

TERRORISM AND THE ETHICS OF WAR

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Introduction

“America must maintain our moral clarity . . . Murdering the innocent to advance an ideology is wrong every time, everywhere.”

President George W. Bush, farewell address

This book, like many others, owes its existence to the terrorist attacks of September 11, 2001. Nonetheless, the problems that it deals with existed long before these attacks. Many of these problems have been preoccupations of mine for a long time. Although I have never fought in a war or lived in a war zone, war, violence, and threats of destruction have loomed large throughout my life.

While many questions can and should be asked about war and political violence, my main focus will be on moral questions. Because of the September 11 attacks and the subsequent “war on terrorism,” I begin with moral questions about terrorism. Much of the book, however, deals with more general moral questions about war and violence. The reason for this is that we cannot have morally credible views about terrorism if we focus on terrorism alone and neglect broader issues about the ethics of war.

My aim in this book is to answer five questions:

1. What is terrorism?
2. If terrorism is especially wrong, what features of terrorism make it especially wrong?
3. If terrorism is especially wrong, why do moral condemnations of terrorism often lack credibility? Why do they evoke cynical responses rather than affirmations of respect for human life?
4. What conditions must be met in order for condemnations of terrorism to be morally credible?
5. Is terrorism always wrong, or can it sometimes be morally justified?

The methods I use to answer these questions draw on traditions of philosophical analysis that go back to Socrates. Underlying these methods is the belief that difficult questions require careful thinking and that we can best

understand issues by trying to state beliefs clearly and examine the reasons for and against them.

My perspective on these issues is also influenced by my being an American and by my long-standing skepticism about the use of war and violence. While I am not a pacifist, both temperament and experience have made me wary of war and wary of people who are too eager for violent responses to problems. Officially, of course, almost everyone is against war. In fact, war is often attractive to political leaders and to ordinary people. The deep appeal of war, its great legacy of suffering, and the frequency of unnecessary wars have made me skeptical about arguments for going to war. Nonetheless, I accept that there are times when the arguments for war are compelling.

Like others, my immediate responses to the September 11 attacks were shock, horror, and fear. While I worried about the possibility of additional attacks against us, however, I also worried about what we Americans or – more accurately – our political leaders would do in response to the September 11 attacks. And, however our leaders might choose to act, what should we, ordinary citizens, want them to do?

It took time to get from the stunned horror and moral confusion that the September 11 attacks generated to a point where I could start to construct a coherent response.¹ While Socrates says that philosophy begins with wonder, I agree more with the American pragmatists William James and Charles Sanders Peirce, who thought that philosophical reflection grows out of feelings of conflict and confusion. Because confusion is an uncomfortable state, it generates a desire for the feeling of stability that we have when our ideas fit together coherently.² When confusions are generated by traumatic events, we have to recover before we can think clearly about the meaning of these events and their implications for our beliefs and our actions.

The responses to the September 11 attacks are now history. President George W. Bush and his advisors saw the attacks as acts of terrorism, committed by evil people who sought to destroy the United States, its values, and its way of life. The Bush administration decided that the proper response was a global war against terrorism. Moreover, because they saw the terrorist threat as new and unique, they believed that traditional moral and

¹ My first effort was a public talk entitled “Is the War on Terrorism a Defense of Civilization?” This appeared in *Concerned Philosophers for Peace Newsletter*, Vol. 22 (Spring/Fall 2002), 19–27.

² For these ideas, see Charles Sanders Peirce, “The Fixation of Belief,” *Parts III and IV*, and William James, “What Pragmatism Means,” Lecture II of *Pragmatism*, both reprinted in H. S. Thayer, ed., *Pragmatism: The Classic Writings* (Indianapolis: Hackett Publishing, 1982).

legal restraints on the conduct of war were no longer applicable. They saw the war on terrorism as a no-holds-barred struggle.

These reactions seemed so clearly right to some people that they experienced a feeling of moral clarity about what had happened and how we should respond. The attacks, they thought, showed that evil is real, that evil people must be resisted by military force, and that good people need to stand together to support our leaders in this effort. Because all of this seemed axiomatic, those who experienced moral clarity saw no need to debate, discuss, analyze, or ask questions. The important thing was to oppose the “unmitigated global evil” of terrorism by supporting the Bush administration’s global war on terrorism.³

The moral clarity response to the September 11 attacks rested on a few main ideas about terrorism: Terrorism is a distinctive type of violence that is always morally wrong. Because terrorism is inherently evil, people who engage in terrorism are evil. Terrorists have no positive moral values and only seek to destroy what is good. Since there can be no compromise or negotiation with evil people, the only proper response to them is global war against terrorism.

