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'International Terrorism' as Conspiracy: Debating Terrorism in the League of Nations

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Abstract: *»'Internationaler Terrorismus' als Verschwörung: Debatten über Terrorismus im Völkerbund «.* This paper aims at historicizing terrorism by focusing attention on how the current dominant discursive patterns, constituent elements of the 'global terrorism' *dispositive*, have come to existence. It brings to the fore the first robust international debate on terrorism which took place in the League of Nations following the Marseilles assassination (1934) and shows its conspiratorial features, many of which are detectable in the discourse of terrorism among states after 9/11.

Keywords: terrorism, conspiracy, League of Nations, Marseilles, Foucault.

1.   Introduction

Less than an hour after Alexander I Karadordevic, the king of Yugoslavia, arrived at Marseilles aboard the cruiser *Dubrovnik*, he was shot dead. The significance of the event, which took place in the afternoon of 9 October 1934 – and in which the French foreign minister Barthou also perished – is yet to be recognized in the history of terrorism. It stimulated the first robust debate among states on the subject. The results of this debate, which took place within the premises of the League of Nations in Geneva, were the *Convention for the Prevention and Punishment of Terrorism* and the *Convention for the Creation of an International Criminal Court*.[1] Together they laid the foundations of the first robust international regime to face the new 'global' threat of terrorism by means of globalized surveillance, normalized punishment of the terrorist, and discipline in terms of stipulating what was the proper state behavior with respect to the terrorist threatening other sovereignties in the existing international political order (for an overview of the debate from a legal perspective see in particular Zlataric 1975; Saul 2006).

The reason why the standard histories of terrorism tend to pass over the subject is twofold. First, it is because this regime, intended to fill a 'gap in interna-

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[1] League of Nations, doc. C.546.M.383.1937.VII and doc. C.547.M.384.1937.VII.

tional organization,'[2] failed to materialize. Indeed, the conventions, while signed by a number of parties, were not even ratified. The cause of this failure was the uncontrolled escalation of a systemic crisis that the regime was intended to contain – an argument developed in more detail below. The second reason has to do with the nature of these histories themselves. A distinct characteristic of many of them (e.g. Lacqueur 2001; Hoffman 2006; Rapoport, 2006) is a present concept of 'terrorism' projected backwards into the past. Such linear projection effectively endows 'terrorism' with a certain essential and eternal substance – and hence a spatio-temporal unity – while allowing for (evolving) mutability of only the accidental properties. In the period of the Marseilles assassination, these histories tend to focus on the 'state terror' in Bolshevik Russia or the 'rising wave' of ethnic nationalist terrorism in places such as Palestine, two phenomena constitutive for the resulting terrorism patchwork in which political assassinations also have their place, but only in the more distant past.

This paper is grounded in a different approach. Its aim is to historicize terrorism by focusing attention on how the current dominant discursive patterns, which are argued to constitute key elements of the 'global terrorism' *dispositive*, have come into existence. The importance of the League of Nations debate as the first, and violent, *Entstehung* of 'terrorism' in the discourse among states, is beyond doubt when such a perspective is assumed. More specifically, the paper points to how 'international terrorism' in this debate was conceived of as a conspiracy, suggesting that it was precisely the conspiratorial relationship between the terrorist and the revisionist state that defined the political violence constructed as terrorism as emergency. Terrorism was conceived of as a new and radical threat, first and foremost, because of this unholy alliance and because, as a consequence, it was conceived of as an instrument of state policy.

2. Terrorism as Conspiracy: Some Theoretical Reflections

The particular strategy in which security is historicized by authors in this Special Issue is through the introduction of states' security *dispositives* and pointing to their close relationships to discourses of conspiracy. As De Graaf and Zwierlein (2013, in this HSR Special Issue) note, such discourses of conspiracy tend to be characterized, among other things, by the following. They are attributive (referring to *another*); they feature a strong transnational element (thus challenging the *inside/outside* as the defining logic of modern sovereignty as a producer of security); they have a potentially destructive effect on the current

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[2] League of Nations, Official Journal, Records of the Seventeenth Ordinary Session of the Assembly, Special Supplement no. 156 (1936), Minutes of the First Committee.

social order (threatening its annihilation); they are 'epistemologically impossible'; and they invoke a sense of urgency, immediacy and inevitability.

All these features are present, as demonstrated in the empirical analysis below, in the states' discourse of terrorism in the 1930s. (The only qualification relates to the epistemological impossibility of proving the conspiracy, as it is suggested that conscious attempts to lay down evidence for its existence were made. However, while the production of this evidence meant to follow the criminal proceedings standards, it is suggested to be rather inadequate to 'prove' the conspiracy to the extent imagined by those who postulated it.) The 'conspiracy' – analyzed in functional rather than 'truth' categories – may thus be conceived of as orienting this historical discourse, which in turn seems to be genealogically related to the current discourse of terrorism as a constitutive element of the 'global terrorism' *dispositive*.

