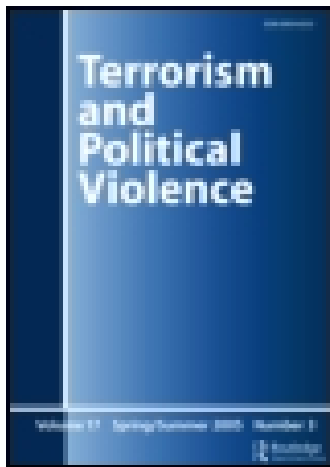


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## Terrorism and Political Violence

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### Terrorism, counter-terrorism and democracy: The assessment of national security threats

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# Terrorism, Counter-Terrorism and Democracy: The Assessment of National Security Threats

Ronald D. Crelinsten

## Introduction

It is no coincidence that in a recent Canadian conference on national security and the issues that it poses for democracy, two of the three keynote speakers confined their remarks solely to the issue of terrorism.<sup>1</sup> We are all horrified and repulsed by the carnage and destruction caused by the spectacular incidents that have captured the front pages of our newspapers and the lead stories of our television news broadcasts. The 1985 Air-India explosion alone gives Canada and its citizens the dubious distinction of having provided the highest body count (329) to any single act of terrorism in recent years. Even if the actual toll taken by terrorism does not come close to that taken by traffic accidents or more traditional forms of violent crime, and even if it pales in comparison to the terror of nuclear deterrence or to the destruction to life and property caused by industrial pollution and occupational hazards, the impact of terrorism on the legitimacy of governments and on the delicate trust that exists within a democracy, between a government and its electorate, can nevertheless be considerable.

Yet terrorism is but one of the phenomena that might possibly threaten a nation's security. For example, the Canadian Security Intelligence Service Act (heretofore referred to as the CSIS Act), lays out, in section 2, a fairly wide range of possible threats. The four paragraphs in this section attempt to identify four general categories of threat: espionage and sabotage; foreign influenced activities; political violence and terrorism; and subversion.<sup>2</sup> Some of these other phenomena may, in fact, constitute a greater threat to a nation's security than terrorism. Recent cases in the United States and in Canada suggest that espionage may actually constitute the greater threat. Some people, such as the former director of CSIS, Ted Finn, have argued that subversion may pose a more serious threat than either terrorism or espionage.<sup>3</sup>

Even if we accept for the sake of argument that terrorism does indeed pose the number one threat to national security, the exact nature of this threat is far from clear. While most analysts focus on *international* terrorism, the emergence of fanatical right-wing terrorism is primarily a domestic

problem.<sup>4</sup> The most serious terrorist problem faced by Canada, just two decades ago – the FLQ – was primarily a domestic one. In fact, the subject of terrorism highlights the difficulty of clearly separating domestic threats from international ones. Which element constitutes the greater threat: the fact that a domestic group commits acts that can be considered terrorism, or that they are inspired by events that occur abroad or ideologies that are promulgated abroad? Does the threat lie principally in the damage caused by their acts or in the possibility of nefarious foreign influence? Or does it lie principally in their capacity to arouse sympathy within a wider population that shares their social and political views, regardless of the actual damage caused? The answers to such questions could determine who might be selected as targets for security intelligence operations. In the case of Canada, the answer could determine which paragraph of section 2 of the CSIS Act would be invoked by agents seeking warrants for intrusive techniques of investigation.

Clearly, these problems of definition are not trivial, for they can have very real consequences. The control models that States have used to combat terrorism have reflected similar definitional ambiguities, switching strategies and tactics and shifting from one institution or agency to another as perceptions of the phenomenon have changed in the eyes of policy-makers and decision-makers. There is no great mystery here since terrorism itself, narrowly defined as a particular strategy of political communication that uses a combination of violence and threat of violence, can occur in a wide variety of conflict situations. The resulting 'spectrum of political action'<sup>5</sup> can include asymmetrical conflicts where violence is waged on only one side or is waged at different levels by each side, with differing degrees of legitimacy. As such, any particular control model adopted by the state to deal with a particular terrorist group or campaign will encounter specific problems that derive from the inherent ambiguity of the terrorist strategy and the fact that it usually occurs in a complex political environment that includes a diversity of actors who may adopt a wide variety of strategies and tactics. These, in turn, can be either nonviolent or violent, legal or illegal, or more or less threatening to national security.

The legal definition of 'threats to the security of Canada' laid out in section 2 of the CSIS Act is fraught with similar ambiguities and comparable practical implications. If, conceptually, terrorism lies along a continuum of political action, reaction and counterreaction that renders its precise definition problematic, one must expect that, prescriptively too, when defined as a security threat in specific legislation, terrorism will merge with other recognized security threats that represent different points along the wider spectrum of political action, domestic or international. This article will demonstrate how these very ambiguities, both in the definition of terrorism and in the definition of a security threat, lie at the root of the problems that

counter-terrorism, in particular, and security intelligence, in general, pose for a liberal democracy.

### **Terrorism and Counter-Terrorism**

Terrorism comprises the combined use and threat of violence that is directed at one set of targets – the victims – to compel compliance or allegiance from another set of targets (targets of demands) or to impress a wider audience that is not directly involved in a specific conflict (the mass media, the general public, world opinion, other governments, etc.). This uniquely triangular form of communication – involving as it does at least two distinct target groups – is often designed to terrorize the wider audience (target of attention), through fear of victimization, into pressuring the targets of demands into compliance. Terrorism, whether used by a state actor or by a non-state actor, in defence of the interests of state or against those interests, is therefore a form of political communication. As such, what we generally call ‘counter-terrorism’ can itself constitute a form of terrorism – that perpetrated by state actors – just as what we sometimes call ‘guerrilla’ or ‘wars of liberation’ can constitute forms of terrorism perpetrated by nonstate actors. What particular form terrorism takes depends upon who is using it, why it is used, and whether it seems to be legitimized or not. When it is legitimized, it is usually called something other than ‘terrorism’.<sup>6</sup>

### **Terrorism and Democracy**

Terrorism poses a threat to democracy not only by virtue of the violent acts directed against specific targets, but also and more importantly by virtue of the response that such acts evoke. The best short-term antidote to terrorism ‘from below’ is terrorism ‘from above’; the most effective way for a state to combat terrorism, at least in the short term, is through ruthless repression which disregards the rule of law or subjugates it entirely to the needs of national security. Violence does indeed breed violence, and it is quite natural for a state that feels threatened to exercise its monopoly on violence – usually called ‘force’ precisely to differentiate it from the illegitimacy of insurgent violence. Might can, unfortunately, make right and, in totalitarian regimes, legitimacy is maintained without bothering to establish that delicate balance between state interests and individual rights that characterizes our liberal democracies. Legitimacy is determined strictly by the interests of the one-party State, and if elections are held, they are of the yes–no kind in which everyone must vote.

In a democracy, however, the state’s monopoly on violence is usually severely constrained by the rule of law and the prerogatives of due process. This is what I call a ‘criminal justice model’ of social control. In this model,

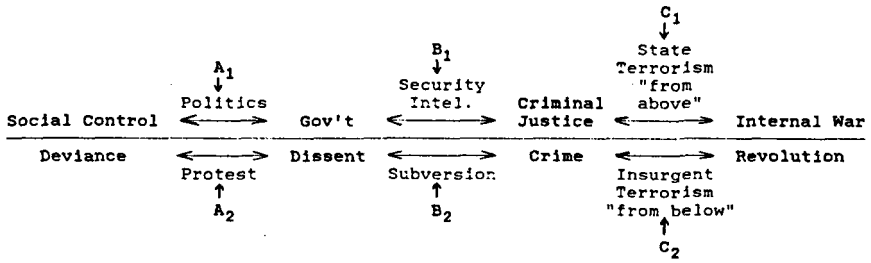
the response of the State to insurgent terrorism is a measured one, confined to prescribed procedures and ensuring the individual rights of the accused throughout the application of these procedures. It is the police who are charged with responding to particular incidents and these, in turn, are treated as 'crime'. If national security is threatened to the extent that the entire nation is at peril, such as in wartime, then the balance tips from the protection of individual rights, as embodied in the rule of law, to the protection of the state, as embodied in the rules of war. At this point, the control model shifts from one of criminal justice to one of war and the instrument of social control shifts from the police and the criminal justice system to the military. Under this war model, operational distinctions include those between combatants and non-combatants, military personnel and civilian personnel, zones of combat and fire-free zones, and military and non-military installations. It is no coincidence that, in liberal democracies, special laws, procedures or forces that move beyond the traditional rule of law embodied in the criminal justice model have been most often used to combat terrorism where it is persistent, such as in Northern Ireland or more recently in India, or where it is perceived as particularly concerted or virulent, such as in the Federal Republic of Germany during the 1970s or in Canada between 1963 and 1973.

