

CHAPTER 32

Terrorism

Michael Walzer

Michael Walzer is Professor of Social Science at the Institute for Advanced Study in Princeton, New Jersey. He considers the moral justification for terrorism and finds such activity not permissible.

The word "terrorism" is used most often to describe revolutionary violence. That is a small victory for the champions of order, among whom the uses of terror are by no means unknown. The systematic terrorizing of whole populations is a strategy of both conventional and guerrilla war, and of established governments as well as radical movements. Its purpose is to destroy the morale of a nation or a class, to undercut its solidarity; its method is the random murder of innocent people. Randomness is the crucial feature of terrorist activity. If one wishes fear to spread and intensify over time, it is not desirable to kill specific people identified in some particular way with a regime, a party, or a policy. Death must come by chance to individual Frenchmen, or Germans, to Irish Protestants, or Jews, simply because they are Frenchmen or Germans, Protestants or Jews, or until they feel themselves fatally exposed and demand that their governments negotiate for their safety.

In war, terrorism is a way of avoiding engagement with the enemy army. It represents an extreme form of the strategy of the "indirect approach."¹ It is so indirect that many soldiers have refused to call it war at all. This is a matter as much of professional pride as of moral judgment. Consider the statement of a British admiral in World

From Michael Walzer, *Just and Unjust Wars*. Copyright © 1977. Reprinted by permission of Basic Books, a member of Perseus Books Group.

War II, protesting the terror bombing of German cities: "We are a hopelessly unmilitary nation to imagine that we [can] win the war by bombing German women and children instead of defeating their army and navy."² The key word here is unmilitary. The admiral rightly sees terrorism as a civilian strategy. One might say that it represents the continuation of war by political means. Terrorizing ordinary men and women is first of all the work of domestic tyranny, as Aristotle wrote: "The first aim and end [of tyrants] is to break the spirit of their subjects."³ The British described the "aim and end" of terror bombing in the same way: what they sought was the destruction of civilian morale.

Tyrants taught the method to soldiers, and soldiers to modern revolutionaries. That is a crude history; I offer it only in order to make a more precise historical point: that terrorism in the strict sense, the random murder of innocent people, emerged as a strategy of revolutionary struggle only in the period after World War II, that is, only after it had become a feature of conventional war. In both cases, in war and revolution, a kind of warrior honor stood in the way of this development, especially among professional officers and "professional revolutionaries." The increasing use of terror by far left and ultranationalist movements represents the breakdown of a political code first worked out in the second half of the nineteenth century and roughly analogous to the laws of war worked out at the same time. Adherence to this code did not prevent revolutionary militants from being called terrorists, but in fact the violence they committed bore little resemblance to contemporary terrorism. It was not random murder but assassination, and it involved the drawing of a line that we will have little difficulty recognizing as the political parallel of the line that marks off combatants from noncombatants.

The Russian Populists, the IRA, and the Stern Gang

I can best describe the revolutionary "code of honor" by giving some examples of so-called terrorists who acted or tried to act in accordance with its norms. I have chosen three historical cases. The first will be readily recognizable, for Albert Camus made it the basis of his play *The Just Assassins*.

1. In the early twentieth century, a group of Russian revolutionaries decided to kill a Tsarist official, the Grand Duke Sergei, a man personally involved in the repression of radical activity. They planned

to blow him up in his carriage, and on the appointed day one of their number was in place along the Grand Duke's usual route. As the carriage drew near, the young revolutionary, a bomb hidden under his coat, noticed that his victim was not alone; on his lap he held two small children. The would-be assassin looked, hesitated, then walked quickly away. He would wait for another occasion. Camus has one of his comrades say, accepting this decision, "Even in destruction, there's a right way and a wrong way—and there are limits."⁴

