

**GOVERNMENT RESPONSES TO TERRORISM
IN THE LIBERAL DEMOCRATIC STATE**

GOVERNMENT RESPONSES TO THE THREAT OF TERRORISM
IN THE LIBERAL DEMOCRATIC STATE
A COMPARATIVE EXAMINATION OF PUBLIC POLICY EFFORTS
IN THE UNITED KINGDOM, SPAIN, ITALY AND THE
FEDERAL REPUBLIC OF GERMANY

By

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**TITLE: Government Responses to the Threat of Terrorism in the Liberal
Democratic State: A Comparative Examination of Public Policy
Efforts in the United Kingdom, Spain, Italy and the Federal Republic
of Germany**

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ABSTRACT

Why have some governments been more successful than others in responding to the threat of domestic terrorism within their states? This thesis seeks to analyze the conditions of effective response to the threat of terrorism in the liberal democratic state.

The working assumption of this thesis is that the type of terrorist phenomenon shapes the appropriate policy response. Each terrorist act requires a unique response determined by the particulars of the situation. Since some of the potential responses to terrorism pose an equal, if not greater, threat to democratic freedoms than does terrorism itself, a balanced response to terrorist activity is necessary. It is the right dose of flexible tolerance which will safeguard the liberal democratic balance between the rights of the individual and the security of the whole community.

This thesis will provide a comprehensive analysis of the more widespread and potentially destabilizing nationalist terrorism - using the case studies of the Irish Republican Army and Spain's Euzkadi ta Askatasuna; and the threat of revolutionary terrorism - using the case studies of Italy's Red Brigades and the Federal Republic of Germany's Red Army Faction.

This thesis will look at the full range of policy options that may be open to governments in responding to terrorism: anti-terrorist legislation; intelligence; military/police/security cooperation; and media management.

Governments, understandably, do not release the full details of their counter-terrorism procedures. Recent data references are difficult to find. It is for these reasons that the timeframe of this thesis will be restricted primarily to the period between the mid-1960s to the early 1980s.

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TABLE OF CONTENTS

| | |
|-----------------------------------------------------------------------------------------|-----|
| ABSTRACT | iii |
| ACKNOWLEDGEMENTS | v |
| CHAPTER I: RESEARCH DESIGN AND METHODOLOGY | 1 |
| Introduction | 1 |
| Purpose and Scope | 3 |
| Policy Options | 5 |
| Theories of Terrorism | 10 |
| Nature and Sources of Terrorism | 12 |
| Terrorism Definition | 18 |
| Summary | 23 |
| Notes | 26 |
| CHAPTER II - CASE STUDIES: NATIONALIST VERSUS REVOLUTIONARY TERRORISM | 27 |
| Introduction | 27 |
| Nationalist Terrorism | 28 |
| Revolutionary Terrorism | 42 |
| Summary | 52 |
| Notes | 56 |
| CHAPTER III: LEGISLATIVE, POLITICAL AND SECURITY MEASURES TO COUNTER TERRORISM | 57 |
| Introduction | 57 |
| Anti-terrorist Measures in the U.K. | 58 |
| Anti-terrorist Measures in Spain | 69 |
| Anti-terrorist Measures in Italy | 78 |
| Anti-terrorist Measures in Germany | 86 |
| Summary | 92 |
| Notes | 95 |

| | |
|----------------------------------------------------------------------------|---------|
| CHAPTER IV: INTERNATIONAL POLICY EFFORTS AT CONTROLLING TERRORISM | 97 |
| Introduction | 97 |
| International Anti-Terrorist Conventions | 98 |
| European Efforts | 102 |
| Summary | 105 |
| CHAPTER V: CONCLUSION | 110 |
| BIBLIOGRAPHY | 122 |

CHAPTER I: RESEARCH DESIGN AND METHODOLOGY

I. INTRODUCTION:

In modern society, terrorism constitutes a potential threat to the stability and, in the extreme, the existence of the liberal democratic state. Terrorism has accounted for numerous assassinations of state officials and innocent citizens, it represents a clear, immediate threat to normal law and order. Many important policy considerations confront a democratic state in trying to counter terrorism and at the same time remain democratic. The provocation of harsh counter-measures, is indeed the aim of many terrorist groups and could present a greater danger to democratic freedoms and institutions than does terrorism itself. The rule of law is fundamental to all liberal democracies, and hence, extensive restraints are placed on the activities of police and security forces. In countering terrorism, states must yield to ensuring that suspected terrorists are entitled to careful protection of their civil liberties and accorded due processes of law. However, this does not mean that liberal democracies cannot develop effective measures, defensive and offensive, to fight back against terrorism.

There are several effective measures liberal democratic states can take to defend their citizens and uphold the rule of law without putting basic civil

liberties and values central to the democratic system at risk. Democracy is at risk when governments respond to the terrorist threat in an overreactive and repressive manner leading to a decline in popular support and legitimacy.

Concurrently, democracy is at risk when it fails to respond to the terrorist threat by underreacting and political inertia leading to the disintegration of the liberal democratic state. Liberal democratic states must respond to the terrorist threat in a firm and determined manner to uphold the rule of law. Since some of the potential responses to terrorism pose an equal, if not greater, threat to democratic freedoms than does terrorism itself, a balanced response to terrorist activity is necessary. The foremost principle must be the objective of the maintenance of the democratic processes of government and the rule of law.

It cannot be sufficiently stressed that this aim overrides in importance even the objective of eliminating terrorism and political violence as such. Any bloody tyrant can 'solve' the problem of political violence if he is prepared to sacrifice all considerations of humanity, and to trample down all constitutional and judicial rights (Wilkinson 1977: 121).

While it is necessary to avoid the easy move to repression as a counter to terrorism, it is equally vital that policy-makers do not allow themselves to be so overcome by democratic sensibilities that their response is weak and vacillating, and characterized by inaction. "It is as much a betrayal of our beliefs and responsibilities to not do enough as to do too much" (Wardlaw 1982: 69).

Governments must refuse to surrender to terrorist extortion and demands. Constitutional authority, law and order, and regime legitimacy must be upheld; and this must be done with firmness and determination.

II. PURPOSE AND SCOPE:

Why have some governments been more successful than others in responding to the threat of domestic terrorism within their states? This thesis seeks to analyze the conditions of effective response to the threat of terrorism in the liberal democratic state.

This thesis will look at the full range of policy options that may be open to governments in responding to terrorism. Governments, understandably, do not release the full details of their counter-terrorism procedures. Recent data references are difficult to find. It is for these reasons that the timeframe of this thesis will be restricted primarily to the period between the mid-1960s to the early 1980s.

By examining the prevalence of terrorism within four liberal democratic states, similarities and differences in specific government responses can be discussed. This thesis will analyze the response to particular threats of terrorism in the United Kingdom, Spain, Italy and the Federal Republic of Germany. This thesis will also examine both the domestic and international constraints to develop effective counter-terrorism strategies.

The working assumption of this research is that the type of terrorist phenomenon shapes the appropriate policy response. Each terrorist act requires a unique response determined by the particulars of the situation. Since some of the potential responses to terrorism pose an equal, if not greater, threat to democratic freedoms than does terrorism itself, a balanced response to terrorist activity is necessary. The keynote of this balanced approach is not panic, repression and overreaction, which actually play into the hands of the terrorists, but a consistent policy of minimizing terrorism's potential rewards.

This thesis will provide a comparative analysis of the twofold threat of domestic terrorism: the threat of the more widespread and potentially destabilizing nationalist terrorism - using the case studies of the Irish Republican Army and Spain's Euzkadi ta Askatasuna; and the threat of revolutionary terrorism using the case studies of Italy's Red Brigades and the Federal Republic of Germany's Red Army Faction. Spain represents a very recent and young democracy, which is of particular importance when compared to the rest of the countries studied here. All of the West European states reviewed are presently members of the European Community which has allowed these states to develop regional agreements - both bilateral and multilateral, in efforts to counter terrorism.

Contemporary terrorism originating from indigenous terrorist groups invariably spills over into the international environment. Therefore this analysis will focus on autonomous, domestic state initiatives, as well as examine collective, (bilateral and multilateral, European) initiatives for international cooperation designed to suppress terrorism.

The legal system and the criminal law provide some of the most basic instruments that authorities have available to counter terrorism. Yet, legislative efforts alone are not enough to deal with the threat of terrorism in the liberal democratic state. The study of how governments respond (or how they should respond) to terrorist violence involves the determination of the major legal, political and humanitarian considerations that shape the decision-making processes. The fundamental issues challenging policy-makers in the counter-terrorism domain concern the development of anti-terrorist legislation and international treaties, the role of intelligence gathering and intelligence agencies, the use of special anti-terrorist police forces and armed forces in a counter-terrorism role, and the way in which the media reporting of terrorist acts might be regulated.

III. POLICY OPTIONS:

In her article, "Terrorism and Counter Terrorism: Institutionalizing Political Order," Jenny Hocking discusses counter-terrorism measures adopted

by certain West European states which have experienced vastly differing forms and degrees of political violence. The close correspondence of the form and extent of counter-terrorism measures between these countries, leads to the suggestion that, while it may not be possible to detail generalizing characteristics which uniformly describe acts of political violence in various countries, it is possible to codify a general strategy of counter-terrorism operations which has been developed with remarkable symmetry across those countries (Hocking 1986: 299).

In observing policy-making in liberal democratic states, this thesis will place emphasis upon the 5 main organizational elements in counter-terrorism strategy: legislation, intelligence, police special squads, military/police/security cooperation, and media management. Over-arching this strategy is a crucial operational aspect linked to this organizational basis of counter-terrorism strategy, the principle of "pre-emptive" application.

1. Exceptional Legislation Most states have some standing emergency laws. Exceptional legislation refers to legislation beyond these laws. Special anti-terrorism legislation may be introduced to counter the threat of terrorism within liberal democracies. Such legislation implies a decision has been taken that terrorism cannot be dealt with by normal legal processes and leads to consequential policy changes in the law, police powers, civil rights and

governmental intrusion into everyday life (Wardlaw 1982: 67). The "exceptional" nature of legislative counter-terrorism lies in its substantive alterations to the processes of criminal justice administration and the capacity for legal systems to maintain common law values.[1]

The development of exceptional legislative measures to counter terrorism is in many ways the most significant aspect of counter-terrorism strategy. Certainly by the definition of new crimes and new criminal justice procedures, exceptional legislation provides a concrete instance of the critical changes to established processes which have occurred in the legislative area.[2] Beyond this, the use of the criminal sanction in dealing with acts of a peripheral political nature is a crucial element in generating public acceptance of the legitimacy of such extra-ordinary legal measures. The use of the criminal sanction through such legislative innovation is therefore a critical element in counter-terrorism strategies, and is the major element which vests legitimacy in counter-terrorism measures generally (Hocking 1986: 301-2).

2. Internal Surveillance A well-developed intelligence capability not only may provide authorities with advance information about a forthcoming terrorist operation, permitting them to take steps to avert the incident or at least to minimize damage, but also aids them in tracking down suspected terrorists and bringing them to justice. By assembling and digesting myriad bits and pieces of

information, experts ultimately seek to predict terrorist behaviour. The importance of intelligence collection has long been noted as the "first line of defence" in counter-terrorism strategies.

The clandestine nature, organizational principles, and tactics of terrorist groups pose particularly difficult problems for security authorities. There is a need for information, in order to take preventive measures, pre-empt planned attacks, deal successfully with terrorist incidents in progress and, when possible, persecute terrorists. Such information is not readily available and hence, the only way to obtain it is by intelligence gathering techniques.[3] Expansion in the domestic intelligence base increases the capacity for internal security organizations to maintain pre-emptive surveillance and control over illegitimate political organizations (Hocking 1986: 302).

Wilkinson notes 3 main tendencies in recent Western intelligence activities: 1) improvements in techniques of "intelligence gathering, infiltration and surveillance, and in data computerization...", 2) improvements in "the machinery for coordination of anti-terrorist operations at the national level", and 3) "greater international cooperation, and exchange of data on international terrorism on a regular basis" (1976: 14).

3. The Development of Police Special Squads The emergence of highly specialized police units to deal with specific types of crimes is an important

aspect of counter-terrorism strategy. There has been no official establishment of a [third] force distinct from the army and police, but the development rather of specific, militarized wings of existing police forces (Hocking 1986: 303). The formation of anti-terrorist squads within each state police force, has provided the means for effecting an increasingly militarized approach to everyday policing, as these squads undergo extensive military and security anti-terrorist training and then return to local duties.

4. Military/Police/Security Cooperation Improved anti-terrorism strategy has called for an increased integration and co-operation between military, police and security organizations. In their counter-terrorism functions, the operations of military, police and security organizations have merged in several ways. Firstly, this has been done with the militarization of specific sections of the police forces referred to above. These units not only train with army personnel, but also receive training on intelligence collection and security matters from the internal security organization (Hocking 1986: 303). Beyond the domestic level of cooperation, improved anti-terrorism strategies have required the international cooperation of these units in the exchanges of training.

5. Media Management The development of a detailed framework for media "cooperation" or "voluntary restraint" rather than outright censorship in reporting

incidents of terrorism provides the final aspect of counter-terrorism technique. The widely-held view of the media as providing terrorists with the "oxygen of publicity" as Britain's (former) Prime Minister Thatcher has described it, has given rise to the belief that media management is a critical element in counter-terrorism planning (Hocking 1986: 304). Such a view suggests that some information control in the reporting of acts of terrorism during times of crisis is essential for the eventual eradication of terrorism in liberal democracies. Rather than impose information control on the media, it is preferable to foster closer liaisons between the government, the police and the media in an effort to establish guidelines which would operate in relation to a crisis incident.

IV. THEORIES OF TERRORISM:

In 1939, psychologist Dr. John Dollard introduced a theory of "frustration-aggression" which has arguably been one of the most influential theoretical approaches in modern social science theory to explain the causes of violence.

He claimed to have proved that humans only become violent if they are frustrated in their efforts to attain a particular goal: severe frustration leads to anger and anger to acts of aggressive violence. (Laqueur 1978: 34).

Dollard's psychological "frustration-aggression" theory was later refined by the "relative-deprivation" theorists led by Ted Gurr. Gurr's relative deprivation thesis used the term,

...to denote the tension that develops from a discrepancy between the 'ought' and the 'is' of collective value satisfaction, that disposes men to violence. The frustration-aggression relationship provides the psychological dynamic for the proposed relationship between intensity of deprivation and the potential for collective violence... (Schmid 1983: 161-162).

Many profound theories have attempted to explain the proliferation of civil violence in general by reference to socio-economic and cultural developments such as responses to feelings of intensifying deprivations and oppression or stresses engendered in states undergoing rapid modernization. However, none of these theories can explain why, or under what precise conditions, people resort to terrorism rather than to other forms of violence (Wilkinson 1986b: 8). The question for deprivation theory, as a dynamic explanation of political violence, is whether the fluctuations in violence are caused by variations in deprivation (Thompson 1989: 690). However, the relative deprivation model does not have much to say on the interesting phenomenon that so many insurgent terrorists are of middle and upper middle class origin, rather than from more deprived sectors of society.

Paul Wilkinson argues that general theories of violence are remarkably unhelpful for the study of terrorism (Schmid 1983: 163). The relationship between economic development and terrorism seems to be tenuous in the extreme. Gurr himself admitted that his findings for the 1960s did not allow generalizations on terrorism in the 1970s (and hence, the 1980s). Laqueur claims it is a myth that terrorism appears wherever people have genuine, legitimate grievances and that the removal of the grievance necessarily correlates with the cessation of terrorism (Schmid 1983: 167). While reforms do not reduce ongoing violence, they may prevent violence if carried out in time (Hewitt 1984: 47). It is therefore very difficult to construct a theory regarding terrorism when there is such little consensus on the boundaries of the subject. More precise and extensive data (not conjecture) on the various terrorist episodes is needed along with voluminous data on the practitioners to extract some common elements and be able to begin on theory construction.

V. NATURE AND SOURCES OF TERRORISM - BACKGROUND:

Before a policy analysis of governmental responses to the threat of terrorism in the liberal democratic state can be undertaken, it is necessary to gain a fundamental understanding of the nature of terrorism. Without any comprehension of the root causes and motives for terrorist violence,

governments will be at a loss in controlling their activities and effects. It is necessary to explain why, in similar socio-economic and political conditions some groups resort to terrorism while others manifest other forms of violence or aggressive behaviour.

