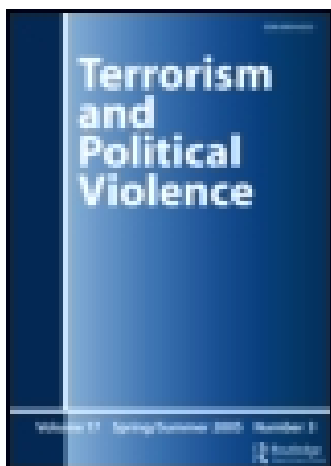


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Ethics, terrorism and counter-terrorism

Adam Roberts^{a b}

^a Montague Burton Professor of International Relations, Oxford University,

^b Fellow of Balliol College,

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Ethics, Terrorism and Counter-Terrorism

Adam Roberts

Views about the rights and wrongs of what is called 'terrorism', and of the response to it, are not a narrowly academic matter. They form a basis for the evaluation by states and individuals of a huge range of issues. In the past 20 years, questions such as whether terrorism can ever be justified, and how it should legitimately be opposed, have been at the heart of numerous political crises, both within and between states. To take just a few recent examples, these questions have loomed large in British discussions about the proper treatment of suspects in Northern Ireland; in the Iran–Contra affair in the United States; in the furore over Kurt Waldheim's actions in the Second World War; and in judgements of Israeli policy towards the inhabitants of the West Bank and Gaza. All such crises are, inevitably, highly emotional and politically sensitive. Since each is unique, generalisation is hazardous. Yet such cases do raise some general ethical and legal issues, and they do show that individuals and societies may pay a high price for ignoring ethical considerations.

My central arguments here are simple: first, that ethical ideas of one kind and another have had a considerable influence on both terrorists and counter-terrorists; second, that while this ethical influence is not necessarily and in every case beneficial, practitioners who ignore ethical considerations do so at considerable peril; third, that a key expression of ethical ideas in this context is to be found in international law, especially the laws of war; and fourth, that although the subject of the ethical issues raised by terrorism is ancient and, I fear, perennial, there are aspects of it which the international community has tended to overlook in the last two decades.

These arguments all reflect a concern that the concept of 'terrorism' is too facile. A state which declares its adversaries to be terrorists may well be justified in so doing, but there are risks involved. The label 'terrorist' is often part of an attempt to brand opponents as illegal aggressors, without any rights. The notion of a holy war against evil – a war in which normal restraints do not apply – has all but disappeared from international law, thanks to the development and codification of the laws of war. It has also largely, though not entirely, disappeared from practice so far as interstate conflicts are concerned. But it has had a revival in a special form,

thanks to the struggle against terrorism. This notion leads, all too easily, to a view that in the struggle between the legitimate authorities on the one hand, and terrorists on the other, anything goes: neither ethical nor legal restraints should be allowed to hamper the pursuit and extermination of terrorists. This view has arisen partly because neither in ethics nor law has the problem of terrorism been addressed very effectively: but it is a very extreme view, curiously reminiscent of the logic of terrorists themselves, and it needs critical examination.

This examination should no doubt logically begin with definitions of the key terms: ethics, terrorism and counter-terrorism. However, producing definitions of abstract concepts is a difficult and hazardous enterprise at the best of times, and presents obvious pitfalls so far as international relations are concerned. It is an inescapable part of international relations that words have different meanings, and connotations, for different peoples and states according to their historical experiences and present interests. Moreover, these meanings change over time. This does not mean that definitions should not even be attempted, but for most purposes it may be most useful simply to indicate, where there might be doubt, the meanings or connotations which are attached here to these heavily-laden words.

Ethics

A historian, asked to consider questions of ethics and terrorism, might be tempted to say: 'Ethics – not my period'.¹ For myself, being a student of international relations, the equivalent claim is that they are not my subject. Since the Second World War, the academic study of International Relations has been deeply influenced by the 'realist' school, which rejected views of the relations between states as being set, or even being capable of being set, on a path of permanent improvement towards a rational moral and political order. This 'realist' view rightly stressed the importance of power – not just as the currency of international politics in our own era, but as a basic and enduring motive of human action.

There are many criticisms to be made of the realists' view, and some of them are persuasive. However, the many charges that can be laid at their door could not responsibly include a claim that the 'realists' summarily dismissed ethics as irrelevant to international relations. As the leading member of the 'realist' school, Hans Morgenthau, put it: 'A discussion of international morality must guard against the two extremes of either overrating the influence of ethics upon international politics, or underestimating it by denying that statesmen and diplomats are moved by anything but considerations of material power'.²

He went on to associate moral rules especially with three ideas: first, the sacredness of human life in peacetime; second, the protection of human life in war through the various ethical and legal restraints on the conduct of war; and, third, the rather comfortable morality, or at least shared set of values, of Europe's 'relatively small, cohesive, and homogeneous group of aristocratic rulers' in earlier centuries.³

If these three ideas are the essence of international morality, then morality is in a sad state indeed. These ideas are incompatible with many if not all of the terrorist actions of recent decades, such as the blowing up of civil airliners, whether by Palestinians in the 1970s or by North Koreans in 1987. Such acts demonstrate how far we have come from a presumed golden age when an aristocratic freemasonry among rulers acted as one restraint on extremes of violence. Many counter-terrorist actions, too, have been marked by disturbing lapses from even those few and rudimentary ideas of morality outlined by Morgenthau.

However, it is not enough simply to mourn the fact that the shootings and bombings of the 1970s and 1980s have shown even such a residual notion of morality as that of Morgenthau to be sadly vulnerable. Such a dismal conclusion would fail to do anything like justice to the complex relationship between ethics on the one hand, and terrorism and counter-terrorism on the other. Indeed, much of the moral disaster area which surrounds the subjects of terrorism and counter-terrorism alike is due not so much to a straight departure from morality – though that is certainly sometimes involved – as to a serious confusion about the content of international morality.

Different people certainly do put different contents into the cracked vessel of international morality. Morgenthau himself poured some disputable contents into this vessel. Note that in the passages quoted above he saw ethics in contradistinction to two things: first, to 'considerations of material power', and second, to 'expediency'. This way of viewing morality as something necessarily distinct from considerations of power politics and expediency is not at all surprising. Morgenthau belonged to a generation which had been deeply influenced by the ethical ideas of the 1920s and 1930s – the revulsion against war, and the placing of faith in the League of Nations. It is now accepted wisdom that these ideas were from the start intellectually inadequate because they paid too little attention to the factor of power; and they also proved in the event to be sadly impractical, in the sense that they played some part in that chain of events which led to the outbreak of the Second World War.

