What Is Terrorism, Why Is It Wrong, and Could It Ever Be Morally Permissible?

Alison M. Jaggar

> In the sublime days before 11 September 2001, when the powerful were routinely attacking and terrorizing the weak, and those dying were black or brown-skinned non-people living in faraway places such as Zaire and Guatemala, there was no terrorism. When the weak attacked the powerful, spectacularly on 9/11, there was terrorism.

> John Pilger, "What They Don't Want You to Know," January 8, 2004.

In the liberal democracies of North America and the European Union, terrorism is almost universally condemned. Moreover, few wish to question the "moral clarity" that denies any "moral equivalence" between terrorists and those who fight them (Held 2004, 59–60).[1] However, the seeming consensus on the moral reprehensibility of terrorism is undermined by substantial disagreement about just what terrorism is. The United Nations has long been unable to agree on workable criteria for terrorism—though it may now be moving to a new consensus—and even the various agencies of the U.S. government disagree with each other.[2] The primary purpose of this paper is to propose an account of terrorism capable of facilitating a more productive moral debate.[3] I conclude by opening—though certainly not closing—the question of when, if ever, terrorism might be morally permissible.

1. Some Problematic Shifts in the Usage of "Terrorism"

Although governments have regularly maintained their power through public executions and torture, the word "terrorism" was introduced only in late eighteenth century France, when the young Jacobin government, dominated by Robespierre, initiated a "Reign of Terror" intended to deter perceived counter-revolutionary critics. Between 1793 and 1794, thousands of French citizens were executed, many by the newly invented guillotine. Several shifts have occurred in the usage of "terrorism" over the two hundred plus years of the word's existence but it is worth remembering that the original case was one of politically motivated violence carried out by a government against its own citizens.

In nineteenth century Europe, the focus of public discussion about terrorism soon shifted away from violent intimidation committed by governments and toward threats and violence directed against them. Anti-government terrorists were envisioned as single agents or small groups of dissidents, usually gripped

by some extremist ideology. Nineteenth century European terrorists included Irish dissidents in the 1860s and Russian revolutionaries who succeeded in assassinating Czar Alexander II in 1881. A century after "terrorism" was invented to describe governmental intimidation, the public image of the terrorist had become that of an anarchist hiding a bomb under his cloak.

Politically motivated assassinations of government officials continued through the early twentieth century, one of them sparking World War I. However, anti-government violence became more respectable as the twentieth century progressed because of its association with wars of decolonization. Terrorist organizations espousing ideologies of independence and liberation included Irgun and the Stern Gang in Palestine, the Mau Mau in Kenya, the Irish Republican Army, the Tupermaros in Uruguay, the Montoneros in Argentina, the Sandanistas in Nicaragua, the Tamil Tigers in Sri Lanka and the African National Congress in South Africa. Members of these groups regarded themselves as guerrilla warriors fighting for a noble cause with the only means available to them. The classic justification of this sort of terrorism was provided in Frantz Fanon's *Wretched of the Earth* (1963), which discussed the tactics employed during the Algerian War of Independence. Fanon argued that French colonialists sought to terrorize the Algerian natives until they lost their human capacity to initiate action as conscious, free subjects and passively accepted colonial rule. The only way that the natives could rediscover their capacity to initiate action and reclaim their humanity was by directing terrorist violence against the French settlers.

Although the twentieth century witnessed countless incidents of anti-state violence, it was governments rather than substate groups that were responsible for the century's most extensive terrorism (Sterba 2003, 11). Among the governments that practiced terrorism against their own citizens were the Fascists in Italy, the Nazis in Germany, and the regimes of Stalin, Mao, Idi Amin, and Pol Pot in the USSR, China, Uganda, and Cambodia, respectively. However, such state-authored violence and intimidation were rarely described as terrorist by news media in the United States, which usually reserved the term for threats and violence undertaken by substate groups.

The attacks on the United States that occurred on September 11, 2001, created a new public image of the terrorist, an updated version of the bomb-throwing anarchist of the nineteenth century imagination. They also reinforced the idea that terrorism is perpetrated by individuals or substate groups rather than by states.[4] Today, the State Department defines terrorism as carried out by "subnational groups or clandestine agents," a definition that rules out the possibility of state terrorism though oddly it recognizes "state-sponsored terrorism" (U.S. Department of State 1998, vi; cited by Held 2004, 62; Sterba 2003, 11). International law seems to concur that "terrorism cannot be committed by states *qua* states" (Held 2004, 62). Media in the United States typically refrain from describing attacks by official military forces as terrorist, even if their targets are indiscriminate and/or civilian, and they regularly describe attacks by irregular or guerrilla forces as terrorist, even if such attacks are aimed at military targets.[5]

I am concerned about the changing interpretations of terrorism in the post-9/11 period, especially the increasing resistance to acknowledging the possibility of state terrorism. This resistance relies on a refusal to acknowledge parallels between brutality perpetrated by unofficial forces wearing no insignia and brutality practiced by uniformed official forces. Such a refusal makes it difficult to raise such questions as whether police violence against suspects or military violence against political demonstrators might sometimes be terrorist or whether certain battlefield weapons should be counted as terrorist. Moreover, its assumption that unofficial acts of violence and intimidation are inevitably terrorist systematically prejudices moral and political judgment. Because this assumption is not held to be completely beyond challenge, it does not completely exclude the possibility of justified revolt against an oppressive government, but it does discourage raising this question and it lays a heavier burden of proof on non-uniformed than on uniformed forces to demonstrate that they are "legitimate warriors."