Effective action against terrorism requires a better understanding of the terrorist's aims and strategy and an adequate understanding of the terrorist's behavioural patterns and targeting policies. To achieve such an understanding, it is necessary to go beyond a study of the terrorist's motivation and personality to a careful analysis of his actions and his tactics: what techniques he uses, what targets he attacks, how he selects his victims (Fattah 1981: 30). Terror can take many forms, be inspired by various motives, and may be directed against different targets. Typologies of terrorism are, therefore, useful in differentiating and categorizing terrorism; in understanding its "causes", manifestations and impact; in controlling its incidence; and in minimizing its effects (Fattah 1981: 11). A typology of terrorism requires a prior definition of the context and categorization of the different acts which fit the definition. There are inherent difficulties in reaching a neutral or value-free definition of a concept having such strong ideological and emotional overtones. Depending on which side the observer is on in the conflict, identical acts may alternately be labelled as "terrorism" or "revolution" (Ibid). There is no definition

which is universally or unanimously accepted; attempts to reach international consensus on what terrorism is have failed.

In any worthwhile analysis of specific terrorist campaigns it is essential to take into account the unique political, historical, and cultural contexts, and the ideology and aims of the group involved. One needs to interpret the role and effectiveness of terrorism in the overall development of each conflict in which it appears. Is it being used as an auxiliary weapon in a wider strategy of revolutionary warfare? Or is it being used in isolation in a pre-insurgency mode? In many conflicts the use of terrorism is interwoven with a wider repertoire of unconventional warfare, for example, in conjunction with rural guerilla warfare in an all-out bid to topple the governments (Central America for example); but in Western Europe, terrorism is usually seen in its "pure form", that is, unaccompanied by any wider insurgency (Wilkinson 1987: xi). What degree of popular support, if any, do the perpetrators of terrorism enjoy? How severe and prolonged is the violence? Is it merely spasmodic and small in scale and destruction caused? Or is it growing in intensity, frequency and lethality to the point where it threatens to trigger a full-scale civil or international war?(Wilkinson 1987: xiv).

1) Liberal Democracy Versus Totalitarian Regimes

The ground rules for combating terrorism in liberal democracies are far more restrained than in totalitarian regimes, out of consideration for the maintenance of civil liberties and the commonly held belief in the need for a measured response to internal violence, these will remain terrorist targets (Livingstone 1982: 129). Totalitarian states provide a "poor environment for terrorism," at least for terrorism that is not under government control (Jenkins 1982: 11). The main reason for the negligible incidence of terrorism in the former Soviet Union, and Communist states generally was the ubiquity and ruthlessness of their systems of secret police surveillance and control. Under such severe conditions of repression it becomes highly unlikely that terrorist movements would find support (Wilkinson 1986a: 33).

Strict government controls over citizens, over the news media, and over the educational system, combined with a lack of restraint on governmental counter-measures, clearly inhibit terrorism in such states. It may then be inferred, that a society that allows the free movement and association of its citizens, that has a comparatively free press, that possesses an educational system unfettered by governmental control, and that places restrictions on its

government in dealing with dissidents - in other words a democratic society - is vulnerable to terrorism. Democracies are clearly vulnerable to terrorist attacks because of the openness of their societies and the ease of movement across and within frontiers.

Terrorism is primarily directed against governments and societies of liberal democracies, meaning those states which enjoy the benefits of constitutionalist government, democratically elected and sovereign legislatures, established rights of peaceful political opposition and dissent, and effective protection of civil liberties (Wilkinson 1986b: 3). It is almost universally agreed among citizens of liberal democracies that the method of terrorism is morally indefensible in a free society in which, by definition, there are always other ways of campaigning for a cause, methods which do not involve a fundamental attack on human rights of fellow citizens. Once a society becomes launched on a spiral of terror and counter-terror, there may be no way of stopping the carnage. "Terrorism will become interwoven with the criminal subculture: for many it will become a way of life" (Wilkinson 1986: 457).

"Counter-terrorism must never become the Trojan Horse by which totalitarian habits are smuggled into a democratic system" (Gearty 1991: 136). The fortunes of terrorism depend largely on the response it encounters from

both the public and the authorities (Laqueur 1987: 1). In all instances, the authorities have been faced with the need to demonstrate their credibility in combating terrorism without either resorting to the wholesale introduction of repressive measures intolerable and alien to liberal-democratic values, or acquiescing to public pressure for tough reprisals including the reintroduction, in some cases, of the death penalty. Governments must respect a suspect's human rights. Moreover, the recourse to security measures may help to reassure the public that legitimate authorities are "in command" of the situation (Lodge 1981: 5). It is no coincidence that, in liberal democracies, special laws, procedures or forces that move beyond the traditional rule of law, involving the legal suspension of due process, by means of special emergency legislation (embodied in the criminal justice model) have been most often used to combat terrorism where it is persistent (Crelinsten 1989: 245).

The liberal state's tough-line approach means combining harsh and effective temporary measures to isolate and eliminate terrorist cells, their leaders, and their logistic support, with the maintenance of liberal democracy and with a vigorous political life of participation, debate, and reform within the framework of the law. The keynote of this approach is not panic repression and

overreaction, which actually plays into the hands of the terrorists, but a consistent policy of minimizing their potential rewards (Wilkinson 1982: 203).

2) TERRORISM DEFINITION

Most experts agree that terrorism is the use or threat of violence, a method of combat or a strategy to achieve certain goals. That its aim is to induce a state of fear in the victim, that it is ruthless and does not conform to humanitarian norms, and that publicity is an essential factor in terrorist strategy (Laqueur 1986: 88). There is a general recognition that terrorism is a specific method of struggle rather than a synonym for political violence or insurgency; terrorism is not a philosophy or movement (Wilkinson 1986: xi). In defining terrorism, Fromkin suggests:

...the threat of violence and the use of fear to coerce, persuade or gain public attention aims at one psychological result: to increase the probability of compliance (1975: 686).

Livingstone defines the "strategy" of terrorism aims "...to intimidate, to achieve political goals through the threat of violence instead of as a direct result of violence" (1982: 60). Thornton believes terrorism is the use of terror as a "symbolic act" designed to influence behaviour by extranormal means, entailing the use or threat of violence (Thackrah 1987: 30).

Aron notes:

an action of violence is labelled 'terrorist' when its psychological effects are out of proportion to its purely physical result... the lack of discrimination helps to spread fear, for if no one in particular is a target, no one can be safe (Wilkinson 1979: 100).

Simply killing a lot of people has seldom been a terrorist objective - terrorists want a lot of people watching, not a lot of people dead. In the words of an ancient Chinese proverb, "Kill one, frighten ten thousand" (Laqueur 1978: 51).[4] At the beginning of the 1970s, terrorists concentrated their attacks on property. In the 1980s, according to US government statistics, half of all terrorist attacks have been directed against people. The number of incidents with fatalities and multiple fatalities has increased. A more alarming trend in the 1980s has been the growing number of incidents of large-scale indiscriminate violence - calculated to kill in quantity (Jenkins 1987: 153).

i) Terrorism, Assassinations and Guerilla Warfare

Terrorism is a strategy or a tactic which certain groups employ and its immediate aim is to generate fear and confusion in the hope of undermining the public's confidence in the political and military structure of society. The terrorists judge their own "success" or "failure" primarily in terms of political, psychological and propaganda impact rather than purely by the traditional

military criteria of deaths and damage caused. Whereas the assassin wants his victim dead, the terrorist has no particular interest in the fate of his immediate victim. For him the "demonstration effect" matters, not the elimination of a particular human being (Schmid 1983: 61). For terrorists, "the violence is perpetrated in order to operate an effect much greater than the actual physical damage" (Kurz 1987: 2-5). Terrorist tactics and goals are similar to those of guerilla warfare. However, terrorists usually operate in small, deliberately dispersed cells rather than as large formal concentrations of soldiers. Also, terrorism is largely confined to urban areas where terrorists remain inconspicuous.

ii) Terrorism Versus Criminal Violence

Political terror can be differentiated from other forms of violence, agitation, intimidation and coercion by virtue of its extreme and ruthlessly destructive methods. The factor of dependence upon weaponry, combined with the reliance of many terrorist movements and agencies upon a military organizational structure and style, underlines the close relationship between terrorism and war. As a policy, the waging of terror necessarily involves disregarding the rules and conventions of war: noncombatants, hostages, prisoners-of-war and neutrals have no inviolable rights in their eyes (Wilkinson 1986: 454). It has become increasingly clear that ideological and

political violence, to paraphrase Clausewitz, "[are] a continuation of war by other means" for the purpose of compelling the adversary to submit to specific or general demands (Alexander & Myers 1982: 4).

Terrorism has characteristics which distinguish it from other forms of violence. It is indiscriminate in its effects in that nobody is sacrosanct, and this helps to create an atmosphere of fear and helplessness. No one is innocent; all are potentially guilty, if only by alleged association with "class enemies", "imperialists" and "enemies of the revolution" (Wilkinson 1986b: 4). Terrorists themselves endeavour to render their causes legitimate by referring to themselves and their "struggles" in terms that recall the imagery of colonial warfare. The notion of "struggle" is central to many analyses of terrorism. Thus terrorism has been portrayed as a "surrogate class struggle" (Lodge 1988: 3).

One of the manifest differences between "common" criminals and terrorists is that terrorists' objectives are not - at least not primarily or initially - financial gain or other personal advantage; their actions are sparked and guided by ideology, i.e., ideas and objectives that go beyond personal interests and have some altruistic or idealistic appearance (Jenkins 1982: 128-131). A terrorist act, in contrast to a "common" criminal act, must point beyond itself, i.e., the task is not completed with the execution of the act. Unlike other

criminals, they often claim credit for the act. The act is intended to produce effects beyond the immediate physical damage.

iii) Armed Propaganda

A fundamental tactical objective of terrorism has remained that of armed propaganda (Nef 1978: 10). Terrorism must have publicity in order to succeed. "The terrorist act is nothing," writes Laqueur, "publicity is all" (1987: 111). The real goal of most terrorist acts is the propaganda derived from it, not the actual toll measured in lost lives and damage inflicted. The importance of sensational publicity, aided in liberal-democratic countries by a free media is particularly noteworthy. Terrorism feeds on publicity (Merari 1985: 72). The romanticization of terrorism and the sympathetic portrayals of terrorists in the media are major sources of support and recruitment for terrorist organizations.

As "propaganda of the deed", terrorism is widely used to advertise a movement and its cause, to inspire followers and sympathizers to commit further acts of terrorism or insurrection, and as a signal or catalyst for revolution (Wilkinson 1988: 32). Governments must effectively counter the barrage of terrorist propaganda and defamation if the counter-insurgency campaign is to have any hope of success.

VI. SUMMARY

Governments must consistently demonstrate that they will not give in to terrorist blackmail and that violence will not be tolerated. Otherwise, a problem which is essentially a problem of security could very well become a question of the future survival of the liberal democratic state. Terrorists confront liberal democracies internally with a ruthless challenge against the safety of their citizens, the security of the state, and the rule of law. Liberal democratic governments have to decide how to react to terrorist violence, and they have to carry their citizens with them behind their policy. Which policy should they adopt?

The most effective anti-terrorism strategy is likely to be one that uses a mix of policies appropriate to the specific national situation, and coordinated with one another. The particular strategy adopted by any government confronted by a terrorist challenge depends on the nature of the indigenous terrorist threat. The ambiguous nature of the term "terrorism" blurs the precise nature of the situations in which counter-terrorism strategies may be mobilized. It is difficult to determine, without a detailed examination of the specific threat together with a careful analysis of the resources available for employment against it, which strategy or combination of strategies is likely to result in successful execution for the state (Livingstone 1982: 156). "Ultimately no policy and no country can completely eradicate terrorism" (Rubin 1990: xii). Yet to

deny that effective counter-measures can be taken would be misleading since, there have been a number of significant (if not complete) successes in reducing attacks to the minimum, virtually eliminating active terrorist groups and freeing hostages at a relatively low political cost.

In a functioning democracy, tensions are accommodated and dissipated through the political process. A democratic society should act to avoid the development or persistence of conditions that can breed revolutionary groups. To help block the emergence of such groups and to weaken them should they emerge, a democratic society should remember to at least attempt to respond to legitimate demands for reform. All democratic political systems should also offer alternatives to which the discontented can turn. In setting out to control the threat posed by terrorists and other violence prone political extremists with broad-based support and deep-seated grievances, it must be recognized that inasmuch as terrorism is a political problem so too are the most lasting solutions largely political in nature. "No governmental attempt to suppress terrorism has been successful in the absence of a political program designed to eradicate the causes" (Livingstone 1982: 159).

A dialectical process seems to dictate the policy of democratic societies towards terrorism. As long as terrorism is no more than a nuisance, a democracy will rightly resist any attempt to curtail its traditional freedoms. Once terrorism becomes more than a nuisance, once the normal functioning

of society is affected, there will be
overwhelming pressure on the government to
defeat the threat by all available means
(Laqueur 1988: 108).

When all is said and done, it is in the end the right dose of flexible tolerance
which will safeguard the liberal democratic balance between the rights of the
individual and the security of the whole community.

CHAPTER I - NOTES:

1. For example, these alterations may involve vesting in the state the power to proscribe particular organizations through an administration process which is not judicially reviewable; a reversal of the traditional common-law value of "innocent until proven guilty" such that the onus of proof of non-membership lies with the accused; and the extension of the permissible period of detention without charge for specific crimes (See Hocking 1986: 299).
2. The granting of permanent status to exceptional legislation makes it even more difficult to repeal the once exceptional measures. The retention of "emergency" or "temporary" status at least suggests that strong arguments will be required for the extension or continuation of such legislation.
3. A data base is helpful in supporting basic research on terrorism and providing policy-makers with relevant and accurate intelligence. However, due to the nature of the subject, much of the information on specific incidents - relating to intelligence operations is classified. Current data on government spending, personnel deployed, numbers of arrests and convictions, and the analysis of government initiatives is unavailable to those not directly involved in government intelligence and police efforts. Because access remains a problem, researchers are forced to rely upon sometimes biased and often rather incomplete chronologies. Hence, while the employment of a data base may provide useful information on: the frequency of terrorist actions; the degree of change in activities; and the types of actions; it lacks information relevant to answer many important questions for comprehensive terrorism research.
4. Statistics validate this assertion: only 15-20% of all terrorist incidents involve fatalities, and of those 2/3 involve only one death. More recently, terrorist activity over the last 20 years has escalated in volume and bloodshed.

CHAPTER II - CASE STUDIES: NATIONALIST VERSUS REVOLUTIONARY TERRORISM

I. INTRODUCTION:

Rebellion against the state can take many forms and arises from many causes, which should be distinguished if the response is to reinforce just rule rather than to simply crush revolution (Wilkinson 1986b: 3).

Political violence rarely falls neatly into one category; it is more likely to involve several elements, but for political responses to be effective these elements must be recognized. Terrorism as a tactic may be employed in any of these conflicts, and this thesis considers the problems of response which confront a liberal democracy. There is no common policy on, let alone solution to, combating terrorism. Instead, government action reflects different political traditions; it is also often fashioned in response to the type, goals, incidence and origin of terrorist attacks against states or others on their territory.

Government policies must differentiate the specific type of terrorism facing their state. Nationalist terrorism may involve relatively larger numbers of a particular community's members with relevant "deprivations". In the case of the revolutionary terrorists, who are traditionally heralded from the middle-class and higher educated strata of society, mass bases of popular support are not found.

The case study approach has been chosen to facilitate an analysis of terrorism within specific national settings. This chapter will provide a comparative analysis of the twofold threat of domestic terrorism in West Europe: the threat of nationalist terrorism examining the Irish Republican Army and Spain's Euzkadi ta Askatasuna; and, the threat of revolutionary terrorism, examining Italy's Red Brigades and the Federal Republic of Germany's Red Army Faction.

II. NATIONALIST TERRORISM:

(1) IRISH REPUBLICAN ARMY

i) Background

Northern Ireland's Catholic minority has had long standing grievances with the constitutional framework of Northern Ireland. A history of discrimination has faced the Catholic minority, which originates from the time of colonial rule. Catholics argued that discrimination operated at 3 levels. Firstly, at the political level there were restricted franchises and, up to 1968, double member constituencies. There was also extensive evidence of the manipulation of electoral boundaries to give Protestants political control in areas where Catholics constituted a numerical majority.[1] Secondly, at the social level, Catholics alleged discrimination in the allocations of council houses and argued Protestant families were frequently given houses in preference to needier

Catholics. Finally, discrimination was alleged to have taken place at the economic level, through refusing Catholics the same job opportunities as Protestants.[2]

ii) Composition and Recruitment

The goals of the IRA have always been precise: the severing of all ties to Britain and the creation of a sovereign Republic for all 32 counties of Ireland. A constitutional solution to the Northern Irish conflict for the IRA would require the abolition of Northern Ireland. Force has always been considered the major means to achieve these goals. Irish ethnicity has been the basis for both recruitment into the IRA and the support of the general population (Corrado 1988: 379). One of the distinctions of Irish terrorism from other terrorist movements is its social composition, which has been predominantly working class and lower middle class. The natural pool of recruitment is in the economically deprived population, not the universities. "IRA volunteers swim in a sea of relatives and friends" (Hewitt 1984: 14).

