

Chapter 20

Can Terrorism Ever Be Justified?

It is always important to have clear definitions that do not prejudge important ethical issues, but it is particularly important when dealing with terrorism. Suppose that a government directed its armed forces to make a missile attack against an office building in another country; would that count as a terrorist attack? There is no reason to believe that the Saudi government had any knowledge of or involvement in the attack on the Twin Towers; but *if* the Saudi citizens who hijacked the airliners and attacked the Twin Towers had been military personnel acting under orders of the Saudi government, would that still have been a terrorist attack? The answers to those questions will depend, obviously, on how terrorism is defined. And definitions are not always neutral: under the preferred U.S. State Department definition of terrorism, official acts by states can never count as terrorist acts.

Terrorism often involves the killing of innocent people. Is terrorism, then, always an unjustified wrong? That conclusion is not quite so obvious. After all, we know that making war on a country will involve the killing of innocents; but most people believe that war is sometimes justified. If it is sometimes acceptable to kill innocents for the political purposes of war, why would it never be acceptable to kill innocents for the political purposes of a terrorist group (for example, if the terrorist group is seeking recognition of what it regards as its legitimate claim for territorial independence as a sovereign country)? Or suppose a country is under foreign occupation, perhaps a very brutal occupation. Those who want to throw off the occupation typically cannot declare war against their occupiers: they have no resources for raising or equipping armies. If it is **wrong** for them to plant a bomb in a city of the occupying country in a terrorist strike aimed at forcing the occupier to leave, how could it be right for a nation to bomb the city of an enemy that is attempting to forcibly conquer and occupy that nation?

Terrorism Is Always Wrong

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What Is Terrorism?

Defining terrorism is a hazardous task. It has been estimated that there are well over one hundred different definitions of terrorism in the scholarly literature. This disarray reflects the highly polemical contexts in which the term is used so that the act of defining can become a move in a campaign rather than an aid to thought. Consider some influential definitions picked out by the Terrorism Research Center in the United States.

1. 'Terrorism is the use or threatened use of force designed to bring about political change.'
2. 'Terrorism constitutes the illegitimate use of force to achieve a political objective when innocent people are targeted.'
3. 'Terrorism is the premeditated, deliberate, systematic murder, mayhem, and threatening of the innocent to create fear and intimidation in order to gain a political or tactical advantage, usually to influence an audience.'
4. 'Terrorism is the unlawful use or threat of violence against persons or property to further political or social objectives. It is usually intended to intimidate or coerce a government, individuals or groups, or to modify their behaviour or politics.'
5. 'Terrorism is the unlawful use of force or violence against persons or property to intimidate or coerce a government, the civilian population, or any segment thereof, in furtherance of political or social objectives.'

We might note that ... [the first] definition has the consequence that all forms of war are terrorist. Whatever verdict we give on war, it is surely just confusing to equate all forms of it, including the armed resistance to Hitler, with terrorism. More interestingly, several of the definitions make use of the idea of unlawful or illegitimate violence, but this seems to fudge too many questions about what is wrong with terrorism. The idea of the illegal simply raises the issue of what and whose laws are being broken—armed internal resistance to Hitler by German citizens would arguably have been justified, yet it would certainly have been against German law. And the adjective illegitimate needs unpacking in terms of what makes this or that use of force illegitimate.

Rather than further reviewing the varieties of definition, I propose to concentrate on one key element in common responses to and fears about terrorism, namely the idea that it involves 'innocent' victims. This element features in several of the quoted definitions. It was recently overtly invoked by Yasser Arafat's condemnation of terrorism when he said: 'no degree of oppression and no level of desperation can ever

justify the killing of innocent civilians. I condemn terrorism, I condemn the killing of innocent civilians, whether they are Israeli, American or Palestinian.' It also usefully provides a point of connection with the moral apparatus of just war theory, specifically the principle of discrimination and its requirement of non-combatant immunity. Of course, terrorism does not always take place in the context of all-out international war, but it usually has a warlike dimension. I will define it as follows: 'the organised use of violence to target non-combatants ("innocents" in a special sense) for political purposes.'

This definition has several contentious consequences. One is that states can themselves use terrorism, another is that much political violence by non-state agents will not be terrorist. As to the former, there is a tendency, especially among the representatives of states, to restrict the possibility of terrorist acts to non-state agents. But if we think of terrorism, in the light of the definition above, as a tactic rather than an ideology, this tendency should be resisted, since states can and do use the tactic of attacking the innocent. This is why allegations of terrorism against Israeli government forces in parts of Palestine during the anti-terrorist campaign in 2002 made perfect sense, even if the truth of the claims was contentious.