### **The Relationship Between Controller and Controlled<sup>7</sup>**

Clearly, there is a relationship between the way a threat is perceived and the form that the response takes. By treating acts of insurgent terrorism as 'crime', the state depoliticizes the incident and trivializes it as 'ordinary'. By treating acts of insurgent terrorism as acts of war, the State recognizes the threat as a serious one and renders it extraordinary. Viewing the phenomenon of control and the phenomenon to be controlled in this manner highlights the communicative nature of the relationship between the two. Both the state actor and the insurgent actor are communicating something to a variety of audiences: to each other, to each other's constituencies, to their own constituencies (perceived, desired or otherwise) and, ultimately, to the wider public-at-large. This final audience is usually addressed, if not always reached, through the intermediary of the mass media and other institutionalized forms of political communication.<sup>8</sup>

Viewed in this way, both terrorism and counter-terrorism can be conceived as reciprocal forms of political communication that take on different attributes either in response to changes in the other or in an attempt to impose change on the other. As such, each can be placed along parallel continua that range across a variety of phenomena that share this general communicative function and that mirror each other at any one point. For example, counter-terrorism can become terrorism itself, when it uses

FIGURE 1  
 THE MIRROR RELATIONSHIP BETWEEN CONTROLLER AND CONTROLLED, INCLUDING THE THREE RECIPROCAL ZONES OF AMBIGUITY (A, B AND C).



terrorism to counter insurgent terrorism. Figure 1 depicts this relationship in schematic form.

The series of phenomena above the line can be characterized as means of maintaining or adjusting the status quo and are performed by state actors, or 'controllers', within a variety of public (and sometimes private) institutions. They range from the purely social forms (subsumed under the term 'social control') through political forms (subsumed under the term, 'government') and varieties of law enforcement (subsumed under the term, 'criminal justice'), to the most violent and repressive forms (subsumed under the term, 'internal war'). State terrorism falls within a zone of ambiguity that separates a judicial model of control which respects due process and a military model that follows the rules of war.

The continuum below the line depicts a series of phenomena that can be characterized as means of contesting or changing the status quo and are performed by non-state actors, or the 'controlled', within a variety of private (and sometimes public) institutions. These range from purely social forms (subsumed under the term 'deviance'), through more political forms (subsumed under the term 'dissent'), and more violent forms (subsumed under the term 'crime'), to the most violent and collective forms (subsumed under the term 'revolution'). Insurgent terrorism falls within the zone separating the violent fringe of political protest, for which the control model is usually a criminal justice one, and fullblown revolution, for which the control model is usually a military one.

If we move from the horizontal to the vertical dimension of the diagram in Figure 1, it is apparent that each point or 'node' along the two parallel continua corresponds in some way with its counterpart. Where the non-state actor 'deviates' from social institutions such as family, school or church, the state actor 'controls' from within those same institutions. Whereas the

non-state actor 'dissents', the state actor 'governs', although both are 'political' in that both communicate about specific policies pertaining to social and political life. Whereas the 'controlled' engages in 'crime', the 'controller' engages in 'criminal justice'; both operate within a coercive framework of proscriptions and prescriptions laid down in law. Whereas the controlled 'revolts' *en masse*, with weaponry and large-scale organization, the controller, too, uses weaponry and large-scale organization when engaged in 'internal war'.

The correspondence between points below the line and points above the line represents what can be considered a kind of equilibrium in the sense that controller and controlled tend to mirror each other in the forms of action and reaction that they undertake with regard to each other. This mirror relationship highlights the communicative nature of the interaction between controller and controlled and the common forms of institutionalization which this interaction takes: the social, the political, the coercive/repressive and the overtly violent on a mass scale. It is when we enter the zones (A, B, and C) separating these four established modes of interaction that ambiguity is introduced into the relationship between controller and controlled. It is these zones of ambiguity which strain the well-established avenues and rules of communication that exist in democratic states for the continuing dialogue between controller and controlled. Lateral displacements and vertical crossovers can occur, whereby actions on one side shift either to the left or to the right in response to actions taken by the other side or to provoke such lateral shifts on the other side.

The phenomena that are designated in these zones of ambiguity (see vertical arrows in Figure 1) represent those contexts within which such shifts tend to occur. Each phenomenon – politics or protest, security intelligence or subversion and state terrorism or insurgent terrorism – forms a bridge between the phenomena on either side of the horizontal arrows in that each one can be exercised through the activities or institutions on each side of the horizontal divide. Each one also mirrors its counterpart on the other side of the controller/controlled, or vertical, divide. In the context of a continuing dialogue between controller and controlled that moves back and forth along the parallel continua depicted in Figure 1, activities within any zone of ambiguity by either controller or controlled will tend to draw its counterpart into the reciprocal zone of ambiguity to mirror it. For example, at Zone C, the use of terrorism by one side tends to draw the other side into adopting a complementary form that matches it. Violent protesters (political criminals) or revolutionaries adopt terrorist strategies in the face of government terror. Police or military forces develop terrorist strategies, or allow paramilitary death squads to flourish unchecked, in response to insurgent terrorism.<sup>9</sup> In many cases, it is difficult

to determine which came first, the insurgent terrorism or the state terrorism, as each side's terrorism is often embedded in a range of tactics and is used in concert with them.<sup>10</sup> In other cases, where full-fledged regimes of state terror have never developed, such as in Northern Ireland or in other liberal democracies, the special procedures or laws developed to combat insurgent terrorism stretch the limits of due process to the point that some critics find the integrity of the democratic process to be endangered.<sup>11</sup>

At Zone B, the advocacy of violence or the use of covert activity by one side tends to draw the other side into adopting a complementary strategy. Violent tactics of crowd control or covert facilitation by the controller can draw legal dissenters into considering violent means of protest or joining forces with criminal elements in planning covert illegal activity. In 1970, Quebec terrorists cited the violent repression of legal dissent and protest as one reason for adopting the terrorist strategy. The advocacy of violence and seditious conspiracy by dissenters can draw the police and security forces or the legislators into using or sanctioning the use of more and more intrusive techniques of surveillance for an increasing number of target groups. The result is that many legitimate protest groups or social movements come to be viewed as fronts for subversive activity or foreign espionage.

At Zone A, the politicization of public debate on certain social issues by protest groups can draw institutions of social control as well as politicians into politicizing such issues themselves. Political interference in social affairs by the state or by administrators in public institutions of social control can draw political advocates and social deviants toward organized protest to counter this interference. Here, the role of ideology and propaganda becomes central, particularly as they relate to the legitimation of one side's strategies and tactics and the delegitimation of the other side's.<sup>12</sup> Elsewhere, I have argued that the sociopolitical environment in which a terrorist organization operates is important for understanding how terrorism can emerge during a particular political conflict:

Here, issues such as recruitment, individual careers of terrorists, and relationships between overt and covert groups . . . are important. No terrorist group exists in total isolation from the political, economic, social and cultural life within which it is embedded . . . Terrorist groups . . . emerge, evolve and dissolve along with, in reaction to, in competition with or in cooperation with other groups which advocate or contest similar or opposing goals.<sup>13</sup>

Far from being a functionalist depiction of some kind of 'natural order' or 'normative prescription',<sup>14</sup> the mirror relationship between controller and controlled that is depicted in Figure 1, with its exact correspondence between points above and below the line, helps to identify those problematic areas in which the established norms, institutions and values

that regulate political discourse in a democratic society fade into one another, thereby becoming more diffuse or ambiguous. Each reciprocal zone of ambiguity highlights a different set of problems faced by the controller or the controlled in deciding what strategy to pursue in dealing with the other.<sup>15</sup>

Furthermore, lateral shifts do not only occur across a single zone. Criminal justice, for example, can target social deviants as much as revolutionaries, while political dissent can target any of the wide range of institutions represented above the line. Controllers can choose to respond to violence in peaceful conciliatory ways in an attempt to draw revolutionaries away from violence into a political dialogue, while those who contest the political order can choose to adopt nonviolent strategies despite the continued use of violence and repression by the State. Such 'diagonal' interactions, that cross one or more zones, represent forms of political communication that are exceptional in that they break out of the established (vertical) channels of discourse and adopt skewed or broader ones. They are no less exceptional when they are designed to avoid confrontation or to resolve conflict as when they are intended to provoke confrontation or to escalate conflict.