The Catholic working class neighbourhoods where unemployment has steadily stood near 40% or higher for the past 20 years, have supplied plenty of new members to replace those who have been imprisoned, retired, or have fled Northern Ireland.[3] The political socialization of young Catholics is also reinforced by the constant presence of British soldiers patrolling their

neighbourhoods. In recent years the Provisional-IRA (P-IRA) has been content to keep their organizations small and be much more selective in recruiting new members. A "junior-IRA" has been established to enable young Catholics to receive an education about the "British occupation". The prison factor also plays an important role in the recruitment of IRA members. Police estimate that 1 in 4 Catholics have been arrested since 1970, and that figure is even higher in working class neighbourhoods where most IRA recruits come from (Soule 1989: 36). Prisons have become recruiting agents for the IRA rather than deterrents.

iii) Official-IRA versus the Provisional-IRA

Since 1972, the Official-IRA (O-IRA) have called a ceasefire and have maintained it (more or less) ever since. The O-IRA wanted to develop a political alternative to the P-IRA line of military action against the British presence. The goal of the O-IRA became the building of a non-sectarian working class alliance of Protestants and Catholics to work for immediate democratic and socio-economic objectives within Northern Ireland (Aughey 1988: 95). The ultimate goal of the P-IRA has been the establishment of a socialist government for the entire island of Ireland led by the political party Sinn Fein.[4] This rather intangible goal is accompanied by the more immediate goal of getting the British out of Northern Ireland and to seek reunification with

Ireland. Their specific tactical objective has been to escalate the cost of military presence in Northern Ireland to the point where public opinion in the rest of the UK brings about a withdrawal. An ancillary outcome of the escalation of IRA tactics as a result of the British presence in Northern Ireland, has been the catalyzing of international public opinion towards Britain finding a resolution to the Northern Irish conflict.

iv) Sinn Fein

Sinn Fein has elected a number of candidates to office since 1982, and has openly represented hard-line nationalist aspirations and has acted as legal spokesman for the P-IRA (Soule 1989: 34). It has made little progress in displacing the grip of constitutional nationalism on the majority of northern Catholics and despite the removal of the ban on participation in the Republic of Ireland's Parliament in 1986, there is little evidence of its being able to make any significant breakthroughs in the future. To deal with increasing IRA violence, in 1971 London instituted a policy of holding suspects without due process. Presumably as a reaction to this practice, the incidence of terrorist acts rose to an all-time high, which has not been surpassed since (Berry 1990: 22). After hunger strikes in 1981, to protest the policy of internment, the IRA was again able to mobilize a surge of sympathy. Consequently, Sinn Fein received more than 13% of the Ulster vote in 1983. IRA terrorism, in reaction

to hard-lined British counter-measures, especially during the period of internment and the hunger strikes did increase the level of IRA support among the Catholic nationalist population. However, the level of support for the IRA, as translated by the number of votes received by Sinn Fein, has generally not risen past a dismal 10%.

v) International Links

Unwillingly, the Republic of Ireland serves as a safe and contiguous sanctuary, conduit for arms and funds, and staging base for the IRA. The Republic does not extradite terrorists suspected of political crimes or allow Northern Ireland or British security forces the right of pursuit across their border (Alexander & O'Day 1984: 252-263). Although they are strongly against the political violence of the IRA, the Republic of Ireland cannot move more strongly because a fair amount of public opinion within the Republic does not consistently favour the repression of "Republicanism" (Alexander & O'Day 1984: 252). It is the policy of the Republic of Ireland's government that a political resolution of the Northern Irish conflict is an essential precondition for the comprehensive eradication of terrorism. Legislative initiatives cannot resolve what must more importantly be addressed by the politicians.

The existence of two jurisdictions in Ireland has meant the P-IRA has been able to elude security forces in the North by disappearing south of border.

No amount of cross border cooperation can replace the "right of hot pursuit", and it is an undoubtedly considerable frustration to British army in the North that, whereas a great mass of population (including terrorists) can cross the border quite freely, the army must observe the territorial limits of the Republic most scrupulously (Moxon-Browne, 1981: 157).

Despite the fact that British governments (and Northern Ireland politicians) accuse the South of being a "haven for terrorists", "soft on IRA", etc., anti-terrorist legislation in the Republic is probably a greater infringement on civil liberties than is tolerated in any other Western liberal democracy at the present time. The P-IRA was much worse off in the Republic up to 1974 than in the UK in that it was proscribed organization there. Since 1976, the IRA has been denied all publicity in Ireland through the media, and since 1988 in the UK (Moxon-Browne 1981: 157).

(2) EUZKADI TA ASKATASUNA

i) Basque Nationalism

The Basque region lies in the north-east tip of Spain and south-west corner of France.[5] The Basque region is ethnically distinct and this is reflected in an idiosyncratic language that has no connection with any other European tongue. Politically, the region has had a long, but rarely unchallenged, record of separate administration. Economically, the Basque

country (with Catalonia) has been one of the more developed parts of Spain, unlike Northern Ireland. Industrial development created a demand for labour and hence, attracted immigration into the Basque country from other parts of Spain, leading to an upsurge in Basque nationalism. The twin pressures of industrialization and political centralization stimulated a revival of Basque nationalism. The Basque language, Euskera, is a central focus for Basque nationalism. From 1936 onwards under the dictatorship of General Franco, the language was banned in public, its teaching forbidden, and books in Basque were burned (Moxon-Browne 1988: 157). Basques were denied political autonomy and, like other Spaniards, lacked democratic rights.[6] The assault on the central cultural features of the Basque country was a deliberate attempt by the dictatorship to stamp out a regionalism that was seen as a threat to the organic unity of the state. However, even before Franco's death in 1975, Euskera was reasserting itself.[7]

ii) Composition and Recruitment

In the 1950s, younger and more radical Basques became increasingly dissatisfied with the Basque Nationalist Party (PNV), and formed Euzkadi Ta Askatasuna (ETA) in 1959 (Hewitt 1984: 18). ETA, seeking "Freedom for the Basque homeland," began as a simple nationalist movement, with Basque independence and reunification as its sole objective. In the era of

the Franco dictatorship, until 1975, practically the entire Basque population backed the terror organization; its members, the Eterras were considered heroes and martyrs who were upholding the honour of a culturally and politically tyrannized people. Since the transformation of Spain's government into a parliamentary monarchy, this silent consensus has broken down as many Basques are no longer able to understand the sense of bloody outrages in a political system seeking to grant other, peaceful means for safeguarding interests. However, a minority within the ethnic majority continues to stand solidly behind the terrorist organization. Due to its political engagement, its methods of enforcement and to the lasting irresoluteness of the remaining political forces in the Basque region, this minority of leftist nationalists exercises an influence in the region greatly exceeding its numerical strength.

ETA came to be a student's group of middle class or lower middle class origin. Ideology has played a greater role in ETA than the IRA. Unlike the IRA, ETA tried not to antagonize their Spanish neighbours in Euzkadi, unless these belong to the security forces. ETA has perceived its struggle as being one of rejecting the political and military occupation by Madrid, not as a struggle against capitalism or economic exploitation; although these themes may sometimes enter ETA's rhetoric. There is no underlying religious strife in Spain as there is in Northern Ireland; in fact, the clergy played a notable role in the revival of Basque nationalism in the nineteenth century. Unlike Northern

Ireland, there is only a slight relationship between ethnicity and class: ethnic Basques have an income 10% higher than non-Basques (Hewitt 1984: 17). While Ulster was among the poorest and most depressed areas of the UK, the historical Basque provinces have traditionally been among the richest and most developed parts of Spain. If the north-west has declined, this has been at least in part, the fault of the insurgency waged by ETA. Almost all the Eterras live with their families and regard service in ETA as a short (approximately 3 years) but stressful part-time occupation that does not interfere with the daily routine of gainful employment (Moxon-Browne 1988: 160).

iii) ETA-politico-militar versus ETA-militar

At the time of its inception, ETA did not advocate armed struggle. However, the harsh repression and the "gratuitous physical suppression" of any gesture symbolic of Basque national identity, quickly threw ETA onto the offensive. By 1974, a more extreme element of ETA broke away and formed ETA-militar (ETA-m), leaving ETA-politico-militar (ETA-pm) as the vanguard of the "2-track" approach: politics and violence in varying proportions (Moxon-Browne 1988: 157). Tension has always existing within ETA between left-wingers with an emphasis on political activism and nationalists with a more straight forwardly violent approach. This dichotomy can be easily paralleled with the existing divisions between the IRA. Similarities may be seen between

the O-IRA and ETA-pm as well as among the P-IRA and ETA-m respectively.[See Note 4]

ETA-pm looked to the building of an alliance between the armed struggle and workers. Its goal included not only Basque freedom but also democratic centralism and the achievement of a truly socialist society. They accepted the need to work within bourgeois liberal structures which were being erected. ETA-pm fought the 1977 elections in a coalition with other left-leaning parties and campaigned for the approval of the autonomy reforms of 1979. ETA-pm came eventually to reject political violence as a method of achieving change. ETA-m is less politically left-wing; and, unhesitatingly committed to Basque freedom and the armed struggle which it is convinced is necessary to achieve it. The major escalation of ETA-m violence came in 1978. This was the period when autonomy proposals were being seriously discussed. ETA-m rejected autonomy for the region.

The new democratic monarchy was regarded by ETA as a "pseudo-democracy" that had pretensions of "reforming" the political system but has not succeeded in dislodging the "poderes facticos" (defined by ETA as the "real powers" - the military, the financial oligarchy and the church) and has in fact, sold out to them (Moxon-Browne 1988: 161). The principal targets of ETA are the members of the Civil Guard, who represent most obviously the "repressive apparatus" of the central government. The group's category of "legitimate"

targets has expanded over time. When attacks on economic targets, kidnapping of innocent civilians and mistakes are taken into account, their violence has now reached the point of indiscriminateness where much of it can now be truly asserted as "terrorist".

ETA has acquired a high degree of self-sufficiency, raising funds from bank robberies, kidnappings, and the imposition of "revolutionary taxes" on Basque businesses. Weapons are either purchased on the international black market or obtained by theft in the Basque country.

iv) Herri Batasuna

Just as the IRA is part of a political movement Sinn Fein, so ETA also has its political branch, Herri Batasuna (HB). Both political parties contest elections. The Madrid government has not prevented, even if it did not welcome, the legalization of ETA's political front, HB. At least, those who sympathize with the terrorists' predicament or who support their aims and their methods are provided with a political alternative to violence. This way it is always possible to engage in dialogue.

The main problem facing ETA since the beginning of its activities has been the lack of mass support. It has claimed to speak on behalf of the whole Basque nation, yet in fact, no more than 10-15% of the Basques have supported its strategy. Strong ETA support is restricted to Guipuzcoa an

Vizcaya (Laqueur 1987: 224). Basque terrorism in Spain definitely belongs to the category of extensive and persistent support within a population overwhelmingly opposed to the central government. As a matter of fact, the Spanish democratic government has found itself carrying over an intransigent attitude towards Basque terrorism which originated in the dictatorial regime of General Franco. Support for the terrorist behaviour as a legitimate method to achieve the separatist goal has diminished as compared to the consistent support for the idea of separation itself. Spanish, including Basque, concerns that terrorism might sabotage the process of democratization have helped not only to expand denunciation of terrorism but also to curb support for ETA.

v) International Links:

The most important international factor for the continued effective functioning of ETA has been the proximity of the French border, and the attitude of authorities, until recently, in the neighbouring republic. For obvious logistical reasons, France has been a traditional operational base for ETA. A Basque population on the French side of the Pyrenees has provided a safe haven for ETA men on the run, and a base from which to launch attacks on the Spanish security forces near the border.

During the years of the Franco dictatorship, ETA's armed struggle was considered, by most Basques, as a just, if ineffective, method of replying to

state violence in kind. In the uncertain years of transition, ETA's military campaign was considered by many as means of ensuring Basque national demands would be treated as a fundamental priority of the future democratic regime. With the consolidation of democracy and the granting of Basque autonomy in 1979 (limited as, this was in the judgement of many Basques) the justification for continuing a campaign of violence no longer existed (Pollack & Hunter 1988: 140).

French authorities have been reluctant to pursue a tough policy toward ETA fugitives seeking refuge on French territory. Firstly, France has long prided itself on being a "terre d'asile", a country to which political refugees from many parts of the world could come. In the Spanish case, this traditional beneficence toward political refugees was reinforced by two other considerations. First, ETA's struggle was regarded by many in France as being akin to the fight of the French resistance in WWII, a fight which was later to be regarded in France as the epitome of patriotism; and the nature of the Franco regime, left the French with a feeling that to extradite Basques to Spain was to consign them to a fate as bad as, if not worse than, death. The French government was surprisingly slow to acknowledge the democratic credentials of the new constitutional monarchy after 1975. A second major consideration for the French government has been one of expediency. The French Basque population has been relatively quiescent, and there is no history of political

autonomy and ethnic self-consciousness as in the Spanish Basque country. To avoid stirring up trouble in its own Basque provinces, the French government previously preferred to resist calls for Basque suspects to be returned to Spain (Moxon-Browne 1988: 168).

At the beginning of the 1980s, relations between France and Spain on the Basque question continued to be soured by incidents that reflected divergent viewpoints on how the issue should be tackled. The French were not willing to extradite Basque suspects wanted by the Spanish authorities. King Carlos claimed Europe should not offer a haven for terrorism. The French President (Mitterrand) replied by saying that Basque terrorism was rooted in Spain's social problems and was not a result of French policy. In 1983 and 1984, following the election of a Socialist government in Spain, there was a discernible shift in Franco-Spanish relations toward greater cooperation on the border and even the initiation of extradition efforts, although France began by deporting ETA suspects not to Spain but to other parts of the world. The French government sought to detain and deport Basques involved in violence, although the deportation would not necessarily be to Spain. In return, the Spanish authorities agreed to offer "social reintegration" to any ETA members who were not wanted by the police in either country. The French government agreed that Interpol channels should be used to trace ETA suspects in France (Moxon-Browne 1988: 169-70).

After the ETA leadership had established its headquarters in France, it created an infrastructure of its own, consisting of ideological and military training centres arms depots, a car park, offices, and archives. This happened with the full knowledge of the French authorities who were so used to the practice of generously granting asylum during the Franco dictatorship that they did not see any reason to take steps against fugitive ETA members residing in French territory. But even after Franco's death and the transition to a new parliamentary system of government in Spain, and for a long time, France refrained from taking steps to deprive the Eterras of the right of sanctuary. The French government received sceptically the argument brought forward by the Spanish government that yesterday's freedom fighters should today be rated as dangerous terrorists murdering innocent people, because it had certain doubts as to the full establishment of democracy in Spain, doubts which were also nourished by rumours about cases of torture in Spanish prisons.

III. REVOLUTIONARY TERRORISM:

(1) RED BRIGADES

i) Background

While West German terrorism was quite a serious threat for selected targets, terrorism in Italy was on a much vaster and more dangerous scale. Whereas there were never more than 100 active German terrorists, more than

1,500 terrorists of both the left and right were in Italian prisons by the end of 1982. While the Red Army Faction (RAF) mainly attracted middle class anarcho-revolutionary intellectuals, Italian cadres were always evenly divided between middle class and proletarian elements - giving the Red Brigades (BR) a much broader base of support than the RAF (Rimanelli 1989: 255).

Ideologically, the BR considered the RAF as lacking "integration" or involvement in proletarian issues, and that it had no roots in genuine economic and social problems of the masses. The BR felt the RAF lacked factual analysis of what the workers themselves wanted: primarily higher pay, more free time, and better working conditions - not revolution in anything like the Marxist sense.

To explain the greater upsurge in terrorism in Italy in the 1970s, reference has been made to the rigid and unchanging structures of Italian society: to the fact that one party had been in power since the end of the war; and to the dismal conditions of university campuses, where the number of students had grown tenfold. However, much of this could also have been found in other European countries where these conditions led to political rather than terrorist action, but the conditions were probably more extreme in Italy.

