HEINONLINE

A PHILOSOPHER LOOKS AT CONTEMPORARY TERRORISM

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I. TERRORISM THEN AND NOW

Before the terrorist attacks in the United States on September 11, 2001, the topic of terrorism did not loom large in philosophical discussion. Philosophical literature in English offered only a couple of monographs and a single collection of papers devoted solely, or largely, to philosophical questions having to do with terrorism. Articles in philosophy journals dealing with it were few and far between.

Today, terrorism is firmly in the focus of philosophical interest: it is the subject of numerous books, journal articles, special journal issues, and conferences. This might be seen as yet another indication of just how the world was changed on September 11, 2001. But then, the claim that the world was indeed changed in certain highly important ways is also being questioned, not least by philosophers.

In the immediate aftermath of September 11, the sheer scale of the attacks seemed to suggest a new type of terrorism at work: according to the initial estimates, the attacks had claimed some seven thousand victims. Many described the events of September 11 as "the most devastating terrorist attack in history." To those who think of terrorism as the preserve of non-state agents, this seemed obvious: no previous single instance of terrorism perpetrated by an insurgent group had come close to that number of victims. Those who also see terrorism in massacres of civilians aiming at terrorizing others that were carried out by states were not tempted to speak in such terms. They know that state terrorism is readily and indeed typically deployed on a large scale, and can cite quite a few instances of such terrorism inflicting as many, or more, casualties.

There are other arguments for the claim that September 11, 2001 introduced a radically new type of terrorism. One is that while old-style terrorism focused on specific, intelligible, and achievable political objectives, the "new terrorism" has large and nebulous aims that can never be achieved. Accordingly, whereas it made sense to try to negotiate with old-style terrorists, the psychological and indeed logical presuppositions for engaging in any kind of rational give-and-take with "new terrorists" are lacking. Yet this contrast is highly problematic. While many terrorist acts and campaigns carried out in the preceding two centuries were motivated by nationalism and aimed at specific and, at least in principle, achievable aims (such as national liberation), many others were driven by a radical internationalist ideology based on a nebulous utopia.

On the other hand, although the organization perceived as the embodiment of the "new terrorism," Al-Qaeda, is committed to a world outlook that appears quite fantastic to the uninitiated, it has also announced the proximate aims of its campaign of terror, and these are quite specific, intelligible, and attainable: putting an end to Western military presence in Islamic countries, to Western military intervention in Afghanistan and Iraq, and to virtually unqualified American support of Israel.

Another trait of the "new terrorism" adduced as proof of its radical novelty is its international scope. Yet some terrorist organizations operating in the twentieth century had international scope in both their activities and in their connections and support.

Finally, some observers are greatly impressed with the fact that the attacks on September 11, 2001, as well as those in Bali and London, were carried out by suicide bombers, and that their perpetrators were Muslims. They tend to perceive the "new terrorism" as distinctively Islamic and inherently given to suicide attacks. The two traits are said to be connected in that Islamic fundamentalism includes certain beliefs about the afterlife which have great motivational force for laying down one's life for the cause. Robert A. Pape's pioneering study *Dying to Win: The Strategic Logic of Suicide Terrorism*, however, shows that there is little connection between suicide terrorism and Islamic (or any other) fundamentalism:

> [W]hat nearly all suicide terrorist attacks have in common is a specific secular and strategic goal: to compel modern democracies to withdraw military forces from territory that the terrorists consider to be their homeland. Religion is rarely the root cause, although it is often used as a tool by terrorist organizations in recruiting and in other efforts in service of the broader strategic objective.[1]

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[1] ROBERT A. PAPE, DYING TO WIN: THE STRATEGIC LOGIC OF SUICIDE TERRORISM 4 (2005).

Suicide attack is also not a new method of terrorism. Organizations such as Hezbollah in Lebanon, various Palestinian resistance groups, and the Tamil Tigers of Sri Lanka have been practicing suicide terrorism for more than two decades.[2]

Thus, I do not believe that terrorism changed drastically on September 11, 2001. Rather, I think that those attacks, as well as major terrorist incidents that followed in their wake, are of a piece with the type of terrorism that was practiced throughout the preceding century, at least when considered from a philosophical vantage point.[3] The practice labeled "terrorism" did undergo a major, philosophically significant change, but that happened much earlier: in the first quarter of the twentieth century. The change was a change of target—those who were directly attacked by terrorists, who were killed or maimed, and whose homes and other vitally important property were destroyed by them. With this change of its direct target, terrorism also underwent a drastic change of moral complexion.

In the nineteenth and early twentieth centuries, most of those who were called, and often called themselves, "terrorists"—most anarchists and various revolutionary groups in Russia—were not terrorizing entire populations by attacking whoever happened to be in a certain place at a certain time. Rather, they were attempting to induce terror and force political change by assassinating royalty and holders of high government office. Russian revolutionaries, in particular, had very strong views on who was and who was not a legitimate target of lethal political violence. Their resort to violence was informed by strong moral convictions about its grounds and limits. They considered violence intrinsically, and deeply, morally wrong. Yet in view of the character of the oppressive regime, its strength, and its unwillingness to allow for significant political change, violence was the only method of struggle left to those seeking such change. The moral case for resorting to lethal political violence and the conditions such violence must satisfy were spelled out by Grigory Gershuni, head of the military wing of the Socialist Revolutionary Organization (SR):

> When the rage of the people and the hatred of society focus on one of the figures in authority who becomes a symbol of violence and tyranny . . . when there is no other way to deal with the danger he represents, and when the very fact that such a person remains alive is like an insult to the conscience of society—then the way to terrorism is open . . . for the execution of the sentence which has been passed in the hearts of the people. . . . The terrorist act is permissible not

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[2] *Id.* at 5.