### **Threat Assessment and the Zones of Ambiguity**

The three zones of ambiguity (A, B and C) identified in Figure 1 can, each in its own way, render the assessment of a national security threat problematic. Within each zone lies a kind of threshold that separates the phenomena on either side. These thresholds can be conceived as more or less arbitrary demarcation points at which a qualitative change in the phenomenon can be said to have occurred. It is the determination of this transition point that lies at the root of the problems inherent in threat assessment and the dangers that they pose to democratic institutions and individual rights. From a security intelligence standpoint, it is the activities of the controlled – below the line in Figure 1 – that are the object of threat assessment. In the sections that follow, we shall examine each zone of ambiguity in greater detail, with a view to better understanding the problems each poses for the assessment of national security threats. Let us not forget, however, the activities of the controller – above the line in Figure 1. We have already noted that terrorism poses a threat to democracy not only in the act, but in the response. In assessing the nature of this threat – the threat of antidemocratic response – it is the activities of the controller that are the object of threat assessment. In the analysis that follows, we shall also look at this aspect of threat assessment, remembering the mirror relationship between controller and controlled that was described previously.



distinguishing neatly between deviance and dissent and between social and political forms of protest. This involves at least two points of demarcation that are embodied in the concept of 'politicization'. The first relates to the transition from individual protest to group protest, while the second concerns the distinction between forms of protest that aim strictly at changes in social policy – single-issue politics – and those that do so merely as a means of aiming at the system of government itself. Here we are confronted by the difficulty of distinguishing legitimate forms of protest and social conflict that do not necessarily threaten the political order nor the security of the State itself from those that have the potential of posing such a threat. From an intelligence standpoint, threats to national security may lie nascent within such social protest movements, yet to target all such movements or a blanket category of movements that share a particular goal is to jeopardize the civil liberties of every individual involved in those movements. The international peace movement is a contemporary example of a movement that has become a traditional target of suspicion for security intelligence and conservative think tanks.<sup>17</sup>

The dual problem of distinguishing individual forms of deviance and protest from collective ones, and social objectives of organized protest groups from political ones, highlights the problematic relationship between group targeting and individual targeting by security intelligence agents. It is true that school drop-outs, runaways and other deviants can be vulnerable to recruitment by terrorist groups, just as they can be tempted to engage in criminal activity such as prostitution or drug trafficking. Similarly, such individuals can be recruited by intelligence or law enforcement agencies as informers. Yet many individuals join protest movements for reasons other than political commitment, ideological zeal or, for that matter, financial gain. They seek meaning, companionship, structure in their lives. Should they be targeted by security intelligence or law enforcement, or by sympathetic parents, teachers, social workers, or employers? And if someone joins a movement out of political or ideological conviction, should they, too, be targeted just because they belong to a movement that conforms to a profile in a threat assessment typology?

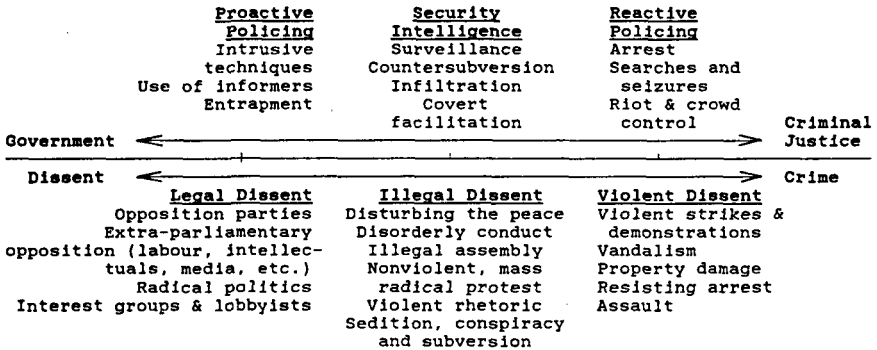
From an intelligence standpoint, however, such questions are almost a luxury. Operationally, targeting must ignore such distinctions if it is to avoid what can be characterized as 'false negatives', that is, those individuals deemed *not* to constitute security threats (negatives), but who are actually engaged in subversive or covert illegal activity (therefore false). This probably explains why the definition of subversion in paragraph (d) of section 2 of the CSIS Act is so incredibly broad and indefinite. The phrase 'intended ultimately to lead to' (see note 2) seems to cast the net so as to catch all those protesters who, through their activities, may possibly be interested ultimately in overthrowing the government.

This raises the important question of whether a security intelligence service should be so proactive as to embrace within its mandate those social protest movements which, though clearly legal and legitimate, may possibly harbour people intent eventually upon overthrowing the system of government by violent means. Clearly, the intent of such a broad definition is that one false negative is worse than a score of false positives (those members of a targeted group that have no intention whatsoever of planning for or working toward the overthrow of their country's system of government). Such a weighting of costs and benefits is inherent to security intelligence work, which is, by its very nature, proactive. The question is whether it also poses a threat to our democratic traditions. Any democracy that targets a large proportion of its citizens who are actively engaged in social and political protest risks creating a political climate that fosters fanaticism and polarization that is, in turn, conducive to the flourishing of anti-democratic movements, whether among the controllers or the controlled. The problem is related to how we perceive the link between what people say and what they do, between ideology and action. Does adherence to a revolutionary ideology inevitably lead to adoption of revolutionary violence? Similarly, does adherence to a national security ideology inevitably lead to violent repression and state terrorism?<sup>18</sup>

Figure 2 raises another point that relates specifically to the likelihood of an antidemocratic response to the assessment of a national security threat. The mirror relationship between controller and controlled is evident in the fact that many forms of deviance listed in Figure 2 are triggered by educational experiences in the home and in the school. Iconoclastic parents and teachers can, wittingly or unwittingly, encourage the adoption of deviant lifestyles and ideologies by young people in search of meaning in their lives. Those who accede to higher education and who commit their energy to community work are more often politicized than those who do not. They join movements or even form groups of their own. It is often the social activist – professors, union leaders in the workplace, community activists, reform-minded politicians who later becomes the radical militant and this can often be in response to encounters with radical or militant 'controllers'. In fact many terrorists are far from being social misfits or deviants, but are well-educated professionals, even leaders within their communities.

From an intelligence standpoint, it is easy to see this mirror relationship between followers and leaders as a simple causal one rather than the complex, interactive communication process that it really is. Intellectuals, activists and reformers have often become targets of security intelligence and even criminal investigation, even if – especially if – they hold positions of authority in established institutions of social control. One has only to think of the *Berufsverbot*, or job ban, that was instituted in the Federal Republic of Germany in response to the terrorist excesses of the Red

FIGURE 3  
THE ZONE OF AMBIGUITY SEPARATING LEGAL FORMS OF POLITICAL  
DISSSENT FROM CRIMINAL ONES AND THE CORRESPONDING FORMS OF  
SOCIAL CONTROL.



Army Faction, simply because it was believed that certain intellectuals and professors *caused* the group’s members to take the terrorist route. This highlights the fact that advocacy is not the sole prerogative of the protester, as implied in Figure 2. It demonstrates yet another dimension of the problem of determining whether certain forms of advocacy and protest are more or less likely to signal a potential threat to national security. If the answer is in the affirmative, the action taken by the state can sometimes pose as great a threat, or even a greater one, to the democratic nature of that nation.<sup>19</sup>

**Security Intelligence and Subversion**

Figure 3 depicts in greater detail the zone of ambiguity (B) that separates the political from the criminal. For the controlled, it separates legal forms of political dissent from illegal ones. This zone is marked by a *crime/criminalization threshold* that theoretically separates those forms of political dissent and advocacy that use or advocate unlawful means from those that do not. In practice, however, legal forms are often targets of security intelligence or political policing because they are viewed as potential threats to national security or fronts for covert activity. This is because the primary point of demarcation which signals a shift from lawful dissent to crime is the advocacy of violent means or the covert preparation for violent action. Paragraph (d) of section 2 of the CSIS Act, for example,

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speaks of 'undermining by covert unlawful acts' (see note 2) and it is this covert quality to subversion that singles it out as a security threat. Similarly, paragraph (b), which deals with foreign influence, singles out clandestinity or deception as a defining characteristic of a national security threat (see note 2).