An additional element in the contemporary United States image of the terrorist is that he is typically envisioned as brown-skinned, "Arab or Muslim looking," and foreign born. The possibility of homegrown white terrorism is not denied but public discussion focuses far less on addressing this phenomenon than on "keeping terrorists out" of the United States. Few Americans would flatly assert that all that terrorists are brown-skinned foreigners; by blowing up the federal government building in Oklahoma City, Timothy McVeigh made it impossible to deny that terrorism may be white and homegrown. Nevertheless, the image of the brown-skinned "Arab or Muslim looking" terrorist is sufficiently accepted in the United States that it draws public attention away from terrorism advocated by white citizens, such as William Pierce and William Krar (Levitas 2002). Homegrown white terrorism becomes even harder to recognize when attacks on non-government targets, such as abortion clinics or members of unpopular or stigmatized religious, ethnic, racialized, sexual minorities, immigrants, or gypsies, are defined as "hate crimes," thus suggesting that such attacks are no more than expressions of personal prejudice. Sometimes indeed they are no more than this but sometimes their purpose is also and even primarily to intimidate other members of the stigmatized group. We need an account of terrorism that allows us to think clearly about whether and when occurrences of lynchings, cross-burnings, gay-bashing and even domestic violence may be terrorist practices.

The above examples suggest that the current interpretation of terrorism in the United States tends to highlight violence and intimidation by those with brown skins while obscuring violence and intimidation by those who are white. It also appears biased in favor of the official and against the unofficial, in favor of the strong and against the weak. Assuming until shown otherwise that threats and violence perpetrated by those wearing uniforms or insignia constitute the exercise of legitimate authority, while assuming until shown otherwise that unofficial threats and violence are terrorist, tends to delegitimate struggles by the weak while legitimating repression by the strong. It may be true that terrorism is used

disproportionately by the weak, and it may also be true that such terrorism deserves moral condemnation, but these determinations cannot be made until we have an account of terrorism that is consistent, precise, and impartial.

2. What Is Terrorism?

In order to address the problems sketched above, I should like to propose an alternative account of terrorism. In undertaking this task, I assume that a good account meets the following desiderata:

1. Conservatism. First, a good account disturbs existing usage as little as possible. Proposals to modify common interpretations of a term must be given a plausible and appropriate rationale.
2. Consistency and non-arbitrariness. One appropriate rationale for modifying existing usage is an argument that such a change will improve consistency. Proposals for expanding or limiting the ways in which a term is used often point to continuities or discontinuities between the proposed usage and the term's central and generally accepted meanings.
3. Precision. Another appropriate rationale for modifying a term's interpretation is an argument that such a modification would improve precision, helping differentiate among phenomena that may otherwise be confused. For instance, a good account of terrorism should facilitate understanding terrorism's relation to such phenomena as war, guerrilla war, crime, revenge, hostage taking, and so on. Although precision is desirable, definitions should not be sharpened to the point where they remove genuine uncertainties by *fiat*. Concepts are always somewhat fuzzy, especially morally laden concepts, and dispute over borderline cases can never be excluded completely.
4. Impartiality. Finally, any term that has a moral dimension should be interpreted in such a way as to resist moral arbitrariness and bias. A good account should be impartial in the sense of not begging disputed moral and political questions, leaving these open to be debated on their merits.

Webster's Dictionary defines "terrorism" as the use of terror and violence to intimidate and subjugate, especially as a political weapon or policy, and as the intimidation and subjugation so produced. This definition leaves open several disputed questions about terrorism, which I will discuss in turn, drawing on the desiderata identified above. The account that I end up proposing is more inclusive than that implied by much recent usage but I suggest that it is more consistent, precise and impartial.

The Purposes or Goals of Terrorism

It is generally agreed that the immediate purpose of terrorism is to create a climate of terror. Thus, acts of terror are often marked by a concern for symbolic

and dramatic effect; tumbrils rolling toward the guillotine were a powerful spectacle. As the nineteenth century anarchists put it, terrorism is "propaganda by the deed."