[3] For a more detailed discussion of the novelty claim, see C.A.J. (Tony) Coady, *How New Is the "New Terror"?*, 55 IYYUN: JERUSALEM PHIL. Q. 49 (2006).

when it is possible but when it is necessary.[4]

What we have here is a two-pronged, deontological-cum-consequentialist justification of political violence. Such violence must be richly deserved by the victim's central role in the oppressive regime whose overthrow, or at least significant change, is a paramount moral goal, and a goal that cannot be achieved in any other way. When both conditions are satisfied, killing the head of state or a highly placed government official will be justified both as deserved and hence just punishment, and as a necessary evil.

A good example of this view of political violence at work is provided by a member of the same revolutionary organization, Ivan Kaliayev. On February 15, 1905, he set out to assassinate Commander of the Moscow military district, Grand Duke Sergey. When about to throw a bomb, Kaliayev saw that the Grand Duke was accompanied by his sister-in-law and her two children. Rather than kill these innocent bystanders too, Kaliayev refrained from carrying out his mission, and in doing so exposed himself and his accomplices to grave danger. He was able to assassinate the Grand Duke on another occasion, under circumstances in which he could not escape, and he was caught, tried, and executed for his crime. Zeev Ivianski writes that "by ascending the gallows Kaliayev demonstrates precisely where the limits of terror lie," and thus "symbolizes an entire generation of the Russian revolutionary terror movement."[5]

A later generation of Russian revolutionaries—the generation of the "Red Terror"—viewed these matters in a different light. They, too, had a paramount moral goal to achieve; and they, too, could only achieve it by resorting to terrorism. But they were not quite as concerned about the intrinsic immorality of violence. They viewed it as a problematic means that, admittedly, imposed the burden of justification on those considering using it. But they also believed that this burden could be discharged in certain, not entirely unlikely, circumstances.

Moreover, their terrorism meant indiscriminate killing, maiming, and destruction. Lethal violence was no longer restricted to those whose deliberate actions had seriously implicated them in the tyranny that had to be overthrown, and whose execution could accordingly be seen not only as a useful means to the revolutionary cause, but also as deserved and just punishment. The first of these two conditions was quite sufficient. Violence was used against all and sundry: men and

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[4] Grigory Gershuni, Speech at the Conference of the Socialist Revolutionary Organization at Temefors (Feb. 1907), *in* Zeev Ivianski, *The Moral Issue: Some Aspects of Individual Terror, in* THE MORALITY OF TERRORISM: RELIGIOUS AND SECULAR JUSTIFICATIONS 248 (D.C. Rapoport & Y. Alexander eds., 2d ed. 1989).

[5] Ivianski, *supra* note 4, at 230.

women of whatever political (or apolitical) views, social class, and walk of life, young and old, adults and children. The selection of victims was made in purely instrumental terms—where and when to plant a bomb, or whom to shoot, to the greatest possible effect—rather than on the basis of some argument about the responsibility and guilt of those to be killed or maimed. This meant that all or most of the victims of a terrorist attack would be innocent of whatever wrongs the terrorists were fighting against (or at least innocent of them as far as the terrorists themselves could tell).

To be sure, this type of terrorism was not entirely new. It had a few precedents in some instances of "propaganda by the deed" carried out by French and Spanish anarchists in the 1880s and 1890s. But those cases had been the exception, rather than the rule. Ever since the Russian Revolution and to this day, this "indirect" or "mass" terrorism has for the most part been the rule, largely, but not entirely, superseding the old, "direct" or "individual" terrorism.

I do not propose to discuss how and why. At the practical level, the explanation may well be that "mass" terrorism promises to be much more effective than the "individual" variety. As Edward Hyams has written, "chiefs of state are more carefully guarded than they used to be, and revolutionaries have learned that the elimination of individual leaders is apt to resemble driving out Satan with Beelzebub."[6] At a more general level, one might cite Walter Laqueur, who points out that "in the twentieth century, human life became cheaper; the belief gained ground that the end justified all means, and that humanity was a bourgeois prejudice."[7]

Rather than taking September 11, 2001 as the turning point, I wish to highlight the difference between the terrorism of the nineteenth century, which for the most part consisted of what today would be called "political assassination," and that of the twentieth and twenty-first centuries, which does not discriminate between legitimate and illegitimate targets. Both involve the use of violence for the purpose of terrorizing large groups of people and forcing political change. Yet, when approached from a philosophical vantage point, they are also different: acceptance or rejection of the requirement of discrimination makes a big difference in moral standing. In the remainder of this paper, then, I will be referring to "terrorism" for the sake of brevity, but will in fact be discussing *contemporary* terrorism, meaning the type of terrorism that has been with us for almost a century, rather than only for a few admittedly eventful years.

