HOBBES VERSUS LOCKE – REDEFINING THE WAR ON TERROR

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ABSTRACT

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This paper draws upon the European experiences with terrorism in order to draw lessons for today's strategic environment. The central thesis is that the current approach to terrorism is flawed. The West has developed a myopic view and has lost sight of wider strategic interests. Terrorism has replaced the wider security framework wholesale and plays an overly dominant role in policy formulation. The continued pursuit of terrorists by primarily military means will lead to a Hobbesian state of nature which is not in the interest of the Western World. A return to a broader view of the strategic environment, with a more constrained use of state violence, is recommended.

HOBBES VERSUS LOCKE – REDEFINING THE WAR ON TERROR

> Hereby it is manifest that during the time men live without a common power to keep them all in awe, they are in that condition which is called war; and such a war as is of every man against every man.
>
> —Thomas Hobbes, *Leviathan*, 1651

> And thus, in the state of nature, one man comes by a power over another; but yet no absolute or arbitrary power, to use a criminal, when he has got him in his hands, according to the passionate heats, or boundless extravagancy of his own will; but only to retribute to him, so far as calm reason and conscience dictate, what is proportionate to his transgression, which is so much as may serve for reparation and restraint. … In transgressing the law of nature, the offender declares himself to live by another rule than that of reason and common equity, which is that measure God has set to the actions of men, for their mutual security; and so he becomes dangerous to mankind, the tye [*tyrant*], which is to secure them from injury and violence, being slighted and broken by him.
>
> —John Locke, *The Second Treatise of Civil Government*, 1690

Thomas Hobbes was an English philosopher whose experience with the Civil War in England led him to describe a state of nature where "the life of man was solitary, poor, nasty, brutish, and short." On the basis of this he argued that society was in need of a power so strong – a Leviathan – it would compel man to do the right thing. Philosopher John Locke, on the other hand, attributed man with a certain amount of reason. Society's "State of Nature" would therefore be self-regulating to a certain degree. The contrast between these two opposing world views would lead to very different perspectives on government: authoritarian in the case of Hobbes; liberal in the case of Locke. The current security environment lends itself to reflect on these contrasting views, which could help determine if the West is on the right road in waging the War on Terror.

The shock which followed the attack by terrorists on September 11, 2001, was as significant as that which followed the attack on Pearl Harbor in December 7, 1941. The whole world watched in awe as the events developed and the unthinkable happened. The American population, not accustomed to attacks from outsiders on their continent, suffered a deep trauma. The United States quickly traced the terrorists back to the Al Qaeda network operating from Afghanistan. Subsequently, when the Taliban regime refused to hand over the terrorist suspects, a military operation followed to oust the fundamentalist regime. Within months the United States demonstrated to its adversaries that fostering terrorist organizations was a dangerous course of action. From the moment President Bush declared the United States to be at war with terrorism, however, it was clear that defining victory would be among the toughest of challenges.[1]

The relative ease with which regime change in Afghanistan was achieved created a sense of opportunity in the minds of some Western policy makers.[2] As Iraq continued to defy United Nations weapons inspectors and President Saddam Hussein created the impression that he was refusing to disarm, the call for action against Saddam gained momentum. On March 20, 2003, the war with Iraq started. In a dash across the desert that resembled the war of 1991, the Iraqi armed forces were swept aside and even the battle for Baghdad came to a relatively quick conclusion. But peace has been elusive and – even as Saddam was still hiding from the coalition troops – the war *with* Iraq turned into the war *in* Iraq. The war was aimed at disarming Iraq of its weapons of mass destruction, but subsequently the American led coalition had to prove that "Iraq's people had been liberated to live a life unambiguously better than that under Saddam Hussein."[3]