Even before the effects of the Bush administration’s actions began to play out, it should have been clear that claims to moral clarity about terrorism were illusory and dangerous. They oversimplified complex issues, encouraged support for destructive policies, and created obstacles to achieving security. We can see that claims to moral clarity about terrorism were illusory by noting the serious confusions that lie just below the surface of the moral clarity view of terrorism and the ethics of war. To see these confusions, consider the following puzzling facts.

Consider the fact that, while many people take it as axiomatic that terrorism is wrong, it is widely acknowledged that when people try to say what terrorism is, they generally fail to come up with an acceptable definition. But if we cannot say what features make something a terrorist act, how can we differentiate terrorist acts from other acts of violence? And if we cannot differentiate terrorist acts from other acts of violence, how can we know that terrorist acts are always wrong while other violent acts are sometimes morally right?

Consider the fact that, in spite of the allegedly axiomatic belief that terrorism is wrong, the most famous comment about terrorism is the cynical

³ The idea of moral clarity and its related agenda appear in William J. Bennett, *Why We Fight* (New York: Doubleday, 2002), and in Jean B. Elshtain, *Just War Against Terror* (New York: Basic Books, 2003). The phrase “unmitigated global evil” occurs in “A letter from America,” reprinted in *ibid.*, 182–98.

slogan “one man’s terrorist is another man’s freedom fighter.” The slogan’s subversive message is that the labeling of people as terrorists is subjective, a matter of taste rather than an objective description. Terrorism, the slogan suggests, is in the eye of the beholder. But how can the wrongness of terrorism be a self-evident moral fact if the concept of terrorism itself is subjective (so that different people apply the terrorist label to different acts)?

Consider this: when we condemn terrorism, we expect all decent people to agree with our condemnation. Yet moral criticisms of terrorism are often turned back against its critics. Instead of seeing denunciations of terrorist acts as evidence of respect for human life, many people see them as hypocritical and self-serving. How can this be? Why do moral condemnations of terrorism often fail to generate sympathy and instead evoke cynical responses to this and other moral judgments?

Consider this: many people who condemn terrorism do so because the victims of terrorist attacks are innocent people who are going about the ordinary business of life. It seems so clearly wrong for innocent people to be killed and injured in this way. At the same time, most people who condemn terrorist acts believe that war is often morally justifiable even though wars generally result in many more deaths of innocent people than terrorist attacks. But how can this be? How can terrorism be wrong because it kills innocent people while war, which generally kills more innocent people, may sometimes be right?

Each of these problems casts doubt on the credibility of moral condemnations of terrorism. How can we confidently and credibly condemn terrorism if we can’t say what it is, if terrorism is not an objective category but exists only in the eye of the beholder, and if our judgments about the wrongness of terrorist acts that kill innocent people are inconsistent with our belief that the killing of innocent people in war can be morally right?

My initial aim in this book was to answer these questions by clarifying what terrorism is, what makes it wrong, and what conditions must be met in order to make moral condemnations of terrorism credible. In trying to answer these questions, however, I found that I had to ask and answer other questions about the ethics of war. In particular, I had to ask whether the often-cited prohibition on killing civilians in war (which I myself accepted) is actually justified. And this led to further questions about the justification of moral principles and then to philosophical debates between rights theories and utilitarianism. The result of trying to follow these questions where they led is a longer, more complex, and more theoretical book than I originally intended to write. My hope, of course, is that it is a better book as well.

A PREVIEW OF WHAT'S AHEAD

The book is divided into four main sections.

In **Part I**, “Terrorism: what’s in a name?” I discuss the vexing question of what terrorism is. Which acts of violence should we call “terrorism”? Since attempts to define terrorism have been undermined by political motives and biased moral judgments, I offer a definition that is politically and morally neutral and thus avoids the problems raised by the slogan “one man’s terrorist is another man’s freedom fighter.” One of the distinctive features of terrorism is that it is violence directed against innocent people, and this fact is what best explains why it is condemned so harshly by many people. An important virtue of the definition I defend is that it does not build this negative moral judgment into the definition of terrorism. Even if all terrorist acts are immoral (which is the view I defend), we cannot simply assume that. We need to at least consider whether terrorism can be morally justifiable, and we can only do that by using a definition that leaves open this possibility.