2. During the years 1938–39, the Irish Republican Army waged a bombing campaign in Britain. In the course of this campaign, a republican militant was ordered to carry a pre-set time bomb to a Coventry power station. He traveled by bicycle, the bomb in his basket, took a wrong turn, and got lost in a maze of streets. As the time for the explosion drew near, he panicked, dropped his bike, and ran off. The bomb exploded, killing five passersby. No one in the IRA (as it was then) thought this a victory for the cause; the men immediately involved were horrified. The campaign had been carefully planned, according to a recent historian, so as to avoid the killing of innocent bystanders.⁵

3. In November 1944, Lord Moyne, British Minister of State in the Middle East, was assassinated in Cairo by two members of the Stern Gang, a right-wing Zionist group. The two assassins were caught, minutes later, by an Egyptian policeman. One of them described the capture at his trial: "We were being followed by the constable on his motorcycle. My comrade was behind me. I saw the constable approach him. . . . I would have been able to kill the constable easily, but I contented myself with . . . shooting several times into the air. I saw my comrade fall off his bicycle. The constable was almost upon him. Again, I could have eliminated the constable with a single bullet, but I did not. Then I was caught."⁶

What is common to these cases is a moral distinction, drawn by the "terrorists," between people who can and people who cannot be killed. The first category is not composed of men and women bearing arms, immediately threatening by virtue of their military training and commitment. It is composed instead of officials, the political agents of regimes thought to be oppressive. Such people, of course, are protected by the war convention and by positive international law. Characteristically (and not foolishly), lawyers have frowned on assassination, and political officials have been assigned to the class of nonmilitary persons, who are never the legitimate objects of

attack.⁷ But this assignment only partially represents our common moral judgments. For we judge the assassin by his victim, and when the victim is Hitler-like in character, we are likely to praise the assassin's work, though we still do not call him a soldier. The second category is less problematic: ordinary citizens, not engaged in political harming—that is, in administering or enforcing laws thought to be unjust—are immune from attack whether or not they support those laws. Thus the aristocratic children, the Coventry pedestrians, even the Egyptian policeman (who had nothing to do with British imperialism in Palestine)—these people are like civilians in wartime. They are innocent politically as civilians are innocent militarily. It is precisely these people, however, that contemporary terrorists try to kill.

The war convention and the political code are structurally similar, and the distinction between officials and citizens parallels that between soldiers and civilians (though the two are not the same). What lies behind them both, I think, and lends them plausibility, is the moral difference between aiming and not aiming—or, more accurately, between aiming at particular people because of things they have done or are doing, and aiming at whole groups of people, indiscriminately, because of who they are. The first kind of aiming is appropriate to a limited struggle directed against regimes and policies. The second reaches beyond all limits; it is infinitely threatening to whole peoples, whose individual members are systematically exposed to violent death at any and every moment in the course of their (largely innocuous) lives. A bomb planted on a streetcorner, hidden in a bus station, thrown into a cafe or pub—this is aimless killing, except that the victims are likely to share what they cannot avoid, a collective identity. Since some of these victims must be immune from attack (unless liability follows from original sin), any code that directs and controls the fire of political militants is going to be at least minimally appealing. It is so much of an advance over the willful randomness of terrorist attacks. One might even feel easier about killing officials than about killing soldiers, since the state rarely conscripts its political, as it does its military agents; they have chosen officialdom as a career.

Soldiers and officials are, however, different in another respect. The threatening character of the soldier's activities is a matter of fact; the unjust or oppressive character of the official's activities is a matter of political judgment. For this reason, the political code has never attained the same status as the war convention. Nor can

assassins claim any rights, even on the basis of the strictest adherence to its principles. In the eyes of those of us whose judgments of oppression and injustice differ from their own, political assassins are simply murderers, exactly like the killers of ordinary citizens. The case is not the same with soldiers, who are not judged politically at all and who are called murderers only when they kill noncombatants. Political killing imposes risks quite unlike those of combat, risks whose character is best revealed by the fact that there is no such thing as benevolent quarantine for the duration of the political struggle. Thus the young Russian revolutionary, who eventually killed the Grand Duke, was tried and executed for murder, as were the Stern Gang assassins of Lord Moyne. All three were treated exactly like the IRA militants, also captured, who were held responsible for the deaths of ordinary citizens. That treatment seems to me appropriate, even if we share the political judgments of the men involved and defend their resort to violence. On the other hand, even if we do not share their judgments, these men are entitled to a kind of moral respect not due to terrorists, because they set limits to their actions.

