

UNINTENDED CONSEQUENCES: HOW DEMOCRACIES RESPOND TO TERRORISM

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My subject is a specific and small slice of the issue of terrorism: how liberal democracies might respond to terrorism and what the most effective policy response might be. I am referring primarily to liberal democratic responses, not the responses of authoritarian governments to terrorism. I do not address rural insurgencies that might be accompanied by terrorism, where large numbers of people are mobilized in a challenge to a government. I am concerned with challenges posed by small, underground, opposition groups, not clashes of armies with thousands of casualties, but with what we conventionally regard as terrorism as it has threatened the West and other democracies throughout the world. Nor do I deal with the complete range of counterterrorism policy.

The specific questions are, "Where do governments go wrong in their responses to terrorism?" and "Why is it that even the best conceived and most carefully implemented policies can backfire?" I developed the following thoughts last year, when I was invited to speak at an Australian Defence Force Academy conference on "Terrorism and the Sydney Olympics in the Year 2000." Five years ahead of time they were already planning for what they might do, and so I tried to remind them of how their best-laid plans might go wrong.

The general approach of liberal democracies to terrorism has generally been a criminal justice approach. Liberal democracies tend to find the range of acceptable anti-terrorist policy options somewhere between coercive repression and complete accommodation. Alexander George, in *Bridging the Gap*, consid-

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ers what kind of research might be most useful for policymakers. He argues that what policymakers really need from those of us doing academic research is first, a knowledge of the strategies used in the past; second, some knowledge of how those different policies actually worked in the real world; and third, some knowledge of the adversary, in this case the terrorist organization. In research on terrorism, especially attempts to come up with explanations of terrorism, there are very few studies of policies that go beyond simple descriptions of different types of response. Occasionally, there are accounts of the policymaking process, but there are few answers to the questions that George asks.

Given this neglect, I am trying to find some of those answers and to look particularly at what are not exactly policy failures, but the unintended consequences of terrorism policy. When does a government's policy, rather than discourage terrorism, actually encourage it?

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Constraints in Responding to Terrorism

Before looking at some examples, allow me to mention briefly the kinds of constraints that liberal democracies face when trying to frame a policy towards terrorism. How might these constraints lead to a poor conceptualization of strategy or poor implementation? One constraint stems from the fact that terrorism is often a form of compellence. Thomas Schelling defined compellence as the use of force or violence to compel a government to take an action it does not want to take. Many instances of terrorism in the past fell into this kind of strategy on the part of the terrorists, particularly in the case of hostage-taking. Ranging from aircraft hijacking to the kidnapping of diplomats or journalists or educators, terrorist actions were designed to compel

governments into making concessions. The task of the government was complicated by the ever-present audience for such activity. Much terrorist violence is aimed specifically at influencing not so much government decision makers or leaders of governments, but civilian populations: to have a psychological effect on that audience in the hopes that they will pressure government into either submitting or overreacting. This makes it hard for governments to choose the option of doing nothing, even when it might be the best choice.

Another constraint on governments confronting terrorism is that even within liberal democracies, terrorists may enjoy social support. We tend to think of social support for terrorism as related exclusively to terrorism committed under conditions of ethnic conflict. In some cases, the support is linked to ethnic or ethnonationalist divisions within a society that leave a minority community feeling threatened by a majority community, or seeking a separatist solution.

In Western democracies, we think immediately of Ireland and the IRA; Spain and the Basque population; and also France and the Corsicans. There are other examples: in India, the Punjab and Kashmir; in Sri Lanka, the Tamils; although in these cases terrorism merges with insurgency or even conventional warfare. But, even in liberal democracies with no significant social cleavages, terrorist underground movements may enjoy a reasonable amount of social support, enough to hamper a government response. Consider the case of Italy, where the Red Brigades and other left extremist organizations had a fair amount of popular support, much more than similar groups did in Germany or in France. Note also in the United States the history of the Weather Underground, which scarcely got beyond the stage of incipient terrorism but certainly had many would-be terrorist qualities. A number of its former members lived clandestinely for years while they were sought by the police and the FBI. Many were never located. Some eventually turned themselves in because of the pressure of living underground. But, the point is that within the United States they were able to live and function; someone shielded them for many years.