Not the contemporary social situation alone but the social situation historically has created a culture in which radical revolutionary traditions, black and red, are part of the atmosphere in which every Italian lives (Drake 1998: 159).

Several factors explain or contribute to the emergence of leftist terrorism in the mid-1970s: Italy had experienced an economic boom through the 1950s and early 1960s during which the country was transformed into a modern industrial society. Massive population movements took place from the South to the North and from the country to the cities. However, in the mid-1960s the rate of economic growth declined, and worker unrest surfaced in 1969. Political violence and terrorism resulted from a complex series of influences. It is obvious that other countries had been greatly changed by the postwar period but few quite so dramatically as Italy. Terrorism in Italy is often explained as the product of psychological alienation resulting from rapid technological progress not accompanied by a simultaneous development in parallel social structures and physical accommodation. Italy had quickly passed from a period of post-war reconstruction to one of an economic miracle of the late 1950s and early 1960s. This process entailed mass migration from southern to northern Italy, as well as from rural provinces to industrial cities, which were not equipped in the long run to absorb and provide for the new population, especially with respect to housing, schools, and hospitals (Pisano 1979: 33).

The weakness of the Italian system of government was another cause for grievance for the BR. The system offered little possibility of an alternative to the unbroken domination of the Christian Democrats (DC), and

the only opposition was seen by the BR as "not only ineffectual but collaborationist" (Mead 1990: 242). A major platform of the BR from its beginning was its firm opposition to the Communist Party of Italy (PCI). It sought to prevent the occurrence of the "historic compromise", seen by the BR as treachery (Seton-Watson 1988: 91). But the capacity of the PCI to mobilize support of the industrialized workers of Northern and Central Italy appeared not to have been affected more than marginally by the terrorists. In fact, the strategy of the terrorists appeared to have accelerated the march towards respectability of the PCI (Furlong 1981: 85).

As the PCI adopted a more moderate non-revolutionary stance, militant revolutionaries were forced to find a new strategy. The result was the emergence of groups such as the Proletarian Left - from which emerged the Red Brigades. The original inspiration for Italian terrorism came not so much from the "New Left" which was more influential in West Germany than in Italy, as from the various other groups of the left: the Communist Youth Organization (FGCI) and left-wing Catholic students of sociology departments of some northern universities (Laqueur 1987: 239).

The terrorists were an integral part in the universities and the intellectual community.

Intellectuals are word merchants whose 'battles of ideas' are won or lost not on the battlefield or in armed combat but rather in the classroom, in the print and broadcast

media, or in the endless public and private meetings and conferences at which they are the centre of attention (LaPalombara 1987: 178).

It is important to recall that, as a group, Italy's intellectuals were arrayed "against the state". This antagonism had many dimensions. Intellectuals argued, that for all of its (recent) economic progress, Italy remained a striking example of "primitive capitalism," with power in the hands of a small number of rapacious individuals and their families, many of them allied with American multinational corporations (LaPalombara 1987: 180).

ii) Strategy

The Red Brigades sought to provoke, not so much to show that the Italian state was weak, but to goad the state into taking repressive action. Their fear was that citizens, and especially leaders on the left, who should favour revolutionary change, were too complacent toward the existing state - "willing to accept half a loaf now in the insidious belief that the other half will be forthcoming in due time" (LaPalombara 1987: 169). Thus, if the state, in its reaction to terror, turned repressive, this would lead the oppressed workers and other classes to revolt.

The objective of the BR from its official launching in 1970 in Milan was the construction of an "armed revolutionary party of working classes capable of toppling the capitalist state in favour of the proletarian dictatorship"

(Jamieson 1988: 123). The central "point of insertion" through which they had hoped to integrate their own objectives with those of the masses was the climate of mounting unrest and tension within the factories of the north. Based in Northern Italy in the late 1960s, in its early days the group drew support not only from within the universities but also from among radical workers in the factories in Milan and Turin. Claiming to represent the "vanguard of the proletariat" the BR saw themselves as the Italian version of Lenin's Bolshevik nucleus. The BR hoped to create panic, the collapse of confidence in the state, and perhaps a military takeover.

iii) International Connections

One of the most distinctive features of Italian terrorism is its links to criminal groups, such as the Mafia. Unlike the other terrorist groups discussed in this thesis, Italian links with other terrorist groups seem to have been limited to cooperation at the logistical level rather than to specific ideological or operational collaboration (Jamieson 1988: 123). Terrorism in Italy, specifically that originating from the BR, remained essentially a domestically generated, internally oriented and controlled movement (Rimanelli 1989: 280). Foreign interferences did not direct or influence the BR's strategy and ideology. Notwithstanding Italian terrorist ties and frequent contacts (mostly arms and finances) with international terrorists - namely the PLO and Czechoslovakia,

neither of them ever succeeded in masterminding or influencing Italy's terrorism.[8]

(2) RED ARMY FACTION

i) Background

The student protest movement of the late 1960s and early 1970s was one of the most important roots of the Red Army Faction (RAF) in the Federal Republic of Germany. The RAF was a small organization of approximately 2 dozen activists with the support of a few hundred. It was centred in Stuttgart and Frankfurt. The RAF had a lot in common with Italy's Red Brigades, though it was based more firmly in the universities. Unlike the BR, the RAF had little connection with the proletariat other than "wild enthusiasm" for them. The RAF did not see the leading force and avant-garde of the class struggle to be the industrial working class, but rather, the "revolutionary intelligence" (Horchem 1986: 3). They believed it was the revolutionary sections of student bodies which were the bearers of the contemporary conscience. It grew out of the hippie life of drop-out students of the late 1960s and had an uncanny knack of attracting to its ranks "shallowly intelligent" middle class people with unhappy family backgrounds and academic careers that were going nowhere (Gearty 1991: 134).

ii) Strategy

According to former RAF member Horst Mahler,

the strategy of the terrorist nuclei was aimed at provoking overreaction of the state in the hope of stirring the flames of hate against the state and channelling new recruits into the armed underground (Schmid 1983: 185).

The self-defined struggle aimed at destroying the "imperialist feudal system", politically, economically and militarily. It was conducted in the form of international action directed against military allies of the US, NATO and, in particular, the Federal German Armed Forces. Within West Germany, the struggle was to be conducted against the armed forces of the state representing the monopoly of power of the ruling class, embodied in the police, the Federal frontier police, and the security services. The power structure of multinationals, state and non-state bureaucracies, political parties, trade unions and the media were also included. In many newspaper articles the behaviour of sympathizers was explained by comparisons to the Gestapo era, during which citizens gave refuge to resistance fighters fleeing from the police pursuing them. Their publications would accuse "conservative (state) forces" of using the fight against terrorism to set up a "police surveillance state" in the Federal Republic (Gal-Or 1991: 23).

In the first years of RAF attacks, the majority of the lawyers who were appointed by the terrorists to conduct their defence, manifested the same social-political aims as the terrorists themselves. Starting in 1972, the RAF

prisoners organized a number of hunger-strike actions by means of a communication network that was set up and maintained by the lawyers. On the instructions of the "Command Group", which was awaiting trial in the Stuttgart-Stammheim prison, the prisoners were to "use their bodies as weapons" against the state. At times, up to 50 individuals were on a hunger strike. Hunger-strike actions continued into 1985 (Horchem 1991: 41-2).

The objective of these actions was to create political pressure to further the terrorists' demands to be incarcerated together and to generate a favourable climate for further attacks. The hunger strike actions were accompanied by public campaigns organized by the "legal periphery" of the terrorists in order to mobilize public opinion and to be in a position to declare any suicide resulting from a hunger strike as equivalent to murder (Horchem 1991: 42). Suicide in prison was to be publicized as murder and thus considered a pretext for further hunger strikes to be used as weapons in the struggle against the state and contemporary social structure.

Intensive interviews with imprisoned terrorists of the RAF have provided important clues as to how their illegal networks and recruitment operated. For the first generation of terrorists the academic protest culture of Berlin and elsewhere was the formative environment. For the second generation, operating in the mid-1970s, the failure of "factious communism" played an important part. The present third generation were often active in

squatters movements and in the anti-nuclear protests or sit-in occupations in the late 1970s (Kolinsky 1988: 67). In 1977, the leaders, Andreas Baader and Ulrike Meinhof committed suicide in jail; however, the loss of their leaders did not deter other RAF members still at large, and violent acts of subversion continued to occur sporadically for the rest of the decade (Gearty 1991: 135). Just as in Italy, this gave rise to a second generation of like-minded subversives, whose ideology was now subsumed within the more practical goal of securing the release of their revered leaders. The successors to the first generation leaders proved to be far less adroit or charismatic, and since 1977 the organization has been driven underground and most of its members are imprisoned, exiled, on the run or dead (Livingstone 1982: 182). A variety of far-left groupings, both within the FRG and externally, provided a sympathetic environment and some passive support for the RAF.

iii) International Links

During the mid-1970s, the RAF received training in Al Fatah Arab guerilla camps (Horchem 1986: 5). The RAF maintains links with the French terrorist organization Action Directe in a united front to combat NATO.

While the neighbouring German Democratic Republic certainly shared ideological similarities with the RAF, and was in a situation to provide a

safe haven and sanctuary for the RAF members on the run, today the availability of this aid outlet is defunct. The full involvement of the East German government and its agencies has not been fully understood, or else seriously underestimated; only after the the demise of this regime has its active links to West German terrorism become fully clear.

IV. SUMMARY:

Terrorism, as a single method, has rarely been of value in serving the revolutionary goals of terrorists. Rather, terrorism may be a dangerous weapon that often misfires and may actually work against "revolutionary purposes" by turning the mass of the population against the revolutionaries, or by stimulating the government and security forces into stinging and effective repression. Because of their isolation and small numbers, revolutionary terrorists do not pose an immediate threat of taking over the central institutions of their societies. They are not much of a political problem, since their extremist goals have little backing in society at large. Because "hard-core" revolutionary terrorists are relatively isolated, they can be dealt with primarily as a police problem.

According to revolutionary terrorists, terrorist attacks should force liberal democratic regimes to become repressive, a change which would in turn alienate the masses, thus setting the stage for revolution (Fromkin 1975: 690).

The revolutionary terrorist today often does not represent a convincing claim. They cannot provide legitimate rallying points tied to such concepts as a home territory or ethnic group. Neo-Marxist ideologies of many of the revolutionary terrorist groups cannot substitute for the binding force of nationalism.

Governments must not overreact in a repressive manner and thereby legitimate constitutional grievances espoused by nationalist-minority groups. However, in the case of revolutionary terrorists, who lack any substantial mass bases of support, governments can take harsh legal measures to essentially eliminate a terrorist threat.

Ethnic nationalists are also believed to be distinguishable from revolutionary terrorists by the more precise nature of their targets. They aim at the state, its symbols and law enforcement agencies: representatives of industrial capitalism and civilians are secondary targets only. However, with the increasing sophistication of government policy efforts at countering terrorism, nationalist terrorists have had to move their terrorist campaigns beyond those symbols representing the state, and have hence, become increasingly indiscriminate in their targets.

The nationalist terrorists enjoy reasonably firm local support. They can draw upon long historical and cultural traditions supportive of their political goals of separation, if not necessarily terrorist violence to obtain their political goals. As a consequence, support for the revolutionary terrorists by the

population segments addressed, such as workers and other allegedly oppressed social groups, never materialized in contrast to the respective class's support for the claims raised and means used by the nationalist terrorists. Nationalist terrorists are generally representative of the social milieu they represent; in the case of the modern revolutionary terrorists, class representation is disproportionately from well-educated and upper and middle classes.

Nationalist terrorism recruits its support from the defined ethnic sectors it claims to be representing. Ethnic solidarity is certainly stronger than class solidarity. This means that tolerance of terrorism all too often succeeds in cutting across socio-economic barriers. Some limitations are nevertheless visible: in the Basque region, the upper class comprised of wealthy industrialists objected to terrorism which interrupted good business.

As well, referring to the nationalist case studies discussed in this thesis, the Irish and Spanish, neighbouring states - the Republic of Ireland and France, have provided bases of support to the IRA and ETA respectively. The existence of a national population in these adjacent territories, has enabled these terrorist groups to secure cooperation for their national causes. In all of the cases discussed, for both nationalist and revolutionary terrorists, the Middle East terrorist connection has provided some degree of either tactical, material or even ideological support. With the demise of the Cold War today, and the

consequent decline in East/West tensions, the degree of international support for these terrorist groups from ideological blocs, has ceased to exist.

CHAPTER II - NOTES:

1. The Catholic and largely Irish Nationalist population, not only composed over a third of the entire population, but were also a local majority in 2 of the 6 counties (Fermanagh and Tyrone), the second city of the territory (Londonderry), and in almost all of the local government jurisdictions contiguous with the border (McGarry & O'Leary 1990: 45).
2. Evidence shows that there is a marked paucity of Catholics in the higher levels of the Northern Ireland Civil Service, and in certain traditional Protestant industries, such as ship-building and engineering (Kelley & McAllister 1986: 81).
3. In 1981, Northern Ireland's Catholic male unemployment was 19.1% while in the worst region of the United Kingdom it was 10.2% (the Protestant male unemployment rate was 12.4% while the United Kingdom average was 11.3%). In some of the Belfast areas most associated with hard-core Republican support, male unemployment rates varied between 50-60%.
4. Henceforth when reference is being made without any modifier (ie: P-IRA or O-IRA), it may be assumed that the reference is to the P-IRA specifically; and ETA is reference to ETA-m.
5. Four of its provinces are Spanish (Alava, Guipuzcoa, Navarre and Vizcaya), and 3 are French (Basse-Navarre, Labourd and Soule). However, the bulk (85%) of the Basque region lies in Spain and 90% of the Basque people live on the Spanish side of the border. The population of the Spanish side of the Basque country is approximately 2.3 million, of whom only 65% are native Basques.
6. Indeed Basques suffered more under Franco than any other group in Spain, and constituted an altogether disproportionate share of those in prison for political offenses.
7. In 1955, a chair of Basque studies was established at the University of Salamanca; in 1968 the language was allowed to be taught again in primary schools; and in 1975 the "co-official" status of Basque as a language was formally recognized.

CHAPTER III: LEGISLATIVE, POLITICAL AND SECURITY MEASURES TO COUNTER TERRORISM

I. INTRODUCTION

This chapter will examine legislative, political and security measures taken by the United Kingdom, Spain, Italy and the Federal Republic of Germany to combat terrorism. Although each country has its own agenda in countering terrorism; nonetheless, they have all approached the terrorism threat through similar strategies, formulated in accordance with their own legal and democratic constitutional systems. However, there exists strong negative opinion amongst many of the publics of these states that these special laws and procedures infringe too severely upon individual freedoms. Coupled with evidence that they have not proven to be very effective, these criticisms have led to considerable fears that the juridical approach to controlling terrorism presents too many difficulties.

For the most part, lawmakers have generally drafted and implemented anti-terrorism legislation as provisional laws and statutes which must be periodically reviewed to remain in force. This safeguard assures that these measures cannot become part of the due process within the bounds of normal criminal procedure, and that they will come under the proper scrutiny if their validation is challenged. It is necessary when introducing harsh legislative

policy initiatives to counter the threat of terrorism in the liberal democratic state to maintain legal checks to balance the powers given. As well, it is preferable that these provisions should be repealed once the emergency has passed.

Several trends may be found in the way these states have approached the problem of terrorism. These states have recognized that, in order to deal with the unique problems which clandestine terrorist strategies present, law enforcement agencies must be given greater latitude in surveillance, the collection of evidence, powers of arrest, and interrogation. Also these strategies have emphasized the value of rehabilitating and taking advantage of second thoughts among former members of terrorist organizations. Accordingly, terrorists who show a willingness to help authorities are frequently shown more leniency at sentencing time. Finally, these states have introduced "narrowly applicable versions of existing judicial institutions," notably, ad hoc detention laws and tribunals (Berry 1990: 15).