When addressing issues of morality and of value in general, philosophers seek to do two things: first, to analyze and clarify the

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[6] EDWARD HYAMS, TERRORISTS AND TERRORISM 166 (1975).

[7] WALTER LAQUEUR, THE AGE OF TERRORISM 84 (1987).

concepts involved; and second, to analyze, clarify, and criticize arguments for and against various positions taken on those issues, as well as the moral principles and values that ground those arguments. Whereas social sciences study the causes, varieties, and effects of terrorism, and history traces the way terrorism has evolved over time, philosophy focuses on two fundamental questions. The first is conceptual: what is terrorism? The second is moral: can terrorism ever be morally justified?

II.   WHAT IS (CONTEMPORARY) TERRORISM?

Current ordinary usage of the word *terrorism* displays a wide variety of meanings and considerable confusion. This makes discussing the moral and political questions of terrorism difficult and often frustrating. The one thing that this usage makes clear is that terrorism is a bad thing: virtually no one today would apply the word to oneself and one's own actions, nor to those one has sympathy with or whose actions one supports. As the cliché has it, one person's terrorist is another's freedom fighter. This kind of relativism indicates a double standard at work, of the form "us versus. them," and presents a major obstacle to rational discussion and judicious evaluation of the phenomenon of terrorism and of particular terrorist actions and campaigns.

Another source of relativism, and a different type of double standard, is the tendency to accuse all insurgents who resort to violence of resorting to terrorism. This is compounded by unwillingness to talk of terrorism when talking about the violent actions and policies of a state, and in particular one's own state. This indicates a double standard of the form "state versus non-state actors," and the assumption that whatever it is, terrorism is by definition something done only by insurgents, and never by a state.

Let me give an example of this type of discourse from the part of the world where I used to live: the Middle East. Both Palestinians and Israelis have been committing what many might want to call terrorism. Yet both deny that they have been engaging in terrorism, and each side accuses the other of doing so. What the Palestinians are saying is: ours is a just struggle for putting an end to occupation and oppression, and attaining self-determination. We are both morally and legally entitled to use violence to this end. That is not terrorism, but rather fighting for freedom. Israelis respond by saying that the state is merely using its armed forces and security services in defense of the country and the security of its citizens against terrorist attacks.

Thus Palestinians are assuming that the decisive criterion of terrorism is the *ultimate goal* of the agent: if it is a legitimate goal such

as national liberation, it cannot be terrorism. From where they stand, "terrorists fighting for freedom" appears to be a contradiction in terms. Israelis, on their part, are assuming that it is the *identity* of the agent that determines whether some act or policy of violence is terrorist or not. If it is a state, then it cannot be terrorism; it is rather warfare or policing action. If it is an insurgent group, then it is terrorism. From where they stand, "state terrorism" looks like a contradiction in terms. Additionally, both sides may well be assuming that if there is a violent conflict between two parties and one of them is guilty of terrorism, then the other party is thereby absolved of the charge of terrorism. If *they* are terrorists, *we* cannot be.

Efforts of the United Nations to develop a definition that could be accepted universally and open the way to dealing with terrorism by means of international law seem to have fallen victim, at least for the time being, to the same sort of relativism and confusion. Trudy Govier describes the blind alley these efforts have reached:

> The United Nations has been trying to define terrorism for some thirty years, and has given up in its quest for a definition that everybody can agree upon. A major problem is that Western governments wanted to make sure that state agents could never be considered terrorist, while Islamic countries wanted to make sure that national liberation movements in the Middle East and Kashmir could never be considered terrorist.[8]

In these circumstances, the debate has to be at cross-purposes. It is in such cases that philosophy might help by pointing at the sources of confusion, and by offering clarification, and perhaps even a definition, of the concept at issue. I will not try for a definition that accurately reproduces the core meaning of "terrorism" in ordinary usage; that is probably a hopeless task. Nor will I stipulate a definition that should be pertinent in every possible context and prove useful for every possible purpose. Mine should be helpful in the debate about the rights and wrongs of terrorism, that is, one we could use both in everyday moral and political discussions of terrorism and in applied ethics (which is nothing but the same debate continued in a more careful and sustained way and informed by ethical theory).

To reach such a definition, we need to overcome both types of relativism with regard to what "terrorism" is, and who is and who is not a terrorist. We need to put aside both the question of who the actor is and the question of what their ultimate objectives are. Instead, we need to think of terrorism as a way of acting that could be adopted by a wide array of agents, and that could serve a wide range of ultimate objectives (most, but perhaps not all of them, political). It can be employed both

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[8] TRUDY GOVIER, A DELICATE BALANCE: WHAT PHILOSOPHY CAN TELL US ABOUT TERRORISM 89 (2002).

by states and by non-state agents, and can promote both national liberation and oppression, revolutionary and reactionary causes (and possibly some nonpolitical aims as well). One can be both a terrorist *and* a freedom fighter: one can fight for freedom and adopt terrorism as a method, or even *the* method, of fighting. Terrorism is not the monopoly of enemies of freedom. Indeed, many national liberation movements have made use of terrorism, whether occasionally or in a more systematic way. The Front de Libération Nationale (FLN) in Algeria was fighting for freedom from foreign rule; but when it took to planting bombs in cafés, that was terrorism.