Can anything be said about terrorism's longer-range goals? Webster's definition seems to require that terrorism be ideologically or politically motivated, a suggestion that accords with the original Jacobin case and with much common usage, including my own in earlier work (Jaggar 2003). Defining terrorism as politically motivated meets the desideratum of conservatism, but I now suggest that this requirement be dropped because retaining it violates the remaining desiderata. First, it is empirically arbitrary to deny that the deliberate creation of terror for reasons that are unprincipled or personally motivated is indeed terrorism; if gang violence or even domestic violence is otherwise indistinguishable from politically motivated violence, acknowledging either as terrorist consistently extends the term.[6] Second, insisting that terrorism be politically motivated is incompatible with the desideratum of precision, because the distinction between personal and political is often unclear, both in principle and in practice. In principle, theorists such as feminists contest the distinction, speaking of the politics of personal life and arguing that domestic violence is sometimes a form of terrorism (Card 2003); in practice, personal and political motivations are often intertwined, as in the case of a strongman who seizes state power in order to enrich himself from the sale of its resources. Thus, requiring that terrorism be politically or ideologically motivated will frequently result in indeterminacy concerning whether or not specific threats or intimidation are terrorist. Third and finally, it is morally arbitrary to withhold the usually pejorative term "terrorism" from any violence intended to create a climate of terror.

Because terrorists employ means that are widely perceived as evil or crazy, their long-range goals are often dismissed as evil or crazy but ends can be distinguished conceptually from means; *ius ad bellum* is distinct from *ius in bello*. Although non-ideological forms of terrorism leave little space for raising questions of moral justification, the use of terrorism to promote political or ideological ends raises significant moral questions. If a definition of "terrorism" is to be impartial, it must separate the moral assessment of terrorists' ends from the moral assessment of the means they choose to promote them. Therefore, I propose an account of "terrorism" that leaves open the possibility that its goals may be political or personal, just or unjust, noble or base.

The Objects or Targets of Terrorism

Terrorism uses extreme fear to subjugate and intimidate. Carl Wellman notes that the direct target of terrorist violence or threats is usually its secondary rather than its primary target; the primary target is usually a wider population that the terrorists wish to intimidate (Wellman 1979).

Little philosophical discussion has occurred concerning the identity of terrorism's primary (though indirect) targets. If terrorism is understood as motivated

exclusively ideological or political goals, the primary targets of terrorism presumably must be those with whom the terrorists can influence politically. However a more inclusive account, which allows for the possibility that terrorism might not be ideologically motivated, sets no *a priori* limit on the individuals or groups that might be terrorism's indirect (though primary) targets. They might be governments, populations, political factions, demographic groups (racial, caste, ethnic, religious, gender, sexual), gangs, families, or even individuals.

The identity of terrorism's direct (though secondary) targets has been discussed more explicitly and most accounts of terrorism stipulate that its direct targets be civilian. This is true of the definition accepted by the State Department of the United States and of the definition emerging in international law, though a few philosophers disagree.[7] I propose that the targets of terrorism be identified not as civilians *simpliciter* but instead as civilians who are innocent by Jeffrie Murphy's helpful definition of innocence in war. In Murphy's view, innocence in war does not mean overall legal or moral innocence; rather it means being a noncombatant. Murphy argues that combatants include all those engaged in the attempt to destroy you, whatever their place in the chain of command or responsibility; thus, they include not only frontline military personnel but also the civilians who issue orders to those personnel. This account assumes a context of war between states but it is also adaptable to situations of popular uprising against unpopular or colonial governments.[8] Murphy recognizes that his account of combatant status does not eliminate borderline cases, such as workers in factories that make products both for daily life and for war, but he asserts that these are cases of genuine uncertainty, not to be resolved by definitional *fiat*.[9] His definition leaves open the possibility that armed adult settlers who colonize a territory already inhabited by others perhaps should be counted as combatants rather than innocent civilians.

In contemporary usage, terrorism includes attacks not only on human but also on non-human targets, such as infrastructure, businesses, homes, and buildings of religious, political, or other symbolic significance.[10] Direct threats to such targets are often effective in causing terror; indeed, people's lives become impossible if enough of their infrastructure is damaged. For this reason, intentionally destroying water supplies and power sources or harming the natural environment, through means such as defoliation or uranium poisoning, is terrorist if those primarily affected are innocent civilians.

The Agents of Terrorism

The most significant shift in the usage of "terrorism" over the past two centuries has been the move away from recognizing states as possible agents of terrorism.[11] However, if our account of terrorism is not only to be compatible with the original usage but also to be consistent, precise, and impartial, the possibility of state terrorism should be acknowledged.[12]

Outside the United States, most people are well aware that governments or states may create terror in many ways. Sometimes governments terrorize segments of their own populations by means of discriminatory law enforcement and even legislation; examples include officially sanctioned violence against Jews and gypsies and the regimes of racist apartheid in South Africa and gender apartheid in Afghanistan or Saudi Arabia. Sometimes governments terrorize their own populations covertly rather than overtly, using unofficial militias to assassinate political opponents or labor leaders. In the 1970s and 1980s, extra-judicial death squads linked with governments were common in several Latin American countries. Governments may also use terrorist tactics to intimidate foreign rather than local populations. In wartime, states may use terrorism against enemy populations; for instance, they may initiate campaigns of looting and rape or they may use weapons that predictably incur large civilian casualties.[13] They may even order direct attacks on civilian targets; the United States bombing of Japan at the end of World War II was described routinely at the time as terror bombing. Finally, covert state terrorism, like overt terrorism, sometimes extends beyond a country's own borders. In the 1980s, the U.S. government supported the so-called "contras" (counter-revolutionaries) in Nicaragua, who sought to undermine the Sandinista government by attacking infrastructure such as farms and clinics.

