

## Book Review – Paul Wilkinson's *Terrorism Versus Democracy: The Liberal State Response*

---

By Euan MacDonald

**Suggested Citation:** Euan MacDonald, *Book Review – Paul Wilkinson's Terrorism Versus Democracy: The Liberal State Response*, 3 German Law Journal (2002), available at

<http://www.germanlawjournal.com/index.php?pageID=11&artID=217>

Review of Paul Wilkinson, *Terrorism Versus Democracy: The Liberal State Response* (London, Frank Cass Publishers, 2001, Hardback Edition: £42.50, ISBN: 0-7146-5139-7) .

[1] In the year or so that has passed since the attacks on the buildings of the World Trade Centre in New York and on the Pentagon in Washington, the status of the notion of terrorism in international political discourse has undergone a significant change; where before it occupied a position of mere importance, its new role is, in many respects, definitive. This is shown not only by the fact that we have seen a full-blown war in response to the terrorist attack, and are now faced with the very real possibility of a second, "pre-emptive" one, but also by the extent to which this topic has since dominated the academic work of scholars from a wide variety of disciplines. In this regard, anyone flicking through the lists of recent publications this year would surely have been intrigued by the title of the book under review here; the events following September 11th 2001, particularly in the US but also elsewhere, have ensured that the question of a "liberal" response to terrorism has been foremost in the minds of academics and policy-makers alike.

[2] One thing, therefore, needs to be made clear from the outset. This is not a new book. Rather, it was first published in 2001 and then reprinted in 2002. This means that anyone reading it and hoping to find an analysis of the threat posed by Osama Bin Laden's terrorist network and the suitability of the American response thereto, by a political scientist world-renowned in this field, will be disappointed. Bin Laden's name is rarely mentioned; Al Qu'aida not at all, despite the fact that the book was written at a time when both had already allegedly been involved in terrorist activities against the U.S. and others. Nevertheless, and whatever the reasons for the reprint, it seems certain that the vastly increased public profile of the general topic addressed by the book in the days since September 11th will almost certainly mean that it reaches a much wider readership this time around.

[3] And perhaps rightly so. After all, a casual observer of international affairs in the last twelve months or so may be forgiven for having formed the opinion that modern terrorism "began" last year, and that the noteworthy extent of the phenomenon is exhausted by the (seemingly endless) Al Qu'aida network. This is clearly not the case; the spectacular nature of the attacks on the World Trade Centre should not blind us to the fact that terrorism is a complex and multifaceted problem, which manifests itself in all sorts of different ways and in different relation to varying social contexts. In this respect, *Terrorism versus Democracy* is undoubtedly of much use. The sheer breadth of the author's work in this field allows him to draw on incidents and terrorist groups from every region of the world in recent history. Indeed, Wilkinson is at pains to point out that spectacular incidents of international terrorism "only constitute a tiny minority of the annual total of terror acts world-wide", (1) by far the greater proportion being made up by instances of ethno-religious, national or ideological conflicts, that tend to occur within the borders of a single state by its own nationals and against their fellow citizens. Therefore, while far from ignoring the threat posed by new trends in international terrorism, Wilkinson also pays a significant amount of attention to the more "ordinary" variety. In this regard, his book, which contains a wide range of references along with a lengthy section on "further reading" and a list of relevant websites, will certainly be a valuable point of departure for anybody wishing to investigate more deeply this complex method of conducting political violence.

[4] More generally, the book also attempts to cover an impressively wide subject area, and, although the focus is on acts of terror committed against liberal-democratic states, Wilkinson also draws attention to other examples, for example the use of weapons of mass terror by states themselves, in order to illustrate more fully the many and varied manifestations of the problem, notably the use of the weapon of mass terror by states themselves, exemplified by events in the Balkans during the 1990's. That this will be the approach of the book is made plain from the outset: chapter 1 provides a very general outline of the notion of "insurgency" and its relation to other, linked concepts such as guerrilla warfare, sabotage and terrorism; while chapter 2 sketches a brief account of the historical development of modern terrorism, discussing, among other things, colonialism, the Cold War, Islamic fundamentalism and the recent history of Northern Ireland.