Some theorists who think terrorism cannot be perpetrated by governments are not so much confused as operating with a different definition. They define terrorism, somewhat in the spirit of the FBI definition, as the use of political violence by non-state agents against the state. Some would restrict it to violence against a democratic state. This is the way many political scientists view terrorism. Call this the political definition to contrast with the tactical definition.

A further consequence of the tactical definition is that it implies a degree of purposiveness that terrorism is thought to lack. Some theorists have claimed that terrorism is essentially 'random', others that it is essentially 'expressive.' In both cases, the claim is that a reference to political purposes is inappropriate. In reply, it can be argued that talk of terrorism as random is generated by the genuine perception that it does not restrict its targets to the obvious military ones, but this does not mean that it is wild and purposeless. Indeed, most terrorists think that the best way to get certain political effects is to aim at 'soft' non-combatant targets. Similarly, there can be no doubt that many terrorist attacks are expressive and symbolic, involving the affirmation of the attitude: 'We are still here; take notice of us.' Yet the expressive need not exclude the purposive. So terrorist acts can be, and usually are, both expressive and politically purposive. It is a further question whether these purposes are particularly realistic. The idea that terrorist acts are merely expressive is partly sustained by the belief that when viewed as purposive the acts are basically futile. The futility is often real enough, but purposive acts abound that are in fact

futile. Note that I am not *defining* terrorism as immoral: it needs discussion and some background moral theory to show that it is immoral.

The Just War Tradition

It is time to say a few words about the just war tradition that provides much of that background. In the just war tradition, this account has two key divisions—the *jus ad bellum* and the *jus in bello*. The former tells us the conditions under which it can be right to resort to war, the latter is concerned to guide us in the permissible methods by which we should wage a legitimate war.

Under the *jus ad bellum* it is common to list the following conditions:

1. War must be declared and waged by legitimate authority.
2. There must be a just cause for going to war.
3. War must be a last resort.
4. There must be reasonable prospect of success.
5. The violence used must be proportional to the wrong being resisted.

Under the *jus in bello* there are basically two governing principles:

1. *The Principle of Discrimination*—this limits the kind of violence that can be used, principally by placing restrictions on what count as legitimate targets.
2. *The Principle of Proportionality*—this limits the degree of response by requiring that the violent methods used do not inflict more damage than the original offence could require.

There are clearly many difficulties with these conditions, but equally clearly they make initial intuitive sense. In this brief discussion, I shall concentrate on the Principle of Discrimination since it is the principle most relevant to my approach to terrorism.

Moral restrictions on how one conducts oneself in war are apt to be met with incredulity. ‘You do what needs to be done to win’ is a common response. There is a certain appeal in this pragmatic outlook, but it flies in the face not only of just war thinking but of many common human responses to war. The concept of an atrocity, for instance, has a deep place in our thinking. Even that very tough warrior, the US war ace General Chuck Yeager writes in his memoirs that he suffered genuine moral revulsion at orders to commit ‘atrocities’ that he was given and complied with in World War II. He was especially

‘not proud’ of his part in the indiscriminate strafing of a 50 square mile area of Germany that included mainly non-combatants.

A major part of the discrimination principle concerns the immunity of non-combatants from direct attack.

Various questions have been raised about the making of the combatant/non-combatant distinction in the context of modern war. The first point of clarification is that when we classify people as non-combatants or innocents we do not mean that they have no evil in their hearts, nor do we mean that combatants are necessarily full of evil thoughts. The classification is concerned with the role the individual plays in the chain of agency directing the aggression or wrongdoing. And it is agency, not mere cause, that is important since the soldier’s aged parents may be part of the causal chain that results in his being available to fight without their having any agent responsibility for what the soldier is doing. The combatant may be coerced to fight, but is still prosecuting the war, even if the greater blame lies with those who coerce. On the other hand, young school-children may be enthusiastic about their country’s war, but are not prosecuting it. Neither are the farmers whose products feed the troops, for they would feed them (if they’d buy) whatever their role. It should be added that the combatant/ non-combatant distinction is not equivalent to the soldier/civilian distinction even though they over-lap considerably. Some civilians, such as political leaders and senior public servants, will be legitimate targets if they are actively directing or promoting unjust violence whether or not they wear uniforms or bear arms.