The hunt for the perpetrators of the attack on the World Trade Centre and the Pentagon which had started in Afghanistan, had ultimately led – by design or not – to a push for regime change in Iraq. The occupation which inevitably followed the military victory in Iraq now provoked a popular uprising which resounded throughout large segments of the Arab and Islamic world. In contrast to the war in Afghanistan, the Iraq war has been highly controversial from the outset. Both Germany and France have argued that diplomacy was not used to its full extent and both nations have remained wary of the full consequences of a war with Iraq. Eager to make a case against the Iraqi leadership, the British and American governments presented intelligence on weapons of mass destruction as evidence and accused the regime of supporting terrorist organizations. The whole world felt that "we are all Americans" on September 12, 2001; in contrast, today the world is increasingly polarized both inside and outside the United States.[4]

This paper analyzes the current strategic situation the West faces today in order to redefine the Global War on Terror. It draws lessons from the past by assessing the experiences Europe had with terrorism in the 1970s and 1980s. Some of these lessons apply to the current struggles with terrorism and put the Global War on Terror into a historical and strategic perspective. This paper mainly refers to United States policies, however, it recognizes that many Western countries follow American leadership and apply the same policies. The clear and overt articulation of United States policies lends itself to analysis, and likewise, the corresponding policies of most Western countries as well.

Starting with the run up to the present situation in the War on Terror, the paper describes some of the experiences with the German Red Army Faction (RAF) in the 1970s. It draws lessons from this episode and applies them to the War on Terror. The central thesis is that the current approach to terrorism is flawed. The West has developed a myopic view on terrorism and has lost sight of wider strategic interests. The sole issue of terrorism has replaced the wider security framework wholesale and therefore plays too dominant a role in policy making. Furthermore, the War on Terror instigated the invasion of Iraq which has discredited the West in a major way. Although justifiably started as a military operation, the continued pursuit of terrorism by primarily military means will lead to a Hobbesian state of nature, which is not in the interest of the Western world.

How Did We Get Here?

In 2000 a cohesive neoconservative group took its place in the new administration.[5] Their thinking was based on moral convictions and the belief that what was good for America was good for the world. The National Security Strategy of the United States, published in 2002, reflected this viewpoint in its four pillars: preemption, unilateralism, military primacy, and democratic transformation.[6] The 2006 version of the National Security Strategy states that the current administration is idealistic in its goals and realistic in the means to achieve them.[7] In essence, the traditional realist foreign policy element described by Secretary of State Condoleeza Rice as "power balance" was abandoned.[8] In its place came a desire to change the fundamental character of regimes, specifically in the Middle East. In the view of influential neoconservative, Norman Podhoretz, the Cold War was the Third World War and the Free World is now

4

facing the Fourth World War: the war on terrorism. These sentiments resonated with Under-Secretary of Defense Paul Wolfowitz, who helped insert them into American foreign policy.[9] The National Security Strategy of 2002 states that "The war on terrorism is not a clash of civilizations. It does, however, reveal the clash inside a civilization, a battle for the future of the Muslim world. This is a struggle of ideas and this is an area where America must excel." Ironically, Podhoretz refers to the strategy of George Kennan, often regarded as the father of the strategy of containment during the Cold War.[10]

Al Qaeda set out to evict Western forces from the Holy Lands, to end Western support to allies in the Middle East, most notably Israel, and to establish an Islamic Caliphate across the Middle East and North Africa.[11] Although not successful in achieving these objectives, the terrorists were successful in their attack and more importantly, in the effect of their methods: fear prevailed in the minds of people and politicians alike and this became a key driving factor for subsequent actions. The initial reaction against Al Qaeda in Afghanistan took on a dynamic of its own and the West now finds itself in a "long war" with terrorism.[12] Looking at the deployment of Western forces across the world and the defense budgets of the United States and some of its allies, the threat of terrorism seems to have supplanted the Soviet threat during the Cold War in perception, scope, and intensity. The war in Kosovo marked a departure from a longstanding defensive Western strategy to an offensive one. The latest war in Iraq, however, has brought the international community closer to the situation which existed before the United Nations era, when war between nations was an accepted way to conduct foreign policy. The absence of an initial United Nations Resolution to legalize

5

the war has thrown doubt upon the coalition's intentions and has damaged both Western legitimacy and credibility.