II. ANTI-TERRORIST MEASURES IN THE UNITED KINGDOM:

Due to an upsurge in terrorist violence with the fall of the Stormont government, the Westminster Parliament passed the Northern Ireland (Emergency Provisions) Act (EPA) of 1973. This act provided the legal basis for all security activity in Northern Ireland. However, as soon as the IRA initiated terrorist activities into Britain itself, a further Prevention of Terrorism

(Temporary Provisions) Act was introduced by Parliament in 1974 (Dobson & Payne 1982: 33). Subsequent to 1974 several revisions and amendments have been made to both pieces of legislation.

i) PTA and EPA

The United Kingdom's chief acts of legislation in response to the growing threat of terrorism are the 1974 Prevention of Terrorism Act and its 1976, 1984, and 1985 revisions, and the Northern Ireland Emergency Provisions Act of 1973 and its amendments of 1978 and 1987. Together, these acts restrict the activities in Northern Ireland and Great Britain of organizations connected with terrorism, expand the substantive criminal code to include activities that are in any way supportive of terrorism in Great Britain or Northern Ireland, curtail the procedural due process protection of those thought to be involved in or contributing to terrorism, empower the secretary of state to expel suspected terrorists from Northern Ireland, and the United Kingdom, and grant the secretary of state of Northern Ireland the power to detain, for an unlimited duration, anyone suspected of terrorist activities (Sacapulos 1989: 155).[1][2]

When the first Prevention of Terrorism (Temporary Provisions) Act (PTA) was enacted, it was seen as a temporary emergency measure that would not be of long duration. Danger arises in abolishing traditional democratic processes and the rule of law for the sake of temporary emergency measures

as these temporary legislative initiatives may come to be accepted as uncodified conventions. The powers created by the 1974 Act were made subject to renewal by an affirmative resolution of both houses of Parliament at least every 6 months. This pattern of short-term viability, subject to approval by Parliament, has been continued to the present. The 1989 Act was approved for a period of only one year, subject to an extension by an order of the Secretary of State that must be approved by both houses of Parliament (PTA, 1989: Sec.27). The original 1974 legislation has been amended by the PTA Acts of 1976, 1984, and 1989 (Nelson 1990: 228). The PTA is directed primarily at terrorism in Great Britain. Northern Ireland has its own anti-terrorism legislation in the Northern Ireland (Emergency Provisions) Act (EPA). There is some overlap between the 2 laws, and it has been suggested that all of the emergency powers should be united in a new PTA. The EPA is, in general, a broader grant of authority to police and the courts than the PTA.

Under the EPA, it was made possible to try those charged with terrorist offenses by a judge and without a jury present. It was a step taken because ordinary courts were unable to function in the face of terrorist intimidation of both the jurors and witnesses. "Witnesses were murdered or 'knee-capped' by the IRA if they dared to give evidence" (Dobson & Payne 1982: 32).

ii) Military/Police/Security Cooperation

The success of intelligence and interrogation efforts led to a decline in the number of killings and to a shift in high-risk areas. The major reason for this success has been the system known as "supergrasses" which has involved not only a change in the rules of evidence, court procedures, and incentives to inform, but also the careful building up of a strong personal relationship between the security officer and prisoner. This has been achieved through segregation, maintaining continuity in the officer's dealing with a prisoner, and guaranteeing the safety and redeployment of the prisoner and his family.

Intelligence has been central to the British counter-terrorism success. The RUC-Special Branch and other well-trained soldiers in the techniques of observation and information gathering have led to the detection, arrest and conviction of many terrorists. The public, sick of bombings and shootings on their streets, became increasingly ready to help by giving information. In 1978 the IRA had to abandon their traditional military structure, in which officers of IRA companies were known to a considerable number of supporters in their districts, and reorganize on a more normal revolutionary system of clandestine cells. This change has allowed for stronger security but has further eroded their links with the people (Clutterback 1981: 20).

The cumulative effect of the powers accorded to the police in Northern Ireland is that they possess tremendous latitude in pursuing individuals

suspected of participating in terrorism. Section 11 of the EPA exempts a constable dealing with suspected terrorists from seeking or requesting a warrant before an arrest. Furthermore, the police may detain a terrorist suspect without charge for up to 72 hours. According to Section 13, "a constable may arrest without warrant any person whom he suspects of having committed or being about to commit a scheduled offence." Such a person may be detained for 48 hours without charge. Finally, the EPA and PTA have also created a set of special tribunals with jurisdictions over terrorists. These consist of magistrates sitting without juries (Berry 1990: 17). London's justification for the circumvention of civil rights is that juries might become sympathetic to the defendants.

iii) Political Efforts

The British government has continued with its strategy of attempting to improve the security situation while at the same time introducing a series of political measures. It sought to win moderate Catholic opinion by introducing reforms while at the same time maintaining the presence of the army to reassure Protestants. The political measures taken by the government have included: the introduction of direct rule by a minister responsible to Cabinet and Westminster, the attempt to find a solution by way of a devolved or regional government based on power sharing, the introduction of proportional

representation, the constitutional convention, and the attempt to revive the Northern Ireland assembly in 1982 (Robertson 1987: 38).

All of these were undoubtedly genuine attempts to prompt "moderate" nationalists to accept the value of engaging in politics rather than resorting to the bomb. All such moves were also premised upon the idea that Protestants could not expect to rule without regard for the interests and aspirations of Catholics, and therefore any local assembly would have to be based on some mechanism of power-sharing (Robertson 1987: 38) The political dimension of the government's strategy also needs some clarification, with emphasis on the need for agreed upon devolutionary institutions in Northern Ireland.

iv) Economic Efforts

It is not being argued that there is an economic solution to the problem of terrorism in Northern Ireland. Clearly, just as there is no simple military solution or political formula that can end the conflict, economic regeneration will not, on its own, eliminate terrorism. However, if the political strategy embodied in the Anglo-Irish Agreement is to be consolidated and developed it has to include a real economic dimension which will enable the problem of structural inequality to be dealt with without provoking a backlash

from the Protestants. Many argue however, that the Thatcher government has done virtually nothing to help develop the economy of the North.

v) Broadcasting

It is a mark of Sinn Fein's success that in the 1989 revisions to the PTA, the British banned television broadcasters from carrying any messages from Sinn Fein spokespersons. Notwithstanding this broadcasting ban, the Sinn Fein still publish a newspaper and issue frequent press releases for other media. The repression of Republican political parties in the past - both Catholic and Protestant, has triggered a backlash of public support, and beyond angering TV newspeople it is doubtful if this latest ban will seriously hamper the efforts of either Sinn Fein or the P-IRA and could conceivably work in their favour.

In October 1988, the British government banned the broadcasting of interviews with representatives of the Sinn Fein and 10 republican and loyalist paramilitary organizations. Sinn Fein and the Ulster Defense Association are legal organizations. The other groups are proscribed under the Northern Ireland (Emergency Provisions) Act of 1987. Under the ban, direct statements by representatives of these organizations cannot be broadcast on radio and television, but journalists are able to report what they said. The ban permits the showing of a film or a still picture of the interviewee speaking with a voice-over

account of them. Direct statements by any persons supporting or inviting support for the organizations are also banned. The ban does not apply to the print media. It has drawn heavy criticism from members of the media and opposition parties, in particular, who described it as "unwise and counterproductive" (Nelson 1990: 233). The issue of freedom of the press and the question of the acceptance of censorship in a liberal democracy is no doubt brought to the forefront with such measures.

The rationale behind the ban was explained by Conor Cruise O'Brien, an editorialist for the Times of London, who had (previously) introduced the Irish legislation directed against the IRA and Sinn Fein while a member of the government in the Republic. The main justification for the ban, as O'Brien described it, was the fact that the broadcasts boost the morale of the members of the organizations and help them in recruiting. It also conferred a certain aura of respectability, which is helpful to the terrorists. The acts that they commit cannot really be crimes if they are permitted to be broadcast. "When they appear on television, the message is that they represent a political cause that has a significant degree of legitimacy" (Nelson 1990: 233). A dynamic tension always exists between the reporter and the interviewee where each seeks to manipulate the interview to his own advantage.

vi) Evaluation

These two anti-terrorist acts adopted by Great Britain have abrogated many legal protections customary in democratic governments. Traditionally recognized fundamental rights of speech, assembly, religion, political philosophy, trial by jury, and travel are violated by these laws. "Parliament has clearly been willing to sacrifice fundamental civil rights in an effort to counter terrorist activity" (Sacapulus 1989: 156-7).

There is no question that the British antiterrorist legislation is controversial. New criminal offenses have been created by the legislation, although it can be argued that the process of proscribing terrorist organizations - both Catholic and Protestant alike, and punishing membership is just a formal way of dealing with ongoing criminal conspiracies that would be illegal under common law.[3] The exclusion of certain classes of undesirable non-nationals from entering, or remaining within a country, is not unusual, and the forfeiture of funds intended for, or in the possession of, terrorist groups is hardly a subject for argument. The extension of the detention period for terrorist suspects is more sensitive, and the broadcasting ban will continue to be a subject of some contention.

This exceptional legislation has been of dubious success in effectively countering terrorism, and it is being increasingly seen as a repressive power used largely to persecute the Irish community in Britain, and

their supporters. Critics of the UK Prevention of Terrorism Act (PTA) have claimed that the Act's major use has been as a means of gathering intelligence on targeted sections of community. These claims are supported by the fact that of the 5,500 people detained under the Act since it first came into operation in 1974 until the end of 1982, less than 2% of those detained were actually charged with any offense (Hocking 1986: 300).

The question remains as to whether any of the reputed achievements of these legislation could have been attained through the application of the "regular" law which is more acceptable in principle. Political violence has generally been less sustained but more carefully targeted since early 1976. Yet these trends do not coincide with the passage of the prevention of terrorism acts, nor with any new departure in their enforcement. Therefore, other factors must be taken into account. Prevention of terrorism acts (mainly in the form of their special policing powers) have achieved some preventive influence over terrorism in Britain. However, it is probably mistaken to believe that legislation has been the main inhibitor.

It appears that the anti-terrorist legislative initiatives enacted by the government of the Republic of Ireland infringed even more severely upon civil rights, democratic processes and the rule of law than that of the British. Under the Criminal Law (Jurisdiction) Act - 1976, the IRA has been an outlawed

organization in the Republic of Ireland since 1976, years before they were even banned by the Westminster Parliament.

The Criminal Law (Jurisdiction) Act of 1976 was designed to extend criminal law to cover crimes committed in Northern Ireland and Britain (Britain passed a reciprocal Act - The Criminal Jurisdiction Act). A major stumbling block still remaining is the refusal of the Republic to extradite suspects to the UK for offenses that can be regarded as "political". The Irish constitution is cited as the reason for this refusal. Art.29.3 declares, "Ireland accepts the generally recognized principles of international law as its rule of conduct in its relations with other states" (Moxon-Browne 1981: 158). This Act applies the principle of extraterritoriality to terrorist offenses committed in Northern Ireland. The criminal law of Ireland is extended to certain offenses committed in Northern Ireland, and offenders can be punished if apprehended in the Republic. Evidence obtained in a trial in Northern Ireland can be admitted in a proceeding in the South. An entire Schedule of Offenses that would constitute offenses in the Republic render the defendant indictable even if these offenses were committed in Northern Ireland, and if found guilty, the offender can be punished in the Republic. This law is a substitute for the process of extradition and was recognized at the Sunningdale Conference between Britain and Ireland in 1973.(Alexander & Nanes 1986: 73).

The 1985 Anglo-Irish Agreement gave Dublin a say in the way Northern Ireland was run, signalling Britain's recognition the republic had a role to play in the province. The British government appears to be groping its way toward some form of consociational solution by insisting on power-sharing as a prerequisite of Northern Irish autonomy and by bringing in the government of the Republic of Ireland as an official consultant in the governing process.

It is clear the majority of people of Ireland as a whole, including the majority of Catholics in Northern Ireland, favour Irish unity as a solution and reject violence as a means of promoting that solution. The Irish government and most nationalists in Ireland have repeatedly given convincing evidence of their repudiation of violence of the P-IRA. The public has given such evidence by its consistent rejection at the polls of those that support violence. The Irish government has given such evidence by its active pursuit of terrorists, its commitment to additional police and army units to border areas and by the introduction of draconian legal measures to secure convictions in the courts (Hume 1979: 308).

IV. ANTI-TERRORIST MEASURES IN SPAIN:

The election of the first democratic Spanish Parliament (Cortes) in 1977 and a new Basque Parliament in 1980 were accompanied by an intensification of ETA's terrorist campaign. Since 1980, however, the annual

death toll from ETA violence has declined comparatively. This relative moderation can be attributed to the legislative, political and security measures taken by the Spanish government. In the period since 1980, the terrorist campaign waged by ETA has if anything become more daring and more professional especially in extending its operations outside the Basque country and most notably into the heart of the national political power - Madrid (Moxon-Browne 1988: 162).[4]

Repression under Franco had been brutal and fairly effective, whereas the democratic government seemed to be willing to negotiate with ETA. By 1978, virtually all Basque terrorists had been released from prison - which made it much easier for ETA to renew its campaign later that year (Laqueur 1987: 225). Under Franco, Basque political autonomy was lost, and Madrid pursued economic policies viewed as anti-Basque. ETA terrorism reached its climax in 1979-80, during the time in which the democratic government in Madrid made far-reaching concessions to the Basques.

i) Acts of Spanish Parliament

At the end of 1980, new anti-terrorist legislation came onto the statute books in Spain as provided for under Article 55 of Constitution. Antiterrorist legislation was now part of the permanent laws of the state

whereas hitherto (since 1978) such laws had been "decree laws" subject to annual renewal (Moxon-Browne 1988: 165-6).

The basic principles of Spanish anti-terrorist policy were set forth in acts of Spanish Parliament that defined terrorism and related crimes, and that established the legal status and rights of persons suspected of terrorist acts. These laws also defined the illegality of various levels of association with proscribed groups, including giving them aid or assistance, meeting with them for any purpose, acting as an intermediary to resolve hostage situations or writing or saying things in public that could be construed as a defence of or an apology for terrorism.

In the spring of 1981, following an increase in murders in the Basque country, the government rushed more anti-terrorist legislation through the Cortes. The March 1981 - Law for the Defense of the Constitution defined terrorism as embracing any attack on the integrity of the Spanish nation or any effort to secure independence of any part of its territory even if nonviolent.

The net effect of these laws was to place in the hands of the police extraordinary powers with which to attack ETA.[5] However, since the laws had been enacted under emergency provisions, they were vulnerable to criticism from the government's opponents as leaving the way open for constitutional abuses of human rights. A new antiterrorist law - the Organic Law 11/1980 was subsequently introduced. This law replaced and codified the provisions of the

preceding laws, and remained Spain's basic antiterrorist legislation for 4 years. It suspended fundamental constitutional rights for persons suspected of a wide range of terrorist acts, including "apologia" for terrorism or for those persons suspected of such crimes. Preventive detention and holding suspects incommunicado were authorized, as were telephone taps, mail interception, and police invasions of private homes without a court order (Clark 1990: 42).

ii) Police/Security/Intelligence Cooperation

That ETA terrorism is a major problem of public order in contemporary Spain is beyond doubt. That effective policing had an important role to play in combatting it is generally not disputed. The appropriate form of policing within a constitutional framework is, however, another matter. In the case of Spain, concerns centering on striking a balance between effective police powers and safeguarding basic constitutional and human rights have had an added significance, given that such rights have only been enjoyed for a relatively short period of time. A major concern expressed by many individuals and organizations has been that anti-terrorism laws allow for detention incommunicado, of those suspected of terrorist activity for up to 10 days. Government and supporters of these laws, claim that this is necessary to enable thorough police investigations. To critics of this law, on the other hand,

it merely increases the likelihood of the abuse of basic rights (Pollack & Hunter 1988: 132).

The importance of using a police force which enjoys the support of the local population was recognized by Spanish authorities in the Basque regions. There was to be greater cooperation between the Guardia Civil and the Basque Police and there would be special rates of remuneration for security forces personnel serving the Basque region. In the 1984 anti-terrorist law, a new category of crime was created, which addressed attacks against members of the armed forces.

Apart from such concerns, the efficacy of Spanish anti-terrorism law in combating ETA terrorism is also questionable. As certain opponents of these laws have pointed out at times, the same laws enacted to end violence, as in the case of anti-terrorist law, do no more than poison the atmosphere. Of 1,181 detentions related to terrorist or political activity in 1985, 765 people were charged under anti-terrorist legislation. Of these, only 69 were sentenced to prison terms (Pollack & Hunter 1988: 133). The fear of many is that the indiscriminate application of this law, rather than swelling prisons with terrorists, will at best only serve to increase, and thereby, empower the security forces. At worst it may in fact increase support for the terrorist organization. Finally, effective policing alone is not enough to end, or to lead to a lasting reduction in

ETA terrorism no matter how efficient, ultimately this would only be an exercise in "damage control".