One can hold high government or military office *and* design or implement a terrorist campaign. Terrorism is not the preserve of insurgents. Indeed, many armies have used terrorism as a method of waging war. When British political and military leaders in World War II designed the strategy of bombing Germany's cities and towns, they themselves called it "terror bombing." As students of totalitarianism have pointed out, a totalitarian state cannot maintain its rule and pursue its aims except by means of terrorism unleashed on its own population. The "Red Terror" employed by the Bolshevik government in the Russian Revolution and civil war, and Stalin's "Great Terror" of the 1930s, provide telling examples. Terrorism, then, should be defined only by *what* is done and what the *proximate aim* of doing it is, rather than in terms of who the actor is and what aim they ultimately seek to achieve.

Accordingly, I suggest that we define terrorism as *the deliberate use of violence, or threat of its use, against innocent people—against their life and limb, or against their property—with the aim of intimidating some other people into a course of action they otherwise would not take.*

Defined in this way, terrorism is an indirect method. It has two targets. One person or group is attacked directly, in order to get at another person or group and intimidate *them* into doing something they otherwise would not do. In terms of importance, the indirect target is primary, and the direct target secondary.

The secondary, but directly attacked target, are people who are innocent and who, by virtue of this innocence, enjoy immunity against attack. In war, these are innocent civilians: everyone except members of armed forces and security services, those who supply them with arms and ammunition, and political officials directly involved in the conflict. In political conflict that falls short of war, this class has a similarly wide scope: it includes everyone except certain government officials, police, and members of security services.

What is the sense in which the direct victims of terrorism are "innocent?" They are not guilty of any action (or omission) the terrorist

could plausibly adduce as a justification of what he does to his victims. There is nothing these victims have done (or failed to do) that makes them deserve, or liable, to be killed or maimed. They are not attacking the terrorist; therefore he cannot justify his action as one of self-defense. They are not waging war on him, nor on those on whose behalf he presumes to act; therefore he cannot say that he, too, is merely fighting a war. They are not responsible—on any credible understanding of responsibility—for the (real or alleged) injustice or suffering that is being inflicted on him or on those whose cause he has adopted, an injustice or suffering so grave that a violent response to it can properly be considered. Or, if they are, the terrorist is not in a position to know that. They are, therefore, morally protected from violent attack: as innocent civilians, if the context is one of war, or as common citizens rather than those devising or implementing policy, if the conflict falls short of war.

Notice that I am not making the sweeping claim that the victims of terrorist violence are not responsible in any way and to any degree for the injustice or suffering the terrorist fights against, and that they are accordingly not liable to criticism or other unfavorable response of any sort. Rather, I am saying that they are not responsible, *on any credible understanding* of responsibility and liability, for the injustice or suffering the terrorist fights against—not responsible at all, or at least not responsible to the degree that makes them liable to be killed or maimed on that account. Moreover, the injustice or suffering at issue need not be *real*; it may be merely *alleged*.

To take up the latter point first, I am not speaking of innocence of injustice or infliction of suffering and the immunity that comes with it from a point of view independent of that of the terrorist. If I were, that would inject a high degree of relativism into discussions of terrorism. Whether we thought an act of violence was a case of terrorism or not would depend on whether we thought the actions and policies of its victims were causing great injustice or suffering; and that, of course, would normally be open to much disagreement. The bottom line would be that, to paraphrase the cliché, one person's terrorist is another's political assassin. In order not to have to grant this, I am saying that being responsible for a merely alleged great injustice or suffering—a great injustice or suffering alleged by the terrorist, but not considered as such by others—is enough for losing one's immunity against violence, as far as the type of immunity and innocence relevant to defining terrorism is concerned.

This is in line with the mainstream view in just war theory: one does not lose one's immunity against acts of war only by fighting in an unjust war, but rather by fighting in any war. Similarly, one does not lose one's immunity against political violence only by holding office in

a gravely unjust government or implementing policies of such a government, but by holding office in or implementing policies of any government. As King Umberto I of Italy said after surviving an attempt on his life, this sort of risk comes with the job.

Members of these two classes who fall victim to violence are not considered innocent and morally protected against violence by those attacking them. The latter, rather, think of their acts as acts of war or political violence proper, respectively. I submit that we should grant that. In other words, I submit that the terrorist's victim is innocent *from the terrorist's own point of view*, that is, innocent even if we grant the terrorist her assessment of the policies at issue.

Of course, this should not be thought to imply that if someone holds that a government is being gravely unjust to, or is inflicting intolerable suffering on, its subjects, they have a moral license to kill its officials, but only that if they do so, that will not be terrorism, but rather political assassination. We can still condemn their actions as harshly as we wish, if we reject their judgment of the policies at issue. We can do so even if we accept that judgment, if we believe that they could and should have opposed those policies by nonviolent means. We will not be condemning their actions qua terrorism. But to say of an action that it is not terrorism but political assassination is neither to justify nor to excuse it.