While the effects of the attack on September 11, 2001, must have surpassed all of Al Qaeda's expectations, the loss of their safe haven in Afghanistan must have shocked its leadership even more. Subsequently, the neoconservatives set out to change the world into a better place and democratize the Middle East. Despite the early successes in this new quest, globalization has come full circle and the spread of ideas has led to unintended effects, bringing the war home to America and Europe. Terrorism, however, is not a new phenomenon. Consequently, consideration of earlier experiences may be useful in placing this latest scourge within proper context of the international security environment.

A Blast from the Past

During the 1970s through the 1990s, Europe was plagued by terrorism, in most cases politically motivated. Although no previous terrorist attack compares to the one committed on 9/11, the number of terrorist attacks in Europe in this period totaled more than 3,500 and the number of casualties ran in the thousands.[13] More importantly, the political upheaval was tremendous and the threat of terrorism dominated political and public life in several European countries. One of the more prominent organizations was the *Rote Armee Faktion* (RAF) in Germany, which originated from the student protest movements in the 1960s. Like many contemporary movements, the RAF was partly inspired by protests against the war in Vietnam. Furthermore, German tacit approval of the war was seen as a resurgence of latent fascist tendencies. In 1970 the RAF started an "anti-imperialistic" fight with the aim of leading a communist revolution which would

6

ultimately overthrow the imperialist West in a way similar to those of South American guerilla movements.

The first generation of RAF terrorists was trained by *Al Fatah* in Jordan before taking up arms against American military and German police targets. The violence started in May 1972 with bank robberies to raise money, followed by bomb attacks on United States military facilities, German police stations and buildings of the Axel Springer press concern. Four people were killed and nineteen were injured.[14] After an intense manhunt the hard core elements of the first generation RAF were arrested in June 1972. They were jailed in solitary confinement in the newly constructed high security Stammheim prison in Stuttgart. Special anti-terrorist legislation was passed to target those suspected of founding, being a member of, promoting and supporting a criminal association.[15] The RAF members unsuccessfully claimed the rights of prisoners of war. In April 1977, after a 192 day trial, the suspects were convicted of several murders, attempted murders and forming a terrorist organization. They were sentenced to life imprisonment.

Even before the trials had begun, however, a second generation of the RAF emerged. Born out of the propaganda and information campaign which the first generation had conducted from their prisons, this generation focused on freeing the first generation terrorists. In April 1975 hostages were taken in the West German embassy in Stockholm. This started a new wave of violence which culminated in the "German Autumn" of 1977. In September of that year Mr. Hans Martin Schleyer, the German President of the German Employers' Association, was kidnapped. The RAF kidnappers demanded the release of eleven RAF detainees. German authorities employed delaying

tactics while a huge investigation took place. On October 13, a Lufthansa flight from Mallorca to Frankfurt was hijacked by Palestinian terrorists, taking 87 people hostage. Their demands overlapped the ones made by the abductors of Mr. Schleyer, linking the two actions. On October 18, 1977, the German anti-terrorist unit *Grenz Schutz Gruppe* 9 ended the hijacking after the Lufthansa airplane had landed in Mogadishu, Somalia. That same night Mr. Schleyer was murdered. The failure of the hijacking, however, also prompted the suicide of the majority of the imprisoned RAF leaders.[16] The death of the first generation terrorists, however, did not herald the end of the RAF. The succeeding generations of recruits continued their actions until April 20, 1998, when the RAF declared the end of its urban guerilla campaign.

Germany, as a liberal democracy, sought and struggled to find a balance between exercising state power to stop the terrorists on the one hand, and exercising constraint to curtail state power on the other. The German authorities reacted with an image of the catastrophic history of the Weimar Republic and the ensuing Nazi era in mind.[17] To cope with the effects of terrorism, Germany developed legislation not only focused on the terrorists themselves, but also aimed at their support infrastructure. After it became evident that RAF lawyers had passed information and weapons to and from the prisoners, laws were passed to exclude them from the trials if they were suspected of having participated in the crime, or supporting or concealing a crime. This "Lex RAF" led to widespread protests and international condemnation concerning the perceived curtailment of judicial rights, including limitations on joint defense, and in some cases, the total exclusion of defense lawyers.[18] West Germany had been successful in capturing the RAF's first generation leaders, but the fear of a German police state

caused students and intellectuals to extend sympathy to the RAF as victims of a repressive system.[19] As a result, a sympathetic RAF cult was created which lasted for several decades. Deep scars were created in German society and even 30 years later, in October 2007, the anniversary of the suicide of the first generation RAF leaders was remembered with a controversial German musical stage promotion.

