The Morality of Terrorism

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Terrorism: A system of terror
Government by intimidation

A policy intended to strike with terror those against whom it is adopted [1]

Terrorism is a subject about which it is very easy to say something but very difficult to say something that isn't either obvious or outrageous. I can't presume to avoid these traps but I will try to do two things, the first is to get some sort of sense of the proper scope of our concern about terrorism and counterterrorism; and the second is to say something about the morality and hence justification of both these activities.

'There are no excuses for violence and can never be excuses for violence' [2]. 'No amount of deprivation can justify violence ... nothing can justify violence' [3]. This is extremist talk and perhaps it should not be taken too literally. Had it been said as a reaction to the assassination attempt on the life of Pope John Paul it might well have seemed appropriate and even true, but imagined as an admonition to the Jews of the Warsaw ghetto to lay down their arms, it would have seemed stupid and offensive. Certainly a view like this cannot be the last word on the justification of terrorism let alone of violence. For the record they are the words of William Whitelaw and were a response to the Brixton riot of 1981.

'The rebel's weapon is the proof of his humanity. For in the first days of the revolt you must kill: to shoot down a European is to kill two birds with one stone, to destroy an oppressor and the man he oppresses at the same time: there remain a dead man and a free man...' [4]

But for the reference to 'a European' this might have been said by a poetically inclined member of the IRA, in fact it was said a propos the Algerian revolution by Jean-Paul Sartre. In a way it expresses a point of view opposed if not exactly opposite to that of William Whitelaw. And again it is not difficult to imagine circumstances in which we might wish to support some such view and others in which it would seem outrageous.

I shall assume, perhaps rashly, that blanket support for, or condemnation of, terrorism is untenable. But while they reflect very different attitudes to terrorism and to the possibility of its justification, the views of Whitelaw and Sartre are unproblematic in that they refer to the sorts of violent behaviour that are paradigms of terrorism: hostage-taking, bombing, shooting, high-jacking and the like. But our reflections should range wider than this.

State Terrorism

Compare these two conclusions:

'Mrs. Thatcher: I join with Mr. Kilfedder in totally condemning all organizations in Northern Ireland and anywhere else in the world who try to impose their will by terrorism - taking or endangering the lives or limbs of innocent men, women and children.

I share this great sympathy with the 1,500 citizens who have been murdered in this way since the troubles in Northern Ireland began and the 600 soldiers or policemen.

Our sympathies are with them and we totally and utterly condemn those who perpetrate these monstrous offences. (Cheers) [5]

and

'Every government that has the physical capacity to make its threats credible says this to its potential enemies: If you attack us and threaten to defeat us, we will kill all the hostages we hold; that is to say, we will incinerate or dismember as many of your old men and women and children, and poison as many of your mothers and their unborn offspring, as it takes to persuade you to desist; we do not regard as decisive the fact that they are themselves no threat to us; nor do we propose to destroy them merely incidentally, as an unsought after side-effect of efforts to stop your armed forces in their attack on us; no, we will destroy your non-combatants precisely because you value them, and in order to persuade you to desist.' [6]

Mrs Thatcher's total condemnation of the imposition of will by terrorism is shared by John Finnis but his suggestion purports to show that Mrs Thatcher is not only one of the foremost advocates of terrorism, but is herself an out and out terrorist.

This startling suggestion is worth exploring in some detail because it makes a point not only about the dimensions of terrorism but about the ways in which it might be justified. Finnis's charge is that any government which adopts a policy of deterrence, and which has the capacity to bomb or do anything nasty to any part of the civilian population of a potential enemy, is involved in coercive hostagetaking and so in terrorism. For so long as we are

able to bomb or poison any part of the civilian population of another state then in a real sense we hold those people, their lives and limbs are in our hands and can be forfeit at our will. When we use the fact that we hold these hostages to threaten and coerce and terrorise these people or their government or their friends then we are involved in terrorism.

Now of course the hostages taken by Mrs Thatcher are not prevented from going about their daily business so long as her threats are heeded. But if we learned that say the IRA had secreted an atomic bomb in London and would allow us all to go about our daily business until their patience was exhausted, we might well and rightly feel that we were all their hostages and would remain so as long as we stayed in London or for so long as the bomb remained undetected and undefused.