The result, alas, is the all too common, if often unspoken, assumption of the present age: that, at least in international relations, ethics are impractical and only hard-headed realism is supposed to work. It is as if Reinhold Niebuhr's famous title, *Moral Man and Immoral Society*, were

extended to read: *Moral Man and Immoral Society and Even More Immoral International Society*.⁴

The views of pessimists such as Niebuhr must command profound respect, not only because of the distinction with which they are propounded, but also because it is of course true that some ethical restraints have proved very fragile in this century. However, to accept this in no way exhausts the influence of ethical ideas on international relations. The truth is that ethical norms influence international relations in a bewilderingly wide variety of ways – and are by no means limited to the kinds of restraints indicated by Morgenthau.

First, both within and between states, views as to the legitimacy or otherwise of a particular action, or regime, powerfully influence the attitudes of individuals and states. Even an amoral statesman cannot conduct policy in a moral vacuum: this is because, even if moral notions are, as it were, thrown out of the front door, they will come in again through the window. Every statesman has to take some account of the prevailing ethical notions of the people or foreign allies on whose consent his rule depends.

Second, the language which is used in the conduct of international relations is replete with moral notions of one kind or another. Of course, moralistic language is not itself proof of the existence of any real morality: the French tend to view it as evidence of nothing more than hypocrisy, or rather Anglo-Saxon hypocrisy. But any student of the history of the last 50 years is bound to be impressed by the extent to which states seek to justify their actions – especially their most controversial actions – by reference to universal norms and values.⁵ Even the French do this. Witness, too, the way both the NATO and the Warsaw treaties pay explicit and generous obeisance to the UN Charter.⁶ Witness, too, the remarkable (and remarkably misleading) way in which Soviet soldiers who died in Afghanistan are commemorated in cemeteries in the Soviet Union: the red and white plaques state simply that the soldier concerned 'died performing his internationalist duty'. One could multiply endlessly, from all continents, not just the use of moral language after the fact, on tombstones, but also as an influence on policy-making. The trouble is not that there is no moral language in international relations. The trouble, rather, is that it speaks in several tongues, and is used too selectively – as if there were only room in our heads for one idea at a time.

Third, ethics – though often seen as high-minded, remote, abstract and academic – are better seen in a more practical light. Properly seen, ethics are not about trying to apply in the so-called 'real world' certain admirable rules devised by the unworldly. Rather they are about putting long-term interests over short-term ones; the interests of the group over the interests of the individual; and even the interests of the generality over the interests

of one single group. In this sense, some ethical notions are absolutely essential to the existence of human societies, of states, and of a society of states. The point could be put even more bluntly: there is no way at all in which there can be a world of notionally equal sovereign states, not subject to a world government, unless there is a substantial degree of agreement about norms of international behaviour.

This view of ethics is more flexible, or at least more variegated, than one which is derived from a single body of teaching. It would be excellent to approach the subject of this lecture differently: to start with a very clear body of ethical doctrine addressed to the subject and then, on the basis of strict constructionism from these secure foundations, to reach some clear conclusions about what kinds of actions are or are not justified. If one were to do so, the Christian 'just war' school of thought would provide one very important set of criteria for evaluating terrorist and counter-terrorist actions.⁷

However, the relevance of a tradition of thought such as the 'just war' has to be proven, not taken for granted. This is because of the very widespread scepticism as to the practical value of ethical norms both in international relations in general, and in considering matters to do with terrorism in particular – especially where the norms to be applied are seen as essentially religious in character. In any case, it is not very good Christian ethics to view morality as simply laying down the law: the 'just war' school of thought is itself highly consequentialist, in the sense that a view of the likely outcome of any action is seen as crucial to an assessment of its justifiability. The 'just war' school of thought is not pure 'situation ethics' – a ghastly notion which leaves the traveller bereft of almost any compass bearing – but it does require careful thought about particular situations. It establishes reasonably clear criteria by which the validity or otherwise of the use of force can be considered, but it does not predetermine the outcome of such consideration.

The idea of ethics that is advanced here may be flexible, but it is not endlessly so. All ethical systems contain a strong element of rules which should be observed always – or at least, whenever at all possible. Simple, straightforward rules of conduct have been stressed by the priesthood in all societies. Unfortunately, in this century the public consideration of ethics has got out of the safe hands of priests, and into the thoroughly unsafe hands of professors. The trouble with academics in this field, as in others, is their excessive preoccupation with cleverness. In the United States, where there are professors of ethics, they dream up incredibly complicated hypothetical situations which pose bizarre moral dilemmas, and which frequently 'prove' the inadequacy of some well-recognised moral rule. Such ethicists are seldom so good at presenting actual moral

dilemmas as they arise in actual situations – though these are hardly in short supply.⁸

Almost any notion of international ethics, and certainly the notion advanced here, overlaps with many elements of public international law. Some of the most important international legal statements with a bearing on terrorism and counter-terrorism are to be found in key agreements on the laws of war: especially the 1907 Hague Regulations, and the four 1949 Geneva Conventions. The latter have achieved the remarkable statistical feat of attracting more states parties than any other treaty – more even than the 159 members of the United Nations.⁹ True, according to their terms these agreements are only applicable in cases of armed conflict between states parties: so they only have very limited formal application to conflicts of a different character, including to terrorist campaigns in which one side is not a state. Despite this difficulty, the various agreements on the laws of war do establish important principles relevant to the question of terrorism, including the immunity of civilians from direct attack; and these agreements have in any case become involved, in several ways, in international discussions of terrorism, as mentioned below.

Further, one can find elements of both ethics and law in numerous UN General Assembly resolutions on matters which have a bearing on terrorism and counter-terrorism: resolutions on self-determination, national liberation, and human rights in armed conflicts, are all examples. Such UN statements are not infallible: some General Assembly resolutions are poorly-drafted, ill-considered, or in apparent conflict with other resolutions. This is not a completely new problem, nor can the blame for it be heaped exclusively upon the socialist and non-aligned states. Already, in the immediate aftermath of the Second World War, when the UN was effectively dominated by the Western powers, there was a celebrated tangle over issues connected with the laws of war. The General Assembly passed a resolution unanimously on 11 December 1946, affirming ‘the principles of international law recognized by the Charter of the Nuremberg Tribunal and the judgment of the Tribunal’: all subsequent efforts to get a full statement of what those principles actually were that had been so unanimously supported failed to command the assent of the General Assembly.