While the analysis below seeks to point out the securitizing actors, how the referent subject is defined, the way it is perceived, the temporal relationship between the plot and the conspiracy discourse and the (conceived) new modes of security governance, emergency is not assumed in the *dispositive* claim to be related to sovereignty through politics of exception and decisionism (as the categories borrowed from the Copenhagen School conceptual apparatus might suggest). Instead, drawing on Foucault's conception of the *dispositive* as a complex edifice (Foucault 2007, 8), it is assumed that in the 'global terrorism' *dispositive* different governmentalities (sovereignty, discipline, security, and biopolitics) are combined, producing an assemblage of both exceptional (war) and normalizing (administration, police) practices. Therefore, even though the role of sovereignty in the current security management apparatuses ought not to be underestimated (cf. Amoore and De Goede 2005; Amoore 2006; Butler 2006; Aradau and Van Munster 2007; Bigo 2008), it is postulated that the *exception* invoked and legitimized by the discourse of conspiracy not only produces prohibition, coercion and punishment, but it also enters into a complex relationship with the practices of *normation*.

3.   Terrorism and the League of Nations

From the formal point of view, the terrorism debate in the League of Nations can be divided in two stages: the immediate aftermath of the Marseilles assassination, and the later period. The Marseilles events provoked a debate in the League's Council, based on the request by Yugoslavia under Art. 11/2 of the Covenant, relating to a circumstance affecting international relations and threatens to disturb international peace.[3] Based on a proposal submitted by

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[3] Doc. C.506.M.225.1934.VII.

France, a decision was passed by the Council to create a committee of experts (representing their governments) that would prepare two conventions – one on the prevention and punishment of terrorism, the other on an international criminal court. The Committee held three sessions (1934-1936), while terrorism was also discussed in parallel in the Assembly's First Committee, and the League's member states were asked three times to submit their written comments. Finally, the diplomatic conference (with attendance not limited to the League's members) was convened by the Council to discuss the two draft conventions (1937).[4]

The reasons why the case was successfully brought before the Council and why the statements in the first period betrayed a particular conspiratorial attribution to Hungary had to do with (Central) European alliance politics aimed at balancing Hungary's and Bulgaria's revisionist tendencies after WWI (supported by Italy, which had an unresolved conflict with Yugoslavia over Dalmatia) – i.e. Little Entente and the Balkan Pact, both including Yugoslavia and both linked to France. All countries involved in these alliances supported Belgrade's motion but France and Britain opposed involving Italy in the attribution moves (some of the conspirators in the Marseilles plot, namely Ante Pavelić and Eugen Kvaternik, escaped to Italy in its aftermath where they continued to reside safely under the protection of the Fascist regime) as they were seeking at this time a *rapprochement* with Mussolini to balance the rise of Hitler's Germany.

What this 'chessboard' analysis fails to explain is why Marseilles, framed as 'terrorism' – even though the concept had anything but a precise meaning in the general discourse at that time and before (used for actions violent and nonviolent; sustaining the state or undermining it; for breeches of the *jus in bello*, industrial actions or the local government inaction in enforcing a rule of law) – was brought before the League in the first place; why a debate of an unprecedented intensity followed; and why it culminated in developing a comprehensive international regime to prevent and punish terrorism. Explanations for that are to be sought at the more abstract level of the international order. Emergence of the discourse of international terrorism in the aftermath of the Marseilles assassination may then be interpreted as a strategic response to the emergency caused by the general *crisis* of this order, and the envisioned regime then serving the purpose of preserving the hegemonically imposed and now crumbling *status quo* in terms of a particular political constellation by reinforcing the (imagined) unity in the face of a conspiratorial adversary and, in a broader sense, to prevent disintegration of the normative fundaments of this order and its slide into what Schmitt, somewhat bombastically, called a 'global civil war' (Schmitt 2003). Two paradoxes seem to have been entailed in this move. While the unprecedented threat that terrorism represented grew from the conspiracy

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[4] Doc. C.255.1937.V.

between the terrorist and the (revisionist) state, at the same time the former tended to be alienated from the 'community of states' standing for civilization and order (for example, by the trope of him "driving a wedge" into this community).[5] Secondly, the counter-terrorism regime designed to check the pending international crisis grew out of the same (universalist) principles – supported by the legal knowledge of 'progressive codification of international law' – that, at least in Schmitt's analysis (Schmitt 2003, 227ff.), made the crisis possible in the first place.

