makers, concentrates on governmental response. A recently published doctoral dissertation has attempted the difficult task of policy analysis of countermeasures against Palestinian terrorism in Israel.[14] It is a formidable pioneering work which can be read with profit by all specialists in the field. An outstanding feature is the high quality of the quantitative analysis of Israeli data on incidents, casualties, and the cost-effectiveness of casualty-prevention programmes. Hanan Alon's cool and tightly argued analysis leads him to conclude that the threat of terrorism as perceived by Israelis has been greatly exaggerated, and that the impact of terrorism should be downgraded by not reacting as expected by the terrorists and by 'reducing the discrepancy in resource allocation among all casualty-preventing programmes, i.e. seeking to reduce (under prevailing budget constraints) the overall number of casualties from external causes.'[15] He argues strongly that rational-maximising Israeli citizens should prefer a national casualty-preventing policy on the following grounds:

(i) Israel's severe economic difficulties make a cost-effective programme all the more desirable;

12. Juliet Lodge (ed.), *Terrorism: A Challenge to the State*, (Oxford: Martin Robertson, 1981).
13. Quoted, *ibid.*, p. 86.
14. Hanan Alon, *Countering Palestinian Terrorism in Israel: Toward a Policy Analysis of Countermeasures*, (Santa Monica: Rand, 1980).
15. *Ibid.*, p. 183.

(ii) the overall casualty level from other causes (e.g. road accidents) is high in both absolute and relative rates; and

(iii) it adds a valuable psychological dimension to the passive countermeasures against terrorism.

Whatever the plausibility of this policy in a country which can clearly expect high levels of terrorism for a long time ahead, there are some powerful reasons against it. It clearly does not always serve Israel's interests abroad to downgrade the significance of terrorism, because Israel needs to try to mobilise support from sympathetic states and individuals to help combat international terrorism,[16] and to co-operate as far as possible in protecting Israeli citizens and interest abroad. Secondly, downgrading is highly unlikely to be acceptable to the Israeli public given its history and religious and political traditions, and the high value accorded to the individual human life. Thirdly, in order to bring about such a reduction in the 'profile' of terrorism one would need to be able to *impose* such a policy on both the Israeli media and the foreign media to which Israelis have access, and this is inherently improbable.

Ernest Evans's monograph on the American response to international terrorism is disappointing, especially considering the importance of the subject and the rich material available. Only three of the nine chapters actually deal with United States policy. The first four on the causes and strategy of terrorism are an unnecessary and highly inadequate summary of points from a number of well-known earlier works. Moreover, he does not deal with the American governmental organisation for combatting terrorism and crisis-management, the role of the intelligence agencies and the military, or with the practical problems of providing for the physical security of American personnel abroad. There is also no discussion of the way in which America carries out its obligations as a host state to the diplomatic community in the United States. Evans ignores America's role in United Nations debates and committees on aspects of terrorism following the 1972 American effort at a Draft Treaty on International Terrorism.[17]

The author may have a point when he accuses American policy-makers of failing to understand the intensely political motivations of international terrorist groups, but in this reviewer's opinion he is totally wrong to conclude from this that the United States government should cease to insist on the criminal nature of terrorist acts, or that they should abandon their humanitarian efforts at securing international community measures to curb terrorism. It is a poor look out if America has to abandon humanitarian principles out of deference to the political sensitivites of the pro-terrorist states.

As regards the author's main argument, his criticism of the American policy of 'no concessions' in the face of ransom demands for the release of American personnel held hostage, one must admit its great topicality in the light of the recent mass hostage-taking in Tehran. But it does not bear serious examination. Would it really have been better for America to have conceded to the Iranian demands, returned the Shah and his wealth, and grovelled before the ranting Khomeini? Such an abject surrender would surely have been far worse for American credibility, honour and morale than the final outcome, for America did not pay a ransom for the release of its diplomats. The money the Iranians received was in fact already theirs, assets temporarily frozen by President Carter. Evans cites as evidence for his thesis the fact that other countries

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16. Ernest Evans, *Calling A Truce To Terror: The American Response to International Terrorism*, (Westport, Connecticut: Greenwood Press, 1979).