The Vietcong Assassination Campaign

The precise limits are hard to define, as in the case of noncombatant immunity. But we can perhaps move toward a definition by looking at a guerrilla war in which officials were attacked on a large scale. Beginning at some point in the late 1950s, the NLF waged a campaign aimed at destroying the governmental structure of the South Vietnamese countryside. Between 1960 and 1965, some 7,500 village and district officials were assassinated by Vietcong militants. An American student of the Vietcong, describing these officials as the "natural leaders" of the Vietnamese society, argues that "by any definition this NLF action . . . amounts to genocide."⁸ This assumes that all Vietnam's natural leaders were government officials (but then, who was leading the NLF?) and hence that government officials were literally indispensable to national existence. Since these assumptions are not remotely plausible, it has to be said that "by any definition" the killing of leaders is not the same as the destruction of entire peoples. Terrorism may foreshadow genocide, but assassination does not.

On the other hand, the NLF campaign did press against the limits of the notion of officialdom as I have been using it. The Front

tended to include among officials anyone who was paid by the government, even if the work he was doing—as a public health officer, for example—had nothing to do with the particular policies the NLF opposed.⁹ And it tended to assimilate into officialdom people like priests and landowners who used their nongovernmental authority in specific ways on behalf of the government. They did not kill anyone, apparently, just because he was a priest or a landowner; the assassination campaign was planned with considerable attention to the details of individual action, and a concerted effort was made "to ensure that there were no unexplained killings."¹⁰ Still, the range of vulnerability was widened in disturbing ways.

One might argue, I suppose, that any official is by definition engaged in the political efforts of the (putatively) unjust regime, just as any soldier, whether he is actually fighting or not, is engaged in the war effort. But the variety of activities sponsored and paid for by the modern state is extraordinary, and it seems intemperate and extravagant to make all such activities into occasions for assassination. Assuming that the regime is in fact oppressive, one should look for agents of oppression and not simply for government agents. As for private persons, they seem to me immune entirely. They are subject, of course, to the conventional forms of social and political pressure (which are conventionally intensified in guerrilla wars) but not to political violence. Here the case is the same with citizens as with civilians: if their support for the government or the war were allowable as a reason for killing them, the line that marks off immune from vulnerable persons would quickly disappear. It is worth stressing that political assassins generally don't want that line to disappear; they have reasons for taking careful aim and avoiding indiscriminate murder. "We were told," a Vietcong guerrilla reported to his American captors, "that in Singapore the rebels on certain days would dynamite every 67th streetcar . . . the next day it might be every 30th, and so on; but that this hardened the hearts of the people against the rebels because so many people died needlessly."¹¹

I have avoided noticing until now that most political militants don't regard themselves as assassins at all but rather as executioners. They are engaged, or so they regularly claim, in a revolutionary version of vigilante justice. This suggests another reason for killing only some officials and not others, but it is entirely a self-description. Vigilantes in the usual sense apply conventional conceptions of

criminality, though in a rough and ready way. Revolutionaries champion a new conception, about which there is unlikely to be wide agreement. They hold that officials are vulnerable because or insofar as they are actually guilty of "crimes against the people." The more impersonal truth is that they are vulnerable, or more vulnerable than ordinary citizens, simply because their activities are open to such descriptions. The exercise of political power is a dangerous business. Saying this, I do not mean to defend assassination. It is most often a vile politics, as vigilante justice is most often a bad kind of law enforcement; its agents are usually gangsters, and sometimes madmen, in political dress. And yet "just assassinations" are at least possible, and men and women who aim at that kind of killing and renounce every other kind need to be marked off from those who kill at random—not as doers of justice, necessarily, for one can disagree about that, but as revolutionaries with honor. They do not want the revolution, as one of Camus' characters says, "to be loathed by the whole human race."