But even when these distinctions are made there seems room not only for doubt about the application of the distinction to various difficult categories of person such as slave labourers coerced to work in munitions factories but also its applicability at all to the highly integrated citizenry of modern states. Some people say that it is surely anachronistic to think of contemporary war as waged between armies; it is really nation against nation, economy against economy, peoples against peoples. But although modern war has many unusual features, its ‘total’ nature is more an imposed construction than a necessary reflection of changed reality. Even in World War II not every enemy citizen was a combatant. In any war, there remain millions of people who are not plausibly seen as involved in the enemy’s lethal chain of agency. There are, for instance, infants, young children, the elderly and infirm, lots of tradespeople and workers, not to mention dissidents and conscientious objectors. This challenge to the distinction requires there to be no serious moral difference between shooting a soldier who is shooting at you and gunning down a defenceless child who is a member of the same nation as the soldier. The conclusion is perhaps sufficiently absurd or obscene to discredit the argument.

In fact, there has been a remarkable change on this issue in the strategic doctrine and military outlook of many major powers since the end of the Cold War. It is now common to pay at least lip service to the principle, as evidenced by certain restraint shown or announced during the Gulf War, and the bombing of Serbia, and by the widespread condemnation of Russian brutality in Chechnya. The rhetoric, at least, of the recent US-led war in Afghanistan is also respectful of the distinction. The real question is not so much whether it is immoral to target non-combatants (it is), but how 'collateral' damage and death to non-combatants can be defended. The conduct of war in contemporary circumstances is morally impossible unless the activities of warriors are allowed to put non-combatants at risk in certain circumstances. Some modification to the immunity principle to allow indirect harming seems to be in line with commonsense morality in other areas of life, and to be necessitated by the circumstances of war. If it is not available, then pacifism, as Holmes has argued, seems the only moral option.

The tactical definition of terrorism faces the problems already discussed concerning the meaning of the term 'non-combatant', but even more acutely. In guerilla war, for instance, insurgents may not be easily identifiable as combatants, and will seek to enlist or involve the villagers and local inhabitants in the campaign, thereby blurring their status as non-combatants. On the other hand, many state officials who are not directly prosecuting the campaign against the insurgents may be plausibly viewed as implicated in the grievances the revolutionaries are seeking to redress. There are certainly problems here, but they do not seem insurmountable. In the heat and confusion of battle, it may be difficult and dangerous to treat even children as non-combatants, especially where children are coerced or seduced into combatant roles (as is common in many contemporary conflicts). Nonetheless, a premeditated campaign of bombing regional hospitals to induce civilian lack of co-operation with rebels is in palpable violation of the *jus in bello*. So are the murder of infants, and the targeting of state officials, such as water authorities or traffic police, whose roles are usually tangentially related to the causes of the conflict. It is true that some ideologies purport to have enemies so comprehensive as to make even small children and helpless adults 'combatants.' Western advocates of strategic bombing of cities in the name of 'total war' share with the Islamic fanatics who incorporate American air travellers and sundry citizens of Manhattan into their holy targets a simplistic and Manichaeian vision of the world. This vision is at odds with the just war tradition's attempt to bring some moral sanity to bear upon the use of political violence.

War, Terrorism and 'Supreme Emergency'

Is terrorism wrong? Given just war theory and the tactical definition, the answer is clearly yes. And if one takes the principle of non-combatant immunity to invoke an absolute moral prohibition, as just war

thinkers have commonly done, then it is always wrong. Yet many contemporary moral philosophers, sympathetic to just war thinking, are wary of moral absolutes. They would treat the prohibition as expressing a very strong moral presumption against terrorism and the targeting of non-combatants, but allow for exceptions in extreme circumstances. So, Michael Walzer thinks that in conditions of 'supreme emergency' the violation of the normal immunity is permissible in warfare, though only with a heavy burden of remorse. He thinks the Allied terror bombing of German cities in World War II (in the early stages) was legitimated by the enormity of the Nazi threat. John Rawls has recently endorsed this view while condemning the bombings of Hiroshima and Nagasaki. If this concession is allowed to states, it seems mere consistency to allow it to non-state agents on the same terms. The general reluctance to do so suggests that such categories as 'supreme emergency' may mask contestable political judgements.

The basic idea, we may here take from the tradition, plausibly traceable to Machiavelli, is that certain necessities of life may require the overriding of profound and otherwise 'absolute' moral prohibitions in extreme situations. Walzer's defence of the terror bombing of German cities in World War II in terms of 'supreme emergency' is clearly in the tradition, and provides a useful focus for discussing its relevance to terrorism. Walzer does not defend the bombing unequivocally. He thinks that, though it was morally wrong as a violation of the principle of discrimination, it was justified by the plea of supreme emergency in the early stages of the war. In the later stages, however, it was just plain morally criminal, since an Allied victory could be reasonably foreseen on the basis of morally legitimate targeting and fighting. The bombing of Dresden was therefore an outright atrocity, though the bombing of other German cities up to 1942 was not. He is clear that the bombing in this earlier phase was a violation of the principle of discrimination, and at one point calls it 'terrorism.' It was morally wrong, and implies guilt, but had to be done.