This means that if the terrorist subscribes to a credible understanding of responsibility and liability, she kills or maims people she believes in her heart to be innocent. By a credible view of these matters I mean a view that, first, grounds a person's *responsibility* for some state of affairs in that person's acts or omissions which are significantly voluntary, that is, informed and free, and have a sufficiently strong connection with that state of affairs. Second, I mean a view that provides for a certain morally acceptable proportion between what a person is responsible for and the unfavorable response they are *liable* to on that account. But the terrorist may also adopt a view of responsibility and liability we find quite implausible, and go on to claim that her victims are not innocent and that, accordingly, attacking them is not terrorism.

Let me give a couple of examples. Emile Henry was a French anarchist who lived in the nineteenth century, but engaged in terrorism of the twentieth-century type. He planted a bomb at the office of a mining company which, had it gone off, would probably have killed or maimed a number of people who were not party to the company's wrongdoings and merely happened to live in the same building. He also planted a bomb in a café that did go off, injuring twenty people, one of whom later died of his injuries. When explaining his actions in court, he said: "What about the innocent victims? . . . The building where the

Carmaux Company had its offices was inhabited only by the bourgeois; hence there would be no innocent victims. The whole of the bourgeoisie lives by the exploitation of the unfortunate, and should expiate its crimes together."[9]

When commenting on the second attack, he expanded the class of those whose life and limb are fair game:

> Those good bourgeois who . . . reap their dividends and live idly on the profits of the workers' toil, they also must take their share in the reprisals. And not only they, but all those who are satisfied with the existing order, who applaud the acts of the government and so become its accomplices . . . in other words, the daily clientele of Terminus and the other great cafés![10]

This, too, is *a* view of responsibility and liability, but surely an utterly implausible one. For it says that all members of a social class— men and women, young and old, adults and children—are liable to be killed or maimed: some are guilty of operating the system of exploitation, others of benefiting from this exploitation, and still others of supporting the system. Even if we concede the anarchists' harsh moral judgment of capitalist society, not every type and degree of involvement with it will justify the use of lethal violence. Giving the system political support, or benefiting from it, may indeed be morally objectionable, but is surely not enough to make one eligible to be blown to pieces.

Another, recent example, is provided by Osama bin Laden. In an interview in the aftermath of the attacks on September 11, 2001 he said:

> The American people should remember that they pay taxes to their government and that they voted for their president. Their government makes weapons and provides them to Israel, which they use to kill Palestinian Muslims. Given that the American Congress is a committee that represents the people, the fact that it agrees with the actions of the American government proves that America in its entirety is responsible for the atrocities that it is committing against Muslims.[11]

This, too, is a preposterous understanding of responsibility and liability. For it claims that all Americans—male and female, young and old, adult and child—are eligible to be killed or maimed: some are guilty of devising and implementing America's policies, others of participating in the political process, still others of paying taxes. Even if we grant bin Laden's severe condemnation of those policies, not

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[9] Emile Henry, *A Terrorist's Defence*, *in* THE ANARCHIST READER 189, 193 (George Woodcock ed., 1977).

[10] *Id.* at 195.

[11] Interview with Osama bin Laden, Interview (Nov. 12, 2001), *in* MESSAGES TO THE WORLD: THE STATEMENTS OF OSAMA BIN LADEN 140-42 (Bruce Lawrence ed., James Howarth trans., 2005).

every type and degree of involvement with them can justify the use of lethal violence. Surely voting in elections or paying taxes is not enough to make one fair game.

My account of terrorism is motivated by the need to overcome relativism that infests most debates about the subject and makes them barren. I have argued that, in order to arrive at an understanding of terrorism that is not plagued by relativism, we must put aside both the identities of those employing terrorism, *and* their ultimate aims and the related issue of the moral standing of the policies and practices they oppose.

The conceptually and morally decisive trait of terrorism is that it is violence against the innocent: violence against those who, on any credible understanding of responsibility and liability, are not responsible, or not responsible enough, for the real or alleged injustice or suffering the terrorist fights against. Since not only real, but also merely alleged injustice or suffering should count in determining the innocence of the victims and deciding who is a terrorist, my account does not make this decision hostage to endless debates about the moral standing of contested policies and practices.

The notion of terrorism and its application does not presuppose any particular type of agent, any particular ultimate aim, any particular moral and political views. However, there is a residuum of relativity: my account does presuppose a certain understanding of responsibility and liability, whereby a person is *responsible* for a state of affairs only by virtue of that person's voluntary, that is, informed and free, act or omission that has a sufficiently strong connection to that state of affairs, and thereby becomes *liable* to some proportionate unfavorable response. Given this understanding of responsibility and liability, the victims of terrorist violence will be found innocent from the terrorist's own point of view.

Yet when an individual or group resorts to violence that we perceive as terrorist, but rejects the label by deploying a view of responsibility and liability based on some extremely far-fetched connection between states of affairs and human choices and actions, and arguing that entire social classes or nations are responsible for certain policies and practices and liable to be attacked by deadly violence, I can only discount such arguments as preposterous. I will then insist on viewing their actions as terrorist, although they reject this label. I do not see how this last remnant of relativity can be eliminated; we may have to live with it.