[5] After this general introduction to the problem, Wilkinson then goes on, in Chapter 3, to identify what he believes to be the "key trends" that are developing in the use of terror as a weapon. Of these, he notes that there has been an upsurge in ethnic and ethno-religious conflicts which have seen the use of mass terror against an entire "enemy" civilian population, which has become "... the characteristic mode of warfare from the Caucasus and the Balkans to South Asia and central Africa". (2) He also remarks that, contrary to the 1970's, when almost all internationally active

terrorist groups had secular beliefs, many are now driven by purely religious (mostly radical Islamic) motives; concurrently, he records that there has been a significant decrease, in most areas of the world at least, in extreme left- or right-wing groups carrying out such attacks. Furthermore, he stresses the international dimension of all major terrorist groups in matters such as fundraising and arms acquisition, and the continuing threat of state-sponsored terrorism, in particular from certain Middle-East states such as Iran. Lastly, and alarmingly, he states that for all forms of terrorism, be they national or international, nationally or religiously motivated, the most striking trend of recent times is that of increasing lethality and a tendency towards indiscriminate attacks in public places.

[6] Chapters 4, 5, and 6 represent, according to Wilkinson, the "core" of this book. The first of these is concerned mainly with the political, non-violent response of the liberal state to the terrorist problem, and ways in which the potential for violent conflict can be effectively removed before it has even begun. He is, however, sceptical that even the most enlightened human rights policies will be sufficient to deter all forms of terrorist violence that today confront the liberal state, citing, for example, the white supremacist and neo-Nazi right in America in support of this. Despite this, he goes on to support, in general terms, the role of the UN as an international peacekeeper in conflict torn areas, and suggests that liberal states should be more forthcoming with the provision of funds in this regard. He then examines "peace processes", by means of a brief account of the efforts in this direction between the Israelis and the Palestinians, begun in Oslo in 1993, and in Northern Ireland under the Good Friday Agreement. He concludes no two processes will be alike, but that at the least cross-party support, commitment of part leaders to peace, and "patience and a spirit of compromise" (3) are all prerequisites of success.

[7] Chapter 5 is concerned with the proper role of law-enforcement and criminal justice in the formulation of a properly "liberal" response to terrorist attacks. Much of it is, in fact, a reformulation and response to critics of Wilkinson's own "hardline approach" to combating terrorism, elaborated in his earlier book *Terrorism and the Liberal State*. This approach can be summed up, as the author himself does, very briefly. The state in question must: avoid under- or over-reaction; act within the law; win the "intelligence battle"; and avoid granting major concessions to terrorists, or according them special status while in prison. Furthermore, intelligence services must be fully accountable to the government; any emergency laws enacted should be temporary and frequently scrutinised by parliament; and terrorist campaigns of propaganda and defamation must be fully countered. He then answers critics by reference to countries in which, he claims, his hardline approach has been successfully applied. Interestingly, here Wilkinson discusses briefly the use of the military, and comes down firmly against the waging of any international "war on terrorism", suggesting that the nature of war, as an even greater evil than terrorism, means that any state that launches military reprisals, particularly if this is done without respect for the rights of civilians and the principles of international law, places themselves "on the same level morally as the terrorist states." (4) This point is particularly salient in the light of the war in Afghanistan, and the prospect of another in Iraq; it might be tempting to conclude that the author would view the US response as "terroristic"[sic] in itself. Of course, there is no discussion of this issue in the book, but it seems likely that he would resist such an extreme judgement, notwithstanding his strong opposition to any international "war on terror"; any attempt to anticipate the author's reaction to current events on the basis of this book is hamstrung somewhat by a lack of definition of crucial terms, on which more below. The chapter concludes with a glance at the legal initiatives that have been taken at a regional and international level; here, Wilkinson stresses the need for effective extradition treaties and bilateral policing and intelligence agreements, but argues that general, multilateral conventions are of little use, as often the process of negotiation will render the result so watered-down and vague that it is "of about as much practical use as statements in favour of motherhood." (5)