Another recent constraint in combating terrorism is change in the organization of terrorism from the late 1960s to the present. The early groups were organized in a classical underground structure: a cellular, hierarchical structure, compartmentalized for security reasons. The film *The Battle of Algiers* demonstrates this structure. The French were able to break the FLN terrorist network in Algiers because the French paratroopers could diagram it on a blackboard: once they knew an activist's position in the organization, they began to fill in the names and eventually uncovered the whole organization. In the late 1980s, we saw the emergence of two different types of terrorism that no longer had this type of hierarchical structure: radical right-wing groups in Western Europe and in the United States and extremist Islamic groups in the Middle East. Such groups are not tightly organized. In fact, the Right deliberately practices "leaderless resistance." Lack of structure may be part of the ideology of such movements; they dislike any kind of formal organization. However, decentralization is also a way of eluding pursuit and making it harder for governments to identify the threat.

A last quality of terrorism that has restricted the range of options for democratic governments is the internationalization of terrorism. Since 1968, the mobility of terrorists, their ability to cross borders, to acquire resources in one state to use against another state, to find asylum in foreign sanctuaries, to commit a crime in one state with weapons from another state against the citizen of a third state and flee to yet a fourth state, has meant that a unilateral terrorist policy is problematic. It is now very rare indeed that states can have an exclusively unilateral policy towards terrorism. They must rely heavily on international cooperation in order to have an effective policy. In American policy, there has been a shift toward exercising extraterritorial jurisdiction. The Omnibus Anti-Terrorism Bill of 1986 gave America's domestic law enforcement agencies, specifically the FBI, increasing powers to act abroad when there are crimes against American citizens. These legislative measures were

mainly a result of the hijacking of the *Achille Lauro* and the murder of an American citizen who was on board.

Roots of Failed Policies

The implication of this discussion is that governments do not have a full range of policies. Their choices are limited. Within those limits, when do policies produce paradoxical outcomes? Policies can backfire when governments lack the ability to develop accurate predictions or accurate expectations of how the terrorist adversary will react to what they do. Policymakers often insist that they do not need theoretical explanations of terrorist behavior. They want only tactical information. But, a lack of understanding of motivation or of the dynamics of the interaction between government and challenger can lead to poorly conceptualized policies.

The first is a policy that I would call "decapitation." Not literally, of course, but a policy based on the belief that the best way to deal with such an opponent is to remove its leadership. The assumption is that if you do this, the group will collapse and fall apart. For example, in June of 1996 during the FBI siege of the Freemen ranch in Montana (without making a claim about whether or not the Freemen were terrorists or not), press reports mentioned that the FBI admitted that they miscalculated by believing that seizing the two leaders would lead to the collapse of the group. Instead, when the two leaders outside the ranch compound were seized, the group inside resisted with more determination. Furthermore, the Freemen now behaved erratically. It is possible that the FBI arrested the only people who might have persuaded the others to give in.

Another example comes not strictly from the field of terrorism but it is a familiar one that offers the same lesson: Algeria. After a sequence of events in which the Islamic Salvation Front (FIS) was poised to win elections but the government then called them off, the FIS went underground and mounted an armed campaign against the government. The government's first reaction was to arrest the two leaders of the movement and throw them in jail. This left the armed groups without leadership, and the situation degenerated into violence. Now no one knows who can speak for the armed groups, since they are fragmented and dispersed. The government later changed its mind, thinking that if they released these two leaders from jail and held them under house arrest, they could negotiate with their followers and end the conflict. At this point, of course, these leaders lacked credibility or influence over the movement. So the government had no one to negotiate with. The point is that if a government removes the leadership, it jeopardizes its future opportunity to effect some reconciliation. "Decapitation" removes from the scene leaders who might have enough control over the adversary to engage in credible negotiations.