After giving my own definition, I consider several challenges to it. Responding to these challenges requires me to discuss what it means to say that the victims of terrorism are *innocent* and whether actions that kill innocent people *unintentionally* (as side effects or collateral damage) qualify as terrorist acts. It also requires me to criticize the influential view that we should apply the word “terrorism” only to actions carried out by non-governmental groups. An implication of this view, which I shall reject, is that governments cannot engage in terrorism acts.

In **Part II**, “Why moral condemnations of terrorism lack credibility,” I show that many familiar views about the ethics of war imply that terrorism is not always morally wrong. I briefly discuss political realism, common-sense morality, some versions of utilitarianism, and Michael Walzer’s theory in his influential book *Just and Unjust Wars*. I argue that people who hold these views cannot credibly condemn all terrorist acts for killing innocent people because these views approve of killing innocent people in at least some circumstances. I also show that traditional just war theory’s condemnation of all terrorist acts lacks credibility. The credibility of just war theory is undermined by its reliance on the “principle of double effect” and its overly permissive approach to “collateral damage” killings of civilians (i.e., killings that are not aimed at civilians but that may be foreseen). I will show that some collateral damage killings are morally on a par with terrorism. Because these actions are permitted by just war theory, just war theory’s credibility in condemning terrorism is undermined.

In **Part III**, “Defending noncombatant immunity,” I defend the view that it is always wrong to attack civilians in war. In my view, we can only credibly say that terrorism is always wrong if we believe that deliberate attacks on civilians are always wrong. Having described several views that reject an absolute ban on attacking civilians, I show why each of these views is defective. I show why realists are wrong to reject the idea that morality applies to war and why Walzer is wrong in approving attacks on civilians in the circumstances that he calls “supreme emergencies.”

In considering how we might justify an absolute ban on killing civilians, I begin with Walzer’s claim that noncombatant immunity cannot be justified on utilitarian grounds but must be based on a theory of individual rights. Against this widely held view, I show why rights theories do not necessarily support strong rights of noncombatant immunity. I then challenge the view that no utilitarian theory could justify noncombatant immunity by developing a rule-utilitarian justification for the view that it is always wrong to attack civilians in war.

I respond to several challenges to my rule-utilitarian defense of absolute noncombatant immunity, including the argument that rule utilitarianism itself would support a “supreme emergency” exception to noncombatant immunity and the argument that it would support the view that we should minimize the total casualties of war but give no special status to civilians. Finally, I rebut the charge that the noncombatant immunity principle, when supported by utilitarian reasoning, is a merely conventional rule that cannot support serious moral demands on people engaged in war or political conflict.

In **Part IV**, “How much immunity should noncombatants have?,” I discuss the difficult question of collateral damage. These are harms to civilians that are not intended but that occur as side effects of attacks on legitimate targets. These deaths and injuries of civilians are almost inevitable in any war. The challenge in dealing with this problem is to find a principle that is permissive enough to allow fighting a war while being restrictive enough to provide serious protection to civilians. The standard approach to this problem relies on the principle of double effect. It says that while killing civilians intentionally is wrong, actions that kill civilians may be morally justified when they do not intentionally kill the civilians. I show why this focus on intention is mistaken, in part by drawing on the legal concepts of negligence and recklessness to show that actions that cause bad consequences can be wrong even if the harms caused are not intended.

After rejecting the principle of double effect, I go on to consider three principles, each of which tries to draw the line between unintended civilian

deaths that are permissibly caused and those that are wrong. These are the foreseeable harm principle, the precautionary principle, and the proportionality principle. In considering these principles, I discuss the rules of war found in international law, Walzer's views on collateral damage killings, and parts of a Human Rights Watch evaluation of the first stage of the US war in Iraq. I argue that the precautionary principle plays a central role in the ethics of inflicting collateral damage and defend it against both the foreseeable harm principle and the proportionality principle.