Yet in a world of more than 165 sovereign states, with many different ideologies and religions, international law and international statements of various kinds constitute perhaps the best evidence we have of the extent to which there is or is not such a thing, at least in rudimentary form, as an internationally agreed code of conduct in international relations. How adequate any such code is may be doubted: some reservations appear below.

Standing on the broad but disturbingly insecure foundations that have been described – an idea of ethics that emanates from the international community rather than being imposed on it from one direction or another – an attempt will be made to see whether the phenomena of terrorism and counter-terrorism do in fact come into serious engagement with ethics, and if so, how.

Terrorism

The whole question of the definition of terrorism is acutely contentious. The original meaning of the word was that given in the 1798 supplement of the *Dictionnaire* of the Académie Française: 'système, régime de la terreur'.¹⁰ This should remind us of the blindingly obvious: that organised systems of terrorism, in the sense of terrorisation by a government of its own citizens, were, and remain, at least as serious a problem as any terrorism on a less systematic basis.

The next principal meaning of 'terrorism' is also worth noting, if only to put currently fashionable concerns into some kind of perspective. This is the meaning attached to the word by the small band of Russian revolutionaries in the *Narodnaya Volya* in their operations from January 1878 to March 1881. They believed in propaganda by the deed – and in particular in killing those who they perceived to be the leaders of the oppression of the people of Russia. They were actually proud of the label 'terrorist' – something few people are today – and saw terrorism as directed at very specific targets. Note that this is distinct from ideas of terrorism as something largely random in character, although these Russian revolutionaries did labour under the remarkable delusion, shared with their modern counterparts, that terrorist acts would spark off a broader revolution.

In the past two decades, the connotations of the word 'terrorism' have become more fixed. It now reflects that form of terrorism which, though scarcely new, has been disturbingly widespread since about 1970: the use of violence, often against individuals or groups not directly involved in a conflict, by groups operating clandestinely which claim to have political purposes in mind. Terrorism of this kind almost always appear to be non-governmental, but it does not have to be so: governments often support or even instigate such actions as a means of attacking their adversaries, or extending their influence, in a manner which is covert, or at least plausibly deniable. Such 'crypto-governmental' terrorism may even be instigated by governments, through *agents provocateurs*, for the particular purpose of tarring their opponents with the brush of political violence.

While the non-governmental variety is not the only form of terrorism – and perhaps in an age of weapons of mass destruction it is not the most

serious – it does pose a particular set of problems, distinct from those posed by other forms of extreme terroristic violence. One cannot simply say that non-governmental terrorism of the bomb-throwing variety poses no special ethical problems putting it in a different moral category from, say, the bombing of cities by the air forces of a state. Each action poses acute moral problems, but they are not all the same ones. Two special aspects of terrorist groups, which powerfully affect political and moral judgements about them, are: (a) unlike the armed forces of a state, such groups are not large bureaucratic entities, carefully considering their actions and ultimately answerable for them to ministers and legislatures; and (b) that such groups challenge, and indeed undermine, that monopoly on the use of force within their borders which states always value even if they do not always attain.

In considering the ethical problems posed by this kind of terrorism, it is necessary to begin in the murky area of motives. Professor Paul Wilkinson addressed this matter in his paper, presenting a variety of views on the subject. But he did say, boldly: 'Terrorists either profess indifference to existing moral codes or else claim exemption from all such obligations.'¹¹ There are reasons for doubting this. The open espousal of Nietzschean ideas, in the sense of contempt for all civilised values and restraints, though sometimes present, is something of a rarity in twentieth-century terrorism.

Moreover, there can sometimes be a very strong connection between the prevailing moral codes in some societies and the use of terroristic methods. In many cultures, whether Bosnian or Bedouin, there is a strong traditional emphasis on retaliation – often quite brutal retaliation – as the accepted means of enforcing social norms. We may well view such an approach as primitive, deplore it, and loathe its consequences. Yet in international society are not norms enforced in a similar way, with similar emphasis on an injured party avenging wrongs and being seen to do so? In a country such as Britain which has committed itself deeply to the idea of nuclear deterrence as a means of ensuring the observance of some basic international norms, we cannot dismiss this approach as completely absurd.

There are some more specific reasons for scepticism about the view of terrorists as indifferent to all moral codes. For one thing, the various attempts to identify a specific 'psychological type' of terrorist have not been a conspicuous success. Moreover, if one reads statements by those involved in advocating terrorism – whether before, during, or after the event – one is bound to be struck by the stress on certain ethical imperatives. These are not the kind of ethics of restraint mentioned by Morgenthau: they focus, not so much on the means of struggle which are to be pursued, but rather on the presumed ethical content of certain

political ends, or else on the supposedly immoral, violent, even terroristic, deeds of the adversary. Terrorism is presented as the only means of getting rid of unjust officials or an unjust regime; of achieving the right of self-determination of a people who have been unfairly denied that right; of securing international attention to a wrong; or of waking a population out of its slumbers and imposing some discipline on it, where the normal means of achieving these objects, through political institutions, are not available. It goes without saying that one does not have to take all such claims seriously all of the time. In the immortal words of Miss Mandy Rice-Davies: 'They would, wouldn't they?' Statements urging the moral basis of a terrorist action may often conceal baser motives.

This point has been conceded by some advocates of political violence themselves. Take the cases of Milovan Djilas and Régis Debray: both advocates of political violence, but advocates who, we should note, would have denied the pejorative label of terrorist which their enemies sought to attach to them. Djilas, a principal leader of Tito's partisans in wartime Yugoslavia, has conceded in his memoirs that the atmosphere of violence unleashed a welter of passions and was used to settle all kinds of scores, old and not so old.¹² Régis Debray has made a similar point in an American context. In his book *Revolution in the Revolution?*, first published in France in 1967, he had asserted on the basis of little serious argumentation that the public execution of a police torturer convinces people that the revolution is on the march.¹³ However, 11 years later, in his novel *Undesirable Alien*, he seemed to laugh at such views, and suggested (albeit belatedly, and in the form of fiction) that revolutionary philosophies of that kind can be defective. He asked: 'Can it be that the *virtu* of a revolutionary is in proportion to the number and seriousness of the questions he refuses to ask himself?'¹⁴ He also likened the ideology of the revolutionary – the simple struggle between right and wrong, the passion for physical action – to that of the American Western. Hollywood in the guise of the guerrillero!

It is not just the later admissions of a few compusively frank writers from among their number that can betray ambiguities and impurities in the motives of those engaging in political violence. It is a matter of record that terrorist movements have often got involved, not only in a frightful cycle of killings, but also in protection rackets, drug-running, currency swindles, prostitution, and taking cuts from foreign governments.

