

EDITOR'S FOREWORD

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Over recent years, our society has become enthralled by the notion of terrorism; it has been a major political focus that has given rise to a huge body of law. The dynamism of this response, both nationally and internationally, has posed challenges to academic analysis, as commentators face an ever-changing legal landscape.

This topic has demanded a multi-faceted analysis that considers not only the legal effect of the counter-terrorism measures, but also the historical context from which they arose, the legal institutions that created them, the political forces that determined their dimensions, their place in the global legal framework, and their relationship with the established legal norms of Australia.

Common to many of the articles is the reflection that the Australian and international responses to terrorism are exceptional and depart from established legal norms and structures, both in substantive content and in the process by which they were formulated. In this context, the considered and critical analysis of counter-terrorism laws contained within this Issue ranges across questions about the very nature of our legal structures – how it is that they created this legislation, and how they are changed by its presence – and grapples with the largely unknowable dimensions of the terrorist threat itself in asking what is a reasonable legal response.

Another element common to many of the articles is the idea of balance between the dual imperatives of national security and civil liberty. The ongoing debate over where that balance should ultimately lie in Australian and international law, and whether these two imperatives should be conceptualised as diametrically opposed or as two aspects of the same societal goal, serves to highlight, above all, the vital importance of considered analysis of these issues in both our critique of the current legislative regime, and in our approach to the legislative reform of the future.

I hope that this Thematic Issue will contribute in a meaningful way to the ongoing dialogue that is so essential to the making of good law.

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