In the concluding chapter, I review the answers to the questions I had raised about terrorism and return to the role of utilitarian reasoning in the development of an ethic of war. I defend the utilitarian approach against several important objections and try to strengthen its credibility as a basis for the principle of noncombatant immunity and the condemnation of terrorist acts.

The problem of defining terrorism

For decades prior to the September 11 attacks, a frustrating debate went on about the definition of terrorism. The mere existence of this debate presents a serious challenge to the claims of moral clarity associated with proponents of the “war on terrorism.” How can we know that terrorism is always wrong if we can’t say what it is? The confusions generated by the definition debate are nicely captured in remarks by Christopher Joyner. He writes:

Politically, academically, and legally, the phenomenon of terrorism eludes clear and precise definition. In a real sense, terrorism is like pornography: You know it when you see it, but it is impossible to come up with a universally agreed-upon definition. The hackneyed bromide “One man’s terrorist is another man’s freedom fighter” still remains a truism in international political perceptions. “Terrorism” lies in the eye of the beholder.¹

Three competing views appear in Joyner’s account: the confident claim that we know terrorism when we see it, the distressing idea that it is impossible to agree on a definition of terrorism, and the surprising conclusion that terrorism has no objective reality but exists only “in the eye of the beholder.”

The second and third points shake the moral clarity view at its foundations, criticizing its proponents for literally not knowing what they are talking about. But they also challenge anyone who believes that terrorism is wrong to “put up or shut up.” Either we should define terrorism or we should keep our condemnations to ourselves. If we can’t define terrorism but condemn it nonetheless, we should acknowledge that our condemnations have no moral validity but only express our personal distaste for terrorism.

I will try to show that none of the three views is true. Most important, because it is possible to define terrorism by specifying a set of objective features that all terrorist acts possess, there is no reason to think that it exists

¹ Quoted in Charles Kegley, “The Characteristics of Contemporary International Terrorism,” in Charles Kegley, ed., *International Terrorism* (New York: St. Martin’s, 1990), 11–12.

only in the eye of the beholder. While such a definition makes objective identifications possible, it does not show that we know terrorism when we see it. Given the inflammatory nature of the word “terrorism” and the selective, propagandistic uses of the terrorist label, it is easy to be confused. We may fail to notice terrorism when it is staring us in the face and think we see it when it is not there.

THE DEBATE ABOUT DEFINITIONS

The problem of defining terrorism is not merely academic or theoretical. For years, efforts to oppose terrorism have been stymied by disagreements about how to define it. While there are United Nations resolutions against terrorism, there is disagreement about who and what they apply to. Charles Kegley, after surveying various definitional problems, concludes pessimistically that

It is not certain that the analytic issues facing the accurate characterization of international terrorism can be satisfactorily overcome. It may be that, as a committee of the French Senate concluded in 1984, “any definition is practically guaranteed to fail.”²

Even if efforts to arrive at a consensus have failed, however, we should not conclude that terrorism cannot be defined unless we understand why it is indefinable.

Although Kegley tries to explain why terrorism can't be defined, his account fails. Kegley stresses the great diversity of groups that have “waged” terrorism, noting that they have been leftist, rightist, autocratic, liberationist, religious, nationalist, etc. From this, he concludes that terrorist groups share no common feature and explains that our “inability to arrive at a consensus about terrorism's characterization stems from the great variety of aims, actors' motives, and practices that are associated with it.”³

This diversity of aims, motives, and practices, however, fails to explain the lack of a definitional consensus. Many concepts apply to diverse instances that nonetheless share some common, essential features. We have no trouble defining “theft,” for example, even though people who commit thefts have diverse motives, use diverse means, and steal vastly different kinds of things. People steal for money, for the pleasure of possession, to hurt the owner, or to reclaim what they think is rightly theirs.

² *Ibid.*, 12. ³ *Ibid.*, 16.

Their means vary from mugging and breaking and entering to safecracking, picking pockets, and embezzling.

Nonetheless, despite the great variety of “aims, actors’ motives, and practices” associated with theft, theft is easily definable. It is a process by which people illegally acquire the property of others. The fact that these illegal acquisitions vary in many ways is no obstacle to agreeing on this definition. Similarly, although instances of terrorism vary in many ways, that does not show that it cannot be defined.