Despite all of this, the ethical claims made on behalf of movements which others call terrorist are by no means always spurious. It is largely the force of such claims (and not just the mere fact that the population is terrorized) which helps explain the strength of terrorist movements in some parts of the world, and their weakness elsewhere. This was a point made by Nathan Leites in a RAND Corporation report on the Vietcong's

political methods. On the basis of interviews with Vietcong defectors in South Vietnam in the 1960s, he showed more or less conclusively that people in South Vietnam did not support the Vietcong just because they were coerced – though coercion undoubtedly existed, and on both sides – but because they were able to be convinced that the Vietcong represented a moral cause.¹⁵

It is this political factor that helps explain the origins and persistence of terrorism in the Middle East. Serious students of the situation in the Israeli-occupied territories are not in doubt about the strength of the inhabitants' view that the Israeli presence and actions in these territories is illegitimate; and that a disarmed, dispersed and dispossessed people has a right to engage in desperate measures in response. Public opinion polls there confirm such observations, while also showing that the population is to some extent discriminating in its views of particular Palestinian actions.¹⁶

In most of the attempts at justification of terrorism there is much emphasis on some notion of 'right'. Because the other side or its actions, are deemed illegitimate, counter-violence is considered justified in some simple moral scale. But all of this emphasis on 'right' only points to one important, and frequently overlooked, line of criticism of terrorist reasoning. The terms in which the argument is usually conducted are those of 'right' and of moral justification. They are too seldom those of prudence.

Arguments about prudence are by nature hazardous, because they necessarily involve an element of gazing into the crystal ball. They are also defective inasmuch as they underestimate the social importance and emotional pull of simple, clearly-expressed moral rules. They do not always appeal to revolutionaries. However, they have a respectable lineage in political philosophy and international relations, not least in the writings of Edmund Burke. In considering the alleged justifications of terrorism, arguments based on prudence have a special importance – at least if some of the common consequences of terrorism are understood and taken into account.

Prudential arguments about terrorism would of course be easy if it could be asserted confidently that terrorism never works. The evidence does not justify such a view. It must be immediately conceded that 'terrorism' does sometimes work, in the sense of contributing to an intended political objective. Terrorism of one kind or another was one element – though only one – in a number of anti-colonial struggles commonly viewed as 'successful'. However, one should make some qualifications about this: terrorism was sometimes more a means of enforcing discipline within the indigenous society than being a direct form of struggle with the adversary; terror was more likely to have some

effect against an over-stretched colonial power, such as Britain, than in situations where the adversary does not have the option of packing his bags and leaving; and by no means all anti-colonial terrorism succeeded in anything like all its aims – as the Irish Republican Army, the Indian National Army, and the Malayan Communist Party, to name only three, have had reason to discover.

If terrorism has had some successes, albeit limited and ambiguous, it has also had many adverse consequences. Looming large among these is the fact that terrorism in the name of an ethnic group often has the effect that all members of that group come to be viewed with a degree of suspicion by the authorities and indeed by others. As a result, people may see a need, both on ethical and prudential grounds, to dissociate themselves from the terrorist movement – as many Catholics have done in Northern Ireland. Thus a movement which resorts to terror, far from gaining control of a community by doing so, may actually perpetuate a thoroughly peripheral role for itself.

The failure of terrorism to mobilise the masses has also been shown time and again. Contrary to the bizarre theories of terrorists, most revolutions have started, not because of a spectacular terrorist action, but because of what is perceived as an illegitimate use of force by the authorities: the shootings at St. Petersburg in 1905, and at Amritsar in 1919, are notable examples.

Another serious consequence is that terrorism easily spreads. Unlike governmental repression, terrorism is a game in which any number of groups can play: and in some countries, especially the Lebanon, they do. Started by the Right, it may be taken up by the Left; started by Jew, taken up by the Arab; started by Greek Cypriot, taken up by Turk; started by Catholic, taken up by Protestant; started by the high-minded, taken up by the criminal; or *vice versa*. This consequence alone is surely a sufficiently powerful prudential buttress to uphold normative arguments against resorting to terror in the great majority of situations.

Indeed, those common consequences of terrorism, namely internal division and chronic violence, are sometimes so serious as to lead to foreign invasion as a means of restoring order or protecting a particular group. Hence the Turkish invasion of Cyprus in 1974, and the Syrian intervention in Lebanon in 1976.

Terrorism can lead, not just to foreign invasions, but to the outbreak of major international war. The First World War resulted, in part, from an Austrian desire to eradicate a terrorist 'hornet's nest' in Serbia following the assassination of Archduke Ferdinand. Of the many Arab-Israeli wars, at least one, in 1956, had guerrilla attacks (in both directions) as one element in the deterioration of relations leading to war. The 1982 Israeli invasion of Lebanon was in part a response to Palestinian infiltrations into

Upper Galilee, as well as to the shooting of Ambassador Argov in London.

Another adverse practical consequence of terrorism is that a movement which has engaged in it faces great difficulties when it tries to live down a reputation for violence, or to get accepted as a responsible negotiating partner. The PLO's sadly inadequate efforts in this direction illustrate the difficulty of the problem. The Palestine National Council, at its session in Amman in November 1984, resolved to:

Strongly condemn terrorism and international terrorism, especially the organized official American and Israeli terrorism directed against the Palestinian people, the PLO, the people of Lebanon, the Arab peoples and the liberation movements all over the world. The PNC further condemns attempts by the US to use the fight against terrorism and international terrorism as a pretext to fight against national liberation movements.¹⁷

In November 1985, during an official visit to Cairo, PLO Chairman Yasser Arafat issued a considerably stronger statement against terrorism. However, even this had its elements of ambiguity: it upheld, without any qualification, 'the Palestinian people's right to resist the Israeli occupation by all means available ...'. However, the reason why this statement failed to carry much conviction in a sceptical world was probably not so much its internal inconsistency but rather a general disbelief that PLO statements purporting to renounce terrorism could be taken at face value.

For better or for worse, the Palestinians, having resorted to terrorism many years ago – having, so to speak, eaten of the fruit of this particular tree of knowledge – are stuck with the result. They have a great deal of persuading to do if they are to convince their present and future neighbours, in the Arab states just as much as in Israel, that a future Palestinian state would not be a centre of instability and a source of disruption.