The conspiratorial elements featured in the debate throughout. In terms of attribution, the accusing statements in the first period, coming predominantly from the Little Entente countries, strove to establish a close cooperative relationship between the Ustaša (the terrorist organization) and Hungary (the state). What united the two schemers at the abstract level was the (alleged) intent to overthrow the existing state of affairs materialized in the national boundaries they both challenged,[6] thus threatening anarchy and international chaos.[7] The conspiratorial character of their association was forcefully asserted. Yugoslavia would describe the Marseilles events as "nothing but expression of a conspiracy against the integrity and security of the Yugoslav State, organised and fostered by Hungary," and a culmination of terrorism "inspired and abetted for years on Hungarian territory."[8] Czechoslovakia declared itself to be threatened by acts of terrorism as 'individual invasion' performed by the apparatus of the Hungarian state and its 'associations' abroad with the aim of undermining its territorial integrity.[9] Thus the conspiracy's reach was broadened and was not limited to the link between Hungarian government and the Croat nationalists. The revisionist state at the centre of the conspiracy, whose tentacles included minorities in the new states of Central Europe, nonetheless remained.

Hungary's involvement was established in two ways. Certain Hungarian army officers were alleged to collaborate directly with the Ustaša, providing its members with false passports and other material assistance. Moreover, ethnic Hungarian associations abroad, namely in Czechoslovakia, were directly linked to the government in Budapest in "a whole apparatus of conspiracy."[10] The evidence summoned to prove these claims drew mainly on two depositions

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5   Cf. League of Nations, Official Journal, vol. 15, no. 11 (Dec. 1934), statement by the Soviet Union; see also C.R.T.18 (1936), amendment by the Soviet Union.

6   Doc. C.518.M.234.1934.VII. As the new French foreign minister Laval famously put it, "any person who tries to remove a frontier mark disturbs the peace of Europe." League of Nations, Official Journal, vol. 15, no. 11 (Dec. 1934).

7   Doc. C.506.M.225.1934.VII.

8   League of Nations, Official Journal, vol. 15, no. 11 (Dec. 1934), Council Minutes, statement by Yugoslavia.

9   League of Nations, Official Journal, vol. 15, no. 11 (Dec. 1934), Council Minutes, statement by Czechoslovakia.

10 Doc. C.518.M.234.1934.VII, statement by Yugoslavia.

made in criminal proceedings by a certain Vinco Mihalus and Jelka Podgore-lec.[11] The second attribution of responsibility was indirect: it was simply in-conceivable that Hungary had no knowledge of the terrorist 'camps' on its territory. The archetypical terrorist camp of the 1930s, Janka Puszta, a small farmstead located only a few miles from the Hungarian border with Yugosla-via, could "not exist in an organised country without the consent and assistance of authorities."[12] Therefore, Budapest effectively provided the state territory as a base for terrorist activities abroad.

As a result of a political compromise, in the final resolution by the Council it was not the Hungarian government but instead 'certain authorities' that were declared responsible for the Marseilles assassination. Moreover, Little En-tente's pressure notwithstanding, no supervision of measures to be taken by Hungary to suppress international terrorist activities was established. Instead, a comprehensive international regime was to be devised, and terrorism hence remained on the agenda of the League of Nations for three more years. While the debate was removed from the immediate context of the Marseilles event and hence attribution statements receded, other typical elements of the dis-course of conspiracy were preserved.

Terrorism would therefore be conceived of as a transnational phenomenon, defying the spatially delimited sovereignty on which the existing international order was based. In disguise and armed with false identity papers, the terrorist moved freely across the borders, not only threatening the political order inside and the peace outside, but also undermining the fundamental *signification* of the existing state power; a grid through which it could be interpreted. He inhab-ited the dark side of globalization, preying on the increased structural vulnera-bility of the international order caused by the growing international interde-pendence[13] and the "advancing knowledge and improved communications."[14]

The destructive capabilities of terrorism/the alliance between the terrorist and the revisionist state would be emphasized. In particular, what it threatened (and which was thus discursively securitized) was *order* and *civilization*. The Marseilles events brought about a "state of anarchy and alarm in Europe"[15] and could have far-reaching consequences in terms of making "organized govern-ment impossible".[16] From the Little Entente's perspective, the new political constellation following WWI finally brought justice to Europe by concluding the process of national unification as a "historic and inescapable necessity." The conspiracy, resisting "irresistible natural forces", was aimed at undermin-