However the political code is specified, terrorism is the deliberate violation of its norms. For ordinary citizens are killed and no defense is offered—none could be offered—in terms of their individual activities. The names and occupations of the dead are not known in advance; they are killed simply to deliver a message of fear to others like themselves. What is the content of the message? I suppose it could be anything at all; but in practice terrorism, because it is directed against entire peoples or classes, tends to communicate the most extreme and brutal intentions—above all, the tyrannical repression, removal, or mass murder of the population under attack. Hence contemporary terrorist campaigns are most often focused on people whose national existence has been radically devalued: the Protestants of Northern Ireland, the Jews of Israel, and so on. The campaign announces the devaluation. That is why the people under attack are so unlikely to believe that compromise is possible with their enemies. In war, terrorism is associated with the demand for unconditional surrender and, in similar fashion, tends to rule out any sort of compromise settlement.

In its modern manifestations, terror is the totalitarian form of war and politics. It shatters the war convention and the political code. It breaks across moral limits beyond which no further limitation seems possible, for within the categories of civilian and citizen, there isn't any smaller group for which immunity might be claimed (except children; but I don't think children can be called "immune" if their

parents are attacked and killed). Terrorists anyway make no such claim; they kill anybody. Despite this, terrorism has been defended, not only by the terrorists themselves, but also by philosophical apologists writing on their behalf. The political defenses mostly parallel those that are offered whenever soldiers attack civilians. They represent one or another version of the argument from military necessity. It is said, for example, that there is no alternative to terrorist activity if oppressed peoples are to be liberated. And it is said, further, that this has always been so: terrorism is the only means and so it is the ordinary means of destroying oppressive regimes and founding new nations.¹² The cases I have already worked through suggest the falsity of these assertions. Those who make them, I think, have lost their grip on the historical past; they suffer from a malign forgetfulness, erasing all moral distinctions along with the men and women who painfully worked them out.

Notes

1. But Liddell Hart, the foremost strategist of the "indirect approach," has consistently opposed terrorist tactics: see, for example, *Strategy* (2nd rev. ed., New York, 1974), pp. 349–50 (on terror bombing).
2. Rear Admiral L. H. K. Hamilton, quoted in Irving, *Destruction of Convoy* PQ 17, p. 44.
3. *Politics*, trans. Ernest Barker (Oxford, 1948), p. 288 (1314a).
4. *The Just Assassins*, in *Caligula and Three Other Plays*, trans. Stuart Gilbert (New York, 1958), p. 258. The actual historical incident is described in Roland Gaucher, *The Terrorists: From Tsarist Russia to the OAS* (London, 1965), pp. 49, 50 n.
5. J. Bowyer Bell, *The Secret Army: A History of the IRA* (Cambridge, MA, 1974), pp. 161–62.
6. Gerold Frank, *The Deed* (New York, 1963), pp. 248–49.
7. James E. Bond, *The Rules of Riot: Internal Conflict and the Law of War* (Princeton, 1974), pp. 89–90.
8. Douglas Pike, *Viet Cong* (Cambridge, MA, 1968), p. 248.
9. Jeffrey Race, *War Comes to Long An* (Berkeley, 1972), p. 83, which suggests that it was precisely the best public health officers, teachers, and so on who were attacked—because they constituted a possible anti-communist leadership.
10. Pike, p. 250.
11. Pike, p. 251.
12. The argument, I suppose, goes back to Machiavelli, though most of his descriptions of the necessary violence of founders and reformers have to do with the killing of particular people, members of the old ruling class: see *The Prince*, ch. VIII, and *Discourses*, I:9, for examples.

Study Questions

1. What is terrorism?
2. In a war should a moral distinction be drawn between people who can legitimately be killed and those who cannot?
3. Is assassination ever morally justifiable?
4. Do soldiers differ from political officials as appropriate targets of attack?

CHAPTER 33

Is Terrorism Distinctively Wrong?