Walzer's use of the category 'supreme emergency' here is based on the idea that the need to defeat Nazi Germany was no ordinary necessity. Hitler's victory would have been a dire blow to civilisation. The enormity of his regime and its practices was such that his extended empire would have been a disaster for most of the people living under its sway. In addition, the threat of Hitler's victory was present and urgent, and the bombing of German cities aimed directly at the civilian populations was the only offensive weapon the British had.

A Critique of the Supreme Emergency Defence

A ... curiosity of Walzer's argument is that it is presented primarily as an argument available to states and their representatives. But, if we think only of the connotations of 'supreme emergency,' it is not at all obvious that the issue can be so restricted. Palestinian resistance groups, for example, can mount a powerful case that they face a hostile power bent upon subordination and dispossession to a degree that threatens not only their lives but their way of life. Even the various groups around Osama bin Laden may well see themselves as qualifying for this exemption. No doubt it can be argued that there are various delusions and mistakes in their outlooks, but the history of warfare is replete with similar delusions and mistakes.

My own view is that the supreme emergency story suffers from grave defects whether it is offered as an exemption on behalf of a state, or some less established political community, or a group claiming to represent either. The first problem is that it undervalues the depth and centrality of the prohibition on killing the innocent. In spite of Walzer's agonising about the need to acknowledge that we have violated an important moral restraint by our bombing or other terror tactic, he locates the prohibition on attacking non-combatants within what he calls 'the war convention.' Although, there is some unclarity about what he means by this, the terminology suggests that the prohibition is itself somehow merely conventional. On the contrary, it is, as I have argued, basic to what makes it legitimate to wage a just war at all. More generally, the prohibition on intentionally killing innocent people functions in our moral thinking as a sort of touchstone of moral and intellectual health. To suspend this, because of necessity or supreme emergency, is to bring about an upheaval in the moral perspective.

My second point is that the primacy of the political community that lies behind much of the dirty hands debate is highly suspect. Walzer admits of individuals that they can never attack innocent people to aid their self-defence. He then adds: 'But communities, in emergencies, seem to have different and larger prerogatives. I am not sure that I can account for the difference, without ascribing to communal life a land of transcendence that I don't believe it to have.' Walzer goes on to try to locate the 'difference' in the supposed fact that 'the survival and freedom of political communities ... are the highest values of international society.' Maybe they are the highest values of international society, but this is hardly surprising if one construes international society as a society of political communities, namely recognised states. What is needed, at the very least, is an argument that locates the survival and freedom of political communities as the highest *human* value, and one that is capable of justifying the overriding that 'supreme emergency' requires. I doubt that any such argument exists. Certainly, it is not enough to point to the undoubted value of political life for there are many other values that are equally, if not more, significant.

A third consideration against the dirty hands story in its ‘supreme emergency’ form is that admission of this exemption is likely to generate widespread misuse of it. On Walzer’s own account the ‘legitimate’ resort to terror in the early stages of World War II led rapidly to its illegitimate use thereafter. It is surely plain enough that the widespread resort to state terror in various contexts has been justified in ways that parallel Walzer’s apologetic, and non-state agents are not slow to follow suit. We surely do better to condemn the resort to terrorism outright with no leeway for exemptions, be they for states, revolutionaries or religious zealots.

Moral Response

Finally what sorts of violent responses to terrorism can be morally legitimate? The first thing to say of this is that the use of terrorism to combat terrorism should be ruled out. Attacking the innocent is illicit when used by non-state groups and it is wrong when used by states in response. Two wrongs do not make a right. Second, the use of violence to capture or even kill terrorists is legitimate if it accords with the conditions of the *jus ad bellum* that govern the morality of resort to war. One of the crucial conditions most relevant here, and especially relevant to the present ‘war against terrorism,’ is whether the exercise is likely to achieve success. Here it is difficult to know what success amounts to. Venting of rage or grief is hardly sufficient. Bringing the agents of terrorist attack to justice or destroying them would seem a legitimate aim, as would diminishing the future prospect of terrorist attacks. At the time of writing, it is unclear whether the war in Afghanistan has fulfilled these aims. A further campaign of violence against the nations classified by President Bush as forming an ‘axis of evil’ looks even more problematic from this point of view. It is also doubtful whether it would satisfy the conditions of last resort and proportionality. Finally, and more generally, massive aerial bombardments to aid the military overthrow of ugly regimes is likely to be politically and morally inadequate as a response to terrorism. The paradigm of state-against-state warfare is ill adapted to the threat of terrorists like al-Qaeda since such terrorists are not state-based, are relatively independent of the host nations they infest, and breed on the oppression and injustice in the international order that remain unaddressed by campaigns of violence. Bombing campaigns like that in Afghanistan inevitably produce alarmingly high numbers of non-combatant casualties and damage to civilian infrastructure. Even where these are not directly intended their scale can betray an immoral indifference to innocent life.