A case can be made that the German government overreacted and undermined its own policy. In doing so, Germany stimulated support for the RAF rather than weakening it. The German Chancellor Wily Brandt later reflected that some of the legislation against terrorism had gone too far.[20] In the struggle against terrorists, avoiding policies that alienate the "hearts and minds" of the majority in society is crucial. Germany evoked sharp reactions both domestically and internationally, partly defeating the objective of countering the RAF.

Lessons from the Past

The first lesson is not so much drawn from the experience of dealing with terrorism in the 1970s and 1980s specifically, but rather more from the context in which it took place: the East-West confrontation across the world. The Cold War was a confrontation between Communist and Capitalist ideologies, with totalitarian rule on the one hand and democracy on the other. This overarching conflict dominated strategic thinking for decades and any answer to terrorism in the West had to fit into that framework. The Cold War prevented terrorism from dominating public and political perception and discourse.

The West realized that the security environment contained an opponent which could endanger its very existence. The larger threat had tentacles reaching into many

aspects of societies worldwide. Communism not only represented a different political system, it also offered an alternative economic and social system. The balance of forces prevented a Western offensive strategy in response to support from Eastern Block countries to terrorist organizations operating in the West. Especially in a frontline state like Germany, the response had to stay below the threshold of war; despite the fact that East Germany supported the RAF, deliberate regime change could not be attempted. That change eventually took place, but it was mainly instigated through the bankruptcy and subsequent collapse of East Germany's own political and economic system.

This leads to the second lesson: the Western response to terrorism had to discredit its Communist opponent by emphasizing civil liberties and human rights; freedom and justice clearly had to triumph. The free West had to maintain the moral high ground, both domestically and internationally. Despite the fact that the RAF aimed for nothing less than the destruction of the Western "imperialist feudal system, politically, economically and militarily," Germany's government had to be seen as acting properly within the community of free nations.[21] Ultimately, the alternative Communist system, as demonstrated in the Soviet Union and China, helped to discredit itself. When Capitalist practices improved the situation in China, Maoism lost some of its appeal. Furthermore, the Soviet Union showed some of its imperialist tendencies when it invaded Afghanistan and made its influence felt in parts of Africa. These international developments helped to discredit the ideas of the RAF.

The larger Western strategy was predicated on a policy of containment.[22] In essence, it was a defensive strategy aimed at limiting the influence of the Soviet Union and its Communist ideology by supporting countries aligned with the West and by the

North Atlantic Treaty Organization. All diplomatic, informational and economic power was employed, with the use of military force as a last resort. Over time, this strategy undermined the Soviet Union and its allies in the Warsaw Pact, leading to the collapse of its sphere of influence. In this context, terrorist movements like the RAF were dealt an almost fatal blow when the Soviet Union collapsed in the 1990s. The moral and actual bankruptcy of communism showed the fallacy of the revolutionary theories of the RAF. As a consequence, the RAF became isolated from the German Student Movement from which it had originated.[23] By adopting a containment strategy against communism and the decision to fight terrorism within that larger framework, the Western governments thwarted terrorist efforts to initiate a revolution within Western societies and external support eroded with the reduction of the threat from the East and the withered appeal of Communism.