[8] The next chapter explores the question of what role, if any, should be reserved for the military in a democratic state's response to terrorism. In general Wilkinson is opposed to any expanded role for the armed forces, arguing strongly that the civilian police and the "criminal justice model" (6) are the appropriate means in this regard. In his framework, the military may have a limited role to play in emergency situations, in which the civilian police are unable to cope, but this role should be temporary and only as active as strictly necessary. The reasons for this are manifold: introduction of the military may increase resentment in the already-volatile community; the military are not trained in the same way and for the same circumstances as the civilian police, and this may lead to serious errors of judgement; and the civil power may become over-dependent on the presence of the army, and thus be unwilling or unable to withdraw it when the emergency has passed. At this point, the author again returns to the question of military reprisals by one state against another as a result of terrorism, and again he advises caution, although at this point he admits that such action may be useful, if all of the relevant factors are weighed "extremely carefully". (7)

[9] Chapters 7 and 8 deal with hostage-taking and aviation security respectively. These chapters both provide a brief account of the historical development of the terrorist activity in question, in order to underline the need for continued vigilance and training in these areas by (presumably) all states. Regarding hostage-taking, Wilkinson mentions a number of incidents that provide examples of both successful and unsuccessful state responses, and uses these to give a broad list of recommendations to governments. These are basically high quality intelligence, skilled negotiators and crisis managers, and, failing this, a highly-trained and well-equipped military force capable of planning and carrying out a rescue mission should one be required. In chapter 8, he concentrates on the ways in which airports

and governments can increase security in order to diminish the likelihood of a successful terrorist attack. These include more effective detection systems, efficient passenger/luggage matching systems, and the creation of a national regulatory body empowered to ensure high standards in the industry.

[10] Wilkinson then goes on to examine the complex relationship between terrorism and the media, particularly the free media of a liberal state. This he characterises as symbiotic, in the sense that, although both groups have very different goals, they are mutually supportive: the terrorists, for example, wish their cause to be publicised, and for news of their actions to spread fear into the general population; whereas the media, on the other hand, are engaged in fierce competition for readers, and thus need to make their stories as topical, and sensational, as possible. Wilkinson warns of the danger of allowing terrorist groups to exploit the media for their own ends, for example by allowing them to portray their own cause as "just" and the state as "oppressive", but concludes that, if they behave responsibly, "...the media in Western liberal states are a weapon that can be used as a major tool in the defeat of terrorism". (8)

[11] Chapter 10 gives a very brief overview of current international efforts to cooperate in the fight against terrorism, and assesses the potential effect that these might have. Again, here his emphasis is on bilateralism and regionalism, in particular in the fields of intelligence sharing, policing, and extradition. The genuinely international initiatives that receive his support are those to combat the financing of terrorist groups, and the International Criminal Court (although he is disappointed, at times disbelieving, that crimes of terrorism have been left out of its remit). The last two, essentially concluding, chapters first sum up "the future of terrorism", in matters such as potential targets and developments towards chemical or even nuclear weapons, and then draw together certain points made in the body of the work as together working "towards a response to terrorism based on democratic principles and respect for human rights". (9)