Denying the possibility of state terrorism is not only incompatible with the original usage of the term; it is also inconsistent, arbitrary, and biased. State terrorism has always caused far more harm than non-state terrorism, since the resources available to states are typically far more powerful and destructive than those available to private individuals or small groups, and it should remain central in our understanding terrorism. Recognizing the possibility of state terrorism reduces the bias against the weak implicit in accounts that deny this possibility, while still leaving completely open the question of whether terrorism might ever be morally justified.

The Methods of Terrorism

Since terrorism intends to intimidate or subjugate, it is natural to question how it is distinguished from other forms of threat or coercion. Because terror is an extreme state of fear, induced by threats perceived as especially horrifying, minor threats or damage do not ordinarily count as terrorist. However, since different things horrify different people, terrorism cannot be identified by reference to any particular method of intimidation. Cruelty to animals, especially pets, might be enough to induce terror in some people; others may be terrified by the prospect of social humiliation. Terrorist practices are distinguished from more ordinary threats not because they involve any particular methods of producing fear, but instead because they are intended to create a state of fear that is acute and long-lasting enough to influence future behavior. This is why terrorist attacks are often spectacular and directed toward symbolic targets. Typically, they are not "one-off" threats or atrocities but instead parts of wider campaigns of intimida-

tion or "reigns" of terror, intersecting with other forms of struggle and negotiation (Tilly 2004, 10).

Proposed Account of Terrorism

The preceding discussion suggests the following account of terrorism:

> Terrorism is the use of extreme threats or violence designed to intimidate or subjugate governments, groups, or individuals. It is a tactic of coercion intended to promote further ends that in themselves may be good, bad or indifferent. Terrorism may be practiced by governments or international bodies or forces, sub-state groups or even individuals. Its threats or violence are aimed directly or immediately at the bodies or belongings of innocent civilians but these are typically terrorists' secondary targets; the primary targets of terrorists are the governments, groups or individuals that they wish to intimidate.

This account is quite inclusive, categorizing as terrorist several classes of action excluded by other recent accounts, but it is also precise because it distinguishes terrorism conceptually from a number of other phenomena with which it is often conflated.

3. Some Advantages of the Proposed Account of Terrorism

The Account Clarifies a Number of Empirical Distinctions

Terrorism Is Not a Specific Type of Conflict; Instead It Is a Tactic That May Be Employed in Various Types of Conflict and in Combination with Other Strategies of Making Claims

War Paradigmatically, war is open armed conflict between the official military forces of recognized states or (in the case of civil war) between government forces and those who wish to seize state power. Terrorism is not an alternative to war; instead, it is a tactic that may or may not be used in wartime and may also be used outside situations of declared war. Although war is invariably terrifying, it becomes terrorist only when combatants deliberately target (or fail to protect) innocent civilians. Even if one believes that in practice all war is terrorist because it inevitably involves intentional harming of innocent civilians or damaging to their property, terrorism remains conceptually distinct from war.

Low Intensity Conflict This is sporadic "underground" warfare characterized by ambushes and sabotage; it is designed to undermine an economy and weaken a population's morale. The horrifying tactics of intimidation that distinguish terrorism are well-suited for these purposes and so terrorism is sometimes equated with low intensity conflict (Phillips 2003, 101). Again, however, the two are neither intensionally nor extensionally equivalent: low intensity conflict may or may not target innocent civilians, and innocent civilians may be attacked in

situations other than low intensity conflict. For similar reasons, terrorism should not be equated with small-scale war, even when it resembles this: not all small-scale wars involve targeting innocent civilians and such civilians may be attacked in situations other than small-scale warfare (Held 2004, 68).

Guerrilla War This is small-scale war carried out by small bands of irregular soldiers making surprise raids. Like other soldiers, guerrilla warriors may or may not use terrorist tactics. In guerrilla wars, as in other wars, the occasional perpetration of atrocities by individual soldiers does not necessarily indicate that terrorism is authorized as a tactic by those in command.

Freedom Fighters Freedom fighters are soldiers, often irregulars, whose cause is regarded as just. Like other soldiers, they may or may not use terrorist tactics.

Terrorism Should Not Be Equated with Any Particular Method of Intimidation. Terrorists Use a Variety of Methods, All of Which May Also Be Used in Contexts That Are Not Terrorist

Assassination Assassination is the targeted killing of specific individuals. Assassination is frequently equated with terrorism because it is often used by terrorists, but when those targeted are military personnel or political leaders rather than innocent civilians, assassinations are not acts of terrorism but rather of warfare or political rivalry. Terrorists also often use methods other than assassination.[14]

Suicide Bombing Suicide bombings are at present widely associated with terrorism, but they too should not be equated with it. Like assassination, suicide bombing is not terrorism when its targets are military personnel or political leaders rather than innocent civilians. Suicide bombing may be used in warfare and even in the course of private feuds and quarrels as well as terrorist attacks and of course terrorists often use methods other than suicide bombing.