The third lesson concerns the model employed to define counter-terrorism policy. Counter-terrorism operations are categorized by two distinct methodologies: the criminal justice model and the war model. The first views terrorism as a crime and uses the legal system in response; the second views terrorism as an act of war and uses the military system in response.[24] Germany – along with other liberal democracies at the time – applied the criminal justice model in their choice of counter-terrorism policy. This was driven by the refusal of the European governments to acknowledge terrorist organizations as political institutions, thereby denying them political legitimacy.[25] This held particularly true for Germany as it was trying to conform to the democratic norms the victorious allies had imposed after the Second World War. Fighting terrorism was therefore a police responsibility, with military or paramilitary organizations in support.[26]

11

The choice of the counter-terrorism model had legal, and subsequently political, consequences. Working within the existing legal framework was most credible and acceptable and ultimately effective.

Choosing between the criminal justice model and the war model also has far reaching implications for the way society as a whole is affected, implicitly acknowledging or denying the effect of terrorism. Terrorism is a tactic, described by Joint Publication 1-02 as "the calculated use of unlawful violence or threat of unlawful violence to inculcate fear; intended to coerce or to intimidate governments or societies in the pursuit of goals that are generally political, religious, or ideological."[27] For liberal democracies to prove themselves as the better form of society, they must demonstrate their ability to cope with the threat within their normal framework. Not doing so will grant the terrorists their objective of influencing society too strongly. When the German authorities reacted to counter the threat of the RAF, the first generation of the RAF was captured quickly. Despite this success, the state went on to adopt more comprehensive and invasive legislation to suppress the threat further. The ensuing pressure on society as a whole had a reverse effect and increased support for the terrorists, both inside and outside Germany. One example will serve to illustrate clearly how the application of the criminal justice model can facilitate the preservation of normality in society.

On Friday, October 12, 1984, the Provisional Irish Republican Army (PIRA) detonated a bomb in the hotel where many British politicians were attending a British Conservative Party conference, the ruling party at that time. The blast nearly wiped out the entire British cabinet, but fortunately none of the Cabinet members were killed.[28]

The reaction of British Prime Minister, Margaret Thatcher, on the morning after the bombing is exemplary:

> The bomb attack on the Grand Hotel early this morning was first and foremost an inhuman, undiscriminating attempt to massacre innocent unsuspecting men and women staying in Brighton for our Conservative Conference. Our first thoughts must at once be for those who died and for those who are now in hospital recovering from their injuries. But the bomb attack clearly signified more than this. It was an attempt not only to disrupt and terminate our Conference; it was an attempt to cripple Her Majesty's democratically-elected Government. That is the scale of the outrage in which we have all shared, and the fact that we are gathered here now – shocked, but composed and determined – is a sign not only that this attack has failed, but that all attempts to destroy democracy by terrorism will fail. I should like to express our deep gratitude to the police, firemen, ambulance men, nurses and doctors, to all the emergency services, and to the staff of the hotel; to our ministerial staff and the Conservative Party staff who stood with us and shared the danger. As Prime Minister and as Leader of the Party, I thank them all and send our heartfelt sympathy to all those who have suffered. And now it must be business as usual.[29]

Eventually the criminal justice model triumphed over the terrorists, both in Germany and in the United Kingdom. Despite the terrorists' attempt to involve the British government in – what it termed – a "Long War," the United Kingdom was not seduced. Military force was used, but always in a subordinate role to the judicial and police apparatus. The inherent oversight mechanisms and restrictions on the application of force prevented lasting incursions on civil rights and limited collateral damage. Choosing a war model for counter-terrorism would have credited the terrorists with recognition and political success. Moreover, it would also have allowed the terrorists to force governments to change the lives of their own civilians through tightening security at the expense of civil liberties.

Terrorism has plagued the world for centuries and is likely to do so for the

foreseeable future. The ignition of the First World War by an act of Serbian sponsored

terrorism is just one example of this fact. Although every period in history has its specific

paradigms, there are similarities which warrant the application of some of the lessons

from bygone epochs. Terrorists always act against a backdrop of larger political issues.

Many terrorist organizations of the 1970s were inspired by the war in Vietnam.