The point is not of course that Mrs Thatcher is as bad or as dangerous as the terrorists she condemns. (She is certainly not nearly so bad and equally certainly much more dangerous.) It is rather that our concern about terrorism and its justification should be the widest possible concern and should have a realistic sense of the scope of the problem of terrorism

If we are worried about the morality of using terror as a method of political 'persuasion', and if we are prudentially fearful of being the victims of terrorism, then in either case we have the strongest of motives for a broad conception of terrorism and a wide discussion of the issues it raises. The problem of terrorism narrowly conceived is minute. The death toll from terrorism in Northern Ireland for example since the present round of troubles began is about one third of the annual toll from road accidents in the UK and the chances of being knocked over by a car are still greater than the chances of being knocked over by a bullet in Northern Ireland.

On the other hand, the balance of terror to which our government subscribes not only ties up vast resources which could be deployed to save lives and alleviate suffering in the world, but also is a huge and constant threat to the lives of us all.

Now certainly Mrs Thatcher would deny absolutely that she was any sort of terrorist. She would regard such a claim as a complete perversion of language, a piece of empty and tendentious rhetoric of the worst kind - sheer propaganda! But this response is too easy; easy because it takes the facile path of dismissing a substantial claim, if a controversial one, on the slim ground of incorrect English usage. But this charge, which is often levelled against radicals, is one that will not stick and it is worth taking enough time to explain why. Before doing so we should note that the argument here is the same as that which has surrounded the use of the term 'violence' and that of 'speech' in recent years. The controversy as to what precisely is or is not to be called 'speech' figured centrally in the debates in the American courts as to whether the actions of Vietnam war protestors who burned their draft cards and US flags were an eloquent form of 'speech' (whatever else they were) and thus protected by the free speech clause in the Constitution. That actions can be speech and speech a form of action is now commonplace but it is a point that was perhaps most clearly and eloquently put by Herman Melville in the late 1880s where he makes Billy Budd's fate turn precisely on this point [7], when he defends himself against the capital charge of striking a superior officer with these words:

'I never bore malice against the master-at-arms. I am sorry that he is dead. I did not mean to kill him. Could I have used my tongue I would not have struck him. But he foully lied to my

face and in presence of my captain, and I had to say something, and I could only say it with a blow, God help me!'

More germain to our topic is the question of just what does or does not constitute violence. Many writers, Marxists particularly, have wanted to broaden the discussion of violence in the way that Finnis and I want to broaden the discussion of terrorism; and the Vietnam war protestors wanted to broaden the conception of 'speech'. W. Barrington Moore Jnr. for example in his now famous book The Social Origins of Dictatorship and Democracy [8] argued that if we were interested in the question of whether or not the violence of the French Revolutionary Terror was in the circumstances justified, we would have to set it against the 'violence of normal times' - the violence of the ancien regime in terms of a daily and huge death toll from preventable starvation, and other calamities of the destitute.

The response that this is all rhetoric is too quick:

'We owe to the later Wittgenstein [the idea] that in seeking to understand our employment of any concept we need to do more than simply reflect on paradigm cases in which we would apply it; we need in addition to try to get clear about the point of the concept, the interest we have in and the value we attach to the classification it effects.'

The above formulation of the point is Crispin Wright's [9] and I can't improve upon the clarity of his gloss upon it:

'For understanding the point of, or the interest we have in a concept is as much a part of understanding it as grasping the conditions of its orthodox application. A foreign engineer on board a ship could grasp the range of cases to which the English expression "Dangerous situation in the engine room" applied by learning that it is correctly used when certain sorts of reading are apparent on his dials; but unless he understands the point of that concept - that action of various sorts is demanded when the concept applies and that unforeseen dangers calling for unrehearsed actions may arise - he could hardly be said to have understood it at all.'

It is the *point* of the concept that is thus central and what might be called the 'criteria of application' of the concept are and must be subservient to its point. The importance of this can be seen in the distinction between 'violent acts' and 'acts of violence'. We can apply the term 'violent' correctly to any act done with the appropriate degree of wildness or vigour, thus wild and vigorous dancing may be violent! But the correct employment of these criteria of application of the term 'violent' do not make dancing into an act of violence.