While violence also appears to constitute a point of demarcation for distinguishing between lawful dissent and crime, the situation is not as clearcut as it might seem. On the one hand, the phrase 'by violence' was added to paragraph (d) of section 2 of the CSIS Act with the clear intention of excluding those who engage in 'activities directed toward or intended ultimately to lead to the destruction or overthrow . . . \* of . . . the constitutionally established system of government in Canada' (see note 2), without ever resorting to violence or, for that matter, 'covert unlawful acts'. So violence does appear to be a determining factor in crossing the threshold from legal to illegal. On the other hand, many forms of dissent which are criminalized are not inherently violent, but are treated as crime so as to frustrate their further development. Political demonstrations and mass protests that are inherently non-violent, for example, are often treated as illegal by the authorities (illegal assembly, disturbing the peace),<sup>20</sup> and it is only when police try to disperse the crowd and end the protest that violence erupts. It seems, therefore, that what is legal but overt is targeted by security intelligence or law enforcement because it might disguise or lead ultimately to the development of something covert and illegal, while what is covert and illegal remains elusive to all but the most intrusive techniques of intelligence gathering which, by their very nature, are themselves covert and, in some cases, illegal. Once again, the mirror relationship between controller and controlled comes to the fore.<sup>21</sup>

Turning now to the controller side of Figure 3, it becomes clear that there is a close similarity between security intelligence operations and what is known as 'proactive policing', that is, police activity designed to prevent or to frustrate criminal activity before it happens. This resemblance highlights the similarity between investigating covert clandestine activities of a subversive nature and those of a purely criminal nature, such as drug traffic or organized crime. In fact, from an operational point of view, terrorism and organized crime require similar investigative techniques, due to their clandestine nature. This is probably why legislation dealing with counter-terrorism often includes organized crime as well. As the Commissioner of the Royal Canadian Mounted Police (RCMP) once remarked, the fight against terrorism has been aided enormously by techniques developed in the fight against organized crime.<sup>22</sup>

Police work and intelligence work are traditionally distinguished by the

\*The words 'by violence' are added here.

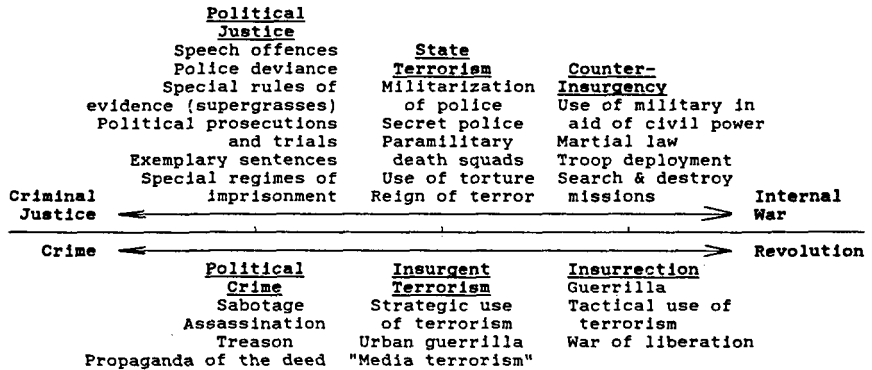
reasons that each agency of social control has for collecting information. In the case of the police, information is usually gathered for evidentiary purposes; the information pertains to a specific case in which specific charges must be laid and for which sufficient evidence to merit proceeding with a prosecution must be accumulated. The person who is the object of the investigation will be able to respond to the charges, in accordance with the rules of due process, if he or she is indicted. In the case of security intelligence, information is gathered in order to assess whether a threat to national security exists. It is not necessary to lay any charges and the object of the investigation is not usually given an opportunity to refute the information that has been accumulated.

It is the difficulties inherent in investigating covert clandestine activity, whether political or purely criminal, that have led to the development of intrusive techniques of surveillance and the reliance on informers. The similarity between 'entrapment' in police undercover work and 'covert facilitation' in security intelligence work underscores the ambiguity which permeates control activities that target clandestine illegal activities. In both cases, the controller provides an individual with an opportunity to engage in some illegal or subversive activity. If that individual takes the opportunity, then the controller has presumably rendered visible a criminal who had, until then, remained undetectable by ordinary means of investigation. In proactive policing, once this occurs, the police can then proceed with an arrest, thereby switching to reactive policing, or can choose simply to use this individual as an informer, in turn, and continue with the investigation. It is at this point that policing ceases being law enforcement and becomes what has been characterized as 'crime management'.<sup>23</sup>

The same phenomenon can occur in the area of security intelligence and the investigation of 'security-related criminal acts'.<sup>24</sup> Instead of passing information on to the police for use in prosecution of a specific offence, security intelligence agencies can withhold the information in the interests of protecting informers or continuing a security-related investigation. Something akin to this<sup>25</sup> took place in a recent case in Canada. On 14 April 1987, in Hamilton, Ontario, five men accused of plotting terrorist acts against the Government of India were acquitted after the Crown Prosecutor refused to disclose information provided by police informers and used in an application for a warrant for electronic surveillance. The Crown Prosecutor claimed that revealing such information, as had been demanded by the presiding judge, would have compromised ongoing investigations into the 1985 bombing at Narita Airport in Japan and would have jeopardized the safety of an informant and his relatives. The ruling of the presiding judge has been appealed by the Crown, yet the case highlights the conflict between criminal justice, with its imperatives of due process and the rule of law, and security intelligence, with its overarching principle of national

FIGURE 4

THE ZONE OF AMBIGUITY THAT SEPARATES THE CRIMINALIZED FORMS OF POLITICAL VIOLENCE FROM THOSE THAT, BECAUSE OF THE INVOLVEMENT OF LARGER NUMBERS OF PEOPLE AND WEAPONRY, ARE TREATED AS WAR.



security. It would appear that the imperatives of security intelligence in the areas of counter-subversion and counter-terrorism run directly counter to the imperatives of due process and the protection of the rights of those targeted by control agents.

### State Terrorism and Insurgent Terrorism

Figure 4 depicts the third zone of ambiguity (C), which separates the more individual acts of violence that are traditionally treated as political crimes and those forms of political violence that, because of the involvement of larger numbers of people and weaponry, are treated more as war. In this zone lies a *violence/militarization threshold* which, for the controlled, separates violent political protest from true insurrectional violence. Here, we are confronted with the difficulty of distinguishing between violence that constitutes a real threat to national security and violence that is best treated as ordinary crime. Not every act of violence threatens the security of the nation.

In paragraph (c)'s definition of terrorism and political violence in section 2 of the CSIS Act, the modifier 'serious' was added to the phrase, 'the threat or use of acts of serious violence', in an attempt to address this problem (see note 2). It is clear, however, that acts such as sabotage, assassination, bombing and kidnapping (where no demands are made) could be subsumed

under the rubric 'serious violence' even though they may not, in and of themselves, constitute a threat to national security. As such, the definition in paragraph (c) obviates the necessity of distinguishing between those acts of political violence that pose no real threat to national security and those which are part of a larger movement which could well threaten the integrity of the state.

Terrorism can be a tactic of political protest, such as in 'propaganda of the deed', whereby acts of violence are committed against symbolic targets in order to draw attention to a political cause or to demonstrate the ineffectiveness of the government and the impunity of the terrorist group. Terrorism can also be a tactic in a revolutionary strategy or in a guerrilla war or a war of liberation. Here, the terrorist act serves to demoralize the enemy and to weaken the allegiance of the population to the government in power, sometimes to the point of terrorizing ordinary citizens into joining the rebel movement. From an intelligence standpoint, however, such a distinction becomes superfluous insofar as those who use terrorism as a means of protest, even if they do not at present threaten national security, may eventually marshal enough support or destabilize the controller sufficiently to enable the mounting of a successful insurrection.