Lionel K. McPherson

Lionel K. McPherson is Associate Professor of Philosophy at Tufts University. He argues that terrorism, like war, can be justifiable despite the harm it does to noncombatants.

Many people, including philosophers, believe that terrorism is necessarily and egregiously wrong. I will call this "the dominant view." The dominant view maintains that terrorism is akin to murder. This forecloses the possibility that terrorism, under any circumstances, could be morally permissible—murder, by definition, is wrongful killing. The unqualified wrongness of terrorism is thus part of this understanding of terrorism.

I will criticize the dominant view. . . .

I will define "terrorism" as the deliberate use of force against ordinary noncombatants, which can be expected to cause wider fear among them, for political ends. . . .

Moral evaluation of terrorism might begin with the question of what makes terrorism wrong. A better opening question, I believe, is whether [the] use of force that leads to casualties among ordinary noncombatants is morally objectionable. The latter question prompts [a] comparison of terrorism and conventional war. Judging by practice and common versions of just war theory, the answer is plainly no. The journalist Chris Hedges reports these facts: "Between 1900 and 1990, 43 million soldiers died in wars. During the same period, 62 million civilians were killed. . . . In the wars of the 1990s, civilian deaths

From Lionel K. McPherson, "Is Terrorism Distinctively Wrong?" in *Ethics*. Copyright © 2007. Reprinted by permission of The University of Chicago Press.

constituted between 75 and 90 percent of all war deaths."¹ Such numbers may seem counterintuitive. More noncombatants than combatants have died in war, by a sizable margin, and the margin has only grown in an era of the most advanced weapons technology. We must conclude that war generally is highly dangerous for noncombatants. I will characterize this as the brute reality of war for noncombatants. This reality cannot be attributed simply to the conduct of war departing from the laws of war.

There is an ambiguity in the data I have cited: they do not clearly support the claim that most noncombatants who died in these wars were killed by military actions, for example, through the use of bombs, artillery, and land mines. Many noncombatant deaths in war have been the result of displacement and the lack of shelter, [the] inability to get food, and the spread of disease. At the same time, modern warfare is marked by a nontrivial number of noncombatant deaths that are the direct result of military actions. The ratio of war to "war-related" noncombatant casualties and the distribution of moral responsibility for these casualties will not be at issue here. I proceed on the assumption that evaluating the ethics of war involves recognizing that war, directly or indirectly, leads to a great many noncombatant casualties. Modern warfare and widespread harm to noncombatants are virtually inextricable. . . .

Immediately doubtful is the popular notion that terrorism is distinctively wrong because of the fear it usually spreads among ordinary noncombatants. Recall that my nonmoral definition of terrorism includes a fear effects clause which descriptively distinguishes terrorism from other forms of political violence. However, this does not morally distinguish terrorism and conventional war. The brute reality of war for noncombatants indicates that in general they have more to fear from conventional war than (nonstate) terrorism, particularly since (nonstate) terrorists rarely have had the capacity to employ violence on a mass scale.² Noncombatants in states that are military powers might have more to fear from terrorism than conventional war, since these states are relatively unlikely to be conventionally attacked. But surely this situational advantage that does not extend more broadly to noncombatants cannot ground the claim that terrorism is distinctively wrong.

The laws of war recognize a principle that prohibits disproportionate or excessive use of force, with an emphasis on noncombatants. For example, Article 51 (5) (b) of the 1977 Geneva Protocol I rules out use of force "which may be expected to cause incidental loss of

civilian life, injury to civilians, damage to civilian objects, or a combination thereof, which would be excessive in relation to the concrete and direct military advantage anticipated."³ Standard just war theory considers this the proportionality principle. Proponents of the dominant view might take the proportionality principle to illuminate an essential moral difference between conventional war and terrorism. They might claim that, unlike proper combatants, terrorists do not care about disproportionate harm to noncombatants. But the full impact of this charge is not easily sustained for two reasons.