Terrorism Might Sometimes Be Justified

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On May 21, 1856 proslavery forces from Missouri attacked the antislavery town of Lawrence, Kansas. They looted stores, burned buildings, and assaulted residents. Three days later, John Brown, proclaiming himself the servant of the Lord, and his group of antislavery fighters sought revenge by killing five proslavery farmers along the Pottawatomie Creek. At the Doyle farm, James and his two sons were hacked to death. Mrs. Doyle, a daughter, and a fourteen year-old son were spared. Brown and his fighters then moved on to a second farm, where Allen Wilkinson was taken prisoner, and finally to a third where William Sherman was executed. The attack on Lawrence and the killings at Pottawatomie Creek sparked a guerilla war between proslavery and antislavery forces in Missouri and Kansas. It lasted several months and cost nearly two hundred lives.

Brown’s campaign against slavery won him many supporters in the North, particularly among a group of wealthy New Englanders. With their help, Brown moved to Virginia where he hoped to start a slave rebellion. In 1859 he raided the United States armory in Harper’s Ferry and held some sixty hostages. He was defeated, arrested and charged with inciting a slave insurrection, murder, and treason. In a plea for Brown’s life, Henry David Thoreau said, Brown “was like the best of those who stood on Concord Bridge.... You who pretend to care for Christ crucified, consider what you are about to do to him who offered himself to be the savior of four millions of men. “On December 1859, Brown was hanged. But in the North, church services and public meetings glorified his deeds. Ralph Waldo Emerson, for example, said that Brown’s execution would “make the gallows glorious as the cross.” Some years later, in an address given at Harper’s Ferry, Frederick Douglass praised Brown’s unequalled dedication to the cause of abolition by saying, “I could live for the slave, but he could die for him.”

The activities of John Brown and his militia have been repeated countless times throughout the world, particularly in the past few decades. Men and women organize themselves into a group and engage in acts of violence for a political objective. Sometimes they wish to have their own separate homeland or defeat a foreign aggressor—the IRA in Ireland, ETA in Spain, Irgun in Israel, Tamil Tigers in Sri Lanka, FLN in Algeria, Hezbollah in Palestine. At other times they wish to overturn an unjust, tyrannical government and establish, as the Constitution of the United States declares, a “more perfect union.” Such violence is almost always illegal. No state or system of law could long endure should it tolerate private violence, even for an important political objective. By almost all accounts, it is irregular violence, like

vigilante justice, often biased in its own favor. Even when it elicits our sympathies, we regret if not fear this kind of violence. How, then, shall we think of John Brown? Was he a criminal, murderer, traitor, a religious zealot who killed and held hostage ordinary people? Was he a martyr whose selfless sacrifice contributed to the liberation of millions of children, women, and men from slavery?

I. Terrorism

One response is that John Brown killed innocent civilians. That makes him a murderer. It doesn't matter that he was motivated by a strong sense of justice, abolishing that horrible institution of slavery. That is a view that is well established in international law and that long tradition of moral reasoning called the just war theory. Among the important provisions of that theory is the principle of noncombatant immunity. It says that civilians are innocent and on that account they are to be spared the ravages of war. They are immune from deliberate attack and killing them is, as Elizabeth Anscombe puts it, "always murder." But what is the meaning of innocence in war? Why may we kill soldiers but never the ordinary citizen? Were Douglass, Thoreau and Emerson wrong about making Brown's "gallows glorious as the cross"? Was Brown, in today's language, a terrorist or a freedom fighter?

We do well first to come to some conceptual understanding of terrorism. What is it? How does it differ from other forms of political violence? When we define terrorism we need to be careful not to confuse the conceptual with the moral issues. Some writers do just that, giving a definition of terrorism that makes terrorism always by its very nature an immoral activity. This makes any disagreement about the morality of terrorism a disagreement about its nature. Although it is difficult, we can distinguish one from the other.