It is clear, therefore, that the principal point of demarcation that defines the threshold separating the criminal from the revolutionary is the number of people who are willing to resort to violence in support of the political cause and the amount of weaponry, money and material resources that is available for sustaining the fight. A second factor is the covertness of the actor, if not the act. Until sufficient human and technical resources are available, terrorism provides an ideal strategy for attacking selected representatives of the state. A few committed individuals and a few crude, home-made bombs can wreak havoc without seriously exposing the terrorist organization to counterattack by military forces. Only in a fullscale war do the combatants identify themselves with uniforms and the full panoply of military organization and structure. When terrorism becomes a strategy in and of itself, the targeting of victims usually becomes broader and includes individuals who are not directly involved in any conflict – tourists, ordinary citizens, airplane passengers, pedestrians and so on. Here, the carnage and destruction is designed to shock the wider audience of public opinion and, thereby, to pressure the perceived enemy into a brutal response that will destroy its legitimacy with its political constituency. This 'media terrorism' is the kind designed to attract widespread coverage through the atrocity of the act.<sup>26</sup>

Turning now to the controller, it is clear that terrorism by the controlled can be treated by the State as a form of crime or as a form of surrogate warfare. How it is defined will determine which institution of social

control will deal with it: the police, the military or some combination of the two. If it is treated as a form of crime, it is not even necessary to create a special offence, as all acts of terrorism are defined as separate crimes in the criminal code.<sup>27</sup> Yet the control of terrorism by means of the criminal justice system does pose difficulties because of its political nature and its clandestine organizational infrastructure.<sup>28</sup> Figure 4 lists some of the possible effects of terrorism on the operations of criminal justice in the areas of legislation, policing, rules of evidence, prosecution, trial, sentencing and imprisonment (listed under the rubric 'Political Justice'). It is no coincidence that police deviance occurred in Canada during a period of intense terrorist activity and that supergrasses, whereby evidence provided by informers can be introduced in court without the informer testifying so as to protect his or her identity, were developed in Northern Ireland, where terrorism is persistent and particularly virulent. The draconian regime of imprisonment meted out to members of the Baader-Meinhof terrorists in the Federal Republic of Germany also comes to mind.

The common denominator in all these examples is that the rule of law is relaxed in favour of special procedures that circumvent some prerogative of due process. This highlights the tension between the rule of law and the imperatives of national security that also underlies the movement from reactive models of investigation to proactive ones that was identified in Zone B. In time of war or insurrection, when domestic political violence poses a direct threat to the nation's security, the war model is quite appropriate and, here, the rule of law is replaced by the rules of war. This usually involves the legal suspension of due process by means of special emergency legislation such as Canada's War Measures Act.<sup>29</sup> It is the use of such legislation in peacetime that remains controversial. Once again, it is phenomena such as insurgent terrorism that spawn such controversy, precisely because it is often difficult to determine if the transition from 'peace' to 'war' has indeed taken place. Furthermore, a 'laws-of-war framework' for counter-terrorism risks legitimizing the use of military targets by of insurgent terrorist groups.<sup>30</sup>

It is when the rule of law is abandoned completely and the State broadens its own targeting beyond specific insurgent combatants to include a wide range of political dissidents that state terrorism emerges. It is clear, then, that the point of transition between the judicial and the military is marked by institutional and procedural shifts that liberate the exercise of violence from the legal constraints that confine it within the rule of law. As such, it is a regard for particular rights of the individual who is targeted by the State's violence that differentiates the judicial model from the military one. What is more, as the rule of law is relaxed, the exercise of violence becomes more overt and unmitigated. However, it is only in state terrorism, like its mirror

counterpart insurgent terrorism, that the perpetrator of violence remains hidden.<sup>31</sup>

### The International Dimension

By identifying specific zones of ambiguity that separate clearly established modes of interaction between controller and controlled, the model in Figure 1 helps identify those areas where the assessment of a security threat is the most problematic and where the control model adopted by the State is most likely to threaten the delicate balance between individual rights and security needs. When applied to a specific piece of legislation, the CSIS Act, and the different categories of national security threat as defined in article 2, the model also helps to operationalize the relationship between terrorism and these other threats. However, one category of security threat has not yet been examined and that is paragraph (b) of section 2 of the CSIS Act that refers to 'foreign influenced activities' (see note 2). Once again, it is the zones of ambiguity identified in Figure 1 and mapped out in Figures 2-4 that identify those areas in which foreign influence is most likely to play a role in the political life of a nation. Before doing this, however, I shall briefly discuss the problem of clearly delineating the international dimension of the terrorist threat.

In his introduction to an excellent collection of essays on 'the reaction of international society to this transnational challenge [terrorism]', R.J. Vincent has argued that terrorism 'crosses the borderland between domestic and international politics'.<sup>32</sup> This is a crucial point as much of what has been called 'international terrorism' involves much more than simply a form of surrogate warfare between states or the state-sponsorship of non-state actors using state financing and other support for transnational acts of terrorism in the name of national self-determination.<sup>33</sup> The inter-state communication or the state promotion of the creation of new states that is implied by these descriptions ignores the domestic element of much that is, at first glance, strictly inter- or transnational.

Martha Crenshaw has pointed out that 'terrorism is a threat to the prestige of states, not to their actual military and economic capabilities'.<sup>34</sup> Equating prestige, or a reputation for power, with authority in domestic politics, she demonstrates that in three cases of democratic states responding to incidents of international terrorism, domestic politics played a key role in the adoption of a military response.<sup>35</sup> In discussing governments that use terrorism as an instrument of internal control, Adam Roberts points out their tendency 'to drive internal opposition into foreign exile and then, having done so, to hunt opposition members down with hit squads'.<sup>36</sup> Both the Libyan government under Colonel Gaddafi and the Chilean government under General Pinochet have done this. As Lawrence

Freedman points out, to the extent that the internal opposition engages in insurgent terrorism, this kind of state terrorism merges into a kind of exported counter-terrorism.<sup>37</sup>

If we turn again to Figure 1, this interaction between the internal and the external, domestic politics and international politics, can also be discerned. If we translate the four established modes of communication between controller and controlled from the national to the international level, the social and political become the province of diplomacy, cultural exchanges and trade, the coercive/repressive becomes the province of international law and economic sanctions, while the overtly violent becomes the province of external war (usually involving the breakdown of diplomatic relations). If, following Schmid, Stohl, and Flemming, we see the entire spectrum at the national level as 'political', varying in degree of conventionality and of violence, we can do the same at the international level, viewing all phenomena as forms of diplomacy that vary in degree of conventionality (*covertly trading arms for hostages being highly unconventional*) and of violence (*'gunboat diplomacy' being the most violent*). This is consistent with von Clausewitz's famous dictum that war is 'a continuation of policy by other means'.

The one major complication in translating from the national to the international level in this way is that while such a translation implies a simple state-to-state interaction between 'controlling' states and 'controlled' states, it really involves combining different levels of collective identity: the subnational group, the national group, the ethnic or ideological group that transcends national borders and so on. This magnifies the communicative complexity of the vertical and diagonal interactions that are possible between various controllers and controlled. For example, a government could sponsor a non-state terrorist group that attacks the citizens of another government to coerce that government to change its foreign policy with regard to a third government that the terrorist group considers its enemy. What are the relationships among the three governments and their various constituencies? A full analysis of the resulting communication network is clearly beyond the scope of this article.<sup>38</sup> Suffice it to say that the international dimension introduces an exponential increase in the degree of communicative complexity depicted in the model presented in Figure 1.

As a first step to sorting out this complex communication network and the place of terrorism in it, let us now examine each zone of ambiguity identified in Figure 1, in turn, to see where foreign influence is most likely to threaten or be perceived to threaten the national security of any one state. In the areas of politics and protest, espionage and subversion by foreign agents could have a considerable impact on national security, both in terms of influencing the process of government and moving protest movements in the direction of violence. Domestic politics can become

affected by ethnic or ideological conflicts abroad when immigrants import their conflicts into their adopted country and get involved in domestic social, cultural or political movements. One government's liberal refugee policy that accepts people fleeing conflict in their home countries can be perceived by that home government as providing sanctuary and support for insurgents planning revolution abroad. This could, in turn, attract covert surveillance or even hit squads from government agents of the immigrant's home country. As Lawrence Freedman points out, 'refugee camps serve as natural bases and sources of recruits for an insurgency'.<sup>39</sup> The same can be said for ethnic communities and this aspect of the international dimension in security threats has received considerable attention in Canada.<sup>40</sup> In his recent examination of terrorist memoirs since the 1880s, David C. Rapoport highlights the importance of population dispersion as one variable underlying the international dimension in terrorist campaigns over the past century.<sup>41</sup>

In the areas of security intelligence and subversion, a foreign influence could be achieved through espionage in the former case and seditious conspiracy in the latter, whereby covert organizations planning symbolic attacks on public property could be convinced to attack persons instead. Infiltration and subversion of domestic groups by foreign agents or subversion of indigenous members of political groups, both within and outside government, are two classic modes of foreign influence. The Soviet Union has often been accused of subverting dissident groups in the Third World to adopt revolutionary ideologies and tactics. One government's security intelligence agency could influence another government's security intelligence agency to attack citizens that the foreign government considers a threat. In Canada, there has been controversy in the past over American pressure on Canadian security forces to attack left-wing activists in Canada. Similarly, there is current controversy over alleged Indian pressure on CSIS to target Canadian Sikhs. Another kind of foreign influence related to security intelligence and subversion is the training by agents of one state's security forces of another state's security forces to engage in covert action and subversion against their own citizenry. The Central Intelligence Agency has been the target of many such accusations by radical insurgent groups in the Third World.