The first reason is that terrorists could have some concern about disproportionate harm to noncombatants. This point is most salient when proportionality is understood in instrumental terms of whether violence is gratuitous, namely, in exceeding what is minimally necessary to achieve particular military or political goals, despite the availability of an alternative course of action that would be less harmful and no less efficacious. Terrorists may possess a normative if flawed sensibility that disapproves of instrumentally gratuitous violence, for the harm done would serve no strategic purpose. So the plausible charge is that terrorists reject the proportionality principle as conventionally construed (since it implicitly rules out deliberate use of force against noncombatants), not that they lack all concern for disproportionate harm to noncombatants.

The second reason is that the proportionality principle requires rather modest due care for noncombatants. Force may be used against them, provided that the incidental, or collateral, harm to them is not excessive when measured against the expected military gains. According to one legal scholar, "the interpretation by the United States and its allies of their legal obligations concerning the prevention of collateral casualties and the concept of proportionality comprehends prohibiting only two types of attacks: first, those that intentionally target civilians; and second, those that involve negligent behavior in ascertaining the nature of a target or the conduct of the attack itself."⁴ Such an interpretation seems accurately to reflect the principle's leniency. Indeed, the U.S. general and military theorist James M. Dubik argues that commanders have a special moral duty "not to waste lives of their soldiers" in balancing the responsibility to ensure that due care is afforded to noncombatants.⁵ A commander may give priority to limiting risk of harm to his own combatants, for their sake, at the expense of noncombatants on the other side.

We find, then, that the proportionality principle does not express a commitment to minimizing noncombatant casualties. The principle

more modestly would reduce noncombatant casualties in requiring that they be worth military interests. Perhaps my reading appears too narrow. A prominent reason for thinking that terrorism is distinctively wrong is that terrorists, unlike combatants who comply with the laws of war, do not acknowledge the moral significance of bearing burdens in order to reduce noncombatant casualties for the sake of noncombatants themselves. To reply that terrorists might well be motivated to reduce noncombatant casualties on strategic grounds, for example, to avoid eroding sympathy for their political goals, would miss the point. Basic respect for the lives of noncombatants seems evidenced instead by a willingness to bear burdens in order to reduce harm to them. Terrorists, the objection goes, do not have this respect for noncombatant lives, which is a major source of the sense that terrorism is distinctively wrong as compared to conventional war.

There are difficulties with this objection. It suggests that the laws of war are imbued with a certain moral character, namely, fundamental moral concern for noncombatants. These laws, though, are part of the war convention, adopted by states and codified in international law for reasons that seem largely to reflect their shared interests, at least in the long run.⁶ We do not have to be political realists to see this. Given that noncombatants are vulnerable enough on all sides and no state generally has much to gain by harming them, states usually are prudent to accept mutually a principle that seeks to reduce noncombatant casualties. States usually are also prudent to comply with the laws of war, since this compliance is a benchmark of moral and political respectability on the world stage. Simply put, states, like terrorists, would seem contingently motivated to accept the proportionality principle on broadly strategic grounds.

Now the objection might go that, even if a realist analysis of the proportionality principle's place in the war convention is correct, this is no barrier to states' recognizing that the principle has independent, nonprudential moral standing. But the same can be true for terrorists. Familiar characterizations of them as "evil" or unconstrained by moral boundaries are an unreliable indication of moral indifference to harming noncombatants. As Virginia Held observes, "Terrorists often believe, whether mistakenly or not, that violence is the only course of action open to them that can advance their political objectives."⁷ When terrorism is seen by its agents as a means of last resort, this provides some evidence that they acknowledge the moral significance of bearing burdens out of respect for the lives of

noncombatants. Such agents will not have employed terrorism earlier, despite their grievances.