A fundamental reform of the national policing system is needed - an urgent and radical step which, if not undertaken, risks jeopardizing the considerable progress already made. The problems of such an enormous undertaking as police reform are largely political. In essence the task is threefold: to reorganize the national police intelligence under one authority and thereby eliminate rivalries between the Civil Guard and National Police, to eradicate human rights abuses in security force custody, and to build a working relationship with the Basque Autonomous Police Force.

iii) Media

The last provisions of this Act also had an effect on the media coverage of insurgent and counterinsurgent activities. Since television in Spain is government owned, control over electronic media coverage was never very controversial; but the print media - newspapers and magazines - were on occasion suppressed because of what the government considered as destabilizing stories concerning antiterrorist measures and ETA. Thus, while Spanish anti-terrorist policies could be described as fairly moderate at their outset, they became steadily more repressive and coercive throughout the decade.

A January 1979 law - On Protection of Citizen Security, introduced criminal penalties for "apologia" for terrorism or printing or saying anything that could be construed as a defense of terrorist acts or groups. The government sought power to close and occupy physically any newspaper, magazine or book publisher or distributor, or any radio or television transmitter, if the information published or broadcast by these organizations were deemed to be an apology for terrorism (Clark 1990: 47-8). In a November 1983 anti-terrorist law aimed at HB and the ETA newspaper Egin, judges were empowered to ban political associations and close down organs of the media that supported terrorism.

iv) Evaluation

Under Franco, Basque political autonomy was lost, and Madrid pursued economic policies viewed as anti-Basque. However since a democratic pluralist political system has developed and measures to increase Basque political autonomy have been implemented, ETA has found its support among the Basque people has been undermined.[6] ETA's numerical strength has been reduced as well through factionalization, defections, more effective police action, French cooperation in eliminating "sanctuary" for terrorists on the French side of the border, and offers of amnesty from the Spanish Socialist Government (Corrado & Evans 1988: 430-1).

The bait of reduced sentences or squashed convictions was offered to suspects who turned informer. Spain has emulated the Italian model by offering amnesty to convicted or exiled terrorists who would agree to collaborate with the government's antiterrorist struggle. Law enforcement improvements came about through better coordination, better intelligence and better training for police and paramilitary units.

The year 1984 marked a turning point in security policy as the Spanish government, in the wake of more effective cooperation from the French government, began to offer "social reintegration" or amnesty, to ETA members who were prepared to sign a document renouncing all future acts of violence. This offer applied to ETA members in exile abroad, as well as those in Spanish jails (Moxon-Browne 1988: 166).

It was not until 1984 that the Socialist prime minister, Felipe Gonzales, succeeded in the course of negotiations with his French counterpart François Mitterrand to achieve an initial breakthrough in respect to the problems of the Basque terrorists. France started (1984) hesitantly, to extradite Etarras or to deport them to third countries, a practice more vigorously continued by Jacques Chirac and culminating, in 1987, in raid-like detention campaigns, which brought about the mopping-up of the area of Etarras and their families. The reasons for this about-face in Paris with regard to the handling of sanctuary permits were manifold. The first reason was based on the fact that Spain has

proven to be a democratic country and the taint of the authoritarian political past has definitely been eradicated (at least since its incorporation within the framework of the European Community). Secondly, because of the rise of terrorism within France's own borders, the French government was forced to re-assess its dealings with the Spanish government. Finally, diplomatic pressures exerted by countries such as the Federal Republic of Germany and the United States influenced France to do its part in collaborating efforts in fighting the struggle against terrorism (Waldmann 1991: 24-5). The revocation of the right of sanctuary of the Eurras in southern France had catastrophic consequences for the terror organization. In one day, so to speak, it lost its main foothold and co-ordination centre; its infrastructure was destroyed and its leaders dispersed over several continents. In short, it was extremely weakened.

There has been a growth in recent years of right-wing, anti-separatist terrorism of which ETA has been the principal target, especially by the Grupos Anti-Terroristas de Liberacion (GAL). The fact that the GAL operations have concentrated on the exile community increased the determination of the French government to remove Eurras (now both the perpetrators and targets of violence) from French soil. French arrests in 1984 effectively dismembered the ETA leadership in France and forced a new generation of leaders to assume control of the organization. France commenced widespread deportations and detentions of Basques to Spain, including family members and suspected

terrorists. The focus of ETA terrorist activity then switched to Madrid where the breakaway "Madrid commando" continued to target security personnel in general, and members of the Guardia Civil in particular (Moxon-Browne 1988: 167). The change in French attitudes and policies brought about a decline in terrorist violence in the Basque country in 1988, and forced ETA to negotiate from a position of relative weakness in the late 1980s.

All the Eterras reasonably hope for has been achieved in Euzkadi, yet they continue their attacks as if Franco had been replaced by another even fiercer tyrant. Seen in this light, the ETA question is not so much one of political change, but one of the problem of a generation. It will disappear only as this generation ages and is succeeded by a new one with different values and aspirations (Laqueur 1987: 227).

V. ANTI-TERRORIST MEASURES IN ITALY:

I) Italian Laws

Due to the dramatic increase in frequency and the enormity of terrorist acts in Italy during the mid-1970s, the Italian government enacted several special laws and procedures to the criminal code to keep pace with the rise in political violence. The most important effort to counter terrorism came in the form of 2 provisional measures the Italian Parliament promulgated which are known commonly as the "Reale" and "Cossiga" laws. The former law was

passed on May 31, 1975. It states that the police may arrest, without warrant, a suspect on the "intimate conviction" that he was involved in a crime against the state. In addition, it allows the police to apprehend and interrogate a suspect who has not yet obtained counsel. These special provisions may be implemented at the discretion of the police when they determine "absolute necessity and urgency." The Cossiga law was enacted primarily to reinforce the Reale law. It was passed in 1976-77 as a specific response to an alarming increase in terrorist incidents in Italian cities. Its aim is to facilitate the rapid apprehension and conviction of terrorists by aiding the police in identifying and monitoring persons who might be members of terrorist organizations. This law originates in Article 27, Section 2 of the 1948 Constitution: it provides for the punishment of anyone thought to be concealing his identity during a public demonstration, such as with a "handkerchief or sunglasses" (Berry 1990: 15). It also lengthens the list of offenses that may legally arouse suspicion that an individual is involved in terrorism, and it permits wiretapping at the discretion of the magistrate, who need only give an oral authorization.

Until Aldo Moro's abduction Italian criminal law had contained no specific reference to the concept of terrorism. Yet within a week of the kidnapping the government issued a decree having the force of law and which was formally adopted by Parliament in the May 1978 - Penal and Procedural Norms for Prevention and Repression of Grave Crimes (Law N.191). The Act

established the crime of "terrorism or subversion of democratic order" with a sentence of 25-30 years. If the victim killed those responsible he was given a life sentence with no possibility of parole. (Weinberg & Eubank 1987: 127).

Similar to the UK and Spain, Italy has attempted to gain information on the activities and plans of terrorists by recruiting so-called "repentant" former conspirators. One crucial section of the Cossiga law allows for a reduction in a sentence when a convicted terrorist agrees to identify other terrorists.

"Participation in an armed band" has now been identified as a crime. New legal guidelines state that "individuals who are considered organizers of a criminal association or to have attributed to them, even without proof of their direct participation" will now be held punishable as having committed a criminal act. The language of this prohibition deliberately omits any differentiation among organizers, participants, and sympathizers. Thus it proves a very broad legal basis for infiltrating and disrupting the activities of terrorist groups (Berry 1990: 16).

Regardless of the threats, in-prison attacks and ideological condemnations as traitors, the repentance phenomenon became a real flood, involving 45% of imprisoned terrorists; and finally doomed the terrorists' network and cadres (Rimanelli 1989: 258).[7] Despite general support for the penitence law, it has also been sharply criticized. Many feel that the legal code no longer represents a

moral concept of justice but has become a flexible instrument to be bartered over, one which operates on a sliding scale of value without a fixed point of reference (Jamieson 1989: 198).

The general public however is not in total agreement regarding the Law of the Repented, under which leniency is extended to those who turn state's evidence. If, on the one hand, the "repented" have openly rejected armed conflict against the state, they do not, on the other hand, have to "rat" on their former comrades in arms by identifying any of them by name. Recent practice has shown that some jailed terrorists will talk and that the judges will indeed reduce the severity of their sentences. Notwithstanding these infiltration methods on the part of the Italian authorities, the organizational and command structures of the BR were so ingeniously constructed that relatively little useful information has been turned up from interrogation of the "repented" (LaPalombara 1987: 193).

ii) Police

One of the principal lessons from the Italian response to terrorism has been the need to coordinate police action. Police powers were further strengthened after the Moro murder. Telephones could now be tapped for up to 15 days without prior judicial permission, though a magistrate must be informed. Searches could be made without a warrant, including area house

searches when the person wanted for terrorist crimes was believed to be in the vicinity. Suspects could be detained for 24 hours without any formal charge, and limits for pre-trial confinement were extended. Suspects could be interrogated without the presence of a defence lawyer (though the information obtained could not be admissible as evidence). Judicial leniency was extended to terrorists who aided in police investigations. And mandatory identification was required of persons depositing more than 20 million lire in the bank. The result of these improvements was that the Italian security forces were able to make increasing numbers of arrests, particularly of leaders, and members of the BR. Continuing murders and leg shootings of judges, policemen and industrialists showed that Italian security forces and especially intelligence services still had a long way to go (Clutterback 1981: 15).

Police efficiency increased as a result of better pay, equipment, training and consequently higher morale. A strong amount of public sympathy for members of the police forces who were victims of terrorism was also an important factor. Better cooperation between different police and intelligence services was also achieved. A historical dualism and rivalry between the two principal Italian police forces has existed, the militarized carabinieri controlled by the Ministry of Defence (in practice largely autonomous) and the public security force administered by the Ministry of the Interior. After repeated bomb attacks in 1974, the government attempted to enforce greater coordination on

carabinieri and the police by instituting the General Inspectorate for Action Against Terrorism - which was fairly successful at the national level. In 1981 the Ministry of the Interior was given stronger powers to coordinate and direct police operations and a central data bank was set up.

iii) Media

According to LaPalombara it was not just the intellectual community but also the mass media which tended to encourage rather than to discourage terrorism in the Italian case (LaPalombara 1987: 184).

While the mass media in Italy were not all of one mind on the subject of terrorism, there were similar tendencies in the way terrorist activities were portrayed in the press and on television. The public, for the most part, held a hostile perception of terrorism. First, there was an initial tendency to view terrorist activities as exclusively "fascist" in character. As well, the media repeatedly communicated vivid descriptions and pictures of terrorism's victims - of both political leaders and ordinary people - killed or maimed as a result of terrorist violence (Weinberg & Eubank 1987: 138-9). This served to depict terrorist acts more as acts of senseless brutality, devoid of serious political or genuine ideological content. The Italian government was portrayed as ineffective in its struggle against terrorism. But the effect of this portrait hardly enhanced public support or political prospects for Italian terrorists. Instead, it

stimulated public demands for more effective government measures to repress the terrorists' activities.

iv) Evaluation

The central error of the BR was in believing they could succeed in striking at the heart of the state. And it is that which paradoxically remained the Italian state's strength or at least its capacity to resist.

Fragmentation of the Italian state and the dispersion of authority within it make symbolic attacks against it by clandestine terrorists a particularly inefficient form of violence. (Furlong 1981: 86-7).

From the point of view of public policy, several measures appear to have been decisive. First, the recognition by policy-makers of terrorism as a serious threat (1978 after the Moro killing) led them to establish organizations capable of meeting the challenge it posed. Second, modifications in laws governing criminal procedure made it easier for police and judicial authorities to carry out their anti-terrorist tasks. Third, laws had the effect of simultaneously making it easier for the terrorists to abandon their violent careers. Prison terms for terrorist acts and involvements were lengthened considerably, while those who disassociated and repented could envision a return to normal lives. This occurred in an environment in which the authorities, using improved techniques, had raised the probabilities that terrorist would be apprehended. (Weinberg & Eubank, 1987: 131).

The change in political and economic climate led to a decline in industrial unrest and a diminishing base of support for the violent left, protest movement in Italy. Undoubtedly the "pentiti" made a major contribution to catalyzing dissent within the BR and bringing about the defeat of terrorism (Seton-Watson, 1988, 19-09-12). Since 1982, there have been relatively few terrorist incidents in Italy. One sign of desperation on the part of BR members has been their growing cooperation with organized crime. This reliance upon material cooperation with organized crime does not engender any similarities in political or ideological philosophies.

During the late 1980s, there emerged a growing belief in Italy that the "years of the bullet" were over, and that emergency measures could now be safely discarded. Consequently, in July 1984 a substantial section of the anti-terrorist legislation was not renewed. Political terrorism had been defeated without the resort to martial law or even to the use of the army. No special courts were set up, nor was the jury system - though on occasions disrupted by terrorist intimidation, ever abandoned; the judiciary was preserved and exercised its independence (Seton-Watson 1988: 113).

In political terms the Italian state has won the battle against revolutionary terrorism. There is no longer any significant consensus for political violence among traditionally receptive groups of students, workers and far-left intellectuals (Jamieson, 1988: 39-40).

VI. ANTI-TERRORIST MEASURES IN THE FEDERAL REPUBLIC OF GERMANY:

Terrorism in West Germany has occurred in 2 waves. The first wave began in 1968 and ended in early 1983, when several leaders of the RAF were jailed. Then a number of them committed suicide while in jail and public panic regarding the state of order in West Germany was generally abated. The more recent spate of terrorist incidents, which began in 1985, was largely the result of international cooperation among terrorists. It has been argued that anti-terrorist measures have not stemmed the latter activity because they do not effectively regulate the behaviour of foreign nationals (Berry 1990: 19).

i) German Laws

A major problem in dealing with terrorism through constitutional means in the Federal Republic of Germany was that the Basic Law made no real provision for emergency situations, so action had to be limited to the use of the criminal law. The purpose of German anti-terrorism legislation was not to end terror but to reduce its dangerous effects in certain respects. In addition to expanding the list of punishable crimes, the Criminal Code reform of 1971-79 placed special restrictions on legal procedures in cases involving terrorist crimes. The first anti-terrorism legislation was passed in December 1971, allowing for strict sentences against hijacking and kidnapping. Two other

measures followed in June 1972 enlarging the powers of the Federal Office for the Protection of the Constitution (to include the observation of politically motivated anti-constitutional activities) and permitting the Federal Border Guard to act in support of Land police when public security was threatened. In December 1974 a tightening up of criminal procedures to expedite trials occurred, allowing in certain circumstances (e.g., hunger strikes), for trials to take place in the absence of the accused. The Anti-Constitutional Advocacy Act of January 1976 inserted a new paragraph in the criminal code directed against those who publicly advocated or encouraged others to "commit an offense against the stability and security of the Federal Republic" (Pridham 1981: 47).

The June 1976 Anti-Terrorism Law made "formation of terrorist associations" a criminal offense and provided for the supervision of written contacts between terrorists in prison and their defending counsels. This legislation was introduced due to the mediative role by some so called "terrorist lawyers" between terrorists in prison and those at large. In September 1977, a "contact ban" was introduced, whereby imprisoned terrorists could be placed under temporary isolation from each other and from their defence lawyer in the event of a threat to civilian lives or freedom. In a package of laws passed in April 1978 further restrictions on terrorist defense counsels were made and

considerable provisions to facilitate police searches were made (Pridham 1981: 47).

ii) Police

By the end of the 1960s the ineffectiveness of German law enforcement became evident. Personnel was lacking at every level within the states' investigation departments, in patrol divisions and at the Federal Investigation Office, the Bundeskriminalamt (BKA). Equipment was hopelessly outmoded, and the BKA was unable to fulfil its role of coordinating and assisting the State Investigation Departments (LKA).

Limitations to the state police forces were demonstrated by the bungled attempt to release Israeli Olympic athletes at the Munich Airport in 1972. As a result, a special rescue force was formed in 1972 as a part of the Federal Criminal Office (BKA) - called the GSG-9, 176-strong, and trained to very high standard, which parallels the British SAS (a specialized anti-terrorist unit formed within the UK airforce). Germans now have a computerized intelligence data bank more comprehensive and sophisticated than any other in the world (Clutterback 1981: 17).

To control the movement of suspected terrorists, a November 1978 law strengthened the requirements for certain persons to register their places of residence with the police. This measure made it possible to mark identification

papers so that border officials would recognize them and not let them leave the country. In 1976, the law pertaining to terrorist organizations was modified in an attempt to control popular sympathy for terrorist activity. Both membership in an armed gang and verbal support of such a gang were declared criminal acts. The prohibition of verbal support was directed against inflammatory propaganda (Berry 1990: 20).