This brief consideration of some consequences of terrorism suggests that the adverse effects of this method of struggle are more numerous and profound than can ever be encompassed in simple moral equations seeking to justify it. In particular, this method is not nearly as effective as its advocates claim, either in mobilising societies or in gaining concessions from states. It may draw attention to an issue, even to an injustice: but it is not so effective in actually righting wrongs, and it always risks resulting in a greater social wrong in the shape of endemic and incurable violence.

Counter-terrorism

The ethics of counter-terrorism is, if anything, an even more tangled and difficult subject than the ethics of terrorism. The very term 'counter-

terrorism', let alone the many different practices which go under this label, merits careful scrutiny rather than uncritical approval. Just as the term 'terrorist' can too easily be used to imply, misleadingly in some cases, that it is the use of terror which distinguishes a group from its opponents, so the term 'counter-terrorism' presumes, a shade too easily, that it was the terrorists, not the government forces, who initiated a cycle of violence, or who alone use extreme methods.

The literature on counter-terrorism is as defective as the literature on terrorism itself in its remarkable avoidance of serious discussion of the ethical issues involved.¹⁸ Counter-terrorism has a thousand aspects: some of them, such as security checks at airports, are uncontroversial, while others involve the most acute controversies. There have been few if any counter-terrorist campaigns which have not given rise to serious disputes about what methods are appropriate.

Such disputes arise in counter-terrorist campaigns for two main reasons. First, governments organising such campaigns are, unlike their adversaries, large bureaucratic entities which operate by rules and procedures, which have clear lines of administrative responsibility, and which are answerable to a broader public: thus the principles of any counter-terrorist campaign are likely to be articulated extensively and scrutinised closely. Second, counter-terrorism gives rise to disputes because of the very nature of the activity. Its main problems arise from the fact that it involves trying to combat clandestine fighters, who may cause the most appalling carnage, but who hide among the rest of the population and are very difficult indeed to track down. This creates a situation where there is often a strong public desire for retribution, but the proper target for such retribution is not available.

It is mainly because counter-terrorism involves a fight against a hidden target that it so frequently leads to actions which violate ethical norms. The frustrations of fighting a movement which is largely invisible create a powerful thirst for intelligence as well as a desire for revenge. These factors may explain, though they can never justify, the French Army's use of torture of detainees towards the end of the war in Algeria 1954-61; and the British Army's equally abhorrent measures against post-1945 anti-colonial campaigns in Palestine, Malaya, Cyprus and other colonies, and then in the first years of the present round of troubles in Northern Ireland, starting in 1969. Ill-treatment of a prisoner or detainee within one's power is a violation of very fundamental rules both of the laws of war and of human rights. Moreover, it is of doubtful practical value, leading as it does to false confessions and genuine hatred.

When British interrogation methods in Northern Ireland were examined in 1972 in a report of privy counsellors, it was Lord Gardiner's devastating Minority Report (accepted by the Heath government) which expressed

most forcefully the criticisms of the then-existing procedures. He put a powerful case that rules derived from the laws of war should be applied even in this low-level internal counter-terrorist operation. His argument was an interesting mixture of moral, legal and practical. His last paragraph said:

The blame for this sorry story, if blame there be, must lie with those who, many years ago, decided that in emergency conditions in Colonial-type situations we should abandon our legal, well-tryed and highly successful wartime interrogation methods and replace them by procedures which were secret, illegal, not morally justifiable and alien to the traditions of what I believe still to be the greatest democracy in the world.¹⁹

Counter-terrorism often leads to another form of rough justice: killings of suspects without any judicial process. The murders of a number of leaders of Yugoslav anti-communist forces in exile in the 1960s and 1970s may have been one example. More recently, there have been the killings of a number of Palestinian leaders in exile; and the allegations of 'shoot-to-kill' practices, if not any such formal policy, in Northern Ireland.²⁰ Obviously, such practices arise because the authorities believe they know who their adversaries are, but either do not have them within their jurisdiction, or do not have the kind of proof that would stand up in a court of law. So in the end the gun gets used.

Even more seriously, the inevitable frustrations of counter-terrorist campaigns can easily lead to the innocent being hit. The terrible Nazi response to the attack on Reinhard Heydrich in occupied Bohemia on 27 May 1942 was the most extreme example of this: Hitler and Himmler ordered 10,000 people taken hostage, and 100 to be shot that night.²¹ Lesser examples of the innocent being hit in retaliation for 'terrorist' acts are, alas, commonplace.

What are the aims of counter-terrorism? Sometimes these are defined, in quasi-military terms, as complete victory over a terrorist movement, or, even more ambitiously, its total destruction.²² It is doubtful whether such aims make sense in themselves, or encourage the intelligent execution of policy. This is not just because terrorism is so easy for small groups to undertake that its complete eradication can never be guaranteed – any more than can the eradication of mosquitoes, or germs. It is also because, with very few exceptions, terrorist movements do not simply collapse and die. If such movements represent deeply-held political aspirations – and many do – they will not, and maybe even should not, totally disappear. What can happen is that they may soft-pedal the attainment of their long-term goals, or pursue them by constitutional means, calling off a particular struggle or at least the use of terrorist methods. Such possibilities cast

doubt on the currently fashionable practice of classifying certain organisations, as such, as 'terrorist'. Further, all this suggests that counter-terrorism may be better seen as a difficult task than as a decisive military confrontation or a moral crusade.

The unavoidable problems of counter-terrorism all point to a central truth – that there are few areas of state activity in which the temptation to abandon important ethical norms is so strong and so pervasive. It is almost as if there is a built-in bias which pulls counter-terrorism away from accepted legal, ethical and democratic standards. Indeed, a clear distinction can be drawn between two distinct meanings of the word 'counter-terrorism'. It can mean either legitimate efforts to counter terrorist movements and actions; or the use of terrorism against terrorism. All too often, counter-terrorist campaigns begin as the first and end as the second.

Can one say that the one form of counter-terrorism is more effective than the other? Drawing lessons from history is a dubious business at the best of times. One has to beware of claims that what is ethical is also always practical: for although, as I have indicated, ethics and practicalities should never be seen as totally separate categories, they do not coincide perfectly. If they did, those dilemmas, which are at the heart of so much of our thinking about ethical issues, would not appear as dilemmas at all. Yet ethics and practicalities do overlap, albeit roughly: and a strong case can be made that the slow, patient and restrained approach to combating terrorism is more effective than more extreme measures, especially when the country engaging in counter-terrorism is a democracy.