THE POLITICS OF DEFINITION

The main reasons it has been difficult to define terrorism are political rather than theoretical. Many people approach the definition problem with strong vested interests. They know that there are actions, groups, and policies that they support, and they assume that to classify something as terrorism is to condemn it as morally wrong. As a result, they reject any definition that implies that actions, groups, or policies that they themselves support are instances of terrorism. While they are happy to apply the terrorist label to their enemies, they will not apply it to friends. Even though it is false that terrorism is “in the eye of the beholder,” it is nonetheless true that the willingness to label acts as terrorism depends on who is beholding them and whose acts they are.⁴

DEFINING TERRORISM AS WHAT TERRORISTS DO

The politics of labeling leads to the idea that whether something is terrorism depends on who carries it out. Some people or groups are called terrorists, and then, by implication, their activities are terrorism because they were done by terrorists. Other people are not labeled as terrorists, and, no matter what they do, they will not merit the terrorist label.⁵

The idea that we should define “terrorism” by who does it leads to absurd results. If we define a “terrorist act” as *an act carried out by terrorists*, an obvious problem is that this definition does not tell us how to identify someone as a terrorist. But even if we could independently identify some people as terrorists, we would still need criteria for identifying terrorist acts

⁴ On the politics of definition, see Bruce Hoffman, *Inside Terrorism* (New York: Columbia University Press, 1998), 28–40. For the definition debate among social scientists, see Alex P. Schmid and Albert J. Jongman, *Political Terrorism* (New Brunswick, N.J.: Transaction Publishers, 1988), 1–32.

⁵ Tomis Kapitan discusses biased labeling in “The Terrorism of ‘Terrorism,’” in James Sterba, ed., *Terrorism and International Justice* (New York: Oxford University Press, 2003), 47–66.

because most of the things that terrorists do are not terrorist actions. They wake up in the morning, eat breakfast, drive cars, make phone calls, etc. Even if we add that terrorist actions must be violent, not every violent act by members of a terrorist group is terrorism. If members of a terrorist group are attacked by a rival terrorist group and kill their attackers in self-defense, these self-defensive killings would not be terrorist acts.

And yet, a focus on who does the act is extremely common. Kegley, who seems to have no political axe to grind, mistakenly sees defining terrorism as classifying groups rather than actions. He asks:

Should Palestinian skyjackers, Basque separatists, Irish revolutionaries, and South American kidnapers be seen as similar? Are they properly classified with the insurgents who produced the American, French, and Russian revolutions? Do their actions resemble the tactics of the Red Brigade, the Ku Klux Klan, or big-time drug-trafficking street gangs?⁶

This confusing list may well make us dizzy enough to give up on seeking a definition. We can escape this dizzying confusion by focusing on terrorist acts rather than terrorist groups. Even if some or all of the groups listed engaged in terrorist acts, what makes them terrorists is the nature of the acts themselves, not the group that carried them out.⁷

Identifying terrorist acts as “acts done by terrorists” puts the cart (*who* does the act?) before the horse (*what* kind of *act* is it?). In order to define “terrorism,” we need to focus on the idea of a terrorist *act*, directing our attention to *what* is done, not *who* does it.

POPULAR CONCEPTIONS OF TERRORIST ACTS

Popular thinking about the nature of terrorism has been dominated by two radically opposed views. According to the most common view, terrorism is the name of a distinctive class of especially immoral actions. While other violent actions may sometimes be morally justified, it is part of terrorism's essence that it is wrong. This is reflected in Louise Richardson's comment that “The only universally accepted attribute of the term ‘terrorism’ is that it is pejorative. Terrorism is something that bad guys do.”⁸

⁶ Kegley, *International Terrorism*, 13.

⁷ For a contrary view, see G. Wallace, “The Language of Terrorism,” *International Journal of Moral and Social Studies* 8 (Summer 1993), 128ff.

⁸ Louise Richardson, *What Terrorists Want: Understanding the Enemy, Containing the Threat* (New York: Random House, 2006), xi.

This view is powerfully challenged by the slogan “one man’s terrorist is another man’s freedom fighter.” The slogan says that people call violent acts “terrorism” only when they disapprove of them. When they approve, they call them “freedom fighting” or use some other positive term. Depending on who makes the judgment, the very same action may be labeled as “terrorism” or as “freedom fighting.” What this allegedly shows is that whether an act is terrorism depends on subjective facts about the beholder, not on features of the act itself.