Realizing that the terrorist threat posed unique problems for those charged with surveillance and apprehension, the West German Bundesrat in 1977 liberalized the statutes governing the powers of the West German federal investigating agency, the BKA. This office was given the authority to investigate terrorist cases directly, without prior permission from the courts or any other government organ. In effect, it has become the chief agency responsible for reacting to terrorism.

In 1971, the BKA was remodelled to become the central agency of information and communication for countering terrorism, to guide, control, and coordinate the work of various Länder investigative offices. Regarding equipment and personnel, long needed investments were made. Since 1968 the BKA has increased these investments tenfold and become an innovative agency who pioneered the use of computerized file and search concepts, utilizing modern electronic data equipment for the collection and collation of intelligence (Schiller 1987: 89).

Better coordination of activities between the police forces at the Federal and Länder levels and with the BKA, and the development of specific methods and means of investigation have essentially contributed to making terrorist operation in Germany successful.

iii) Intelligence

Underground existence in Germany became increasingly difficult when German law enforcement agencies were reformed, at considerable expense, after Munich. After 1972, German police with the BKA in the lead, entered the computer age, terminals were established at major border crossings, airports and at all police stations. The BKA began to pioneer computerized search programs and information systems, weeding out safe houses and illegal residents and tailing couriers and suspected terrorist sympathizers (Schiller 1988: 188). Manpower detailed for counter-terrorism was increased considerably. Special operations groups and hostage rescue squads were established at federal, state and city levels and the BKA's budget and personnel were increased tenfold. The number of high level targets in Germany has been greatly reduced, with the more efficient computerized tracking of terrorists as well as the improved relations with (former East bloc) nations previously serving as terrorist sanctuaries.

In 1987, a new machine-readable Europassport was introduced which could activate surveillance records and personnel files at border crossings and police checkpoints and which could not be forged. They have facilitated the identification of wanted criminals and make the cross-border mobility of terrorists difficult (Kolinsky 1988: 84).

iv) Media

A paragraph has been added to the Criminal Code outlawing "participation in an armed band" and public advocacy for such groups has been made a punishable offense. The latter restricts the publication of statements supporting terrorists (Berry 1990: 20).

iv) Evaluation

The German legislature implemented a number of new laws to improve internal security, some of which were pushed through parliament as knee-jerk reactions to the first wave of revolutionary terrorism in the 1960s from the RAF, and were later revoked as being either too controversial or ineffectual. In the wake of the second wave of attacks - new legislative steps were again taken. But much of what was done in regard to legal or police countermeasures appears to be alibi-oriented to prevent an appearance of helplessness to the concerned public (Schiller 1988: 189).

The German experience well demonstrates the fact that the criminal law is not the final argument or last resort for the elimination of terrorism. Since terrorism is essentially a social phenomenon, it is imperative that the sanctions of the criminal law be joined with balanced measures aimed at improving the state's socio-economic environment. Without recognition of this fundamental reality, there will always be a potential danger of terrorism in Germany (Radvanyi 1979: 107).

Resorting to violence and anarchism were self-defeating for the RAF. So long as the institutions of the state are supported by the vast majority of citizens, this form of revolutionary conflict has no chance of success. The successors to the first generation of leaders proved to be far less adroit or charismatic, and since 1977, the RAF has been driven underground and most of its members are imprisoned, exiled on the run or dead (Livingstone 1982: 182). An occasional attack is essayed as a sporadic reminder of its existence. Having peaked in 1977, dealing with terrorism was "merely a mopping up exercise" - requiring the arrests of former terrorists who were still at large (Kolinsky 1988: 61).

VII. SUMMARY:

The exceptional nature of counter-terrorism legislation is pointed to by its introduction on a nominally "temporary" basis. The UK PTA for example,

was initially passed in 1974 as a temporary Act, reviewable every 6 months. In 1976 these provisions were revised to an annual review, and in 1984 the Act was again revised and reviewed, a decade after its initial "temporary" introduction. This "temporary-ness" was a key notion in the formulation of several exceptional pieces of legislation in Italy during the 1970s aimed at dealing with political violence. This dimension of temporary provisions has not only justified the extraordinary measures as being responsive to an immediate and limited phenomenon, but also has paved the way for "normalization" of these measures - that is, for their integration into the broader processes of criminal justice administration. This process of "normalization" has occurred not only through the gradual reduction of the initial temporary-ness of such legislative innovations, but also through the ever widening ambit of such measures (Hocking 1986: 301).

Legislation designed to combat terrorism remains highly contentious. Even members of the European Community seem sceptical that their partners will honour obligations in respect of extradition and so on. It is very difficult to reconcile different national practices with one another. Moreover, many states see anti-terrorist legislation as being invoked in exceptional circumstances only. MPs and the public often doubt the effectiveness of political controls and demand that such legislation be revoked as soon as possible. Clearly, however, anti-terrorist legislation and special forces are deemed necessary.

But the emphasis is on keeping such measures within the realm, where possible, of civil rather than military control. What legal measures can and should be taken to control terrorism when it becomes too much for the ordinary agencies and procedures of law enforcement? A goal of many terrorists is to provide oppressive counter-measures to deprive the government of popular support by turning it into a police state. Anti-terrorist laws often impose draconian penalties upon those convicted of terrorist offenses in the hope that this will serve as a deterrent. If the government is provoked into introducing emergency powers, suspending habeus corpus, or invoking martial law, it confronts the paradox of suspending democracy in order to preserve it.

CHAPTER III - NOTES:

1. Organizations connected with terrorism are controlled by these two acts of legislation with five specific restrictions. The existence of or membership in any organization in Great Britain or Northern Ireland that is connected with terrorism is strictly forbidden. The acts also forbid the soliciting, receiving, or giving of finances to proscribed organizations. Forbidden also is any recruitment by these illegal organizations for purposes of assisting in their activities. These acts further ban the arranging of any individual to address an assembly of three or more persons in connection with terrorist organizations. It is also illegal for any individual to dress or display any article in public so as to suggest that person's involvement with a proscribed organization (Sacapulos 1989: 156).
2. For instance, it is forbidden to wear a hood or a mask in public concealing one's identity. Information concerning police, security forces, judicial officials, and prison officers which might prove useful to terrorist activities may not be collected, recorded, published, communicated, or possessed. It is also a criminal offense to be an accessory to terrorism by withholding information which is known or believed to be of possible assistance in preventing or combating acts of terrorism (Sacapulos 1989: 156).
3. The Ulster Defence Association (UDA) has become the largest paramilitary organization in Northern Ireland, and the only one not proscribed by Schedule 2 of the EPA (1978). This has allowed it to mobilize openly (Aughey, 1988: 99).
4. Since the return to democracy in Spain under King Carlos, Spanish governments have made serious efforts to meet demands for greater autonomy, not only from the Basque country, but also from other regions with distinct ethnic identities, such as Catalonia and Galicia.
5. Law 21/1978; Law 56/78 "Special Measures Toward Crimes of Terrorism Committed by Armed Groups"; January 1979 Law - "On Protection of Citizen Security".
6. The economic agreements whereby the Basque government would again have the right to levy its own taxes, came into effect in January 1981. The same taxes would be collected as in the rest of Spain, but only about a third would be handed over to the national government.

7. "Repentant" or "Disassociated" terrorists are estimated to number at least 40% of the official 2,000 terrorists having served time or waiting trial in Italian prisons (Das, 1990: 98).

CHAPTER IV: INTERNATIONAL POLICY EFFORTS AT CONTROLLING TERRORISM

I. INTRODUCTION:

Terrorism, even indigenous terrorism, increasingly transcends national boundaries in its exercise, effects ramifications and prosecution. As indicated in the preceding chapters, many terrorist groups have international links, and the problem of combating terrorism thereby occupies international rather than simply national efforts. Contemporary terrorism is, increasingly, an international as well as domestic phenomenon. Because of the delicate nature of international relations, attempts to control terrorism at the global level will always tend to focus on legal and treaty obligations rather than "action-oriented" measures. There is no case of purely domestic terrorism, but there are, of course, many terrorist campaigns in which the political violence is endemic to a single national territory or region (Wilkinson 1986: 453). In the case studies earlier discussed, the sanctuary found amongst neighbouring countries or ideological blocs, has provided many of the terrorists with a "staging ground" for their operations. In order to assess government efforts at countering the threat of terrorism in the liberal democratic state it is useful to evaluate contemporary

bilateral and multilateral, international efforts relating to terrorism. In Western Europe, attempts have been made to counter terrorism at various levels.

The process towards European integration - cooperation within the framework of the Common Market and, even more significantly the achievements within the Council of Europe and the active engagement of the European Parliament - have all contributed to the creation of a climate favourable to the collective brain-storming necessary to work out a joint attitude towards terrorism. The more European democracies have become functionally and structurally integrated, the more terrorism has moved from purely domestic to international political violence.

II. INTERNATIONAL ANTI-TERRORIST CONVENTIONS:

To date the United Nations has adopted eight global anti-terrorist conventions: the Convention on Offences and Certain Other Acts Committed on Board Aircraft (Tokyo Convention); the Convention for Suppression of Unlawful Seizure of Aircraft (Hague Convention); the Convention for Suppression of Unlawful Acts Against Safety of Civil Aviation (Montreal Convention); the Convention for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation (Montreal Protocol); the Convention on Prevention and Punishment of Crimes Against Internationally Protected Persons, Including Diplomatic Agents (Convention on Protected Persons); the International

Convention Against the Taking of Hostages (Hostages Convention); the Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation (IMO Convention); and, the Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms Located on the Continental Shelf (IMP Protocol) (Murphy 1990: 382). These conventions seek to suppress international terrorism by establishing a framework for international cooperation among states. Individual criminal acts are covered by the anti-terrorist conventions. In the UN context, the approach has been to resolve the problem of definition by avoiding it. Although these treaty provisions are often loosely described as anti-terrorist, the acts they cover are criminalized regardless of whether, in any particular case, they could be classified as terrorism (Jenkins 1982: 110).

A key feature of these conventions is the requirement that a state party that apprehends an alleged offender in its territory either extradite him or submit his case to its own authorities for purposes of prosecution. None of these conventions alone creates an obligation to extradite; by requiring the submission of alleged offenders for prosecution if extradition fails, they contain an inducement to extradite (Murphy 1990: 383). Moreover, a legal basis for extradition is provided either in the convention or through incorporation of the offenses mentioned in the convention into existing or future extradition treaties between parties. To varying degrees, these conventions also obligate the

parties to take the important practical step of attempting to apprehend the accused and hold him in custody.

The most important goal of these provisions is that they ensure prosecution of the accused. To this end, the conventions state quite strongly an alternative obligation either to extradite or to submit the accused for prosecution. The obligation, however, is not to try the accused, much less to punish him, but to submit the case to be considered for prosecution by the appropriate national prosecuting authority. If the prosecuting state's criminal justice system lacks integrity, the risk of political intervention may prevent the trial or conviction of the accused, or act as a mitigating influence at the sentencing state (Murphy 1990: 383). There remain substantial legal and political differences among states' approaches to UN treaties.

Even if the prosecuting state's criminal justice system functions with integrity, it may be very difficult to obtain the evidence necessary to convict the accused when the alleged offense was committed in another country. This impediment to conviction can be removed only by patient and sustained efforts to develop and expand "judicial assistance" and other forms of cooperation between the law enforcement and judicial systems of different countries. These conventions create an obligation to cooperate in this regard, but this obligation is often difficult for countries with different types of legal systems to meet, even assuming they act in complete good faith.

There are a number of deficiencies relating to the United Nations anti-terrorist conventions. The first is that, even with respect to these conventions that have been in force for a number of years, the number of signatories is disappointingly low. A more serious deficiency is that none of the anti-terrorist conventions cover those tactics most often used by terrorists, most particularly the deliberate targeting, by bombs or other weapons, of the civilian population. According to Murphy, however, the major problem with the global anti-terrorist conventions is that they have not been implemented vigorously (1990: 385). The conclusion of anti-terrorist conventions is only the first step in the process; unfortunately, most signatories seem to regard it as the last.

Defining terrorism at the international level raises questions about sovereignty and indeed, reflects the double standard applied to terrorism by various nations. The implementation of conventions against terrorism will only be possible among those groups of countries which share commonalities in law and have a certain political proximity (Nef 1978: 22). The task of designing and implementing effective national policies to deal with terrorism is overwhelming and argues less for a general all embracing strategy to address the problem than a multitude of less-ambitious component strategies, which in sum provide an overall framework for controlling and suppressing terrorism on a global scale.

III. BILATERAL AND MULTILATERAL REGIONAL EUROPEAN EFFORTS:

Given the diverging policies towards terrorism by individual states in the international community, endeavours to counter terrorism by a more regionally limited group sharing common ideals about the notion of liberal democracy has proven more successful. The Council of Europe's initiative included the development of a regional, European response to terrorism with the European Convention on the Suppression of Terrorism (ECST). The ECST "political offenses" loophole provides that all ratifying states will exclude a whole range of major terrorist offenses, such as assassination, hostage-taking, bomb attacks, and hijacking from the political offence exception clauses that had previously been used to justify refusal for extradition; terrorist acts would be considered criminal acts. The provision "extradite or try" allows those states whose constitutions disallow extradition agreements to bring a suspect to trial before their own courts. Mutual assistance in the criminal investigation of such offenses is also made mandatory.

The ECST requires signatory states to amend their national extradition practices in such a way as to deprive alleged terrorists and those engaged in terrorism to exonerate their action on grounds such action constituted a political offense or was inspired by a political motive. Article 5 permits each signatory to refuse the extradition of a fugitive offender if he believes the requesting state intends to prosecute or to punish the person

based upon race, religion, nationality or political opinion. Article 13 further permits signatories to enter reserves under which they retain the right to reject the application for an extradition on grounds that the offense involved is indeed "political". Such reservations are subject to reciprocity. However a state's refusal to extradite an offender (Articles 5 or 113) does not mean the offender is able to evade the law since the ECST obliges signatories to comply with the general principle of "extradite or try" (Lodge 1988: 50). Extradition is a complicated judicial procedure in which various requirements and technical rules have to be proven satisfactorily to a court. Deportation, by contrast, can be accomplished by executive action and is quicker and cheaper but should not be manipulated as a form of "disguised extradition."

Two major shortcomings have blocked the successful establishment of the ECST. First, a possible escape clause inserted into the Convention permits a contracting state to reserve the right to regard certain offenses as political, and hence to withhold extradition. Second, the process of ratification has been slow. France and Ireland were reluctant to ratify (but eventually signed) the ECST based upon their constitutional commitment to guarantee the right of political asylum (Wilkinson 1986a: 48).[Please see Chapter II]

In general it can be expected that, many if not all, nations will put national self-interest before international treaty obligations in a crisis (Wardlaw

1982: 115). In spite of these reservations, it may be as Paul Wilkinson has pointed out:

that the European Convention represents the optimal mechanism for European cooperation in the fight against terrorism, given present conditions of international relations. Rather than expending more time and effort in the discussion of fresh institutions or mechanisms we should pursue the more modest aim of making existing machinery work effectively. Moreover, there is no doubt recent efforts by the Council of Europe and the European Community toward a greater degree of convergence in the jurisdiction, legal codes and judicial procedures of European states could immeasurably assist in smoothing the path for closer judicial cooperation and effective implementation of the [European] Convention of the Suppression of Terrorism (Wardlaw 1982: 115).

Some practical steps can be taken, for example among European Community members to improve the machinery of international police and security cooperation. Of great assistance to member states of the EEC and NATO countries has been the strengthening of the machinery for multilateral intelligence and police cooperation. This has generally progressed more rapidly than political and judicial cooperation. The TREVI Group was established in 1975 with the mandate to provide a base for cooperation between EC countries in their handling of European "subversion of all shapes and sizes". Under its aegis meetings are held between EC interior and justice ministers and senior police officers. It provides a forum for the pooling and exchange of information (Gearty 1991: 136). The "Europassport" was established in 1987 by the Federal Republic of Germany, which is a machine-readable EC passport which is able to activate surveillance records and personnel files at border crossings

and police checkpoints. As it is claimed to be unforgeable, it should thereby facilitate the identification of wanted criminals and make the cross-border mobility of terrorists difficult (Kolinsky 1988: 84). As well, INTERPOL acts as a "clearing house" for information regarding terrorist organizations. NATO has developed a valuable system for the exchange of intelligence concerning terrorist weapons, personnel and techniques. Commando and intelligence links amongst counter-terrorist units are improving, for example the Mogadishu rescue effort and the GSG-9 and SAS and Mossad collaboration. Joint training visits and exchanges of security personnel are now well established among EEC and NATO countries. Bilateral cooperation in intelligence efforts may now be provided on an ad hoc basis at the request of governments (for example, a West German computer bank data on terrorists is used to fight against terrorism in Italy). There is also a permanent structure of police cooperation - "Europol" between EEC member states which is particularly valuable in combating cross-border terrorism (Wilkinson 1987a: 49).