However, it is in the very nature of the struggle against terrorism that action cannot always be slow, patient or restrained. If it is known that a bomb is going to explode in a few minutes, or an ambush is being prepared, then time is of the essence, and any response must be quick or it is useless. Sometimes, too, it is difficult to keep counter-terrorist actions restrained, if the penalty for so doing is that private vigilante groups rush in to take the law into their own hands. Counter-terrorists do not always have a great deal of room in which to manoeuvre. Yet they do have some. They often face real choices, for example between shooting to kill and taking opponents prisoner, or between hot pursuit across a border or attempts to gain the co-operation of the police on the other side. In such cases, the greater realism is often on the side of restraint and patience, rather than on the side of impulsive action.

For just as there are powerful prudential arguments to put in the balance against terrorism, so too arguments of this kind can serve to dampen enthusiasm for the more extreme, indeed terroristic, forms of counter-terrorism. A counter-terrorist campaign which is waged in disregard of such prudential considerations risks losing the support of the population among whom the terrorists live, of the population of the

counter-terrorist state, and of other states whose co-operation may be vital.

This last aspect, international collaboration in combating terrorism, is not new, but has assumed a special importance in an age in which terrorism itself has many international aspects. To combat terrorism in Northern Ireland and to restrict outside supplies of arms, the UK has needed active assistance from the governments of Ireland, France and the USA, to name only three conspicuous examples. Likewise, the actions of many countries in response to the export of terrorism by Libya has involved a strong element of co-operation between states – even if that co-operation has not gone as far in support of US military action against Colonel Gaddafi as the Reagan Administration has wanted.

International collaboration against terrorism frequently gives rise to accusations of betrayal and bad faith. There is often a failure to understand the different national approaches to a wide range of matters – from political asylum to the use of air power – which influence the policies of different states. Because of this failure, there is a tendency to ascribe dark motives to actions which may have simpler explanations. The Reagan Administration has shown a strong tendency to denigrate Western European responses to terrorism. A choice example is the following statement, with its implication, as clear as it is unsubstantiated, that Western Europe has bowed to the Colonel: 'Libya has used the threat of restricting or denying oil shipments to blunt West European response to state-sponsored terrorism, while simultaneously training terrorists on Libyan soil. Freedom of action for some US allies can be limited by economic ties.'²³

International collaboration against terrorism has been established for a long time in Europe. It existed on a relatively informal basis even before the TREVI (Terrorism, Radicalism, Extremism and International Violence) system of consultation was set up in 1976. TREVI has just about survived the difficulties of agreeing on definitions of terrorism, and of reconciling the different legal systems of the different countries. The most obvious strains have arisen as a result of French concessions to Iran in 1987–88, apparently in violation of an earlier agreement by the Twelve member states of the European Communities not to capitulate to terrorists' demands. The experience of the European countries over the past decade confirms the importance, and also the difficulty, of getting substantial agreement, not just on practical measures, but also on the underlying principles of anti-terrorist action.

European collaboration against terrorism will face a major new challenge in the next few years. The Single European Act, which came into force on 1 July 1987, has committed the Twelve to complete an internal market by 1992. In theory this will eliminate all internal frontier

controls. Whether it will do so in practice, when such controls still have considerable significance in security matters, including in the struggle against terrorism, remains to be seen. Be that as it may, the Single European Act is bound to force the member states of the European Communities to think very hard about their positions on terrorism and on counter-terrorism strategies, and to collaborate much more closely than hitherto. It is not easy to be optimistic about the outcome, especially as on some matters such collaboration is no stronger than the weakest link in the chain: but the potential gains to be had from improved European co-operation are considerable.

Whatever the importance of international collaboration, the main burden of counter-terrorism is likely to be carried by states acting individually. Here, although it is rather early to be writing its obituary, the Reagan Administration's counter-terrorism crusade repays study, as a unique example of the consequences of a state making this issue a centre-piece of its whole security and foreign policy. The Reagan approach, for all its weaknesses, deserves to be sympathetically evaluated, not condemned out of hand. When he assumed the presidency in 1981, Ronald Reagan clearly identified terrorism as a problem which his administration was determined to combat. It was understandable that the United States, having suffered a humiliation at the hands of guerrillas and their allies in Vietnam, and having endured not just the loss of an ally in Iran but also the humiliation of the embassy siege there, should take terrorist threats seriously and seek some triumph over them.

Any assessment of Reagan's anti-terrorism policy must be at least partly provisional, as there are so many unknowns. For example, a final verdict on the air operation against Libya in April 1986 must depend heavily on information both about Libyan involvement in various terrorist attacks before the American air raid, and on any change in Libyan policies or actions brought about as a result of the raid. These are all difficult questions, on which the answers a decade from now may be very different from those available at the time, and the evidence in the public domain is by nature ambiguous.²⁴

Yet certain problems of conducting a single-minded anti-terrorist crusade have become painfully evident during the Reagan presidency. Some of these relate to matters that are by nature in the public domain anyway – such as the tangled question of the definition of terrorism. In the eyes of the rest of the world, the Reagan Administration's attempts to define terrorism in such a way as not to include America's friends, such as the 'freedom-fighters' in Afghanistan and Nicaragua, looked unconvincing. However, states can live with a mere logical problem such as this, even if it does inhibit the formation of an international consensus on the

subject. Much more serious were the problems of real substance arising from the Reagan policy. Three deserve mention.

The first problem arose from the high priority given to anti-terrorism as distinct from other principles of international conduct. It was almost as if, in the name of anti-terrorism, anything was acceptable. Thus the Reagan Administration took a distinctly tolerant line towards an invasion which assumed an anti-terrorist colour – the Israeli invasion of Lebanon in 1982. Washington's anti-terrorist passions seemed stronger than its adherence to other rules of international order, especially the rules against the use of force. Even forgetting rules, common prudence might have suggested that an Israeli invasion of Lebanon was likely to yield only bitter fruit, and that Israel's allies in Lebanon were as likely as its adversaries to be terroristic. This failure to keep anti-terrorism in its proper perspective, as only one of several principles to guide policy, should not be blamed on President Reagan alone. Under President Carter, during the Iran hostages crisis, it was a failure of the US, as well of the United Nations, that so little was done to stop the Iraqi attack on Iran in September 1980.²⁵ The resulting war has been vastly more destructive of human life than all the terrorist outrages of the post-1945 world put together.