I regard this far-reaching, albeit not complete, elimination of relativism a major advantage of my definition of terrorism. The definition has further advantages.

For one thing, it makes it possible to distinguish between terrorism, on the one hand, and acts of war and political violence proper, on the other. To be sure, political violence and acts of war proper, too, can intimidate and coerce; but their intended victims are not innocent people. On the other hand, the military can employ terrorism in war; that, indeed, is one of the main types of state terrorism.

The definition preserves the historical connection of "terrorism" with "terror" and "terrorizing." It does not confine terrorism to the political sphere, but makes it possible to speak of non-political terrorism, such as the criminal terrorism employed by the Mafia.

The definition is also politically neutral. It covers both state and anti-state, revolutionary and counterrevolutionary, left-wing and right-wing terrorism. It is also morally neutral, at least in what I think is the most important respect. I believe it captures the elements of terrorism that lead most of us to judge it as gravely wrong: the use or threat of use of violence against the innocent for the sake of intimidation and coercion. But it does not beg the moral question of its justification in particular cases. For it entails only that terrorism is *prima facie* wrong, and thus does not rule out its justification under certain circumstances. Accordingly, particular acts and campaigns of terrorism still need to be examined and judged on their merits.

Yet another virtue of this definition is that it relates the issue of the moral standing of terrorism to just war theory. A central tenet of that theory, the principle of discrimination, tells us that we must not deliberately attack innocent civilians.

The definition is both narrower in some respects and wider in others than common usage might warrant. Attacks of insurgents on soldiers or police officers, which the authorities and the media depict, and the public perceives, as terrorist, would *not* count as such, but rather as political violence or guerrilla warfare. The bombing of German and Japanese cities in World War II, or numerous Israeli Army attacks on Lebanon and some of its actions in the occupied territories, on the other hand, are commonly presented as acts of war, but *would* count as terrorism in my definition.

That, I submit, is just as it should be. If what we hope for is more discerning and critical moral understanding of violence, war, and terrorism, we should not be unduly bound by conventional usage. What matters is that in the former case, the targets are soldiers or police officers, and not innocent people. In the latter case, innocent people are deliberately targeted with the aim of intimidation and coercion. The former case does not involve the four morally problematic components the definition singles out; the latter does. On the other hand, whether

the bomb is planted by hand or dropped from an aircraft, or who does or does not wear a uniform, can hardly matter, morally speaking.[12]

III.   CAN TERRORISM EVER BE MORALLY JUSTIFIED?

If this is what terrorism is, the next question to ask is whether it can ever be morally justified. The answer to this will depend on one's approach to moral issues, one's ethical theory. Western moral philosophy has evolved two main approaches, or two types of ethical theory: consequentialism and nonconsequentialism.

Consequentialism tells us to judge human action solely in terms of its consequences. When its consequences are good (on balance), an act or policy is right; when they are bad (on balance), it is wrong. Nothing is right or wrong, obligatory or prohibited, in itself, but only in the light of its consequences. The goodness or badness of consequences is understood in terms of how they affect those whom they affect. Different versions of consequentialism offer different explications of this: whether the consequences of an action or line of action contribute to happiness or cause suffering, or whether they promote people's interests or set them back, or whether they fulfill or frustrate people's preferences. But these differences within the consequentialist approach need not concern us.

Terrorism, too, is judged in terms of its consequences, and in these terms only. That means that it, too, is not deemed wrong in itself, but only when it has bad consequences (on balance). Of course, given what it is, it is likely to have bad consequences most of the time, so consequentialists will judge it as wrong most of the time.

Consequentialist thinkers will criticize those who resort to terrorism too quickly, without checking thoroughly enough whether their terrorist actions and campaigns can indeed be justified by their consequences. This is something many terrorists do and many apologists of terrorism condone. A consequentialist justification of an act or policy of terrorism must show three things: that the aim sought is good enough to justify the harm inflicted; that the aim will indeed be achieved by terrorism; and that it cannot be achieved in any other less costly way.

Consequentialists, however, have no case against those terrorists who do their calculation responsibly and thoroughly, and reach the conclusion that, under the circumstances, terrorism *will* have good consequences on balance—for example, it will indeed lead to liberation

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[12] I discuss the problem of defining terrorism at greater length in Igor Primoratz, *What Is Terrorism?*, in TERRORISM: THE PHILOSOPHICAL ISSUES 15-27 (Igor Primoratz ed., 2004).

from an oppressive foreign rule, which cannot be achieved in any other way. The innocence of its victims does not change this. Those familiar with philosophical discussions of consequentialism will recall that one of the standard objections has been that a consequentialist is committed to the view that punishment of the innocent is morally justified when its consequences are good (on balance). This objection is to the point because consequentialism rejects the idea that in such matters a person's innocence should be morally decisive in itself, rather than relevant only insofar as it affects future consequences of our actions.

If we cannot accept this position and want a more robust critique of terrorism, a less permissive stance on the morality of killing and maiming innocent people, we must turn to nonconsequentialist ethical theories. These theories do not tell us that consequences do not matter; to say that would be quite implausible. What they tell us is that other considerations—those of justice and rights—matter too, and that some acts or lines of action are right or wrong in themselves, independently of their consequences.