[12] Taking all of the above into consideration, Wilkinson certainly cannot be criticised for adopting a too-narrow approach. Furthermore, there are a number of other positive aspects to this book, which certainly warrant mention here. First of all, it is well-written, making it an easy, enjoyable read, and thus more likely to succeed in the professed aim of producing a book suitable not only for academia but also accessible to policy-makers, law-enforcement specialists and members of the general public in all democratic countries. At all times, the language used is clear, and arguments are more often than not backed up by means of a suitably illustrative example from recent history. Furthermore, and more impressively, aspects of the work, barely two years on from its publication, already seem prescient, taking into consideration the events of September 11th 2001. There are numerous examples of this, but perhaps the most striking is, when advocating that the US take steps to improve security on domestic, internal flights, the author notes that "the threat by supporters of Osama Bin Laden to place a bomb on board a US or British airliner... may galvanise the US authorities into stepping up their aviation security." (10)

[13] Notwithstanding all of the above, however, reading this book I found it difficult to suppress a feeling of disappointment, for, I think, a number of different reasons. Firstly, and this is no fault of the author's, the book has, in many respects, aged prematurely, and badly at that. Certainly it is true that terrorism remains as widespread and complex a problem as it did before the attacks on the World Trade Centre and Washington; however, the question of the liberal state's response thereto has been opened up on to radically new terrain. As noted at the outset, we have now seen a conventional war fought on the basis of a reprisal to terrorism, and we are now on the verge of a second, "pre-emptive" one. What we are witnessing is the response of the sole remaining superpower to the most lethal single terrorist attack in history; to the use of passenger jets as weapons of mass destruction. That these are not analysed here cannot be blamed on anyone, but, given the terrific volume of academic literature that is continuously being produced on this subject, the book inevitably comes across as badly dated in this respect.

[14] There are, however, a number of other difficulties with the book itself, which cannot be attributed to the radical upheaval in international affairs between its first publication and now. The first of these concerns a general superficiality that runs throughout the work. I have drawn attention, at some length, above to the vast scope of this work; this is not achieved without a price. A brief glance at the chapters, outlined above, is sufficient to show that the book is better viewed as a general textbook on terrorism, rather than a detailed treatise on the liberal response thereto. Indeed, the "core" of the work, acknowledged as such by the author himself, numbers less than fifty-eight of the total two hundred and thirty-four pages. Much of what remains seems only tangentially linked to the ostensible thesis of the book; indeed, it often reads more as a series of distinct yet broadly linked articles, with any overlap appearing as repetition rather than one coherent thread plotted through a single work. Perhaps this was intended; after all, the author makes clear that this work is aimed at everyone, from academia to the general public; as such, a high level of general background information is probably to be expected. This, however, means that the book is likely to be more successful with the general public than with academic commentators; I suspect that those in the latter category, regardless of their particular discipline, are unlikely to find much to nourish or surprise them here.

[15] The above complaint becomes particularly acute concerning Wilkinson's treatment of international law. His

approach to law in general, and international law in particular, throughout the book is unsophisticated. For example, he seems to oscillate from pole to pole, now bemoaning the fact that terrorists break every rule of international law (laws of war, internationally protected persons, human rights, etc.), now seemingly favouring the realist paradigm of international relations and noting that as "...there is no agreed international sovereign authority...hence there are no clearly defined and universally accepted international binding laws". (11) Furthermore, his arguments in relation to the international criminal court are simplistic. He notes with approval that the court is progressing towards realisation, but asks "why should crimes of international terrorism...be excluded from its remit? Surely the terrorist sabotage bombing...over Lockerbie... constitutes a massive human rights violation by any standards?" He then goes on to assert that "the fact that some terrorist crimes, such as hostage-taking and attacks on diplomats, are already prohibited by UN conventions surely *strengthens* rather than weakens the case for adding international terrorist crimes to the ICC's remit". (12) All of this, however, seems rather to miss the point. The main reason that terrorist crimes were excluded from the ICC, and, in fact, the main reason that such crimes have been dealt with by smaller, more specific conventions rather than one broad one as is the case for genocide or torture, is simply due to the intractable definitional problems involved. "Terrorism" has proved impossible to define in a legally acceptable and relevant way, that is, in a way that is both wide enough to catch who we want to, and at the same time narrow enough to foreclose the possibility of us ourselves being caught. And yet, the universalising impulse of law demands just such a definition. Notably, it is difficult to locate any attempt at a systematic definition of "terrorism" in this work: the closest he comes to this in is the assertion that "Terrorism is the systematic use of coercive intimidation, usually to service political ends. It is used to create and exploit a climate of fear among a wider group than the immediate victims of the violence, and to publicise a cause, as well as to coerce a target to acceding to the terrorists' aims". (13) To the international jurist, this would be of about as much practical use as a statement in favour of motherhood.