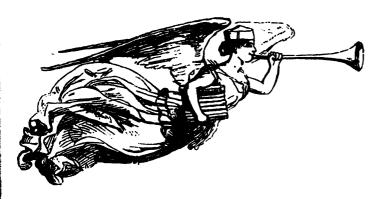
It is concentration upon and argument for the point of a concept that makes possible the establishment of a coherent case for changes in customary usage. This, as Wright has noted, happens in arguments about philosophical scepticism:

'The sceptic for example thinks he sees that what he takes to be the central point of the concept of knowledge - that it gives a guarantee of the truth of what is known - is not subserved by the criteria of knowledge which we unreflectively employ; and that if that point is to be subserved we need to be much more circumspect and restrictive in our application of the concept.'

Now my suggestion is that terrorism is like violence in this respect. We have certain, perhaps vague, criteria of application of the concept of

terrorism - to groups of so called extremists or even mad-men and women 'of violence', who assassinate, take hostages, high-jack, bomb and so forth. But our interest in the phenomenon of terrorism is I suggest wider than this - and it certainly should be wider than this. We are interested in the morality (and in the consequences) of using terror as a method of political 'persuasion'. We are interested in the justification of a policy of a balance of terror between nations or power blocs. We are interested in identifying the ways and the circumstances in which intimidation rather than negotiation is the chosen method of securing 'consent'. We are interested as much in a 'policy intended to strike with terror those against whom it is adopted' whether the instrument of terror is the gun or the club or whether it is starvation or disease. We are interested in the question of whether all such forms of terrorism are to be condemned or only some of them and in the justifications for any selection we make.

We should be under no illusions that the ability to strike at the civilian population of other states



and the terror of such a threat has been consistently used by all governments able to make such threats as instrument of foreign policy. It enables governments to say to one another 'keep your nose out of this if you know what's good for you', and has recently enabled both East and West to set up 'spheres of influence' in which they have been able to carry out all sorts of barbarities without fear of interference from the only other nations with the capacity to interfere. In this sense, for neither side are nuclear weapons merely weapons of defence.

Again, I should make it very clear that I am not here comparing Mrs Thatcher, or Mr Brezhnev, with the IRA killers or with the gunmen who took over the Iranian Embassy in London or with Mehmet Ali Agca, the Pope's assailant. What I am doing is pointing to the fact that terrorism is a very diffuse and disparate phenomenon and that concentration of our attention and concern on isolated and relatively infrequent outbreaks of terrorist attack divert us from the more pervasive and more ultimately disturbing use of terror as a part of the common currency of politics. It is this widespread acceptance and use of terror as a political tool to which we should direct our attention and concern. It is not for nothing that world 'peace' is widely recognised as involving, and some would claim resulting from 'a balance of terror'.

It is for similar reasons that we cannot confine our conception of terrorism, as Martin Hughes, a recent writer on the subject, wishes to do, to 'a war in which a secret army - one whose members have other overt occupations, wear no uniforms and do not otherwise admit their membership openly - spreads fear'. [12]. Or perhaps the office of Prime Minister is just such another overt occupation?

So a first conclusion is that any judgements we make about the morality of terrorism must include

what might be called 'State Terrorism'. Moreover any blanket condemnation of terrorism, of the kind to which we are so often treated by politicians, is fatuous unless it can relevantly distinguish the morality of state terrorism from the morality of what we can call for convenience 'Rebel Terrorism'.

Counter-Terrorism

Let's look at a different but related case. The case is that of the siege of the Iranian Embassy and its breaking by members of the SAS Regiment. This is from a newspaper [13] report of the trial of the surviving terrorist:

'At the moment of the shooting one of the hostages asked the terrorists to give in. He said: "They were panicking anyway. The terrorists dropped their guns. A hostage asked them to throw their guns out of the window. The hostages threw the guns out."

Cross-examined by Mr. Richard Du Cann, QC for Nejad, Mr Fallahi said: "I was standing at the desk when the soldiers entered. The terrorists and hostages were all huddled together. The door was open. We had left the door open and Mr Morris, another hostage, was sitting by the door. We left the door open on purpose.

"Mr Morris was holding his hands up. Mr Morris told them they had all given up. Then I saw the soldiers. I was frightened: I thought they were going to shoot me. The SAS men asked who were the terrorists. I couldn't answer, but someone answered, I do not know who. And then they killed them. They asked us to leave the room. We left the room."

There was a great deal of confusion and shouting and screaming and smoke was coming into the room from all directions. When the soldiers came in he did not think they would shoot the terrorists.'