In a recent article, C. A. J. Coady gives the following definition: terrorism is "the organized use of violence to target noncombatants ('innocents' in a special sense) for a political objective." At first sight this seems a very useful definition. It covers a broad range of relevant phenomena and allows us to distinguish political from criminal violence, and more important to recognize that terrorism is a tactic used not only by nonstate groups (Aum Shinrikyo, al-Qaida, KKK), but also by states themselves as a way of governing their citizens. Such an understanding is compatible with much of the history of terrorism. For example, the first English-language use of the word dates from 1795 and, like the French use that appeared a few years earlier, describes a mode of governing aimed to suppress political dissent. Examples of state terrorism abound: the mass-drowning and massacre of helpless prisoners during The Reign of Terror under Robespierre in France; executions in the former Soviet Union under Stalin and in Haiti

under “Papa Doc” Duvalier; the killing fields under Pol Pot in Cambodia; or the recent wave of torture, rapes, and arbitrary arrests in Equatorial Guinea, to name a few.

Coady’s definition captures this important dimension of terrorism. However, there are a few problems with it. First, it does not address an important development in the history of terrorism. The emergence of anarchist movements in Russia, France, Spain, Italy, and the United States in the 19th century brought a new type of violence not by states but, as we say today, “from below,” intended to bring about political change. Terrorism in this period referred to a way of fighting rather than governing and was largely restricted to the assassination of high political figures. There was during this period hardly a trace of indiscriminate violence or the desire to intimidate and create fear in a civilian population for a political objective. On the contrary, a crucial feature of terrorism during this period was the attempt to arouse the spirit of revolt by highly selective violence and assassinations. This understanding of terrorism continued well into the twentieth century. For example, in Hard-man’s entry in the *Encyclopedia of the Social Sciences*, published in 1934, indiscriminate violence was not yet a defining feature of terrorism: “Terrorist acts are directed against persons who as individuals, agents or representatives of authority interfere with the consummation of the objectives of group.”

Now, contemporary terrorism differs from its predecessors in an important way. Perhaps as early as 1940, it emerged as a way of fighting by acts of indiscriminate violence with the goal of intimidating, creating fear, and undermining the morale of a population. The paradigm case is the intentional indiscriminate aerial bombardment of German cities during World War II, where it was thought that subjecting large segments of the population to the terror of aerial bombardment would produce domestic unrest and widespread opposition to the war. The use of terror by revolutionary or insurgent groups (as some in Iraq today) differs from indiscriminate aerial bombardment only in degree, not in kind. Both aim for the same objective, to undermine civilian morale for the sake of arousing political opposition, and employ the same means, random killing and other acts of indiscriminate violence.

Second, contemporary terrorism is not restricted solely to targeting persons. Several groups have emerged in the past decades that strike only at property. Radical elements of the environmental and animal rights movements have engaged in a wide range of violent actions aimed to change social policies and practices that pollute water and air, and destroy forests and animal species. In the 1980s, for example, some of these groups spiked trees in public lands in Maine, Maryland, and North Carolina, others firebombed research facilities at Oregon State, Michigan State and Washington State Universities, and still others sabotaged and sunk whaling vessels in Iceland.

The above concerns can easily be incorporated in Coady's definition. However, it has a further problem: by his account, terrorism targets the noncombatant—the ordinary civilian. This is problematic because there are many cases of killing soldiers that have a strong resemblance to terrorism. Consider the suicide bombing on October 1983 in Beirut that killed 241 American soldiers and 58 French paratroopers, or the identical attack on the U.S. military barracks at Khobar Towers in Saudi Arabia on June 1996. What about killing soldiers on leave as they dine with their families, or go to the grocery store, or drink a beer at the local bar? Or soldiers sent on humanitarian missions after natural disasters, like the recent tsunami in South Asia? Not the happiest way of putting it, but perhaps if we distinguish between soldiers, who are military personnel not in a condition of war, and combatants who are soldiers in war, we can understand why killing the French paratrooper or American soldier in Beirut and killing him on the battlefield are very different things. Combatants are soldiers in war. They are legitimate targets and killing them is an act of war. But soldiers (not in war) are much closer to civilians and killing them is an act of terror.

I propose, then, the following definition of the core feature of terrorism. Terrorism is the organized use of violence against civilians or their property, the political leadership of a nation, or soldiers (who are not combatants in a war) for political purposes. On this account, Robespierre, Stalin, Pol Pot, the radical environmentalists, the suicide bombers in Beirut and Saudi Arabia were terrorists. So, too, was John Brown. They killed civilians or destroyed their property or held hostages for a political purpose. We need now to determine whether what John Brown and other terrorists do is immoral. To do so, I first take up the question of innocence.

II. Innocence

For Coady and many other writers, terrorism is immoral because it deliberately kills persons who are illegitimate targets, persons who are, Coady says, innocent in a special sense, and those persons who are innocent in a special sense are the noncombatants. But these terms—illegitimate targets, innocence, and noncombatants—do not jibe. Furthermore, conflating them, as Coady does, confuses the conceptual and moral issues in terrorism. It smuggles the moral appraisal of terrorism into its definition, motivating the unavoidable conclusion that terrorism is, by definition, immoral.

