

# **PREFACE**

In the opening lines of the first edition's Preface I wrote: This book was a labor of love. It was born during a short conversation with my colleague and good friend, Professor Craig Nard, in the fall of 2004, who urged I write a book on terrorism. Urged would be the polite term; "ordered" would be more descriptive of the conversation. For that, I will be forever thankful. As inspiration, I strategically placed Craig's casebook, along with one of the many academic publications written by my late father, Professor A.Z. Guiora, on my bookshelf in such a manner that they were the first things I would see every morning.

In addition, my then Dean Gerry Korngold was a constant supporter—providing both words of encouragement and generous summer stipends. For both, I am very grateful. In addition, almost 20 years later I still owe a huge debt to my then editor John Devins and my then publisher Steve Errick (both then at Aspen Publishing) who believed in me, even though this was my first book, and have remained great friends throughout the years.

While Nard and Korngold are no longer my colleagues, they are to this day amongst my closest friends.

The second edition was framed by feedback to the first edition. The feedback emphasized the value and uniqueness of comparatively analyzing counterterrorism in an interdisciplinary manner. A recurring theme was the need to incorporate additional countries. For that reason, the second edition remained true to the pedagogical approach of the first edition while adding two countries, China and Colombia.

In retrospect, both were obvious choices: China because of its extraordinary geopolitical power and relevance; Colombia because of the unique combination of threats it faces. With China, I was very fortunate that American and Chinese academics were gracious with their time and cooperation. The new material on Colombia enormously benefited from insight offered by American and Colombian experts who graciously responded to my many questions.

With the five previously surveyed countries—the U.S., Israel, Russia, India, and Spain—significant additions have been made that reflect the developments of recent years. I have sought to present to the reader a continuum of events between each edition. Terrorism cannot be viewed in a vacuum; rather, historical appreciation enormously facilitates understanding it. The four-legged approach that drives this book—law, policy, operations, and intelligence—requires both geopolitical and historical sensitivity to events, trends, and responses.

It was very important for me to approach counterterrorism from an interdisciplinary perspective. This decision reflects my 19-year career in the Israel Defense Forces, where I was exposed to some of the most complicated and complex decision making that commanders could face in the realm of operational counterterrorism.

What struck me throughout my career was that counterterrorism decisions require the incorporation of different disciplines—in particular, law, policy, tactics and operations, and intelligence gathering. As the Judge Advocate to senior commanders, I was expected to provide legal advice in an area of law best described by Israel as operational international law. This is not an area of law that was studied when I was in law school in the early- to mid-1980s; nor were there an enormous number of “guides” or “checklists.” What could be considered benchmarks were the decisions rendered by the Israel Supreme Court sitting as the High Court of Justice—international law and a moral compass combined with instinct.

I soon realized I had to provide advice beyond the realm of law; a Major General asked me to participate in a meeting where legal issues were not to be discussed. When I asked why, his response was succinct: because I expect you to provide *both* legal and policy advice. From that point on, integrating operational considerations with legal and policy matters was a given, as was my increasing understanding that the soul of counterterrorism is intelligence gathering. To that extent, I worked closely—and obviously not always in agreement—with commanders and intelligence officials alike. Recommending operational decisions steeped in the law while being mindful of additional valid considerations is the essence of legal advice for military commanders. That was my role.

That professional experience serves as the backdrop for this book. I am convinced that the only way counterterrorism can truly be studied and understood is through an interdisciplinary approach. Otherwise, an extremely complicated subject will be given short shrift.

As to why I initially chose to examine the U.S., Israel, Russia, India, and Spain, the answer is relatively simple. I felt they were interesting unto themselves, and I also recognized that each conducted counterterrorism sufficiently differently from one another to enable effective comparison.

While on some matters the five—now seven—nations have similar approaches, on a significant number of issues their differences facilitate examining and learning from the contrasts. Different regimes have different laws and policies, and civil democratic societies also have significant similarities and differences. Those similarities and distinctions, in the context of the four

subject areas—law, policy, operations, and intelligence—are the essence of this book.

When writing the first edition, I tried out various chapters at both the law school and collegiate levels to gauge the relevancy and applicability of my four-subject approach with respect to the five nations. My conviction, based on courses I have taught at both levels, is that the approach resonates with students. To all those students who were the initial “adopters”: my many thanks for your honest feedback during and after the respective courses.

As to this third edition: when I began, the intent was to undertake a traditional revision of a casebook. As noted in the Prologue, that significantly changed on October 7, 2023. The events in Israel and the Gaza Strip raise important questions regarding terrorism and counterterrorism as traditionally understood. While the results of the conflict are unknown at this time, their importance to this book cannot be sufficiently stated.

*Amos Guiora*  
*November 2023*