Similarly, in Germany, the first-generation leaders of the Red Army Fraction were quickly captured, since they were not particularly adept at concealing themselves from the government. Did the movement collapse? On the contrary. Instead, the militants outside increased their efforts to get the lead-

ers out of jail. The spate of hostage-taking that followed was largely mounted by second-generation militants trying to get the original four, the historic leaders, out of prison. Desperation was a central motive.

In Italy, the jailing of the Red Brigade's original leadership left outside not only militants who were desperate to get their leaders out of jail, but also permitted or even encouraged the emergence of a rival leadership. Competition between the leadership in prison and the leadership on the outside over who controls the movement led to both sides ordering terrorist acts to prove that they were in control.

A second policy that has backfired is "isolation." Most liberal democracies, when dealing with some variety of internal terrorism, are initially caught off guard. They are not exercising surveillance over every potential threat. First, a protest movement becomes increasingly radicalized and begins to move toward the use of violence, beginning with "low-level" sorts of violence, such as minor attacks on property. People who eventually become "terrorists" are not suddenly converted to this path. This process is gradual, an incremental movement into the underground. What usually happens is that the group begins to do things that attract the attention of the police—stealing cars, robbing banks to raise money, or buying weapons. The government realizes that some threat is building and decides to nip it in the bud. The principle seems sound: stop it now before it gets too hard to stop. For example, in Italy in the early 1980s, they made "association with" (i.e. belonging to or repeating the slogans of) a variety of far left groups a crime and began to arrest people for this.

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Leaving aside the issue of the questionable effect on civil liberties in a democratic society, what happened was that some only moderately committed militants now found themselves wanted by the police. They did not particularly wish to be arrested, even if the prison sentence would not be very long. Thus they needed go into the underground. There was increasing pressure on them to hide and to establish a false identity. How were they going to do this? Who could help them? The terrorist groups. So, the result was increased recruitment into the deeply clandestine armed groups, which exacerbated terrorism. After a couple of years, the Italian government dropped this policy and shifted to one of rewarding people who turned themselves in and informed on others. The so-called "pentiti," the extremists who repented, were much more effective in ending terrorism.

In Australia, a controversial issue in 1995 was whether or not the government should ban far-right groups' rallies on the grounds that this was inflammatory hate speech, that slogans and speeches of neo-Nazi groups are

abhorrent. However, if it were against the law to make these speeches, would the government then be driving them underground? Germany had pursued this policy in the 1980s, taking a stand that society would not tolerate this kind of rhetoric. The result was that some neo-Nazis moved into the underground, making it all the harder for the government to track them and then to apprehend them.

A third paradox is the policy of trying to prevent acts of terrorism by improving protective security measures. We are now familiar with these measures—greater airport security, greater security of American embassies abroad—especially because many are visible and intrusive. In the short term these policies have been reasonably successful in making it much harder for

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terrorists to hijack aircraft, to place bombs aboard aircraft, or to attack American diplomats and diplomatic installations abroad. These activities have decreased, although we cannot point conclusively to the effectiveness of preventive policy. There could be a change in the motivation of these groups that causes them to avoid these targets, but we know too little about the "why's" of target selection to answer this question.

One effect we do know, however, is that the more that you harden specific targets, the more terrorism is deflected to softer targets. The result is more attacks on tourists or less secure modes of transport or public buildings that are unguarded—Oklahoma City, for example. Perhaps, rather than attacking a major government

building in a national capital, extremists will go to a regional capital where no one is expecting terrorism; there are federal buildings in almost every state capital and every major city. Rather than give up entirely, terrorist groups simply move to a target that is easier. For terrorist groups, the range of acceptable targets is determined by ideology, but the choice of a specific target within that range is a matter of convenience or opportunity. Terrorists look for easier targets within the range of what is meaningful in terms of their beliefs.