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[11] Doc. C.506.M.225.1934.VII.
[12] League of Nations, Official Journal, vol. 15, no. 11 (Dec. 1934).
[13] Doc. Conf.R.T./P.V.3 (1937), Minutes of the Diplomatic Conference, statement by Haiti.
[14] Doc. Conf.R.T./P.V.1 (1937), Minutes of the Diplomatic Conference.
[15] League of Nations, Official Journal, vol. 15, no. 11 (Dec. 1934), Council Minutes, statement by Turkey.
[16] Doc. C.506.M.225.1934.VII, statement by Yugoslavia.

ing this new order and reversing the linear process toward freedom and peace to which national unification as "one of the laws governing the history of Europe" pointed.[17] The primary referent object in the catastrophic visions given shape in the debate was the state ('organized government'), a constituent unit of the international order which, if lack of discipline, poverty and suffering were to prevail inside the state boundaries[18] (brought about inevitably through the involvement of *another* state), would perish too, taking civilization down with it. The destructive potential of the terrorist as modern barbarian was (discursively) reinforced by his location not *ante portas* of the civilized world, but – a courtesy of the conspiring state – inside it; and secondly, because the terrorist disrespected the elementary civilizational norms imposing limits on violence (thus being morally located in the past age of darkness) while, at the same time, benefiting from human progress and its technological achievements when constructing his diabolic machines.

Pointing to the destructive capabilities of terrorism in combination with its transnational character would facilitate a rendering of the threat as particularly new and serious, and consequently warranting exceptional responses. Terrorism was something 'entirely new in European public law'[19] (understood in the broader sense of *order*, rather than a corpus of legislation) and it ushered in a period of "anarchy and international barbarism [which] would overwhelm the civilised world, in which the most elementary foundations of international peace would inevitably disappear."[20] No single state or alliance of states could defend itself against this contagion.[21] Hence, a robust joint action, featuring elements of punishment, surveillance and discipline was necessary if there was any hope to be left for the "future of civilization"[22] – the first "coalition against terrorism".

4. Conclusion: Toward the Critique of the Global Terrorism *Dispositive*

The discourse on terrorism among states today, comprising statements enunciated in the United Nations and elsewhere, features a strong conspiratorial character, repeating the tropes of attribution, transnationality and catastrophe en-

[17] Ibid., statement by Czechoslovakia.
[18] Doc. C.R.T.1 (1935), Committee for the Repression of Terrorism, Responses of Governments.
[19] League of Nations, Official Journal, Records of the Seventeenth Ordinary Session of the Assembly, Special Supplement no. 156 (1936), Minutes of the First Committee, statement by Haiti.
[20] Doc. C.506.M.225.1934.VII.
[21] Doc. Conf.R.T./P.V.1(1937), Minutes of the Diplomatic Conference.
[22] League of Nations, Official Journal, Records of the Seventeenth Ordinary Session of the Assembly, Special Supplement no. 156 (1936), Minutes of the First Committee.

countered in the 1930s debate. The adversary's identity is again constituted in totality, threatening order, civilization and humanity. Thus it makes it possible to associate with terrorists, territorially dispersed actors of different kinds and diverse political agendas. "Despite the fact that terrorism is multifaceted, its nature is one and the same, and at its roots lies a doctrinaire egoism which has been raised by its followers to the highest level of evil, intolerance and cruelty."[23] It is once more posited as a new and unprecedented threat ("the greatest of new dangers");[24] a 'scourge' (a term familiar in the 1930s debate) disturbing the conscience of the (ordered, civilized and human) world. The emergency produced by the terrorist conspiracy is most significantly the consequence of the terrorist's negation of both spatial and moral limits. Terrorism knows no boundaries or nationality, spreading to all corners of the world and making no country, including great powers, immune against its strike.[25] The lack of immunity is a recurring moment in the discourse, constituting part and parcel of a broader set of statements made by the states about terrorism as disease – either *cancer* or *plague* (stressing its contagious nature and uncontrollable spread)[26] or *madness* (pointing to its irrationality, again transferrable to those so far sane).[27] Terrorism also transgresses the (civilizational) norms on the limits of violence, once more benefiting in its own malign way from the forces of progress, most notably through (the catastrophic *possibility* of) the use of weapons of mass destruction (cf. Cameron 2004).

Two important discontinuities between the 1930s and the current discourse seem to emerge, however. First, the character of the terrorist conspiracy is altered insofar as its fundamental feature – and an emergency 'propeller' – is not the unholy alliance between the terrorist and a (revisionist) state. No longer is the terrorist an extended instrument of state policy. Indeed, the rogue states of today can unproblematically be associated with the global terrorist move-

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[23] Doc. A/59/PV.12 (2004), Minutes of General Assembly, statement by Turkmenistan.