17. A far more valuable source of information and discussion about the whole gamut of U.S. policy and action on international terrorism is the magisterial *opus* of the American Society of International Law, Alona E. Evans and John F. Murphy (eds) *Legal Aspects of International Terrorism*, (Lexington, Mass.: Lexington Books 1978). For the texts of all international and United States agreements, treaties and legislation on terrorism, see Robert Friedlander, *Terrorism: Documents of International and Local Control* (New York: Oceana, 1979), 2 vols., an essential reference work containing an expert commentary by the compiler.

such as West Germany which followed a policy of granting concessions for the release of hostages in the period 1970–75 actually suffered less hostage-taking during those years. This reasoning is false, for America is a far larger and more influential international actor than West Germany. The United States, with its much greater profile in areas of high terrorist activity such as Latin America is a far more obvious and assessible target for hostage-taking in any case. It is noteworthy that the Department of State claims it has evidence on its files to show that there would have been an infinitely greater number of American personnel taken hostage had it not been for the very real deterrent effect of America's firm declaratory policy of 'no concessions' to terrorists.[18] Some terrorists are rational maximisers and they *do* want tangible gains from risky operations. They *do* want fellow terrorists released from gaol and cash ransoms to help keep their campaign going. As for the case of West Germany, the evidence for the period 1976–81 shows that switching to a tough-line 'no concessions' policy has paid off. In this period Bonn has only had to contend with the 1977 demands of the kidnappers of Herr Schleyer and the hijackers of Lufthansa flight 181. What Evans overlooks is that adoption of a 'no concessions' policy is almost invariably part of a wider range of hard-line measures, including the improvement of police and intelligence response, and the deployment of an effective and appropriate military option (as used so effectively at Mogadishu[19]). As part of this broader strategy of hard-line measures the 'no concessions' policy clearly plays a logical and vital part.

That being said, it must be admitted that there can be no Absolutes in democratic policy-making. One can, of course, conceive of situations where the general guideline of 'no concessions' would have to be suspended. Professor Beres states the position with brutal frankness:

> Prior to the advent of concern for nuclear terrorism, the idea that governments would engage in substantive bargaining with terrorists was widely criticized. Today, however, we must face up to the fact that the execution of certain terrorist threats could have genuinely system-destructive effects. Recognizing this, the hard-line unwillingness to bargain and make concessions. . . . can no longer be a fixed position of responsible governments.[20]

Despite Western governments' improved effectiveness and co-operation in combatting terrorism they are still a long way from victory. They are likely to experience continuing terrorist attacks from extremists of all kinds—red, facist, racist, ethnic, separatist, and even religious. What governments can and must do is to act quickly to prevent new and more lethal generations of weapons, and particularly nuclear weapons and the materials required to manufacture them, from falling into the hands of terrorists. Otherwise 'crazy groups' could become just as much of a hazard as 'crazy states'. Some of the more optimistic assessments[21] of the possibilities of nuclear terrorism stem from a lack of awareness that at least some terrorist groups are likely to contemplate mass slaughter and that some have resources and organisational capabilities comparable to micro-states. Governments and their security advisers would do well to heed the proverb—'Know thine enemy'.

    18. John F. Murphy, 'Protected Persons and Diplomatic Facilities', in Evans and Murphy (eds.) *op cit.*, p. 297.

    19. For a useful description of the preparation of a crack commando rescue squad, and the assistance rendered by the SAS to GSG-9 at Mogadishu, see Tony Geraghty, *Who Dares Wins: The Story of the Special Air Service 1950–1980* (London: Arms and Armour Press, 1980), pp. 162–81.

    20. Louis René Beres, *Apocalypse: Nuclear Catastrophe in World Politics*, (Chicago: University of Chicago Press, 1980), pp. 251–52.

    21. See for example Edward Teller, 'The Spectre of Nuclear Terrorism' in *International Terrorism: Challenge and Response: Proceedings of the Jerusalem Conference on International Terrorism*, (Jerusalem: The Jonathan Institute, 1980) pp. 141–45. But note also the powerful minatory contribution by Thomas Schelling, 'Can Nuclear Terrorism be Neutralized?', pp. 146–54.