A second problem with the Reagan line on terrorism has been that it has proved very difficult in practice to observe a strict rule of avoiding all contact with terrorists and terrorist states. On 3 April 1986 *Al-Shiraa*, a Lebanese weekly, reported that the United States had secretly sold arms to Iran. The whole extraordinary story which followed – in which it became clear that arms had been sold in the hope of securing the release of hostages (three were released) and that the funds received had been funnelled off illegally to the Contras (all with some inevitable Israeli assistance) – was so bizarre that it distracted attention from a central truth: that the USA might have had very good reasons for wanting to improve its relations with Iran, the labelling of which as a 'terrorist' state makes any business-like contact on any matter difficult.²⁶

A third problem with the Reagan line on terrorism has been the administration's rejection of a laws of war agreement – namely the 1977 Geneva Protocol I – which among other things provides one clear set of internationally-agreed criteria by which one can assess, and criticise, acts of terrorism. Reagan opposed ratification of this agreement because, in his view, it would automatically treat as an international conflict any so-called 'war of national liberation'; and any granting of combatant status to irregular forces 'would endanger civilians among whom terrorists and other irregulars attempt to conceal themselves'.²⁷ This idea – that the Protocol I would give recognition and protection to terrorist groups – has

been strongly countered.²⁸ The Protocol could in fact provide a serious challenge to terrorists, as it contains more specific and detailed limitations on targeting than any other laws-of-war agreement: indeed, it firmly prohibits a huge range of actions committed by terrorist groups, such as attacks on civilians and civilian objects. The main weakness of the Protocol so far as the question of terrorism is concerned is that it does not, and by its nature cannot, prohibit attacks on targets which, in laws-of-war terms, are perfectly legitimate, such as military installations and personnel. It is very doubtful, however, whether this could be a valid reason for non-ratification of the Protocol, as its terms would in any case not be applicable except in a defined and limited range of conflicts, in which the military are targets anyway.

The Reagan Administration's policy on terrorism has been one symptom of a more general desire in the international community to address questions of terrorism and counter-terrorism on the basis of some straightforward and simple principles. However, despite differences in style and substance, it may be that Reagan's efforts have suffered from the same flaw as those of other states in the contemporary world.

Attempts to produce general rules to tackle the problem of terrorism have not in the past been particularly successful. Thus at the Hague peace conferences in 1899 and 1907 there was extensive, but in the end inconclusive, discussion as to whether the citizens of a country occupied by an adversary were entitled to form guerrilla or militia groups to combat the occupant. The subject, or at least major aspects of it, has remained open from that day to this. Many war crimes trials at the end of the Second World War involved questions concerning the legitimacy of resistance and of extreme counter-measures against resistance. As noted above, the 1977 Geneva Protocol I attempted a solution to the problem, but it is a solution which remains controversial.

The muddle of the international community on the subject of the law and ethics of terrorism is most clearly seen in certain UN General Assembly resolutions. These have expressed, unblushingly, some obviously contradictory principles. Take, for example, the 1974 UN Definition of Aggression. On the one hand, it said that the following is an act of aggression: 'The sending by or on behalf of a State of armed bands, groups, irregulars or mercenaries, which carry out acts of armed force against another state ...'. On the other hand, it also said: 'Nothing in the Definition ... could in any way prejudice the right to self-determination, freedom and independence, as derived from the Charter, of peoples forcibly deprived of that right ... nor the right of these peoples to struggle to that end and to seek and receive support ...'.²⁹ The contradiction between the opposition to the use of armed bands in the first statement, and the approval of assistance for self-determination struggles in the

second, is not just the product of bureaucratic stupidity in the UN, nor of an unthinking radicalism among third world states. It is a confusion which reflects inevitable ambiguities in the world. It is notably similar to the position of the Reagan Administration, with its opposition to state-sponsored terrorism coupled with a warm approval for certain struggles for self-determination and independence, especially in Afghanistan and Nicaragua. This confusion, being to an extent unavoidable, needs to be recognised more openly.

However, the fact that some confusion is unavoidable does not mean that confusion in general should be encouraged, as it undoubtedly has been by much international discussion of terrorism. To take the debates in the UN, their main defect has been not so much the one which is frequently pointed out – that the UN has been too supportive of too many so-called ‘national liberation movements’ engaging in terrorism – but rather that attention has never been properly focused on the crucial question of what *means* of struggle a dispossessed people is entitled to pursue. This question of means, which is the proper concern of ethics, and is also the traditional concern of the laws of war, has frequently been ignored, or else conveniently glossed over in a welter of phrases of the ‘entitled to struggle by all means available’ variety. The UN has in the past few years backtracked to the extent of passing a number of General Assembly resolutions unequivocally condemning terrorism.³⁰ However, the overall treatment of the subject in debates in the UN, as in many of its member states, has been notably lacking in intellectual coherence.

National liberation struggles will in fact continue to exist in some form, and some will continue to attract outside support, even occasionally from one or other of the superpowers. Against this background, the international community could usefully complement the attention it has paid to the question of whether such struggles are ever justified by looking much more at the question of the means pursued in, and against, such struggles. Ethics, law and prudence do not always march in step. However, in the matters of terrorism and counter-terrorism they do all point to the extreme importance of avoiding, wherever possible, the resort to violence; of focusing attention on the traditional prohibitions of the laws of war as they affect such matters as the targeting of civilians and the proper treatment of prisoners; and of avoiding the self-righteousness, the fanatical extremism, and the self-defeating destructiveness that has not only characterised much terrorist action in the past two decades, but also many actions carried out in the name of counter-terrorism.

NOTES

Text of lecture at Oxford University on 16 February 1988 in the series on 'Ethics and Terrorism', sponsored by the Carnegie Council on Ethics and International Affairs.

