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Acquiescing to terrorism

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Fear of violence is a visceral human emotion that can readily overwhelm rational judgement and engender a survival response. The use of fear to coerce or subjugate others features prominently throughout human history. Man's capacity for violence (particularly organised conflict between states) is recognised in the international law of war and the core principles of distinction, military necessity, avoiding unnecessary suffering and proportionality. Armed conflicts conducted in accordance with the Geneva Conventions may accord combatants with certain legal and moral authority and may be recognised as "just" wars.

The post-WW2 formation of the United Nations further clarified the international norms that govern resort to force, with an inherent right to individual and collective self-defence embodied in Article 51 of the UN Charter. Likewise the preamble to the 1948 Universal Declaration of Human Rights acknowledges the option of force in the statement "if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression", reflecting a wide acceptance at the time of the justness of wars of national liberation against colonisation and imperialism and in pursuit of self-determination.

The term terrorism is typically used to describe the threat or use of unconstrained and indiscriminate violence against civilians in order to coerce political and social change through fear. Because terrorism does not comply with any of the core principles of the law of war it will never gain recognition as legitimate armed conflict under the Geneva Conventions or afford combatants with legal immunity. The use of the adage "war on terror" has tended to blur an important distinction between lawful combatants involved in recognised armed conflicts and ruthless criminals determined to indiscriminately attack and murder innocent civilians.

Terrorism relies for its primary effect on an ability to engender widespread fear rather than an actual capability for extensive violence. Contemporary terrorism has been enabled by a global media that enthusiastically streams shocking and sensational real-time images world-wide, providing extremists with virtually limitless propaganda opportunities. Disparate individuals and groups can gain instant international notoriety by threatening or undertaking bizarre or barbaric action. The terrorist "brand" transforms and magnifies often crude and disparate acts of brutality into a homogenous and universally menacing spectre. In giving credence to the ("death cult") brand states targeted by terrorism inadvertently become the most vociferous proponents for exaggerating and sustaining its menacing threat.

Terrorism is essentially a political and psychological strategy that relies for its enduring impact on catalysing a militaristic and utilitarian counter-terrorism response to misperceptions of a grave and imminent threat. Decisive and expedient counter-terrorism strategies post 9/11 have required significant compromises to a range of

long-established democratic principles and institutions, including altering the delicate balance between civil liberties and national security in favour of strengthening and extending the state's security and intelligence capabilities. New technologies have dramatically expanded the state's capacity for large-scale electronic surveillance of its citizens, and governments have sought the authority and resources to undertake extensive real-time data collection under the auspices of counter-terrorism. Even the threat of nuclear annihilation during the Cold War in the second half of the 20th century could not force such dramatic changes to fundamental democratic principles.

While the expansion of the state's surveillance powers and capabilities has obvious implications for individual privacy and civil liberties, burgeoning securitization and the expansion of the secret state has significant potential to permanently undermine essential democratic accountability. Democratic legitimacy is predicated on the capacity of citizens to periodically hold elected representatives to account for the public actions and performance of government. The capacity for democratic accountability is seriously impeded when a growing number of the government's key functions are undertaken in secret. This is no more graphically illustrated than the recent incorporation of border protection into the realm of national security, with the subsequent drawing of a veil of secrecy over a range of civilian law enforcement, migration and humanitarian functions.

The powerful emotional and fearful dimensions of the spectre of terrorism poses diabolical dilemmas for Australia's elected political representatives. In the face of perceptions of a grave and imminent threat to national security there is great electoral advantage in appearing strong and decisive, particularly when the first duty of government is to protect its citizens. Any suggestion of scepticism, caution or nuance on national security by elected representatives is immediately interpreted as weakness by sections of the media and poses enormous political risks. This treacherous political environment demands unquestioning bipartisan support for Team Australia's utilitarian approach towards counter-terrorism and acceptance of a simplistic us/them conflict paradigm. In such an environment there are few opportunities for informed and objective public debate on complex or sensitive issues or matters of principle, let alone critical consideration of the justification, cost, effectiveness and implications of existing counter-terrorism measures.

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