Sabotage Sabotage involves deliberately damaging or destroying important non-human objects, typically human artifacts. Like assassination and suicide bombing, sabotage is a method often used by terrorists but, like these other methods, it is conceptually distinct from terrorism. The objects targeted by saboteurs may be military or industrial rather than artifacts crucial to the lives of innocent civilians; sabotage may be part of warfare or industrial struggle; and terrorists may use methods other than sabotage.

Hostage-Taking As with assassination, suicide bombing and sabotage, determining whether or not a particular incident of hostage-taking is an act of terrorism requires examining its context. Are the hostages innocent civilians and do the hostage-takers intend to intimidate others, or are they simply out for ransom or revenge?

Torture Torture is the deliberate infliction of severe pain and, like the methods above, it is a method that may be used with or without terrorist intent. Again, whether or not a particular incident of torture is terrorist depends on the context. Is the torture victim an innocent civilian and is the torture perpetrated as part of a larger campaign of intimidation or instead for some motive such as sadistic pleasure or revenge?

Domestic Terrorism

Hate Crimes Hate crimes are incidents of harassment or violence directed against individuals or groups of individuals because they belong to a stigmatized category, such as gypsies, immigrants or women. Expressions of personal prejudice are not in themselves terrorist but they often merge into campaigns designed to intimidate others in the stigmatized category. When this occurs, so-called hate crimes should be recognized as practices of terrorism.

Rape and Domestic Violence These are types of threats and violence directed primarily though not exclusively against women. Card and other feminist authors have argued that they are terrorist insofar as they serve the larger ends "of creating and maintaining heterosexual male dominance and female-dependence and service" (Card 2003, 179).

Political Protest Political dissent and forms of peaceful civil disobedience, such as assembling or marching without a permit, disrupting traffic and blockading buildings, are not varieties of terrorism, regardless of the broad definition of "terrorism" recently incorporated into the U.S. Patriot Act. Terrorism occurs only when dissenters attempt to intimidate others by using extreme threats and violence against innocent civilians or their property.

In conclusion, the account of terrorism proposed above makes it possible to distinguish conceptually between terrorism and other phenomena that are often conflated with it. In practice, of course, it will not always be clear how to apply these criteria and, as with all definitions, borderline and disputed cases inevitably remain.

This Account Facilitates Moral Assessment

Although the public image of terrorism has changed over two centuries, its moral connotations have not improved. Unlike war, which is generally regarded as sometimes justifiable and even glorious, terrorism is widely thought to be inexcusably wrong and it has been integrated into the lexicon of war in a way that aligns it with the negative side of many dichotomies that characterize this lexicon. The terrorist is contrasted with the true warrior, he fights for some ideology rather than to defend his country, his cause is illegitimate rather than legitimate, he is

uncivilized rather than civilized, undisciplined rather than disciplined, a bandit, barbarian, or savage.[15] Whereas the soldier is brave, the terrorist is cowardly; he uses means that are treacherous and dishonorable rather than open and honorable; he is not above resorting to weapons of mass destruction. He is not a warrior but a murderer. Because of its negative moral associations, terrorism is much more likely to be attributed to "them" rather than to "us." As Held puts it, what "they" do is terrorism and what "we" do is not (Held 2004, 65). If "we" do anything that looks at all like terrorism, we call ourselves "freedom fighters" or "martyrs," or "law enforcers."

Although I dispute many of the dichotomies that characterize the contemporary vocabulary of war and although I do not believe that it is always "they" rather than "we" who are terrorist, I share the view that terrorism is bad and my account illuminates why it is so morally repugnant.

First, terrorism is morally repugnant because terrorists engage in coercion and intimidation, which are regarded ordinarily as morally wrong. Moreover, terrorists seek to produce not mere anxiety or apprehension but rather widespread, acute and long-lasting fear and to do this they use threats or violence that are especially horrifying.

Second, terrorism is morally repugnant because terrorists harm or threaten those who have not harmed them and do not threaten them, people who can in no way be said to deserve the harm.

By clarifying these elements, the proposed definition explains the widespread belief that terrorism is morally wrong and shows why the burden of justifying it is heavy.

Although my proposed account does not present terrorism as morally neutral and indeed clarifies why it is morally reprehensible, it is nonetheless impartial in that it does not close disputed questions arbitrarily or by *fiat*. Instead, it offers criteria to address such questions. Thus, by leaving open the question of who may be agents of terrorism, excluding none by stipulation, it counters the moral bias of recent usage, which tends to obscure and so justify terrorist intimidation by official forces. My account also suggests that answers to such questions as whether damaging the paint on sport utility vehicles or spray-painting fur coats are properly described as "eco-terrorism" will depend on judgments as to whether the damage done is serious and whether the drivers of such vehicles or the wearers of such coats are indeed innocent civilians. The account's willingness to recognize state terrorism also expands the universe of moral discourse by making it possible to look beyond specific incidents or practices, such as disappearances or torture, and enabling us to question whether social institutions might be systematically terrorist. It allows us to question whether trade sanctions or embargos against economically weak countries might sometimes be terrorist (Gordon 2002) and to envision the possibility that not only specific practices of law enforcement might be terrorist but also whole systems of legislation, such as those that mandate race or gender apartheid.