There is, as might well be expected, some confusion about what happened and this is by no means the only version of these events that the court heard. However, the suggestions contained in this piece of cross-examination, that the SAS carried out what amounts to summary executions on some of the captured terrorists, is reinforced by the accounts given by Sim Harris and Chris Cramer in their book Hostage [14].

'Ali Tabatabai recalled that one of the SAS men walked across the room and picked up one of the terrorists, Faisal, by the hair. He pushed his head against the wall and jabbed a pistol into the gunman's neck. "I can clearly remember it" he said. "Faisal's face was against the wall and I could see the soldier's gloves holding his Afro-style hair. The soldier shouted 'Bastard' and shot him". Under later cross-examination at the inquest Ali admitted that although he had seen the gun jammed into Faisal's neck, he couldn't be certain that the trigger was pulled. But another hostage, too frightened to be named, confirmed that Faisal had indeed been shot through the neck.' [15]

Harris and Cramer also record that:

'Several other hostages in the room, in interviews conducted immediately after the siege, also claimed to have seen one or two of the gunmen shot, or apparently shot at close quarters. Ahmed Dadgar, who was seriously wounded at the time, clearly recalled seeing one gunman at first machine-gunned and then approached by an SAS man. "He cradled his head in one arm and shot him through the head with a pistol" The diplomat said that the terrorist was unarmed and showed no sign of resistance.' [16]

Although it must be emphasised that evidence such as this conflicts with that given by the anonymous SAS men at the inquest [17], it certainly establishes a prima facie case for the SAS to answer. But, as is well known, no case was brought.

If events were as reported above, what could justify such actions? Assume that the terrorists had no right on their side and that all the people they had taken hostage were as innocent as it is possible to be. We should note that in law it is almost certainly either murder or manslaughter to kill unarmed people who no longer pose any threat and who could have been arrested and brought to trial. Even if we think of the Iranian Embassy as temporarily a war zone, it would normally be a crime to kill combatants who have surrendered unless there is no possibility of accepting the surrender.

Now the justifications for the SAS conduct might well be sound and if we look at the sorts of considerations which might be adduced in their defence they seem all to be utilitarian in form. It might well be sound to suppose that the best way of inhibiting future hostage taking in the United Kingdom would be to show that not only will no terrorist demands be met but that hostage takers will not only have no chance of success but little chance of surviving at all. This as a clear policy might well be the most economical of innocent lives and be justifiable on this ground alone. Relatedly it might be argued that if the SAS or others are to be required to put their lives on the line to save others and to act as instruments of government policy, then they must have a free hand and be assured of support almost whatever happens. This too might be justifiable in terms of economy of lives, particularly lives of 'our own' people since there may well be a real, if odds against, chance that someone who surrenders to well trained and highly armed men might still be able to do them harm if allowed to live (set off a concealed bomb or reach a concealed weapon or whatever). Finally it might be thought that the taking of terrorist prisoners is too dangerous on the grounds that it offers their friends a permanent pretext for future outrages in order to get their comrades released and so a prudent society will guard against this danger by killing terrorists out of hand. This seems the least persuasive argument for killing captured terrorists since their comrades seem neither to need pretexts nor to be short of them.

The point seems to be this: The 'authorities' did not say, 'this may have technically been murder or manslaughter but it was more than justified in the circumstances'. They have not acted as if (as may be the case) there were real questions but more than adequate answers. They have acted as if there were no questions!

This inconsistency is even more glaring when we compare it with the way in which the law requires us all to run risks in order to preserve the lives of those we might reasonably see as threats to our lives. If someone, let alone a gang of people, breaks into my house the law will not allow me to attack them on the off-chance that they might be carrying weapons or concealed weapons. I must run the risk that they are murderers or desperate and only use 'reasonable force', even if my only chance against so many would be to attack first.

A few months after the Iranian seige, the following report appeared in the national press [18]:

'A man who stabbed an intruder because he thought he was brandishing a gun appeared in court yesterday accused of murder.

Leonard Bennett stabbed the burglar, who was carrying a gun-shaped torch, at least nine times

with a kitchen knife, Liverpool Crown Court was told.

He told the police of the attack the following day and the dead man was found, clutching the torch in a pool of blood at Mr Bennett's home.