The distinction between legitimate and illegitimate targets of attack has a long history. For example, the Hebrew Bible contains at least one passage that spares children and women from death in war, as well as livestock and fruit-bearing trees (Deuteronomy 20). The 14th century text by Honoré Bonet, *Tree of*

Battles, explicitly prohibits the killing of ploughmen, laborers, pilgrims, and clerics (so, too the ox and the ass) because, Bonet writes, “they have no concern with war.”

When Coady says that noncombatants are innocent in a “special sense,” ... innocence refers to the role one plays in the prosecution of a war. Noncombatants are innocent in the special sense that they do not bear arms, are not directly engaged in the prosecution of a war, and do not pose a danger of imminent death to enemy combatants. But this notion of innocence makes no moral sense, for at least two reasons. First, it assumes that the role of the civilian is much like that of the medieval serf who toils the soil now for this lord and later for another, as the knightly class competed for honor, status, glory, and land. If there is any moral sense to the notion of innocent civilian it is here that we find it: harmless persons alienated from the source of political power lacking any responsibility for the war. Under the political conditions of the time, there were no conscripts, volunteers, or citizen-soldiers. Armies consisted of hired guns of foreign mercenaries with little if any loyalty to a nation, but to the spoils and other material rewards of war. For them, war was not a political act or a form of public service. Civilians were immune from war only because they would later provide the source of labor the victor would need to profit from the newly conquered land. They were property, much like Bonet’s ox and ass.

But the nature of war changed dramatically with the French Revolution. Political power went from the monarchy to the people. Consequently, war was no longer the king’s or the knight’s concern. It became the people’s business. “The young men shall fight,” the French National Convention declared in 1793, “married men shall forge weapons and transport supplies; women will make tents and clothes and will serve in the hospitals; the children will make up old linen into lint; the old men will have themselves carried into the public square to rouse the courage of the fighting men, to preach hatred of kings and the unity of the Republic.” To assume that civilians are passive bystanders who, as Bonet puts it, “have no concern with war,” fails to recognize that for modern democracies war is a complex institution in which civilians play a crucial role. They provide not only the public spirit essential for war, but also the material necessities for success.

Second, if civilians cannot be killed in war because they are innocent, we must recognize that innocents are always killed in war—not civilians, but morally innocent soldiers. Coady alludes to this point when he says that what is important is “the role the individual plays in the chain of agency directing the aggression or wrongdoing.” Those who are in that chain directing aggression or wrongdoing are guilty and may (perhaps must) be killed. Some soldiers will surely be in that chain. But others fighting on behalf of justice and acting in self-defense are innocent and morally may not be killed. Suppose you unjustly

attack me and I defend myself. Though I use lethal force against you, I am innocent of any aggression or wrongdoing. You do not have open to you to say that because I employ lethal force against you, you may do likewise and that killing me would not be wrong. Now, there are many soldiers who fit this description—innocent combatants fighting a war of self-defense. There will also likely be very many innocent combatants in totalitarian regimes whose leadership is guilty of aggression or wrongdoing, for example, forced conscripts in Baathist Iraq under Hussein in the 1991 Persian Gulf War. They were more cannon fodder than anything else. Combatants of totalitarian states hardly have any responsibility for the wars they fight and even when they fight an unjust war (like Hussein's aggression against Kuwait in 1990) seem more like Bonet's serf, ox or ass having no responsibility for the war. But civilians of democratic nations are not like Bonet's serf, mere property used now by this lord and then the other, or combatants of totalitarian regimes removed from the source of political power. Citizens of democratic states fighting an unjust war have a measure of responsibility for the injustice. Are they, therefore, legitimate targets of attack?

III. Justice

There are many things any one of us may not have caused but which were nonetheless under our power to influence or control. Insofar as such things were under our power, we share some responsibility for them. And if such things bring harm to others, we are (partially) responsible for the harm. Suppose you endorse a political candidate by voting for him. This candidate declares that once elected he'll balance the federal budget by (among other things) slashing college financial aid, adversely affecting, discriminating against, harming, say, Chicanos and African-Americans, but not white Americans. Are you by voting for that candidate responsible for discrimination, for the harm? Surely not, you will say, since you did not cause the policy nor wish to discriminate against Chicanos or African-Americans. But still you support him. He's your man in Washington. Four more years! That view of responsibility is very short sighted. It fails to see that government policies in a democracy are joint ventures. They are never the result of any one individual, but of many acting in concert for a common purpose. In such ventures, individuals play a necessary role by endorsing, contributing, or participating in them. By playing a necessary role in any one of those ways, each individual shares responsibility for the venture.