Finally, the account proposed does not constrain moral discourse by stipulating that terrorism can never be morally justified; instead, it allows important moral questions to remain open, while showing how difficult they are to answer.

4. Is Terrorism Ever Morally Permissible?

Many people believe that terrorism, like murder, is morally unjustifiable by definition. Some philosophical accounts of "terrorism" also preclude the possibility that terrorism could ever be morally justified; for instance, Sharon French defines terrorists as "murderers," distinct from true "warriors" (French 2003). Such philosophical definitions resonate with some uses of "terrorism" in current political discourse; for instance, the U.S. Education Secretary Rod Paige recently called the National Education Association a "terrorist organization," later qualifying this remark by saying that he meant only the leaders and not the rank-and-file teachers (Associated Press 2004). Similarly, opponents have described environmental activists who resort to civil disobedience as "eco-terrorists" and unions have charged that companies using tactics of intimidation to discourage union drives are "corporate terrorists."

Terrorism is certainly heinous but that something is heinous does not entail that it is prohibited in all circumstances; it merely entails that anyone wishing to argue its moral permissibility bears a heavy burden of proof. As the proposed definition brings out, terrorism involves threats and violence against innocent civilians, who are used as means to the ends of others. However, most people who believe that war is sometimes justified also believe that it is occasionally morally justified to threaten and knowingly harm innocent civilians and to use some people as means to others' ends; such thinking is inherent in the doctrine of double effect, for instance, as well as in the expression "necessary evil." In his doctrine of a "Supreme Emergency," Michael Walzer argues that very extreme circumstances may occasionally justify the use of horrifying means to achieve ends that have great moral significance (Walzer 1977).

Although war is bad, it is often justified by appeal to various just war principles. However these principles specifically prohibit terrorism because this deliberately targets or fails adequately to protect innocent civilians, and so violates non-combatant immunity or protection, one of the two fundamental criteria regulating the just use of force, *ius in bello*. Nevertheless, it is not inconceivable that very extreme circumstances might justify violating such immunity; for instance, R. M. Hare contends that at least some of the terrorism practiced by the European Resistance during World War II might have been morally justified (Hare 1979). I cannot explore such questions here but I would like to end with a suggestion that may serve as a starting point for a more careful and comprehensive discussion. The suggestion is that the traditional *ius ad bellum* criteria defining the right to resort to force also suggest several necessary, and perhaps jointly sufficient, conditions for justifying terrorism. For instance:

1. Just cause. For terrorism to be morally permissible, a necessary though certainly not sufficient condition is that it must be intended to secure people's most basic rights.

2. Competent authority. Early versions of just war theory limited permissible uses of force to those authorized by public authorities, a statist bias that made it impossible to justify uprisings against those authorities. Current international law recognizes rebel movements as having "belligerent status" if they control their territory but even this might-makes-right criterion may be too stringent since many rebel movements, especially in their early stages, are too weak to control the territory in which they operate, at least by day (Lackey 1989, 29–31). The question of when terrorists may legitimately claim to represent some oppressed population is difficult to answer, both in principle and in practice, although some indication may be provided by the extent of popular protest or rejoicing over terrorist acts.

3. Right intention. For their conduct to have a chance of being justified, terrorists must be convinced that all of the conditions necessary to justifying a war must be met. If terrorists are able to choose whether or not to participate in terrorist activity while military personnel are conscripted, then their subjective beliefs are even more important to assessing the conduct of terrorists than to assessing the conduct of official military personnel.[16]

4. Proportionality. The use of force is justified in traditional just war theory only if the overall good it achieves is greater than the harm it causes. Since terrorism is even more atrocious than war, for reasons given above, the cause of the terrorist must be overwhelming in its righteousness. Only massive and systematic violations of human rights, not small injustices, could ever begin to justify the adoption of terrorist tactics and use of these tactics must be kept to a minimum, in terms of both quantity and quality.

5. Last resort. Terrorist tactics must be a last resort. All other means of remedying the perceived injustice, including conventional warfare, must be unavailable or have failed.

6. Reasonable hope of success. Those waging a just war must have a reasonable hope of success in achieving their ends. Because terrorism is so reprehensible, it seems plausible to insist that terrorism can be justified only when the hope of success is much more certain than required to justify war.

7. The aim of peace. Like a just war, any justified terrorism should aim at a just peace.

Whether these (or any other) conditions for justifying terrorism are ever met in practice will always be a matter of dispute. However, dramatically accelerating political and economic inequality, on both a national and international level, is likely to encourage increasing numbers of people to believe more frequently that they are met. For instance, as Held notes, the growing asymmetry of warfare makes it increasingly difficult for forces on the weaker side to attack the actual

combatants of powerful countries. (Held 2004, 61). Similarly, as poverty deepens and ever larger populations are politically marginalized in countries run by authoritarian and well-armed governments, increasing numbers of marginalized and impoverished people are likely to regard their cause as just and terrorism as their only option.