Finally, in the areas of state terrorism and insurgent terrorism, the principal forms of foreign influence would be the provision of funding, weaponry, training and other forms of state sponsorship, such as diplomatic support. There is also what Martha Crenshaw calls 'a transnational contagion process', whereby tactics and target selection by terrorists within one country are modeled on those developed abroad: 'West European, American, and Canadian organizations modeled their actions on third world revolutionary groups'.<sup>42</sup> Of course, this more indirect influence can be taken as evidence

of more direct influence by foreign intelligence agencies and has led to claims of a terrorist international conspiracy or terror network. No matter what their credibility in social scientific circles, in the area of threat assessment and security intelligence, such conspiracy theories are taken quite seriously and are usually the product of wishful thinking that there is an easy answer to the problem at hand. Foreign influence could also take the form of economic sanctions directed against states that terrorize their own citizenry or that sponsor transnational terrorist groups.

There is one aspect of the international dimension in security threats that is receiving more and more attention in Canada and that has considerable potential for sacrificing individual rights in the name of national security. This relates to activities of immigrants and refugees in their adopted country that was referred to above. While Canada is not known as a safe haven for terrorists who seek refuge while planning attacks abroad, this country has become a haven for many people fleeing conflict at home and who, once they settle here, may work actively to achieve political change in their native country. Canada has experienced, in recent years, several cases in which members of ethnic communities within Canada have been accused of planning or actually perpetrating acts that would fall under the definition of a national security threat as described in paragraph (c), that is, planning terrorist attacks against representatives of their home country either in that country, abroad, or in Canada itself.

From an intelligence standpoint, it is often extremely difficult to distinguish between activities, such as fundraising, that are designed to aid political violence back home and those that are not, as successive British governments have discovered when trying to convince Irish Americans not to support IRA activities. This security-related problem can have an impact on a wide variety of procedures in the area of immigration, such as refugee status determination and the granting of visas, landed immigrant status, and citizenship. Furthermore, the issue of group targeting arises once again in that specific ethnic communities within a state could become the target of special attention and its members could be recruited as informers or subjected to intrusive techniques on the assumption that security-related offences are being planned within these communities.

The problems that this raises for the protection of individual rights and the promotion of racial and religious tolerance in an increasingly multicultural society highlight, once again, the dangers of focusing exclusively on security needs at the expense of individual rights. On the other hand, an exclusive focus on the rights issues can blind us to the ironic fact that, due to the covert nature of the activities that fall under the purview of security intelligence, it is just those techniques which intrude

most dramatically on the rights of those individuals targeted that appear to offer the most promise in revealing security threats.

### **Conclusion: Democracy and the Delicate Balance**

It takes considerable political will for controllers to contain the battle with dissidents and insurgents within the rule of law even when the controlled promote, threaten or use violence, either covertly or overtly. Most people will sacrifice their freedom for security if they feel threatened enough. This is as true for the controlled as for the controller and has been demonstrated repeatedly throughout human history. Democratic forms of government, even imperfect ones (Ancient Greece practiced slavery), are comparatively and historically quite rare. What makes them imperfect is the delicate balance that must be maintained between seemingly contradictory elements: loyalty and dissent, as embodied in the 'loyal opposition', public representation and private conscience, whereby the elected official votes his or her private conscience and is judged by the electorate on their public record, and freedom and law, whereby individual rights to free expression, free speech, freedom of assembly and so on are enjoyed within the confines of the law and, when the law is applied, the state's monopoly on violence is exercised in deference to the freedom of others and the rights of the accused.<sup>43</sup>

While security intelligence agencies must watch out for threats to national security, they must do so within the context of the value our democratic societies place on individual rights. Otherwise, such agencies would not be much different from the secret police of a totalitarian state or the revolutionaries who place the interests of the collective above those of the individual. While oversight committees, review agencies or parliaments must watch out for threats to individual rights, they must do so within the context of the value we place on national security.<sup>44</sup> Otherwise, our watchdogs and politicians would not differ substantially from anarchists and libertines who place individual freedoms above the needs of the collective.

In a democracy, where a delicate balance between individual rights and security needs must be maintained, such tensions as have been identified in this article are inevitable. It is an integral part of the democratic process itself that such issues must be confronted and discussed openly. By demonstrating the intimate relationship between forms of social control and forms of advocacy, protest, and dissent, the model presented here helps both the researcher and the policy-maker to recognize those difficult choices that must be made when faced with an inherently ambiguous phenomenon such as terrorism or a national security threat.

## NOTES

1. 'Domestic Security: Issues for Democracy', Centre for Public Law and Public Policy, Osgoode Hall Law School, York University, Toronto, May 1987. This article is a revised and expanded version of a paper delivered at this conference, entitled 'Terrorism, Counterterrorism and National Security'.
2. The full text of the definition of 'threats to the security of Canada' in section 2 reads as follows:

'threats to the security of Canada' means

- (a) espionage or sabotage that is against Canada or is detrimental to the interests of Canada or activities directed toward or in support of such espionage or sabotage,
- (b) foreign influenced activities within or relating to Canada that are detrimental to the interests of Canada and are clandestine or deceptive or involve a threat to any person,
- (c) activities within or relating to Canada directed toward or in support of the threat or use of acts of serious violence against persons or property for the purpose of achieving a political objective within Canada or a foreign state, and
- (d) activities directed toward undermining by covert unlawful acts, or directed toward or intended ultimately to lead to the destruction or overthrow by violence of, the constitutionally established system of government in Canada, but does not include lawful advocacy, protest or dissent, unless carried on in conjunction with any of the activities referred to in paragraphs (a) to (d).

A recent controversy over the activities of a CSIS informer in a major Quebec labour union led to the decision to abolish the countersubversion branch of CSIS and to transfer any active files into the counterespionage and the counterterrorism branches. This administrative move highlights the grey areas that exist between what, at first glance, appear to be distinct categories of security threat.

3. Keynote address, conference on 'Domestic Security: Issues for Democracy'.
4. See, for example, Joseph M. Melnichak, 'Why Worry About Europe? We Have Terrorists at Home', *The Washington Post National Weekly Edition*, 2 Feb. 1987, p.25. But see also Bruce Hoffman, 'Right-Wing Terrorism in West Germany', Rand Paper P-7270 (Santa Monica: Rand Corporation, 1986) and Eva Kolinsky, 'Terrorism in West Germany', Juliet Lodge (ed.), *The Threat of Terrorism* (Brighton: Wheatsheaf Books, 1988), pp.71-80, for discussions of transnational links.
5. See Table 1.13 of Alex P. Schmid *et al.*, *Political Terrorism: A new guide to actors, authors, concepts, data bases, theories, and literature* (New Brunswick, NJ: Transaction Books, 1988), p.58. This table is, in turn, inspired by my own model of the continuum of reciprocal modes of political communication that take place between controller and controlled and the place of terrorism in this continuum. See Ronald D. Crelinsten, 'Terrorism as Political Communication: The Relationship between the Controller and the Controlled', Paul Wilkinson and A.M. Stewart (eds.), *Contemporary Research on Terrorism* (Aberdeen: University of Aberdeen Press, 1987), p.15, Figure 3.
6. See Ronald D. Crelinsten, 'Terrorism as Political Communication', especially pp.14-17.
7. The following analysis is based on a model that was developed elsewhere to address the broader issues of legitimacy, power and sociopolitical context that are so often ignored in the current literature (see Ronald D. Crelinsten, 'Terrorism as Political Communication', pp.3-23). In the analysis that follows, this model is developed further and is applied to the specific issue of national security threat assessment and the questions that it raises for a democratic society.
8. For a detailed case study of how the media becomes involved in the dialogue between insurgent and state actors, see Ronald D. Crelinsten, 'Power and Meaning: Terrorism as a Struggle over Access to the Communication Structure', Paul Wilkinson and A.M. Stewart (eds.), *Contemporary Research*, pp.419-50. For more general treatments of the relationship between the media and terrorism, see Alex P. Schmid and Janny de Graaf, *Violence*

as *Communication: Insurgent Terrorism and the Western News Media* (London and Beverly Hills: Sage, 1982); Edward S. Herman, *The Real Terror Network: Terrorism in Fact and Propaganda* (Boston: South End Press, 1982), pp.139-99; Abraham Miller, *Terrorism, the Media and the Law* (Dobbs Ferry, NY: Transnational, 1982). For more complete bibliographies, see Robert G. Picard and Rhonda S. Sheets, *Terrorism and the News Media Research Bibliography* (Columbia, So. Carolina: Association for Education in Journalism and Mass Communication, 1986); George Gerbner, *Violence and Terror in the Mass Media: a Consolidated Report of Existing Research* (Philadelphia, PA: UNESCO, 1987).