Those statements invite some general queries: What is the responsibility of citizens for their government's actions? Suppose a democratic regime, like ours, wages an unjust war. Just who is responsible? Are we morally responsible for the injustice of that war? Are we legitimate targets of deliberate attack? Would killing any one of us be an act of injustice?

Coady, the law of war, and the just war theory are firm in the opinion that regardless of the injustice of a government's actions, civilians are immune from deliberate attack. Individuals can lose their immunity in a number of ways, for example, by becoming soldiers, working for the war machine, or bearing arms. War is, however, never an individual, private, or personal enterprise. It is not something you or I do, but something we do together for a common purpose. It is a joint venture, a national activity. If we are engaged in grave injustice, say, a war of aggression, do those who endorse, contribute, or participate in the venture, as soldiers or civilians, lose their immunity from attack? How shall we think about this?

Suppose there is a gang of thieves headed by George and Tony in competition for territory and resources with another gang, headed by Boris and Jose. George and Tony decide to eliminate the competition and send their best hit men to kill Boris and Jose. Of course, Boris and Jose can defend themselves by killing the hit men, who are engaged in a criminal, immoral activity. But may they also kill those who sent them, George and Tony? After all, the hit men can botch their mission and then George and Tony will send their second best. Would it not be preferable for Boris and Jose to remove the danger by killing George and Tony rather than the hit men? Or do we say that since George and Tony are not bearing arms only the hit men may be killed? Who is responsible for the danger imposed on Boris and Jose?

In a democratic system like ours, given the possibility of free action, civilians bear a high burden of responsibility. When we support an unjust war, does it really make any sense to say that we are immune from attack because we are not bearing arms? Do we say only our soldiers can be killed, even when we, and not they, are responsible for an illegal and unjust proceeding? Are those who support an unjust war really innocent?

The fact is that not everyone will support an unjust war. And so, we have to distinguish between those who do and are therefore morally responsible, like George and Tony, and those who do not, who may not be killed because they are innocent of injustice. But it seems correct to say that George and Tony along with those who support, encourage, and send out the troops to wage an illegal and unjust war may morally be killed. If we take the idea of democratic popular sovereignty really seriously, then it is difficult to avoid that conclusion.

But there's at least one problem here: those who would attack a people waging an unjust war may kill only the guilty, otherwise they commit murder. Yet, there is no practical way by which one can do that. Bombs and bullets cannot read the bumper stickers on our cars that say "Not In My Name" and "Regime Change Begins At Home"; bombs and bullets do not know that some of us have organized anti-war demonstrations and that we know and have declared that this is an immoral, illegal, and criminal war.

Nonetheless, suppose in some (very rare) circumstances the guilty can be distinguished from the innocent. When possible, then, the guilty may morally be killed.

We might, however, retreat from this view, even when we agree that it is correct. Perhaps morality is not always the best guide. Sometimes it demands too much. In the present case, it demands (at least permits) killing those responsible for grave injustice, the guilty. Of them, there will be very many and most of them will be found among the civilian population. But for the sake of reducing the carnage of war, we might let most of the guilty go free and restrict legitimate targets of attack to soldiers in war. But we do so not because civilians are innocent. Rather we do so because without limiting the range of legitimate targets to soldiers, there would be no room for war in this world. That might be a very good thing. But in the world as I know it, we must make some room for various forms of political violence as they can secure important moral goods—insurrection and revolution, for example, to free the slave and defeat tyrants, and war to defend the nation against those who would unjustly attack us.

Exercises

1. Could any act of the revolutionary insurgents of the American colonies against the British occupation legitimately be classified as terrorist by the British?
2. Suppose two terrorist groups make similar attacks against similar targets: both destroy office buildings containing government and military offices, along with civilian offices, and both attacks kill government officials, military officers, and civilians. One attack is aimed at a brutal occupying regime that is carrying out mass murder, while the latter attack is aimed at an occupying regime following more humane practices. On your view, *might* the former attack be justified while the latter is wrong? Or must they be considered morally equal, because both involve the killing of innocents?
3. For many years Nicaragua was ruled by a family of brutal dictators, the Somoza family, who tortured and killed many Nicaraguan citizens and ruled Nicaragua with an iron hand. Many U.S. corporations (especially agricultural corporations) had good relations with the Somoza dictatorship, and they made enormous profits in their dealings with the Somoza family (as did the Somoza family itself). The United States provided significant support, both militarily and economically, to the Somoza dictatorship. In 1979 a revolutionary movement within Nicaragua finally succeeded in overthrowing the Somoza regime and installing a new government that gave more power and resources to the Nicaraguan people, particularly the peasantry. The Reagan administration—which