Furthermore, the RAF operated against a background of a competing ideology and

politico-economic system throughout much of the Cold War. Many current terrorist

organizations act against a background characterized by a similar divide – albeit one of

religion, rather than politics. State sponsorship of terrorism is not new either.[30] Like Al

Qaeda, the RAF and other terrorist organizations received support from state entities. In

the case of the RAF, the German Democratic Republic supported the terrorists with

finances, training and logistics. In the light of these analogies, the "Global War on

Terror" deserves closer analysis.

The first lesson from the past applies to the myopic Western view on the security

environment. Conflicts and terrorist attacks the world over are viewed through the lens

of the Global War on Terror and the perceived threat is equated to the one the Soviets

and the Warsaw Pact posed during the Cold War when the West faced a nuclear

holocaust. According to the National Security Strategy of 2006:

> The United States is in the early years of a long struggle, similar to what
> [the] country faced in the early years of the Cold War. ... a new ideology
> now threatens, an ideology grounded not in secular philosophy but in the
> perversion of a proud religion. Its content may be different from the
> ideologies of the last century, but its means are similar: intolerance,
> murder, terror, enslavement and repression.[31]

14

This strategy lifts the current terrorist threat out of any existing security framework: the threat has *become* the framework, obscuring all else.

The question is whether or not the vital interests of Western states are threatened on the same scale as during the Cold War. For the United States the national interests are security of the homeland, economic well being and prosperity, a stable international order, and promotion of American values. With the exception of the latter, these interests are similar to those of most Western nations, although not many express them so explicitly. To what extent are terrorists capable of threatening these national interests? Are terrorists really capable of changing our lives? The answer must consider the framework in which this struggle takes place. The Cold War has not been replaced by a threat of comparable magnitude. Terrorists can certainly change lives on an individual or group basis, as was demonstrated in the various attacks in the United States and Europe. This threat, however, will not influence Western society to a degree comparable to a Warsaw Pact invasion or the Cuban missile threat of 1962. With powerful state actors like China and Russia on the international stage, the threat of terrorism certainly does not warrant a global security framework in itself.

Terrorism per se has been allowed to play too big a role in policy and strategy formulation, at times making foreign policy into a single-issue topic. The West is in need of a wider perspective on security, and terrorism must be relegated to its proper place. This will allow the threat to be put within the correct proportion and widen the scope of Western foreign policy. This is not to say that the threat of terrorism is not real or does not present society with significant dangers, but the West must recognize that there are wider interests and other issues with a far greater potential impact on its security. Using

the War on Terrorism as a security framework has proven to be dangerous. Linking Al Qaeda to Saddam's regime in Iraq has led the West into an ill defined and most contentious war. Looking through the same lens at other challenges around the world is potentially even more dangerous and only history will tell us how close the West came to a war with Iran over its nuclear program. The West needs to return to the rational actor view of states and make attempts to understand the interests of other true strategic powers. The international environment should be viewed as the society John Locke had in mind, in a state of nature where countries strive for peace. This is more likely to bolster overall security, while more effectively addressing the threat of terrorism.

The second lesson is about legitimacy and credibility. Past experience has shown the importance of maintaining the moral high ground in order to discredit the opponent. Unfortunately, the United States and its allies are seen at this time "as having gone to war in Iraq for the wrong reasons."[32] What is worse, the assumptions on which the campaign was based have proven to be flawed and serious strategic mistakes have been made. The values of democracy and freedom are incompatible with an offensive strategy which aims to impose ideas and values on others. As a result, the perpetrators of the attacks in the United States and Europe have been able to discredit the West, rather than the other way around. Reversing the situation in the short term is impossible. The War on Terror, however, should evolve from a short sighted punitive strategy which aims to take revenge on terrorists – and the regimes that support them – to a longer term strategy which can withstand the tests of legitimacy and credibility. This will enable the West to mobilize stronger forces against those who try to promote oppressive ideologies, be they religious or not.