[16] This definitional problem also highlights another failing of the work, perhaps also a cause of its expansive scope. Wilkinson states that it is his intention to analyse, evidently in both descriptive and prescriptive terms, the response to terrorism by a liberal state acting in accordance with democratic principles. Here we have three concepts, central to the work in question, that are notoriously difficult to define; in fact, the author makes no effort to do so. Instead, the "democratic principles" that we must bear in mind when formulating our response remain vague and mysterious; in reality, it is this technique that allows the author to slip easily from very strong statements of principle to a practical solution to a given situation and back again; from the statement that democracies must never be tempted to suspend liberal rights, to support for policies in which just such action was (successfully) taken.

[17] The problem of vagueness reoccurs throughout this work. In many cases, for example, Wilkinson suggests institutional or organisational changes as an effective way of combating terrorism; yet even here, the call is more often than not for "strong" regulation providing for "extensive" powers and "adequate" resources for the task in hand. It can also be seen in several aspects of his own, "hardline" approach to combating terrorism; take, for example, the author's (repeated) stress on the argument that liberal democracies must neither under- nor over- react. It seems unlikely, almost by definition, that anyone would want to seriously contest that point. And yet what exactly does this mean in practice? As the author tells us, quite correctly in my view, "the tightrope between under-reaction...on one hand, and draconian overreaction...on the other, is pitched at a different height and angle in each case". (14)

[18] Or consider the further criterion, that "governments should avoid granting major concessions to terrorists". (15) This is, in itself, a reformulation of his earlier approach to this, in which he had advocated a harder stance of no concessions at all; this alteration is "in the interests of realism and is a reflection of the practical difficulties involved in following a rigid no-concessions policy in crisis situations". (16) So what, then, are to count as acceptable, "minor" concessions, and unacceptable, "major" ones? Wilkinson gives us some answer, based on extreme examples: the offer of safe passage to Cuba given to the terrorists involved in the seizure of the Japanese embassy in Lima in 1996, was, we are told, an acceptable price to pay to secure the release of 500 hostages, including many diplomats (although the offer was turned down); on the other hand, Chernomyrdin's decision to publicly order an end to all Russian military actions in Chechnya in response to the seizure of a hospital and some 2000 hostages by militants in 1995 was disastrous, and very likely led to the exact same tactic being used against the Russians some six months later. However, these are insufficient to answer the main question: extremes are often readily categorised; but what about the "hard cases"? Given that negotiation with terrorists will always take place on a scale between complete accession to their demands and their total capitulation, every single case has the potential to become "hard". The author does mention a few such cases, for example the 1980 seizure of the Dominican Embassy in Bogota. In this case, the main demands of the terrorists were refused, but they were given safe passage, and allowed to receive a \$2.5 ransom from the private business community. The author acknowledges that "some might argue that the concessions granted to the terrorists were too large a price to pay", but feels himself that "in view of the circumstances the compromises can be fully justified". (17)