9. Some of the more extreme actions of the Israeli military in controlling the recent Palestinian uprising, such as systematically beating protesters or the more isolated case of burying people alive, can be viewed as a drift toward more terroristic tactics that stretch or even break the rule of law or military rules of engagement. As for the uprising itself, its persistence, coupled with recent developments surrounding the declaration of an independent Palestinian state, its recognition by other states and the establishment or upgrading of diplomatic contacts between the Palestine Liberation Organization (PLO) and the Western states, most notably the United States, suggest that terrorism has shifted from being a central strategy to constituting a peripheral tactic that is increasingly isolated from a major diplomatic initiative by the PLO on the international front. On the 'domestic' front, in the Israeli-occupied territories, the continuing uprising appears to represent a shift away from terrorism to open confrontation on a mass scale, though it lacks the sophisticated weaponry and large-scale organization of military or guerrilla warfare. Recent terrorist attacks can be viewed as tactical support for this wider strategy, either as complements to it or as claims for inclusion, or as attempts to undermine the larger diplomatic initiative by the PLO. The possibility of such shifts in strategy and tactics will be examined in detail in later sections of this article. But see Ariel Merari *et al.* 'The Palestinian Intifada', *supra*.
10. For a description of the complex relationship between terrorism and insurgency in South Africa that pays scant attention to the complementary relationship between state terrorism and counterinsurgency see Frederick McA. Clifford-Vaughan, 'Terrorism and Insurgency in South Africa', Paul Wilkinson and A.M. Stewart (eds.), *Contemporary Research*, pp.270-89.
11. For a discussion of the public debate in West Germany over anti-terrorist legislation and other stringent countermeasures, see Eva Kolinsky, 'Terrorism', p.80-86. For a critical discussion of the use of supergrasses in Northern Ireland, see Steven C. Greer, 'The Supergrass System in Northern Ireland', Paul Wilkinson and A.M. Stewart (eds.), *Contemporary Research*, pp.510-35. For the policy of internment in Northern Ireland, cf. Kevin Boyle, Tom Hadden and Paddy Hillyard, 'The Facts on Internment in Northern Ireland', Ronald D. Crelinsten, Danielle Laberge-Altmejd and Denis Szabo, *Terrorism and Criminal Justice*, Part II (Lexington, MA: Lexington Books, 1978), pp.103-15. For a recent bibliography of 'Critiques of state countermeasures against insurgent terrorism', see Alex P. Schmid *et al.*, *Political Terrorism*, pp.427-9.
12. See Maurice Tugwell, 'Terrorism and Propaganda: Problem and Response', Paul Wilkinson and A.M. Stewart (eds.), *Contemporary Research*, pp.409-18 for a lucid discussion of the relationship between revolutionary propaganda and insurgent terrorism. His suggestion for 'an acceptable doctrine of counterpropaganda to complete counterinsurgency' (p.415) recognizes explicitly the propaganda needs of the controller (to counter the propaganda of the controlled) but the prefix 'counter' implicitly legitimizes the former at the expense of the latter. This is also true, of course, for most discussions of counterterrorism and terrorism. For a discussion of the dangers of national security ideology in promoting state terrorism and similar excesses of the controller, see George A. Lopez, 'National Security Ideology as an Impetus to State Violence and State Terror', Michael Stohl and George A. Lopez (eds.), *Government Violence and Repression: An Agenda for Research* (Westport, CT: Greenwood Press, 1986), pp.73-95).
13. Ronald D. Crelinsten, 'The Internal Dynamics of the FLQ During the October Crisis of 1970'. *Journal of Strategic Studies* 10 (4) (Dec. 1987), p. 82. While I was talking

about insurgent groups in this article, the same could be said of vigilante terrorists or state terrorists.

14. I am grateful to Richard Henshel, sociologist at the University of Western Ontario, for having brought such an interpretation to my attention.
15. Clearly, the four established modes of interaction identified in Figure 1 can be viewed as political in the sense of communicating in some way about policies and power relationships – what I have called ‘political communication’. Similarly, my three reciprocal zones of ambiguity can all be viewed as forms of political communication that vary in level of violence, degree of overtness (clandestinity) or number of individuals involved. In developing their spectrum of political action as inspired by the earlier version of this model, Alex Schmid, Michael Stohl and Peter Flemming have recognized the political nature of all the phenomena in the model. They divide their typology into three kinds of political action: conventional politics, unconventional politics, and violent politics (see Alex P. Schmid, Michael Stohl and Peter Flemming, ‘Terrorism and Related Concepts: Typologies’, Alex P. Schmid *et al.*, *Political Terrorism*, pp.58–9).  
While their three types of political action do correspond somewhat to my three zones of ambiguity, the overt/covert, legal/illegal and nonviolent/violent distinctions described in my original model are not fully captured by their conventional/unconventional/violent distinctions. While their three labels apply most closely to the activities of the controlled, there seems to be a greater problem applying the triple typology to the controller, since many unconventional and violent forms of political action by the state are actually quite conventional. Here we see the difficulty of breaking beyond the legitimating mantle of much of what the controller does in the name of national security. This will be discussed in greater detail below.
16. I recognize that in the area of criminal justice this distinction is not so neat. In Canada, for example, the administration of justice generally falls under provincial jurisdiction while legislation is created primarily at the federal level. In the United States, criminal justice is generally a state responsibility, including legislation, although certain offences are federal crimes and are handled by the Federal Bureau of Investigation. These can include some politically motivated offences, if they involve crossing state lines, as in skyjacking or some kidnappings, or if they attack federal politicians or officials, as in some assassinations.
17. See Paul Fromm, *Political Terrorism and The Peace Movement in Canada* (Toronto: Citizens for Foreign Aid Reform, 1985) for a classic conspiracy theory along these lines. Fromm attempts to link a 1982 series of bombings by Direct Action (including the bombing of Litton Systems, the company that manufactures the guidance system for cruise missiles) with the larger peace movement, in particular Canadian churches, suggesting that ‘the ideas and the major tactics have been dictated, in large measure, by a network of members of the Communist Party of Canada’ (p.11). The Mackenzie Institute for the Study of Terrorism, Revolution and Propaganda, based in Toronto, is another group that sees the international peace movement as a cover for Soviet subversion and disinformation (see Jack Rosenblatt, ‘Soviet Propaganda and the Physicians’ Peace Movement’, Mackenzie Paper No.6. Toronto: The Mackenzie Institute, 1988; Randall Heather, ‘Terrorism, ‘Active Measures’ and SDI’, Mackenzie Paper No.3. Toronto: The Mackenzie Institute, 1987, especially pp. 13–14. Some years ago, a Canadian official in the Police and Security Branch of the Solicitor General’s Department created quite a flap when, during an interview, he stated that every group with the word ‘peace’ in its name was suspect. During the late 1960s and early 1970s, the independence movement in Quebec was, in similar fashion, routinely suspected of foreign influence, either by communist states such as Cuba or by France.
18. For a discussion of how a national security ideology can lead to state violence and terrorism, see George A. Lopez, ‘National Security’. For a recent collection of essays that examines the relationship between ideology and terrorism in a wide variety of contexts and periods, including both nonstate and state forms, see Noel O’Sullivan (ed.), *Terrorism, Ideology, and Revolution: The Origins of Modern Political Violence* (Brighton: Wheatsheaf Books, 1986).
19. A recent conference on ‘Advocacy, Protest and Dissent’, sponsored by the Canadian Security Intelligence Review Committee that is responsible for external oversight of