Mr Martin Collins, prosecuting, said that Mr Bennett, who had escaped unmarked, had "stage-managed the scene". He said that Bennett, aged 51, of York Street, Sefton Park, Liverpool, who denies murdering John Hargreaves, also of Liverpool, on November 20 last year, had used unreasonable force.

"As Mr Hargreaves entered the defendant's home he was followed by a friend. That man, Mr Horst Schlanke, saw the torch fly across the room and heard the words 'hold it mate',", said Mr Collins.

"As he ran away from the house he heard his friend screaming. He was screaming because the defendant proceeded to inflict a series of knife wounds on his body."

The law requires that individuals take quite considerable risks to avoid the risk of death or injury to others, even others who are lawbreakers and who may be violent. If it is right that individuals invaded in their own homes stand trial for injury done to the invaders and demonstrate what if any circumstances justified their conduct, then it must also be right that so-called 'security forces' also stand trial for injuries they inflict which are likewise not obviously legal or morally justified. Of course in each of these cases the injuries may turn out to have been justifiably inflicted. The point is that they should be seen to have been so.

A state then which practices state terrorism and which permits (indeed celebrates) acts which seem on the face of it to involve summary execution, cannot consistently condemn terrorism out of hand. It must (and perhaps it could easily?) distinguish its own acts and those of its agents from the kinds of terrorism it wishes to condemn. But to do so would of course involve stating the sorts of circumstances which justify 'this' terrorism and do not justify 'that' terrorism and this would be a signal advance on the level at which public debate on such matters is usually carried on.

Justification

Can any conclusions be drawn about the justification of terrorism? I shall not explore further absolutist stands against terrorism of the sort avowed but not espoused by William Whitelaw, Margaret Thatcher and others. The sincere adoption of such positions involves, as we have seen, the rejection of any policy intended to 'strike with terror those against whom it is adopted'. This must include at the very least a foreign policy or 'defence' strategy based on terror or 'the balance of terror' and would also include domestic use of terror of the sort engendered by the apparent licence of agencies such as the SAS to carry out, inter alia, summary executions.

A first conclusion then is that if a policy of nuclear deterrence is justifiable and if the operations of agencies like the SAS are justifiable then terrorism of the more informal sort, rebel terrorism as I call it, is also justifiable. One cannot argue that terror is an unjustifiable weapon in one context but not in another. And of course the converse is also true. Those who think that rebel terrorism is justifiable cannot argue that State terrorism is eo ipso unjustifiable. The crucial question in each case is of course, not whether the use of terror is justifiable, but whether it is justified.

Now, to arrive at an answer to this question in

any particular case is likely to be quite complex and difficult and to arrive at a general account of the circumstances under which terrorism might be justified well nigh impossible. But the point is that we must try to arrive at an answer in any and each particular case, for to fail to do so is to renounce morality.

Terrorism is both by definition and by nature a terrible weapon to unleash and anyone contemplating so doing would have to be clear that, not only was the goal to be achieved by terrorism worth the cost of achieving it, but also that the goal was most probably achievable by those means and most probably not achievable by any less costly means. And here we are of course talking about moral costs. To calculate these we would also need to know something about the relative 'guilt' or 'innocence' of proposed or probable victims and have a view about (and whether) to draw distinctions between combatants and non-combatants and many other gradations between friends and foes. Any advocate of terrorism (and of course any opponent) would likewise have to have a clear idea of whether the harm occasioned by the terrorism was proportionate to the abuse it was designed to remove and as to whether such harm remained proportionate as the campaign progressed.

Martin Hughes has further suggested that insistence on this last point is illicit. Noting the general approval of terrorism against the Nazis, Hughes goes on to remark:

'I doubt if even the IRA would say the British were as bad as the Nazis. They do conduct propaganda offensives about particular grievances or particular British policies. But if the justification of nationalist terror comes not just from the occupation of territory that the nation claims but from the compounding of this deed by policies of Hitlerish atrocity then the justification lapses when these causes of unhappiness are firmly changed. Thus Ireland should cede Ulster if we try hard to make government there no more oppressive in practice than it is in most democratic countries such as Ireland itself.