1. This phrase was coined by Dr John Darwin in his lecture in this series on 2 February 1988.
2. Hans Morgenthau, *Politics Among Nations: The Struggle for Power and Peace* (New York: 4th edn., Knopf, 1967), p.224.
3. Morgenthau, *Politics Among Nations*, pp.225-49.
4. Reinhold Niebuhr, *Moral Men and Immoral Society: A Study in Ethics and Politics* (London: SCM Press, 1963). (First published 1932).
5. For a useful discussion on the tendency of states to 'justify' their actions by invoking ideas of law and justice, see Yoram Dinstein, 'The Interaction of International Law and Justice', *Israel Yearbook on Human Rights*, Vol.16, 1986, pp.9-42.
6. North Atlantic Treaty, signed in Washington, DC, 4 April 1949: the UN Charter is mentioned in the preamble and in Articles 1, 5, 7 and 12. Warsaw Treaty, signed in Warsaw, 14 May 1955: the UN Charter is mentioned in the preamble and in Articles 1 and 4. Texts in *United Nations Treaty Series*, Vol.34, p.243, and Vol.219, p.3.
7. Anthony Kenny's lecture in this series took the 'just war' school as a starting point for a critical examination of the ethics of terrorism.
8. Good examples of this extremely hypothetical approach to discussions of ethics are to be found in Ellen Frankel Paul *et al.* (eds.), *Nuclear Rights/Nuclear Wrongs* (Oxford: Basil Blackwell, 1986). One chapter in this book has this scenario in endless variations: Alfred is about to dislodge a boulder from a steep hillside which will kill Alice, who just happens to be below, well-camouflaged, immobilised, and carrying a bazooka. Should she kill Alfred with her bazooka, even if Auberon, who happens to be walking just behind Alfred, gets killed as well? Anyone who sought to teach mountaineering by this method, let alone nuclear strategy, would be laughed out of court.
9. The number of states parties to the four 1949 Geneva Conventions was 165 as at 8 June 1987. Information supplied by the International Committee of the Red Cross, Geneva.
10. *Dictionnaire, Supplément*, Paris, an VII [1798], p.775; quoted in Walter Laqueur, *Terrorism* (London: Weidenfeld & Nicolson, 1977), p.6.
11. Paul Wilkinson in his lecture in this series on 19 January 1988.
12. Milovan Djilas, *Wartime*, trans. Michael B. Petrovich (London: Secker & Warburg, 1977), pp.88, 101, 447, 449 and 450.
13. Régis Debray, *Revolution in the Revolution?*, trans. Bobbye Ortiz (London: Pelican Books, 1968), p.53.
14. Régis Debray, *Undesirable Alien*, trans. Rosemary Sheed (London: Allen Lane, 1978).
15. Nathan Leites, *The Vietcong Style of Politics*, RAND Memorandum RM-5487-1-ISA/ARPA (Santa Monica, CA: RAND Corporation, 1969).
16. Opinion polls in the West Bank and Gaza showing a high degree of support for the PLO, its leadership, and for certain Palestinian terrorist acts, have included: (1) a survey summarised in the *Jerusalem Post*, 2 December 1983, indicating over 90 per cent support for Yasser Arafat as PLO chairman; and (2) a survey conducted in 1986 or 1987 and summarised in Meron Benvenisti, *The West Bank Data Base Project 1987 Report: Demographic, Economic, Legal, Social and Political Developments in the West Bank*, published by *Jerusalem Post* (1987), pp.45-6. The last-mentioned survey yields the result that 93 per cent of the respondents believe the PLO is the sole and legitimate representative of the Palestinian people. Yasser Arafat is still approved as leader, but with his support down to 71 per cent. Some 78 per cent believe that acts of violence are justified in pursuit of the Palestinian cause. Asked whether they considered particular actions justified, the respondents gave the following positive answers: hijacking of a bus inside Israel, 87 per cent; placing a bomb on an El-Al plane, 60 per cent; the

December 1985 attack against passengers in Vienna and Rome airports, 36 per cent. Benvenisti considers, briefly and sceptically, the possibility that these answers might have been influenced by intimidation.

17. Text in *The Palestine Yearbook of International Law*, 1985, Vol.II, p.191.
18. One example must suffice. In a famous book on counter-insurgency operations, Frank Kitson discussed in less than one page 'the moral issues involved in preparing to suppress subversion'. His discussion was solely about what one might call the *ius ad bellum* aspect of the matter – whether it is right in every case to suppress subversion – and failed to touch on the equally important ethical problems raised by the methods involved in counter-terrorist actions. Kitson, *Low Intensity Operations: Subversion, Insurgency, Peace-keeping* (London: Faber, 1971), pp.8–9.
19. *Report of the Committee of Privy Counsellors appointed to consider authorised procedures for the interrogation of persons suspected of terrorism*, Cmnd.4901, London: HMSO (March 1972), p.22.
20. The question of 'shoot-to-kill' practices in Northern Ireland is discussed extensively by the former deputy head of Greater Manchester Police, John Stalker, in his book, *Stalker* (London: Harrap, 1988). This is an account of how he conducted, and was forced off, an official inquiry into the actions of the Royal Ulster Constabulary.
21. For an account of the 'Heydrichiáda', see Vojtech Mastny, *The Czechs Under Nazi Rule: The Failure of National Resistance, 1939–1942* (New York: Columbia University Press, 1971), pp.183–221.
22. One British military counter-terrorist writer who has suggested that the aim is 'to eliminate those involved in subversion', and 'to destroy the subversive movement utterly' is Frank Kitson in his *Low Intensity Operations*, pp.49 and 50. In the context of Northern Ireland this is an especially questionable aim, not just because Irish Republicans can operate in Ireland, or indeed in the USA, as well as in Northern Ireland, but also because the deep historical roots of Irish republicanism make it especially improbable that the movement will totally disappear.
23. President Ronald Reagan, *National Security Strategy of the United States*, Washington DC: The White House (Jan. 1988), p.34.
24. For a judicious assessment of legality of the US raid, with some interesting conclusions about the failure of the international community to consider carefully the problem of combating terrorism, see Christopher J. Greenwood, 'International Law and the United States Air Operations Against Libya', *West Virginia Law Review*, Vol.89, No.4 (summer 1987), pp.933–60.
25. On the UN's failure to take action to avert the outbreak of the Iran–Iraq war in 1980, see Anthony Parsons, 'The UN and the National Interests of States', in Adam Roberts and Benedict Kingsbury (eds.), *United Nations, Divided World: The UN's Roles in International Relations* (Oxford: Oxford University Press, 1988), pp.57–8.
26. The fullest account is in *Report of the Congressional Committees Investigating the Iran–Contra Affair, with Supplemental, Minority, and Additional Views*, Government Printing Office, Washington, DC (Nov. 1987). One of the important findings in this report (and also in the Tower Commission report, published in February 1987) was the degree to which the staff of the National Security Council had cut themselves off from a great deal of expertise available in other parts of the US government.
27. President Reagan, Letter of Transmittal of 1977 Geneva Protocol II to the US Senate, 29 January 1987. Reprinted in *American Journal of International Law*, Vol.81, No.4 (Oct. 1987), pp.910–12.
28. See particularly Hans-Peter Gasser (Legal Adviser to the Directorate, International Committee of the Red Cross), 'An Appeal for Ratification by the United States', *American Journal of International Law*, Vol.81, No.4 (Oct. 1987), pp.912–25.
29. Definition of Aggression, approved by the UN General Assembly on 14 December 1974.
30. For example, UN General Assembly Resolution 40/61 of 9 December 1985 condemned 'as criminal all acts, methods and practices of terrorism wherever and by whomever committed'.