Finally, when anti-government terrorism occurs, we may ask whether it is ever morally justified for powerful governments to strike back with terrorist tactics. French argues that it may sometimes be morally justified for the weaker party in an asymmetric conflict to abandon conventional *ius in bello* restrictions on the conduct of warfare but that this party then cannot complain if the stronger side also abandons those restrictions. She contends, in other words, that both sides must be constrained by the same rules (French 2003). I agree that the conduct of all parties in any conflict should be constrained by the same moral principles but I do not think that these principles necessarily require that all sides face identical moral constraints on their conduct.[17] A powerful government cannot justify its use of terrorism simply by noting that its weaker opponents employ this strategy. In order to justify its use of terrorism, the powerful government would have to show, among other things, that no other means of continuing the conflict were available to it and, in an asymmetrical conflict, it is much more likely that the weaker than the stronger side will be able to make this argument convincingly. Finally, the use of terrorism by a powerful government would undermine that government's claim to legitimacy because "official disregard" for human rights is more egregious than private violations of rights (Pogge 2002, chap. 2).

Notes

[1] The moral consensus on the reprehensibility of terrorism is asserted in both popular and academic media and it extends from those on the right of the political spectrum to such leftist critics as Noam Chomsky, who calls terrorism an "intolerable 'return to barbarism'," and feminist Claudia Card, who calls it "evil" (Chomsky 2003, 86; Card 2003, 173). Of course, intellectuals on right and left disagree sharply about other aspects of terrorism: who are the worst terrorists, what motivates them, what is an appropriate response to them, and so on. Chomsky uses the heinousness of terrorism as a stick for beating the policies of the United States government; Card uses it to draw attention to the seriousness of violence against women.

[2] For a discussion of the debate within the United Nations, Tomis Kapitan (2003) cites Deen 2002. Kapitan also contrasts the definition of terrorism provided by the U.S. State Department in its *Patterns of Global Terrorism* at http://www.state.gov with the definitions provided by the FBI at http://www.fbi.gov/publish/terror/terrorusa.html and the U.S. Department of Defense at http://www.periscope.usni.com/demo/termst0000282.html (Kapitan 2003, 62 n. 2).

[3] A clearer moral understanding of terrorism might also serve as a basis for improved legal definitions.

[4] On September 11, 2001, two commercial passenger planes were hijacked and flown into the twin towers of the World Center in New York City, which collapsed shortly thereafter. A third plane crashed into a wing of the Pentagon and a fourth, believed to be heading for some government target in Washington, DC, crashed into a field in Pennsylvania

[5] This usage is especially conspicuous in contemporary reporting of events in Israel and Palestine by the United States media. Because Palestine is not a state, its forces are necessarily irregular and U.S. media invariably describe Palestinian fighters as terrorist even when their targets are strictly military. Conversely, they rarely if ever describe the activities of the Israeli Defence Forces as terrorist, even when those forces attack targets that seem indisputably civilian, such as ambulances and homes; instead, they often describe them as "waging war on terrorism."

[6] Charles Tilly cites the self-styled Allied Democratic Forces (ADF), which ravaged Western Uganda in the 1990s, "brutalizing and killing civilians and looting. Hundreds of civilians were killed in ADF raids and ambushes on unprotected civilian homes throughout the year. Some of those killed by the ADF were mutilated, sometimes by beheading. Civilians, both adults and children, were abducted during ADF raids to serve as porters or for forced recruitment into the rebel army" (Human Rights Watch 2000, 84). Tilly writes: "such terror-wielding armies thrive especially where they can seize control of income-generating resources and then often adopt terror to maintain control of the crucial resources, rather than concentrating on the seizure of state power" (Tilly 2004, 10). Insisting that terrorism must be politically motivated would make it impossible to describe this sort of brutality as terrorist.

[7] Walzer (2002) contends that the targets of terrorism are civilian but Virginia Held refuses to limit "terrorism" to attacks on civilian targets, because she argues that this limitation is inconsistent with existing usage, which typically describes isolated attacks on military targets as terrorist. In addition, she contends that this limitation would put the burden of being a "legitimate target" exclusively on the ordinary soldiers and sailors who are the lowest levels of the military hierarchy (Held 2004, 63–66).

[8] For instance, Murphy's definition would entail that the campaign of assassination carried out in Vietnam by the National Liberation Front (NLF) against village chiefs and other officials siding with the Saigon government was not terrorism but rather a legitimate (though dirty) tactic of war; however, assassinating members of the chiefs' families not active in the service of the Saigon government would have been terrorism (Lackey 1989, 31).

[9] Murphy also suggests the moral principle that individuals should be assumed "noncombatant until proven otherwise" (Murphy 1985, 66).

[10] In earlier work, I hesitated to endorse the view that the direct targets of terrorism might be non-human because I wanted to emphasize the morally significant but frequently neglected distinction between damaging human beings and damaging their possessions. For example, I regard it as debatable whether sabotage of factory machinery by workers or the breaking of windows by political demonstrators should be regarded as violent.