From a nonconsequentialist point of view, terrorism does appear as never, or hardly ever, morally justified. To see why, let us look into two central nonconsequentialist objections to it.

First, terrorism violates the fundamental moral principle of respect for persons. The principle of respect for persons can be construed in (at least) three ways.[13] On one interpretation, it enjoins respect for the core of individuality of each and every person, a concern for seeing things from the point of view of the other person, in terms of her character or "ground project." This is the opposite of the impersonal, objective, calculating way in which terrorists consider, and treat, their victims. On another interpretation, respect for persons demands that we recognize and respect certain basic human rights of every human being, which safeguard a certain area of personal freedom. Persons are to be respected as holders of rights. Terrorists cannot show this type of respect. For if I have any basic rights at all, surely the right not to be killed or maimed in order that the terrorists' aim be promoted is one of them.

On a third interpretation, showing respect for persons can be understood as not treating individuals as mere means. In attempting to capture the supreme law of morality, Kant famously enjoined us never to treat humanity, whether in our own person or in that of another, as a mere means, but always also as an end. To be sure, the details and implications of Kant's account are a matter of considerable controversy. But it can be safely said that, at a minimum, his principle enjoins that the other should be able to "share in the end" of our action towards her,

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[13] *See* J.E. Atwell, *Kant's Notion of Respect for Persons, in* RESPECT FOR PERSONS 17-30 (O.H. Green ed., 1982).

that is, to consent to it.[14] That is just what the terrorists' victim is in no position to do. Indeed, terrorism is often brought up as a paradigmatic example of reducing other people to mere means, thus violating what Kant puts forward as one formulation of the supreme law of morality.

The second major nonconsequentialist objection to terrorism takes us back to the distinction between responsibility and the lack of it, or between guilt and innocence. This is one of the most basic moral distinctions. We give it pride of place in any consideration of war or violence in general from a moral and legal point of view. Its import is that hostile treatment of another human being must be justified by the fact that she is responsible for some wrongdoing whose gravity is proportionate to the gravity of our response. Those who are not responsible for such wrongdoing should not be subjected to hostile treatment, and in particular must not be subjected to violence.

Philosophers usually do not seek to prove this point, but rather make it their point of departure when putting forward arguments about the morality of violence, war, and terrorism. They are right to do so. As Michael Walzer puts it in his book *Just and Unjust Wars*, "the theoretical problem is not to describe how [this] immunity is gained, but how it is lost. We are all immune to start with; our right not to be attacked is a feature of normal human relationships."[15] Yet terrorists deliberately attack, kill, and otherwise severely harm innocent people; this, and the aim of intimidation and coercion they seek to achieve in this way, is what makes them terrorists.

These objections to terrorism show it to be at odds with some of the most basic moral beliefs of many of us. Those of us who hold these beliefs will find consequentialist accounts of terrorism both much too permissive and wide of the mark, not attending to what is at issue. Terrorism is not wrong because it has bad consequences (on balance), and accordingly only insofar as it has such consequences. It is rather wrong *in itself*, because of what it is. Moreover, it is *extremely* morally wrong in itself.

Does this mean that terrorism can *never* be justified, whatever the circumstances?

Some want to say just this: one must never resort to terrorism, and that is all there is to it. Thus Tony Coady has recently argued that "[w]e surely do better to condemn the resort to terrorism outright with no leeway for exemptions, be they for states, revolutionaries or religious zealots."[16] In general, but especially in the present worldwide terrorism

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[14] IMMANUEL KANT, THE MORAL LAW: KANT'S GROUNDWORK OF THE METAPHYSICS OF MORALS 92 (H.J. Paton ed. and trans., 1972).

[15] MICHAEL WALZER, JUST AND UNJUST WARS: A MORAL ARGUMENT WITH HISTORICAL ILLUSTRATIONS 144-45 n. 9 (3d ed., 2000).

[16] C.A.J. Coady, *Terrorism, Just War and Supreme Emergency*, *in* TERRORISM AND JUSTICE:

alert, the moral prohibition of terrorism should be understood and endorsed as absolute.

Mine is a less uncompromising position. I reject the consequentialist view that terrorism is justified whenever its consequences are good (on balance), but admit that it might be justified in certain extreme, and extremely rare circumstances. This position should not be confused with the argument about "the only method available to the poor and powerless," a way of "leveling the field," popular among apologists of terrorism. For the position I have in mind lays down two conditions: that terrorism is indeed the only method available and likely to succeed, and that what is to be prevented by its use is an evil so great that it can be termed a moral disaster.

But just what is—what counts as—a moral disaster? This question does not allow for a simple answer, one that could be encapsulated in a definition that stood a good chance of general acceptance. What *can* be said is, first, that contrary to what fighters against social or economic oppression, or colonial rule, or foreign occupation tend to say, evils of such magnitude—evils that can justify indiscriminate and wholesale killing and maiming of innocent people and all manner of destruction—are extremely rare. Not every case of oppression, foreign rule, or occupation, however morally indefensible, amounts to a moral disaster in the sense I have in mind. The radical is too permissive of insurgent terrorism.