- CSIS, and held at Queen's University, Kingston, Ontario, 25–27 Feb. 1988, examined a wide range of cases involving different states' approaches to political dissent of varying ideological stripe. Cases included Canada, the United States, Italy, Latin America and Eastern Europe.
20. This is what Schmid, Stohl and Flemming call 'unconventional politics' ('Terrorism and Related Concepts', p.58).
  21. While Schmid, Stohl and Flemming (ibid.) suggest that surveillance or infiltration of opposition groups by state agents is unconventional, it is increasingly obvious that such methods of control are becoming more and more routine. It has even been argued that when such intrusive methods break the rule of law, resulting commissions of inquiry end up legitimizing them by institutionalizing them under supposedly more rigorous procedural controls. See Jean-Paul Brodeur, 'Legitimizing Police Deviance', Clifford Shearing (ed.), *Organizational Police Deviance* (Toronto: Butterworth, 1981), pp.127–60. Brodeur, who himself worked for several commissions of inquiry, goes so far as to suggest that no amount of legal safeguards can do away with the tendency to confuse lawful dissent with illegal behaviour: 'Striving to prevent political policing from hampering the right to dissent is as hopeless as trying to keep a stake from casting its shadow' (Jean-Paul Brodeur, 'High Policing and Low Policing: Remarks about the Policing of Political Activities', *Social Problems* 30(5) (1983), 507–20, at 512. For Brodeur, 'high policing' represents political, proactive policing, while 'low policing' represents criminal, reactive policing). Perhaps it can equally be argued that nonviolent political actions such as strikes and demonstrations are becoming more and more conventional as well. For a critical discussion of the intelligence issue in the specific context of terrorism, see Ken G. Robertson, 'Intelligence, Terrorism and Civil Liberties', Paul Wilkinson and A.M. Stewart (eds.), *Contemporary Research*, pp.549–69.
  22. Keynote address by then Deputy-Commissioner and Commissioner-designate, Norman Inkster, conference on 'Domestic Security: Issues for Democracy'.
  23. See Jean-Paul Brodeur, 'Legitimizing Police Deviance', p.148. See also Gary T. Marx, 'Ironies of Social Control: Authorities as Contributors to Deviance through Escalation, Nonenforcement, and Covert Facilitation', *Social Problems* 28(3) (1981), 221–46.
  24. Ted Finn, keynote address at conference, 'Domestic Security: Issues for Democracy'.
  25. It was the Crown itself that withheld the information, not CSIS, and it involved an RCMP investigation, not a CSIS one. In other words, the withholding of information in the name of national security occurred *during* a criminal prosecution, not during a security investigation that preceded a criminal prosecution.
  26. For a more detailed discussion of the shock value of atrocity and its centrality to the terrorist strategy, see David C. Rapoport, 'The Politics of Atrocity', Yonah Alexander and Seymour Finger, *Terrorism: Interdisciplinary Perspectives* (New York: John Jay, 1977), pp.45–61. See also David C. Rapoport, 'Fear and Trembling: Terrorism in Three Religious Traditions', *American Political Science Review* 78 (1984), 658–77; David C. Rapoport, 'Introduction to Part II', David C. Rapoport and Yonah Alexander (eds.), *The Morality of Terrorism* (New York: Pergamon, 1982), pp.127–32.
  27. For a recent compilation of national legislation of English-speaking countries relating to terrorism and other forms of ideological and political violence, see Yonah Alexander and Allan S. Nanes (eds.), *Legislative Responses to Terrorism* (Dordrecht: Martinus Nijhoff, 1986). The only countries that have enacted legislation specifically referring to terrorism in its title are: Pakistan [Suppression of Terrorist Activities (Special Courts) Act 1975], Sri Lanka [Prevention of Terrorism (Temporary Provisions) Act 1979 and 1982] and the United Kingdom [Prevention of Terrorism (Temporary Provisions) Act 1984]. The UK Act has since been rendered permanent. For a critical discussion of 'terrorism-specific' statutes in the United States, see Brent L. Smith, 'Antiterrorism Legislation in the United States: Problems and Implications', *Terrorism: An International Journal* 7(2) (1984), 213–31. In Canada, there has also been pressure to create terrorism-specific legislation and the Law Reform Commission of Canada, in its draft criminal code, has even proposed the inclusion in 'first-degree murder' of all murder committed 'for terrorist or political motives' (cf. Draft Criminal Code, Part II, 'Crimes Against the Person', Article 40 (2) (d), Law Reform Commission of Canada, *Report 30: Recodifying*

*Criminal Law, Volume 1.* (Ottawa: Law Reform Commission of Canada, 1986), p.108, also pp.55-6).

- The major criticism of such attempts is that recognizing a separate category of political crime goes against the common-law tradition that refuses to recognize motive in the determination of guilt and, in doing so, could lend legitimacy to the terrorist act (cf. Ronald D. Crelinsten, Danielle Laberge-Altmejd and Denis Szabo, *Terrorism and Criminal Justice*, Part I, p.18; Canada, *The Report of the Senate Special Committee on Terrorism and the Public Safety* (Ottawa: Supply and Services, 1987), p.32). In her preface to a recent collection of essays on the European response to terrorism, Juliet Lodge refers to a 'qualified consensus . . . that terrorist acts constitute criminal rather than political offences and should be prosecuted as such' (Juliet Lodge (ed.), *The Threat*, p.xii).
28. For a more detailed discussion of these problems, see Ronald D. Crelinsten, Danielle Laberge-Altmejd and Denis Szabo, *Terrorism and Criminal Justice* and Ronald D. Crelinsten, 'Limits to Criminal Justice in the Control of Insurgent Political Violence: a Case Study of the October Crisis of 1970', unpublished doctoral dissertation, Université de Montréal, 1985.
  29. The War Measures Act has since been replaced by an Emergency Regulations Act that establishes four levels of emergency ranging from natural disasters to war. While some argue that this will decrease the possibility of abuse of civil liberties by introducing a series of graded response options to government, others argue that the new legislation will simply quadruple the opportunities for abuse.
  30. Adam Roberts, 'Terrorism and International Order', Lawrence Freedman *et al.*, *Terrorism and International Order* (London: Routledge & Kegan Paul, 1986), pp.7-25, at p.15.
  31. By placing the rule of law in the category of conventional politics and juxtaposing this with the 'oppression' of unconventional politics and the 'violent repression' of violent politics, Schmid, Stohl and Flemming ('Terrorism') fail to recognize the violent, if restrained, nature of the judicial model, nor the conventionalized nature of this state violence.
  32. See R.J. Vincent, 'Introduction', Lawrence Freedman *et al.*, *Terrorism*, pp.1-6, at p.2.
  33. See Alex P. Schmid, Michael Stohl and Peter Flemming, 'Terrorism', pp.41-3, for a discussion of the problems inherent in defining international terrorism.
  34. Martha Crenshaw, 'The Meaning of Terrorism for World Order', a revised version of a paper prepared for the 24th Annual Convention of the International Studies Association, Mexico City, April 1983, p.22 (quoted from manuscript).
  35. Martha Crenshaw, 'The Meaning', pp.22-7. The three cases were Israel's Entebbe crisis in 1976, West Germany's Mogadishu crisis in 1978, and the United States' Iran crisis in 1979.
  36. Adam Roberts, 'Terrorism', p.11.
  37. Lawrence Freedman, 'Terrorism and Strategy', Lawrence Freedman *et al.*, *Terrorism*, pp.56-76, at p.67.
  38. See Lawrence Freedman, *ibid.*, pp.64-7, for a good survey of the kinds of transnational and international strategies that can exist.
  39. Lawrence Freedman, *ibid.*, p.69.
  40. Paragraph (c) of section 2 of the CSIS Act defines the threat of terrorism and political violence as 'the threat or use of serious violence . . . within Canada or a foreign state' (emphasis added). The inclusion of the words 'or a foreign state' is clearly designed to include acts of terrorism or political violence that are planned in Canada, but that aim at a foreign government.
  41. See David C. Rapoport, 'The International World As Some Terrorists Have Seen It: A Look at a Century of Memoirs', *Journal of Strategic Studies* 10 (4) (Dec. 1987), 32-58.
  42. Martha Crenshaw, 'The Meaning', p.8.
  43. I am indebted to Charles Hampden-Turner, *Maps of the Mind: Charts and Concepts of the Mind and its Labyrinths* (New York: Macmillan, 1981) for these telling examples (see Map 58/Level 9, pp.200-203).
  44. Martha Crenshaw ('The Meaning') has pointed out that, in the international context,

nations tend to adopt what she calls 'unilateralism' in their response to the terrorist threat. It is this tendency to be guided by national interest rather than universal principles that lies at the root of the limited successes in the area of international cooperation (Ronald D. Crelinsten, Danielle Laberge-Altmejd and Denis Szabo, *Terrorism and Criminal Justice*, p.40). This paradoxical relationship between the demands of 'national security' and the importance of international cooperation in achieving true national security is a central element in the impact of terrorism on international order.