Another policy that also may backfire—and this may seem the most counterintuitive—involves the response to state sponsorship of terrorism. Claims of state involvement were vastly overblown in the 1980s, but it was the case that some states were assisting terrorists. The U.S. government in particular, eventually with the assistance of allies, began to put pressure on states to refrain from supporting terrorism, and apparently this pressure did result in more restraint. At the same time, some forms of pressure, such as military retaliation, provoked more terrorism (e.g., the raid on Libya and the bombing of Pan Am 103). But, there have also been two other unexpected consequences. One is that underground groups, cut off from their state sponsors, have

become even less accountable and harder to track. Second, in order to get resources that they used to get from governments, they may turn increasingly to links with criminal organizations. So governments may have just forced them to find another ally in their campaign. These links between crime and terrorism are alliances of convenience, but both activities may become more destructive.

My reference to the U.S. raid on Libya suggests another policy that often backfires: the use of force. Certainly, all liberal democracies have specialized intervention forces to deal with terrorists. Their responses to sieges, hostage-taking, hijacking and similar tactics were refined over the years since the Munich disaster in 1972, when the West German police did not possess appropriate sharpshooters or equipment to rescue the Israeli athletes taken hostage by the Palestinian Black September faction. Frequently these specialized teams, whether in the police or in the military, have been extremely efficient—especially against hijacking. But, the use of force to rescue hostages, which almost always results in casualties on the terrorist side, also provides a motive for future revenge on the part of those groups. Vengeance can be a very important component of their later motivation.

Also, many such groups, like the Red Brigades in Italy, like to think of themselves as armies, and like to think of themselves as powerful enough to be engaging the armed forces of the enemy. They prefer to think of terrorism as a form of warfare. So, by using force a government may be confirming their expectations. Such groups feel extremely threatened by governments, and indeed often may be threatened by governments that feel an exaggerated sense of threat. This explains why some Americans look at the impact of the Waco and Ruby Ridge incidents in terms of the behavior of the FBI and the ATF. Contributing to the increasing radicalization of the militia movements and the radical right and conspiracy theorists is the desire to avenge what they regard as an attack on them by the government. Governments may accept this risk, but they should be aware of that value trade-off when choose to use force to break a siege or rescue hostages.

The last point I want to make concerns the news media. Most governments take the view, as Margaret Thatcher did with regard to the IRA, that publicity is the oxygen of terrorism. If you cut it off, terrorists cannot survive. But, is this always the case? Perhaps in some cases, but not always. Many terrorists distrust the conventional news media, and journalists are often the targets of terrorism. For example, in Latin America, in Italy, and now in Algeria. Radical oppositions do not usually feel that the media reports fairly. They feel they are vilified, while at the same time the government thinks that the media is creating heroes out of terrorists. Until recently, in the Republic of Ireland or in Britain, a member of the Provisional Irish Republican Army could not be interviewed on television. The principle is to deny them access to an audience.

Other analysts of the problem have argued that the media ought to be allowed to report freely on terrorism because publicity will generate public support. Without claiming that the Unabomber was terrorism, consider that

situation. The Unabomber was initially content to remain completely in secret and only send messages via bombs. Then, he reached the point of wanting national publicity. *The Washington Post* and *New York Times* agreed, under government pressure, to print his manifesto. Many people thought this was an unfortunate decision because it rewarded his actions. But, the result was that the Unabomber was caught in part because his relatives read the manifesto and identified him as the author. Allowing the Unabomber access to publicity was his undoing. One might take that lesson and apply it to terrorism as well.

These ideas are preliminary. They require more study, as well as a comparison between the circumstances where these policies seem to succeed and those where they fail. In order to draw more detailed and precise lessons, we need a much larger number of cases on which to base hypotheses. But, this sketch serves as a cautionary signal to governments planning counter-terrorism policies. The outcomes of their policies are determined not just by their own choices but by the reactions of their adversaries.