The final lesson derives from the model guiding the campaign against terrorism. The initial reaction to the attacks of September 11, 2001, led to a military operation in Afghanistan. The circumstances at that time, given the uncooperative nature of the Taliban government, hardly allowed for any other response. With the full backing of international support and a United Nations mandate, military forces were successful in dislodging a regime which supported the perpetrators of the attacks. When states resort to war, however, an implicit choice is involved. As the Prussian military theorist Carl von Clausewitz notes: "war is not merely an act of policy, but a true political instrument, a continuation of political intercourse, carried on with other means."[33] Using the term *war* therefore implies that the opponent is worthy of some form of political recognition. By declaring war on terrorism, an ill defined enemy acquires a degree of legitimacy previously denied. Terrorists are elevated from a rogue criminal status to an undefined level of political representation. Although Al Qaeda reaches out to the greater Muslim community or *Umma*, in reality it only reflects a small fraction of extremely radical individuals with widely varying backgrounds. Al Qaeda certainly does not represent any sizeable element of the Muslim population across the world, despite occasional support for some of its actions.[34] Granting any form of formal recognition is, therefore, counterproductive and has the potential to rally more political and popular support to the extremist cause.

Political recognition aside, declaring War on Terrorism by definition grants a leading role to the respective defense departments of the coalition nations. Military organizations act on intelligence and strive to *anticipate* the moves of an adversary. Not doing so makes any military action reactive and less effective. In contrast, the criminal

justice system uses evidence in order to convict criminals *after* the act. Action can only be taken reactively. The extent to which the war model and the criminal justice model were mixed was demonstrated when Secretary of State Colin Powell presented intelligence verifying the existence of Iraqi weapons of mass destruction to the United Nations Council as if it were evidence in a legal case. Ultimately, the West did not await evidence, but instead acted preventively by initiating a war.

The issue in distinguishing between intelligence and evidence is first a legal one. Acting on intelligence is legal once war has commenced; acting before that time is in breach of international agreements, as was the case in 2003 when no United Nations mandate was given for the operation in Iraq. This was exacerbated when the intelligence on the existence of weapons of mass destructions proved to be wrong. But the legal issue leads to a strategic issue: acting on unproven intelligence leads to a strategy of preemptive or even preventive war. When military force is resorted to as a first response to perceived threats, then any degree of provocation may become reason enough to go to war. It opens the door to a world where Thomas Hobbes's bellicose state of nature applies and war is – once again – common foreign policy.

Conclusion

Terrorism was a clear and present danger in the 1970s and 1980s in Europe. Germany had to counter the RAF within the context of the Cold War and was eventually successful. Three main lessons can be drawn from this period in history. First, the threat of terrorism was minimized and placed in proper context by the overarching menace of the Soviet Union and its Communist ideology; terrorism was not able to dominate public and political perception and discourse. Second, the larger strategy had to discredit the

opposing ideology and its systems. Containment proved effective in the larger East-West confrontation and undermined both the terrorists and their external support. Third, the use of the criminal justice model facilitated a tailored and limited response.

As the War on Terror appears to be developing into a "long war" some of these lessons may prove useful. First, the West should develop a wider perspective on the security environment and put the threat of terrorism into proper security context. Terrorists have demonstrated they can inflict serious damage, but this pales in comparison to the forces nation states can unleash upon one another. Making terrorism and selected terrorists the centerpiece of security policy grants them perceived political legitimacy and inadvertently empowers their strategic message. Worse still, it draws attention away from issues like the Russian reaction to the deployment of a missile defense system, which in time could have far reaching consequences.

This will facilitate the application of the second lesson: adoption of a strategy to discredit the aims and objectives of the opponent. Forcing democracy and free market systems upon others will only create resistance and promote a clash of civilizations that releases a dangerous genie out of the bottle. The latest references to a perceived "global Islamic insurgency" do much to increase a blurring of the lines between terrorists and their latent support structures further still. The emphasis on non-state actors and religion, combined with an offensive Western strategy, can easily be misconstrued as a repeat of an earlier epoch: the Medieval Christian crusades.[35] This is exactly the kind of perception and message terrorists use to incite hatred and rally support. Adhering to a more defensive strategy has served the West well over decades; acting like "the Soviets of our time" has not.