[19] The realisation that the author is not, in fact, positing a "right answer" to the difficult and complex problem of terrorism does not make his observations in any way wrong; on the contrary, it seems likely that any "universal solution", applicable regardless of circumstance, will be susceptible to criticism on a whole range of grounds. It does,

however, significantly dilute the strong rhetoric adopted by Wilkinson throughout the book, and leaves him open to the charge of question begging: if many of the "elements" of the hardline approach are themselves open to debate and circumstantial refinement, have we not simply erected a rhetorical curtain behind which to hide the problems that face academics and security professionals alike? It needs to be noted that not all of the elements of Wilkinson's approach are less stringent than they at first appear: for example, the requirement that no special status be given to terrorists when in prison appears simple, straightforward and clear. It is, however, arguable that, as soon as he does become more concrete, his arguments are vulnerable on other grounds. In Chapter 5, he defends his approach against his critics who say that "it doesn't work" by reference to the German and Italian successes in eradicating extreme-left ideological terrorism in the 1970's and early 1980's. However, by his own admission, this type of terrorism cannot present a genuinely serious threat to the existence of the liberal state, as it always lacked the requisite support within a significant proportion of the population. Nationalist terrorism, however, presents very different challenges, and it is arguable that an example of the "hardline" approach being counter-productive in this regard is readily available. It seems likely that the refusal to accord special status to a group of IRA prisoners, that escalated into the hunger strikes of 1980-81, had a negative impact on the prospects for peace in Northern Ireland. Wilkinson is concerned that the provision of such status would legitimise the terrorists in the eyes of the public; in this case, however, the adoption of his approach caused a significant groundswell in popular support, to the extent that the leader of the strikes, Bobby Sands, was elected to the Westminster Parliament. When he died, 70,000 people attended his funeral, and IRA membership leapt up. If Wilkinson is correct in his earlier appraisal, that terrorist groups with a high degree of public support amongst the minority that they claim to represent are among the most dangerous to liberal states, and among the hardest to eradicate, then surely there is an argument to be made for granting special status in these circumstances, even within the framework of his own approach? If so, then again an apparently "hard" standpoint softens somewhat; if not, then the potential for counter-productivity caused by a rigid approach becomes apparent.

[20] To conclude, the value of this book depends to a large degree on what is expected from it. It is important to recall here that it is aimed also (or even primarily) at the general public, and in this regard it is well-written. The book is pleasant to read, and a vast subject-area is covered, with detailed references for those who wish to go further into any of the myriad of topics touched upon. It is of particular use in providing examples of the many and varied forms of terrorism that preceded September 11th 2001, and remain very much with us today; indeed, one can say that, if his warnings had been taken more seriously, the events of that day may have been avoided. Certainly, it is possible to find suggestions here that such an attack was a real possibility (with, of course 20/20 hindsight). This, however, in itself represents a problem; Wilkinson wrote a warning of the potential for such attacks (and even he said they were low-probability). We now live in a world where these attacks, and the responses of liberal states thereto, dominate the newspapers and the thoughts of academics and policy-makers alike. In this sense at least, the book under review here could not but have aged badly. The seriousness of the other problems that I have alluded to again depends on the expectations of the reader in question: someone seeking a general introduction to the topic of modern terrorism in liberal states (and elsewhere) will find the book helpful in the extreme; the same, however, may not be true for academics hoping to find in-depth analysis of the problem at hand. This consideration, it may be said, applies particularly to those in the legal field, theorists or practitioners, who, I fear, will find relatively little of useful substance here.

---

(1) Wilkinson, P., *Terrorism Versus Democracy: The Liberal State Response* (2001) p. 45.

(2) *Ibid.* p. 47.

(3) *Ibid.* p. 91.

(4) *Ibid.* p. 104-105.

(5) *Ibid.* p. 121.

(6) *Ibid.* p. 125.

(7) *Ibid.* p. 129.

(8) *Ibid.* p. 183.

(9) *Ibid.* p. 218.

- (10) *Ibid.* p. 171.
- (11) *Ibid.* p.200.
- (12) *Ibid.* . p.44.
- (13) *Ibid.* p.12-13.
- (14) *Ibid.* p.230.
- (15) *Ibid.* p.95.
- (16) *Ibid.* p.96.
- (17) *Ibid.* p. 144.