IV. SUMMARY:

The policy of open borders in West Europe, with the multitude of border crossings and people travelling (especially during vacation seasons), curtails traditional search and filter methods based upon border patrols. Increasingly, countering terrorist efforts involve advanced intelligence, including

detailed information of travelling schedules and routes and of international exchanges of information between law enforcement agencies and intelligence services. Overall, the current joint European efforts are limited at best, despite declarations and resolutions at political summit meetings. Realizing the full effectiveness of autonomous, domestic efforts, slowly binational agreements to cooperate have been developed between states (Schiller 1988: 193).

The need for an effective system of intelligence pooling to facilitate counter-terrorist action has become quite obvious to European democracies, but it will be a long time before their governments overcome their political reservations and set aside their concern for export markets. Most states are not willing to endanger their economic relations with certain terrorist-supporting states, for example, there exist several European links with certain Arab states such as Libya. Even if these relations spell out an increased danger to their own citizens, states should be in favour of a united stand against terrorist groups and their supporting states. While numerous resolutions against the menace of terrorism have been passed during the last few years, practical steps are now needed to further international cooperation and response mechanisms to deal with the threat. Transnational cooperation on a tactical level between military and police units from different countries has already occurred (Schiller 1988: 195).

The best hope of success seems to lie in bilateral agreements between states who are compelled to act to safeguard their own interests, and less formal exchanges between police, intelligence and military agencies. Although these, too, are fraught with the perils of exception clauses and unenforceability, they are likely to withstand more pressures than other agreements. The future is likely to see the proliferation of these arrangements as nations feel more threatened about specific dangers (Wardlaw 1982: 120). Ad hoc arrangements, with their attendant flexibility are preferred by many states.

As discussed in the preceding chapter, the lack of cooperation of neighbouring states in both the Basque country and in Northern Ireland have been regarded as impediments to the elimination of terrorism in these areas. These sanctuaries have provided both the ETA and the IRA with a "staging ground" for their terrorist operations. In response to continuing terrorist assaults against their respective governments, Spain and the United Kingdom have secured agreements with France and the Republic of Ireland to close off the safe-havens their territorial bases provide.

The UN has proved useless in countering terrorism due to an inability to reach a consensus over a working definition of terrorism and the fact that for many states, terrorism is an instrument of foreign policy equal to legitimate armed struggle. With the changes in the global political community

after 1989, progress, it is hoped, will be made in terms of multilateral efforts to cooperate against terrorism. Terrorists will no longer fight proxy wars in the name of the superpowers. For many West European democracies terrorism has come to be defined and prosecuted as a crime. Achieving consensus on the idea terrorist acts were to be regarded as criminal offenses was not an easy matter. Determining common or harmonized swift responses to terrorist incidents by EC states has also proved to be difficult (Lodge 1988: 49).

If international anti-terrorist conventions are difficult to formulate and are undermined by tardy ratification and non-implementation then it may be supposed that a regional grouping of liberal democracies may be better placed to effect supranational action. The ECST presents a case of a regional agreement amongst negotiating parties sharing broad values and concerns.

As important as the ECST is, it must be remembered that it represents but a very small step towards creating an effective international instrument against terrorism. The principles it establishes are significant, but equally important is the fact some states can and have used deportation as "disguised extradition".

The ECST may on paper be seen as an advance on previous Conventions in that it strips many offenses of the protection afforded by the classic "political exception clause" (exempting from the criminal category those acts which are politically motivated). Much of the convention deals with

provisions for extradition, and Article 7 states that the refusal to extradite, under the terms of the convention, requires the detaining state to initiate the prosecution of the offender. It is flawed (as with other cases) by the fact that not all of the members of the Council of Europe have ratified it, and it contains no enforcement provisions for breaches by signatories. As well, there is no guarantee it will be adhered to in a crisis situation. In general, it can be expected that many, if not all, nations will put national self-interest before international treaty obligations in a crisis (Wardlaw 1982: 115).

CHAPTER V: CONCLUSION

It is not so much through terrorism's acts, but through the response to its acts that the use of terrorism can be effective. Terrorists attempt to "militarize" a political situation and aim to provoke authorities into overreaction. "Perhaps the most dangerous of all the possible political uses of terrorism are those designed to provoke and exploit a vicious spiral of violence and counter-violence" (Wilkinson 1979: 111). In a democracy, the state's monopoly on violence is usually severely constrained by the rule of law and the prerogatives of due process.

It follows that by far the most valuable and beneficial prophylaxis available against large-scale internal political violence for the liberal state is a proven and consistent record of effectiveness in responding to pressures for reform (Laqueur 1978: 117).

Whereas reform may address economic issues such as improving material conditions, employment opportunities and housing, often grievances centre more passionately upon issues of political and cultural discrimination, such as the unequal treatment of a particular minority or language group or discriminatory electoral laws or infringements of constitutional rights. If the government is effective in addressing the legitimate demands for reform within specific social issues and not only the broader economic matters, the

government may pre-emptively quell any outbreaks of domestic political violence. By alleviating the conditions that give rise to terrorism, governments can essentially eradicate or pre-empt the outbreak of political violence. Popular support may be gained by the liberal democratic government in power. On the other hand, if legitimate demands for reform are ignored, the government takes on the risk of igniting the flames of domestic political violence, or worse, protracted terrorist threats.

As was seen in the Northern Irish case, the British government has responded to legitimate demands for reform on the part of the Catholic nationalist community. However, in terms of addressing the constitutional grievances of the IRA, which would require the abolishment of Northern Ireland, the British government has been unable, or unwilling to meet the IRA's demands. In order to address the constitutional grievances of the IRA, the British would have to ignore the Protestant majority population's existence within Northern Ireland.

No all-encompassing panacea exists for ending terrorism. A sustained effort must be made to eradicate the causes of terrorism, especially when it is rooted in desperation, injustice and deprivation; but when that is not possible, or in instances where terrorism is more directly the product of disordered minds and anarchistic visions, the only alternative is, in most circumstances, to respond with counter-force (Livingstone 1982: 198). The key

challenge for any democratic state, is to get the balance right between control of the subversive violence and the maintenance of respect for freedom and equality which morally distinguishes it from its opponents.

In trying to counter domestic terrorism, liberal democratic governments must maintain constitutional government. Hence, the suspension of parliamentary democracy, the attempt to rule by emergency decree, the abandonment of free elections and all fundamental abridgements of a democratic constitution must be resisted. At the same time, liberal democratic governments must avoid the failure to uphold constitutional authority and the rule of law. If a democratic government caves in to extremist movements and allows them to subvert and openly defy the law and to set themselves up as virtual rival governments within the state, the liberal democracy will dissolve into an "anarchy of competing factions and enclaves" (Laqueur 1978: 127).

The "two-wars" strategy described by Paul Wilkinson prescribes the harmonization of two distinctive kinds of counter-terrorism campaigns from governments. The first counter-terrorism campaign includes the military and security effort to identify, isolate and destroy the revolutionary forces, their leaders, logistic support, and lines of communication. The second counter-terrorism campaign includes the political, ideological and psychological war to sustain and strengthen the base of popular support behind the government and hence to render the terrorists politically isolated and vulnerable (1986: 19).

During the late 1960s and early 1970s, governments faced with the threat of terrorism, especially those in Western Europe facing the threat of revolutionary terrorism - namely Italy and the Federal Republic of Germany were unprepared for the terrorist onslaughts. In this time, the revolutionary terrorists in both countries concentrated their terrorist attacks upon inanimate symbols of the so-called "imperialist" states in which they lived. With the increasing sophistication of government efforts at countering these attacks, revolutionary groups were forced to widen the scope of their assaults. By the 1980s, the targets of these revolutionary terrorists included both the human symbols of "oppressive capitalism" as well as the inanimate symbols.

As governments improved their counter-terrorist techniques, the revolutionary groups were forced to become more and more ruthless. While in the earlier periods these revolutionary terrorists could count on the solidarity of specific groups within their states, as they were pushed into committing more indiscriminate acts of terror, killing innocent people not affiliated with the class struggle, they gradually lost the small base of support they may have held at one time. Once the anti-terrorism legislation had been launched, and later the rehabilitation programmes introduced in each country, revolutionary-ideological terrorism was successfully reduced.

Earlier generations of terrorists tend to be more ideological and discriminating, later generations more violent and ruthless. For example, in

Italy and Germany, the first generation terrorists were frequently highly educated and well versed in questions of ideology, especially Marxism. They were given to philosophical and ethical arguments and would ponder questions such as whether it was morally justifiable to shoot a policeman. But the third and fourth generations of terrorists are not ideologically sophisticated, nor are they even interested in ideology. They have contempt and impatience for learning and they prefer instant action, shifting away from ideology, and towards anti-intellectual action (Jenkins 1982: 63-4).

Regardless of the ideological overtones or nationalist aspirations, all of the terrorist groups discussed include the commission of acts, such as bank robberies or kidnappings, for financial gain that are recognizable as purely "criminal" offenses. It becomes apparent that legitimate government authorities in Western Europe have chosen, for the most part, with the arguable exception of Ireland, to view terrorism as a criminal rather than a political offense.

Terrorism is being treated more and more as a special criminal problem. This fact is manifest in the evolution of specialized law enforcement units, the use of the military in domestic conflicts, the adaptation of current legislation to changing forms of old crimes, and even the introduction of new laws. Parallel to effective counter-terrorism, the state must never forget that only appropriate socio-economic and political reforms will really overcome or pre-empt the domestic causes of terrorism.

There are strong arguments against those government anti-terrorist activities that might influence the internal dynamics of a terrorist organization in a way that enhances internal cohesion and therefore increases motivation toward action. However, one could equally argue that anti-terrorist measures are most effective precisely when conducted against small and vulnerable organizations such as the BR and the RAF. In many West European countries, the use of emergency legislation has played its part in facilitating arrests and convictions, but in Northern Ireland and in Spain the use of such legislation has had the effect of reducing the perceived legitimacy of the political system on the part of the minorities most affected: the Catholics in Northern Ireland and the Basques in Spain.

Rather than acting as strong deterrents against terrorism, prisons became recruiting agents for many of these terrorists groups. This result provides evidence of how certain, tough counter-terrorist policies aid rather than inhibit terrorism recruitment, reinforcing the hatred so vital to the survival of the terrorist groups. The problem does not end when terrorists are successfully apprehended, tried and convicted. Most states' penal systems are ill-adapted and under-equipped to handle large numbers of imprisoned terrorists. It is all too easy for militant and determined terrorists, with considerable experiences of covert activity outside of jail, to begin to reestablish their terrorist organizations within the prison system.

In addition, using the aid of pro-terrorist lawyers and friends, they can even hope to establish a network outside prison in which they direct, or at least strongly influence, from inside jail. Hence, the law enforcement solution by itself is inevitably incomplete. Without additional measures there is the strong likelihood of new terrorist movements recreating themselves from "the ashes of the old" (Wilkinson 1987: 461). This highlights the importance of the specialized task of winning over individual members of terrorist organizations and promoting their long-term rehabilitation into normal society.

As seen in the case of the IRA, the prison factor has played an important role in the recruitment of IRA members rather than as deterrence. During the internment period, thousands of innocent Catholics were arrested, held without charge, and released later with a great deal of bitterness. Internment resulted in the incarceration of innocent men, thus further estranging large sections of the Nationalist community from the legal process, and this dramatically increased the flow of recruits to the IRA and added fuel to an already bitter civil conflict. The treatment of IRA members once in custody has been the singularly most consistent theme in IRA propaganda. "The tortuous indignity of strip-searches is also an aspect of the prison regime presented in highly emotional terms" (Patterson 1990: 33). The IRA is able to construct legitimacy for their cause based upon the issues concerning the administration of justice.

Political violence has generally been less sustained but more carefully targeted by the IRA since early 1976. Yet these trends do not coincide with the passage of the Prevention against terrorism acts, nor with any of their revisions. Therefore, other factors must be taken into account. Prevention against terrorism acts (mainly in the form of their special policing powers) have achieved some preventive influence over terrorism both in Britain and Spain. However, it is probably mistaken to believe that the legislation has been the only substantive inhibitor.

While the majority of the Irish nationalist population - both within Northern Ireland and in Ireland, do favour Irish unity, it is only a small minority of the Irish nationalist population which supports IRA violence in order to bring about Irish unity. The British government's sustained efforts at seeking legal-political reforms for a Northern Ireland settlement have resulted in low support (no more than 10% generally) for the IRA's political party - Sinn Fein. The 1985 Anglo-Irish Agreement, has been a crucial political step to reassure the Catholic nationalist population of the British efforts towards a devolved power scheme. The move towards a devolved government in Northern Ireland, with shared powers between the Northern Irish Catholics and the Northern Irish Protestants, has also permitted the Republic of Ireland to play a role.

It is clear that the majority of the Basque population in Spain both favour the idea of separation for the Basque provinces in Spain, but reject ETA

violence as a means of promoting that solution. The Madrid government has not prevented, even if it did not welcome, the legalization of ETA's political front, Herri Batasuna. At least, those who sympathize with the terrorists' predicament or who support their aims and their methods are provided with a political alternative to violence. This way it is always possible to engage in dialogue.

As a consequence of internal developments within ETA, including declining social support and the relative efficacy of the Spanish authorities' anti-terrorist strategy, ETA has increasingly been isolated and marginalized. Although its total eradication is unlikely given the strong nationalist Basque tradition, prospects for a significant reduction in ETA terrorism are good. Bold political decisions over negotiating could help to deepen the process of isolating hard-core terrorists.

In the 1980s, the Spanish government deployed a variety of measures to counter ETA terrorism; including specific security initiatives backed up by emergency legislation; the more recent program of political reforms subsequent to 1979, involving the establishment of a regional government with its own (Basque) police force and accompanied by the full acknowledgement of Basque language and culture. The importance of using a police force which enjoys the support of the local population was recognized by the Spanish authorities in the Basque regions.

If there has been a clear pattern in the evolution of Spanish counter-terrorism policy over the 1980s, it has been the movement from the repressive end of the spectrum toward an accommodative stance. Since 1980, the annual death toll in the Basque country has declined moderately, suggesting that the acceptability of regional political institutions and police forces are cutting some of the ground from under the feet of ETA.

Since the demise of Italy's BR, who exist today in very reduced circumstances, and since the Federal Republic of Germany's RAF became so emasculated, it is fair to say that the ideological challenge is no longer important. This is especially true given the changes to the global ideological climate in recent years.

Terrorism's final collapse in Italy was the result of several causes: 1) the efficiency of police anti-terrorist efforts, 2) the terrorists' endemic internal factionalism and politico-moral crisis following the Moro affair, which led many of them to betray the group once they were captured (a similar morale faltering occurred once members of the RAF had been imprisoned, with many of the RAF members committing suicide in jail), 3) new legislative efforts favouring the collaboration of repentant terrorists, and 4) popular hostility and shrinking recruitment (Rimanelli 1989: 276).

In political terms the Italian state has won the battle against revolutionary terrorism. There is no longer any significant consensus for political violence

among the traditionally receptive groups of students, workers and far-left intellectuals (Jamieson 1988: 39-40).

Italy appears to be the most successful. Although remnants of the Red Brigades still exist, there has been only sporadic activity since 1982. The nationalist terrorist groups of ETA and the IRA have proven to be more difficult to control. The current level of violence has decreased from in the past, but still remains significant. From a political standpoint, both groups have been partially successful. IRA terrorism creates a situation in which shared powers - between both Northern Irish Catholics and Protestants, under an agreed upon devolved governmental arrangement, which permits the Republic of Ireland to play a role seems a strong possibility. ETA terrorism was a major factor in the Spanish decision to grant autonomy to the Basque provinces in 1979.

It is not possible to say that political violence can ever be totally eradicated. The particular circumstances that give rise to political violence are rarely identical: the historical development of states and national differences of approach seldom favour identical solutions. Although much can be learned from abroad, each country must devise its own counter-terrorism policy. Each terrorist attack requires a unique response determined by the particulars of the given situation. Governments within liberal democracies must consistently demonstrate that they will not give in to terrorist blackmail and that violence will not be tolerated. Otherwise, a problem which is essentially a problem of

security could very well become a question of the future survival of the liberal democratic state.

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