But is this utilitarian limitation on terror acceptable? If it were, it would in effect give rich and populous nations the right to seize tracts of territory from smaller and poorer neighbours and to keep them forever. Being powerful they would be safe from reconquest by conventional war. Being rich they could afford to act far from atrociously, even to provide kinder government than the old sovereign could; the Catholic minority in Ulster enjoy better social security than they would get in the poorer Irish Republic. Thus they would make terrorism, the only possible weapon against them, unjustifiable. Our putative limitation thus seems to put national rights up for sale and to make small nations exist on sufferance with an actual duty to submit to conquerors who come dona ferentes. Thus I am not sure that

this limitation would be widely agreed.' [19]

Hughes' point is well taken, but it has a corollary Every [20] nation state contains some groups of people with claims to separate (national?) identity and selfdetermination. If a utilitarian view of the justification of terrorism contains perhaps a permanent licence for big states to invade smaller ones and puts 'national rights up for sale', the contrary view contains a permanent license for terrorism and revolution (regardless of cost?) whenever a constituent group can claim something approaching national identity. Of course Hughes has rather overstated his case. It is not that rich and populous nations would 'have the right to seize tracts of territory', only that it might be unjustifiable to use certain means with high costs in terms of lives, suffering and security to evict them. Similarly we are not committed to deny the right to self-determination to small groups within larger nation states if we believe that their right to self-determination does not necessarily carry with it the right to use any means at whatever cost to achieve that self-determination. Not every just cause is a just cause for war, or for terrorism.

The morality of terrorism is in many respects like that of war, it is not unjustifiable but it requires weighty and careful justification. An essential part of that justification is the careful assessment of the importance of what is at stake, compared with what the costs and the benefits of war or terrorism will be. Where wars are lightly contemplated for trivial ends they are rightly condemned and nowhere is this condemnation better stated than by Shakespeare's Hamlet, in conversation with the Norwegian Captain: [21]

Captain. Truly to speak, and with no addition We go to gain a little patch of ground That hath in it no profit but the name. To pay five ducats, five, I would not farm it; Nor will it yield to Norway or the Pole A ranker rate, should it be sold in fee.

Hamlet. Two thousand souls and twenty thousand ducats

Will not debate the question of this straw: This is the imposthume of much wealth and peace That inward breaks, and shows no cause without Why the man dies.

The morality of terrorism is not then much different to the morality of war. If we are interested in whether or not either of these activities may or may not be justified we must be able to point to some consideration which is a good and sufficient cause why the man dies. But to pretend that there is a radical moral divide between terrorism and legitimate prerogatives of government, like war, or between rebel and state terrorism, is a gain for hypocrisy and not for morality [22].

Footnotes

- Shorter Oxford English Dictionary.
 William Whitelaw, speaking on BBC TV, Mine O'Clock News, 13 April 1981.
 William Whitelaw, speaking on BBC TV Panorama, 13 April 1981.
 Jean-Paul Sartre, Preface to F. Fanon, The Wretched of the Earth, Penguin,
- The Times
- Pines, Parliamentary Report, London, 29 April 1981. Finnis, Natural Law and Natural Rights, Oxford University Press, 1980,
- p.224.
 Hermann Melville, Billy Budd, Signet, 1964, p.64.
 Barrinton Moore Jnr., Social Origins of Dictatorship and Democracy, Boston,
- 1966, p.103.
 In an unpublished paper, 'The Violence Done by the Bourgeoisie'.
 This point about the point of the concept I have elaborated elsewhere. See my Violence and Responsibility, Routledge and Kegan Paul, 1980, pp.119ff.
 The distinction between 'violent acts' and 'acts of violence' is discussed at length in Chapter II.
- 11 Crispin Wright, op.cit., pp.15-16.
 12 Martin Hughes. 'Terrorism and National Security', Philosophy, 52, 1982, p.5.
- Martin Hughes, 'Terrorism and National Security', Philosophy, 52, 1982, p.5. Guardian, London and Manchester, 15 January 1981. Chris Cramer and Sim Harris, Hostage, John Clare Books, London, 1982. Cramer and Harris were of course both hostages in the Iranian Embassy.

- and Harris were of course both hostages in the Iranian Emboussy.

 ibid., p.164.

 ibid., p.165.
 See ibid., pp.165ff.

 Councion, London and Manchester, 13 May 1981.

 Hughes, op.cit., pp.13-14.

 Are there any exceptions?

 W. Shakespeare, Hamlet, Act IV, Scene IV.

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