[24] Doc. A/56/PV.7 (2001), Minutes of General Assembly, statement by Russia.

[25] Doc. A/56/PV.9 (2001), Minutes of General Assembly, statement by Bhutan; A/56/PV.12 (2001), Minutes of General Assembly, statement by Ukraine, Burkina Faso, Algeria; A/56/PV.18 (2001), Minutes of General Assembly, statement by the United Kingdom; A/56/PV.14 (2001), Minutes of General Assembly, statement by Pakistan, Yemen; A/56/PV.15 (2001), Minutes of General Assembly, statement by Oman; A/56/PV.17, Minutes of General Assembly, statement by Nicaragua; A/56/PV.20 (2001), statement by Myanmar; A/56/PV.21 (2001), statement by Nauru; A/C.6/64/SR.9 (2009), Minutes of the Sixth Committee, statement by Trinidad and Tobago; S/PV.4370 (2001), Minutes of Security Council, statement by Mauritius.

[26] Cf. Doc. A/56/PV.12 (2001), Minutes of General Assembly, statement by the United States; A/56/PV.18 (2001), statement by Tanzania; S/PV.6128 (2009), Minutes of Security Council, statement by the United States.

[27] Cf. Doc. A/56/PV.8 (2001), Minutes of General Assembly, statement by Uruguay; A/56/PV.9 (2001), statement by the Netherlands; S/PV.4370 (2001), Minutes of Security Council, statement by the Ukraine.

ment; yet they do not appear *necessary* for its function. The terrorist conspiracy is 'real', its dominantly rendered morphology being one of a transnational *network*[28] penetrating through the national boundaries and negating the difference between external and internal security. (Alternatively, it is imagined as an *octopus*, with its "destructive tentacles" reaching to all societies.[29]) But it can do without the conspiring state. Moreover, unlike in the 1930s the possibility of state failure as a facilitating condition for the terrorist to thrive is not only accepted, but must be actively eliminated. The failed state is constituted as a 'sick man' of the normal international order which needs to be cured through 'state-building' to prevent the contagion of terrorism from taking root there and metastizing further.

Second, this discourse is now a constitutive element of what I suggest is a 'global terrorism' *dispositive*, a developed ensemble of discursive and nondiscursive practices which comprises both the more conventionally 'exceptional' practices of war, 'regime change', 'state-building' and reducing the terrorist to 'bare life' in the camp (Butler 2002, cf. Agamben 1998); preemptive risk management techniques for governing mobilities in the neoliberal economy through the emergence of a biometric state (Amoore 2006; Aradau and Van Munster 2007; De Goede 2008); and the multitude of practices at the new nexi of geopolitics and biopolitics (Dillon 2007; Kiersey and Stokes 2010), and surveillance and discipline (Lyon 2003; Bigo 2008). All these components, variably impressing on states, populations or individual human bodies (whether the citizen's, migrant's, or terrorist's) are strategically arranged through the concept of 'terrorism' and legitimized with reference to the catastrophic possibility of a future terror event (cf. Aradau and Van Munster 2011; on temporality and conspiracy see also Zwierlein, in this HSR Special Issue).

To posit the existence of such a 'global terrorism' *dispositive* is not to posit a grand design behind it and create a monstrous, monumental unity where there is none. Indeed, the *dispositive* as conceived by Foucault is a strategic response to emergency (cf. Agamben 2009), and there is an overall rationality in orienting, through the *dispositive*, the multiplicity of forces in the social field. But as power is subjectless and tactically polyvalent, this can only be a rationality of a 'machine' (Kelly 2009, 46). Historicizing the constitutive elements of this *dispositive* is therefore not intended to decapitate the tyrannical sovereign; but rather to make, with Foucault, "facile gestures difficult" (Foucault 1988, 155)

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[28] Cf. Docs. A/56/PV.12 (2001), Minutes of General Assembly, statements by the United States and Algeria; A/56/PV.8 (2001), statement by Brazil; A/56/PV.14 (2001), statements by Iceland and Yugoslavia; A/56/PV.20 (2001), statement by Laos; A/57/PV.3 (2002), Minutes of General Assembly, statement by Equatorial Guinea; S/PV.5261 (2005), Minutes of Security Council, statement by the United States.

[29] Cf. Docs. A/56/PV.9 (2001), Minutes of General Assembly, statement by Pakistan; A/56/PV.15 (2001), statement by Bhutan; A/56/PV.18 (2001), statement by Senegal.

and to engage in the continuous process of liberation from the straitjacket that this machine imposes on our political possibilities.

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