A model case is the African National Congress (ANC) in its struggle against apartheid in South Africa. Nelson Mandela, during the 1964 trial that produced his sentence of life imprisonment, summed up the ANC's position as follows:

- a. It was a mass political organization with a political function to fulfill. Its members had joined on the express policy of nonviolence.
- b. Because of all this, it could not and would not undertake violence. This must be stressed.
- c. On the other hand, in view of this situation I have described, ANC was prepared to depart from its fifty-year-old policy of nonviolence. . . . There is sabotage, there is guerrilla warfare, there is terrorism, and there is open revolution. We chose to adopt the first method and to exhaust it before taking any other decision.⁸

Mandela was implying that violence, including terrorism, became an option "only when all else had failed, when all channels of peaceful protest had been barred to us," which led the ANC to conclude that "to continue preaching peace and nonviolence at a time when the government met our peaceful demands with force" would be "unrealistic and wrong."⁹ By the 1980s, at the height of government repression, the ANC did resort to acts of terrorism before reaffirming its earlier position on controlled violence that does not target civilians.¹⁰ The case of the ANC demonstrates that those who employ terrorism can have and sometimes have had fundamental moral concern for noncombatants. Such moral concern, however, is overriding neither for terrorists nor for proper combatants. . . .

I have argued that terrorism is not distinctively wrong as compared to conventional war in the following respects. Both types of political violence may be waged for just or unjust causes. Both types employ use of force against noncombatants, with conventional war usually causing them many more casualties. War and terrorism hence can be expected to produce fear widely among noncombatants where force is used. . . .

If we believe that war can be justifiable on grounds of just cause and the unavailability of less harmful means, despite the harm it does to noncombatants, we must take seriously whether these same grounds could ever justify terrorism. The failures of the dominant view of terrorism should lead us to adopt either a more critical attitude toward conventional war or a less condemnatory attitude toward terrorism.

Notes

1. Chris Hedges, *What Every Person Should Know about War* (New York: Free Press, 2003), p. 7.
2. I add the qualification "nonstate" since states have employed tactics (e.g., firebombing of cities) and weapons (e.g., chemical, biological, and nuclear) that could count as terrorist.
3. Adam Roberts and Richard Guelff, eds., *Documents on the Laws of War*, 3rd ed. (Oxford: Oxford University Press, 1982), p. 489. Also see, e.g., Michael Walzer, *Just and Unjust Wars* (New York: Basic Books, 1977), pp. 145–46.
4. Judith Gail Gardam, "Proportionality and Force in International Law," *American Journal of International Law* 87 (1993): pp. 391–413, 410. To be clear, Gardam is not endorsing this interpretation. For a critical assessment of standard treatments of proportionality and an alternative approach, see Lionel K. McPherson, "Excessive Force in War: A 'Golden Rule' Test," *Theoretical Inquiries in Law* 7 (2005): pp. 81–95.
5. James M. Dubik, *Philosophy & Public Affairs* 11 (1982): pp. 354–71, 368. Dubik is responding to Walzer's more demanding requirement that combatants must accept greater costs to themselves for the sake of minimizing harm to noncombatants. See Walzer, *Just and Unjust Wars*, p. 155.
6. For criticism of the war convention as a source of moral obligation, see Lionel K. McPherson, "The Limits of the War Convention," *Philosophy and Social Criticism* 31 (2005): pp. 147–63.
7. Virginia Held, "Terrorism and War," *Journal of Ethics* 8 (2004): pp. 59–75, 69.
8. Nelson Mandela, "I Am Prepared to Die," in *Mandela, Tambo, and the African National Congress: The Struggle against Apartheid, 1948–1990: A Documentary Survey*, ed. Sheridan Johns and R. Hunt Davis Jr. (New York: Oxford University Press, 1991), pp. 115–33, 121.
9. *Ibid.*, p. 120.
10. Sheridan Johns and R. Hunt Davis, "Conclusion: Mandela, Tambo, and the ANC in the 1990s," in their *Mandela, Tambo, and the African National Congress*, pp. 309–17, 312.

Study Questions

1. Can modern warfare be waged without harm to noncombatants?
2. Do noncombatants have more to fear from war or from terrorism?
3. Might terrorists acknowledge the moral value of the lives of noncombatants?
4. Can terrorism be used on behalf of a just cause?