On the other hand, not every imminent threat to the "survival and freedom of a political community" should count as a "supreme emergency" that can justify large-scale onslaught on innocent people, as Michael Walzer has argued.[17] My position is structurally similar to Walzer's "supreme emergency" view, but is much more restrictive. Walzer is too permissive of state terrorism.

But if a community is subjected to genocide, or to an attempt at "ethnically cleansing" it from its land, then, I submit, it is facing a true moral disaster, and may properly consider terrorism as a means of struggle against such a fate. In view of their enormity *and* finality, genocide and "ethnic cleansing" constitute a category apart. To be sure, resorting to terrorism in such a case will be morally justified only if there are very good grounds for believing that terrorism will succeed where nothing else will: in preventing an imminent genocide or "ethnic cleansing," or stopping it if it is already under way. Obviously, cases where both conditions are met will be extremely rare. Indeed, they may well be virtually—but not absolutely—nonexistent.

MORAL ARGUMENT IN A THREATENED WORLD 20 (C.A.J. Coady & Michael O'Keefe eds., 2002).

[17] WALZER, *supra* note 15, at 251-68.

In the course of his critique of Walzer's "supreme emergency" view, Coady advances two arguments that I, too, need to address. The first takes us back to the fundamentals of moral philosophy. Some moral prohibitions are so central to our entire moral experience, so deeply entrenched in it, that they "function[] in our moral thinking as a sort of touchstone of moral and intellectual health."[18] Accordingly, the suspension of such a prohibition would "bring about an upheaval in the moral perspective."[19] Its rejection would lead to "an unbalance and incoherence in moral thought and practice."[20] The prohibition of deliberately killing and maiming innocent people, against which the terrorist offends, is one such prohibition. Therefore our rejection of terrorism ought to be absolute.[21]

Now I agree with Coady that the principle of immunity of innocent people against deadly violence must be granted some such role in our moral thinking. I, too, find its *rejection* or *suspension* unthinkable. But *overriding* it in a particular instance, when that is the only way to prevent, or put an end to, genocide or "ethnic cleansing" of an entire population from its land, and when it is done with full awareness of the extremely high *moral* price paid, is another matter. Overriding the prohibition in such a case does not mean that it should not and will not be applied in every other case of emergency that falls short of moral disaster, narrowly conceived, nor that it should not and will not continue to serve as a touchstone of moral sanity. Overriding it will amount to "an upheaval in the moral perspective" only on the question-begging assumption that it must also be an absolute principle, to be followed even if the heavens fall.

Coady's second argument for regarding the prohibition of terrorism as absolute is of a different nature. Allowing for any exemption, he argues, "is likely to generate widespread misuse of it."[22]

The force of this type of argument varies with the circumstances in which it is deployed. In some cases it may carry great weight. In others, its force and indeed its relevance may well be doubted. Think of a people facing the prospect of genocide, or of being "ethnically cleansed" from its land, and unable to put up a fight against the armed forces of an overwhelmingly stronger enemy. Suppose we said to them: "Granted, what you are facing is an imminent threat of a moral disaster. Granted, the only way you stand a chance of fending off the disaster is by resorting to terrorism. But you must not do that. For if you do, that

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[18] Coady, *supra* note 16, at 19.
[19] *Id.*
[20] *Id.*
[21] *Id.*
[22] *Id.* at 20.

is likely to generate widespread misuse of the exemption." Could they—indeed, should they—be swayed by that?[23]

CONCLUSION

In this paper, I have done three things. First, I have considered the claim that the threat of terrorism we are facing in the aftermath of the attacks in the United States on September 11, 2001 is radically different from the kind of terrorism we had to contend with before. I have rejected this claim, and argued that the true watershed in the history of terrorism was in the early twentieth century, when "direct" or "individual" terrorism was replaced by its "indirect" or "mass" variety.

Second, I have offered a definition of (contemporary) terrorism meant to be helpful in discussions of its moral standing. My search for such a definition has been driven by the need to avoid the pitfalls of relativism that hamper most public debate about terrorism. In order to do so, I have argued, we need to put aside both the identities of the agents and their ultimate aims, and to focus on what is done and what the proximate aim of doing it is. The definition I have proposed highlights violence against the innocent with the aim of intimidating and coercing some other person or group into doing things they otherwise would not to. I believe the definition takes us beyond relativism, although perhaps not entirely.

Third, I have briefly discussed the morality of terrorism, thus defined. I have rejected the consequentialist view of the morality of terrorism as a matter of its consequences, good and bad, and adopted an account of terrorism as wrong in itself, and very seriously wrong at that. Yet I have resisted the view that terrorism is absolutely wrong—wrong in all actual and conceivable circumstances. The correct position on the morality of terrorism, I submit, is that terrorism is *almost* absolutely wrong.

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[23] For more on the justification of terrorism, see my articles Igor Primoratz, *The Morality of Terrorism*, 14 J. APPLIED PHIL. 221 (1997), and Igor Primoratz, *State Terrorism and Counter-terrorism*, in TERRORISM: THE PHILOSOPHICAL ISSUES, *supra* note 12, at 113-27.