[11] Most authors also acknowledge that lone individuals may also be terrorists and I see no reason to deny this. However, the FBI said that a recent attack on the El Al ticket counter in Los Angeles would be construed as terrorism only if the attacker were linked to a terrorist organization; otherwise it would be called a hate crime (Lyman and Madigan 2002).

[12] Terrorism by multi-national bodies or organizations is also quite possible but I will not pursue that topic here.

[13] Soldiers' unauthorized attacks on civilians or their property are distinct in principle (though not always in practice) from state sanctioned terror. By contrast, the line between justified "collateral damage" and terrorism is inherently contestable.

[14] Assassinations should be distinguished conceptually not only from terrorism but also from murder, that is, morally unjustified killing. While many assassinations are doubtless murders, it is undesirable to define assassination as murder because that makes it impossible even to ask whether assassination might ever be morally justified.

[15] Chris Hedges writes: "It was among the rabble, the barbarians, that I longed for the Roman cohort, the drilled and organized mass that makes up professional armies" (2002, 106).

[16] Of course, sometimes terrorists may also be coerced and regular soldiers may refuse conscription on grounds of conscience. Considerable dispute exists about the moral significance of the distinction between *ius ad bellum* and *ius in bello*. Although it is clear that a just war might be fought with unjust means, it is less clear that the chief British prosecutor at Nuremberg was correct in arguing that all those fighting in an unjust war, even if they did not use "unjust" means, were morally blameworthy (Walzer 1977, 38).

[17] Definitions of "fair play" typically presuppose that both contending sides are comparable in strength; in highly asymmetric contests, "fair play" may be quite unfair.

References

Associated Press. 2004. "Education Secretary Calls NEA 'Terrorist Organization'." Monday 23 February.

Card, Claudia. 2003. "Making War on Terrorism in Response to 9/11." In *Terrorism and International Justice*, ed. James P. Sterba. Oxford and New York: Oxford University Press.

Chomsky, Noam. 2003. "Terror and Just Response." In *Terrorism and International Justice*, ed. James P. Sterba. Oxford and New York: Oxford University Press.

Deen, Thalif. 2002. "Battle Rages over UN Anti-Terror Treaty." In *Online Asia Times*. Retrieved March 3, 2004, from http://www.atimes.com/front/CK30Aa02.html.

Fanon, Frantz. 1963. *The Wretched of the Earth*, trans. Constance Farrington. New York: Grove Press.

French, Shannon E. 2003. "Murderers, Not Warriors: The Moral Distinction between Terrorists and Legitimate Fighters in Asymmetric Conflicts." In *Terrorism and International Justice*, ed. James P. Sterba. Oxford and New York: Oxford University Press.

Gordon, Joy. 2002. "Cool War: Economic Sanctions as a Weapon of Mass Destruction." In *Harper's Magazine* (November). Retrieved from http://harpers.org/CoolWar.html.

Hare, R. M. 1979. "On Terrorism." *Journal of Value Inquiry* 13: 240–49.

Hedges, Chris. 2002. *War is a Force That Gives Us Meaning.* New York: Public Affairs.

Held, Virginia. 2004. "Terrorism and War." *The Journal of Ethics* 8: 59–75.

Human Rights Watch. 2000. *World Report 2000.* New York: Human Rights Watch.

Jaggar, Alison M. 2003. "Responding to the Evil of Terrorism." *Hypatia* 18:1 (Winter): 175–82.

Kapitan, Tomis. 2003. "The Terrorism of 'Terrorism'." In *Terrorism and International Justice*, ed. James P. Sterba. Oxford and New York: Oxford University Press.

Lackey, Douglas P. 1989. *The Ethics of War and Peace.* Englewood Cliffs, NJ: Prentice Hall.

Levitas, Daniel. 2002. *The Terrorist Next Door: The Militia Movement and the Radical Right.* New York: Thomas Dunne Books/St. Martin's Press.

Lyman, Rick, and Nick Madigan. 2002. "Officials Puzzled about Motive of Airport Gunman Who Killed Two." *New York Times*, 6 July. Retrieved from http://www.nytimes.com/2002/07/06/national/06SHOO.html?todaysheadlines.

Pogge, Thomas. 2002. *World Poverty and Human Rights.* Cambridge, UK: Polity Press; Malden, MA: Blackwell Publishers, Inc.

Sterba, James P. 2003. *Terrorism and International Justice.* Oxford and New York: Oxford University Press.

Tilly, Charles. 2004. "Terror, Terrorism, Terrorists." *Sociological Theory* 22:1 (March): 5–13.

U.S. Department of State. 1998. *Patterns of Global Terrorism 1997*, Department of State Publications, 10321. Washington, DC: United States Department of State.

Walzer, Michael. 1977. *Just and Unjust Wars: A Moral Argument with Historical Illustrations.* New York: Basic Books.

———. 2002. "Five Questions about Terrorism." *Dissent* 49: 5–10.

Wellman, Carl. 1979. "On Terrorism Itself." *Journal of Value Inquiry* 13: 250–58.