Finally, when the dust of the current conflicts in Afghanistan and Iraq settles, the lead responsibility for action against the terrorist phenomenon – which will unfortunately remain with us – should be returned to the criminal justice system. The West needs to define terrorism in a way which best allows it to be defeated without undermining the very principles of Western liberal democratic nations. A crime is a crime in any culture, country or language. One man's terrorist can be another man's freedom fighter, but a criminal is universally on the wrong side of the law. The checks and balances inherent within the criminal justice system are not embodied in a policy which favors the war model of counter-terrorism. Granting a leading role to the military element of power in the struggles against an age old phenomenon will lead to a perpetual state of war, thereby realizing a Hobbesian state of nature, but – in absence of an authoritarian world government – without a Leviathan "to keep them all in awe."[36] John Locke, in contrast, attributed man with "calm reason and conscience," which would constrain the use of violence.[37] This philosophy seems better befitting Western leaders in the return to a policy where the use of force is truly a last resort.

Endnotes

[1] "Allies in search of a Strategy," *The Economist*, September 20th 2001, [journal on-line]; available from http://www.economist.com/world/displaystory.cfm?story_id=E1_SRRVQN; Internet; accessed 18 January 2008.

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¹² U.S. Department of Defense, *2006 Quadrennial Defense Review* (Washington, D.C.: The Pentagon, February 2006), v.

¹³ Peter Chalk, *West European Terrorism and Counter-Terrorism: The Evolving Dynamic* (New York: St. Martin's Press, 1996), 173.

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¹⁵ Jeremy Varon, *Bringing the War Home* (Berkley: University of California Press, 2004), 256.

¹⁶ Horchem, 20.

¹⁷ Varon, 258.

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¹⁹ Ibid., 15.

²⁰ Christopher Dobson and Ronald Payne, *Counterattack: The West's Battle against the Terrorists* (New York: Facts on File, Inc., 1982), 107.

[21] Horchem, 1.

[22] The Executive Secretary, "NSC-68: A Report to the National Security Council," *Naval War College Review* 27 (May-June 1975): 66.

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[26] Most countries anti-terrorist units established anti-terrorist movements within their military structures to enable them to operate outside the borders of the nations. In Germany, however, before 1998 the situation was reversed and the Constitution did not allow the *Bundeswehr* to operate outside Federal borders. Therefore, Germany chose to create its anti-terrorist unit *Grenzschutzgruppe* 9 (GSG-9) within the Federal Border Guard.

[27] U.S. Joint Chiefs of Staff, *Dictionary of Military and Associated Terms*, Joint Publication 1-02 (Washington, D.C.: U.S. Joint Chiefs of Staff, October 2007), 544.

[28] Five other people were killed, however, and 34 were wounded, some of which were permanently disabled.

[29] Margaret Thatcher, "Speech to Conservative Party Conference," 12 October 1984, linked from *The Margaret Thatcher Foundation Home Page*, available from http://www.margaretthatcher.org/speeches/displaydocument.asp?docid=105763; Internet; accessed 18 January 2008.

[30] The distinction between politics and religion is typically Western and not practiced in some Islamic countries.

[31] Bush, 1.

[32] Anthony Cordesman, *The Tenuous Case for Strategic Patience in Iraq: A Trip Report*. Working Draft, Updated (Washington D.C.: Centre for Strategic and International Studies, 2007), 2.

[33] Carl von Clausewitz, *On War*, ed. and trans. by Michael Howard and Peter Paret (Chichester, West Sussex: Princeton University Press, 1984), 87.

[34] There was Palestinian support after the attacks on September 11th.

[35] The Medieval Christian crusades were a series of Holy Wars launched by the Christians in Europe in an attempt to recapture Jerusalem and the Holy Land from Muslim rule. They spanned a period from 1095 until 1270.

[36] Thomas Hobbes, *Leviathan: The Matter, Form and Power of a Commonwealth* (London: n.p., 1651), 113; available from http://books.google.com/books?id=1UaULya FIwgC&printsec=frontcover#PPA112,M1; Internet; accessed 2 February 2008.

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