In spite of their differences, both of these views assume that “terrorism” is a negative term and that we call an act “terrorism” only when we think it wrong. Each view understands this assumption differently, however. Those who champion the moral clarity view see terrorism as objectively evil while those who use the “one man’s terrorist” slogan insist that terrorism has no objective nature. Still, both agree that people who use the word “terrorism” are evaluating actions, not merely describing them.

Both of these views are flawed for the same reason. They fail to distinguish the problem of classifying actions from the problem of evaluating them. As a result, disagreements about whether particular actions are morally right or wrong are transformed into disagreements about whether to classify them as terrorist acts. The debate about defining terrorism becomes impossible to resolve because it mirrors disagreements about contentious moral and political issues. While it is true, as Richardson says, that terrorists are always seen as bad guys, people do not agree about who the bad guys are. These disagreements spill over into disagreements about which actions are right or wrong, which in turn distort the definition debate and undermine efforts to arrive at a consensus on how to define terrorism.

CLASSIFYING VS. EVALUATING

In order to make progress toward a definition, we need to separate the issue of classifying actions as terrorist (or not) from the issue of morally evaluating them. If we could devise a definition that is morally and politically neutral, this would enable us to label acts as terrorist or not independently of our views on whether they are morally justifiable or not.

This strategy will be resisted both by defenders of a moralized definition (one which defines terrorism as morally wrong) and by defenders of the “one man’s terrorist” slogan. According to the slogan, the sole purpose of using the word “terrorism” is to make a condemnatory judgment. Stripping “terrorism” of its negative meaning misses the whole point of its use.

Similarly, people who see terrorism as essentially evil may fear that leaving out the evil of terrorism from a definition paves the way for approving of terrorism. Since my aim in this book is to defend the view that terrorism is always wrong, I have no intention of using a definition to block a negative judgment of it. We have to acknowledge, however, that there are widespread differences among people both about the morality of actions that some see as terrorism and about the use of that label. We will not make progress unless we separate the moral question and the classification question.

Even if the word “terrorism” is almost always understood negatively, that does not rule out the possibility of a neutral definition. Many terms with negative connotations can be defined in morally neutral language. Consider the word “lie.” When we call a statement a “lie,” we are generally characterizing it in a negative way. Nonetheless, we can define a lie neutrally as “a statement that is made by someone who believes the statement is false and asserts it in order to deceive.” Using this definition, we can classify statements as lies independently of judging them to be right or wrong. Having done that, we can go on to consider whether a particular lie is right or wrong or whether lies are always wrong or sometimes morally justified.

John Finnis makes this same point about adultery. Finnis, who strongly condemns adultery “as always and necessarily wrongful,” nonetheless believes that adultery is “not defined in terms of its wrongfulness . . . It is defined as sex by a married person outside marriage.”⁹ Though Finnis’s definition is morally neutral, it does not prevent him from condemning adultery as always morally wrong. Yet the same definition could be accepted by someone who sees nothing morally wrong with adultery.

We can make the same distinction between classification and evaluation in thinking about terrorism.¹⁰ The central classification question is: which actions should we classify as “terrorist” acts? The central moral question is: are the actions that we classify as “terrorist” sometimes morally right or always morally wrong? The first question is answered by a definition and the second by a moral judgment. In order to make progress on the moral question, we need to settle the classification question. Until we know what terrorism is, we cannot know if it is right or wrong.

⁹ John Finnis, *Moral Absolutes* (Washington, D.C.: Catholic University of America Press, 1991), 8.

¹⁰ Simon Keller supports this view but explains why it seems counterintuitive in “On What Is the War on Terror?” in Timothy Shannon, ed., *Philosophy 9/11: Thinking About the War on Terrorism* (Chicago: Open Court, 2005), 55–8.

“ONE MAN’S TERRORIST ...”

Even though the slogan incorporates the idea that the word “terrorism” is used evaluatively, the point of the slogan is to undermine these negative value judgments. Although the slogan is confused in important ways, it nonetheless encapsulates a number of important ideas. We need to see why these ideas are errors rather than insights.

Before turning to errors, however, we should acknowledge that the slogan expresses a justified protest against the bias and hypocrisy that characterize the use of the term “terrorism.” “Terrorism” is frequently used to slander one’s enemies, while its non-use is often motivated by a desire to spare one’s friends from criticism. The slogan is a legitimate protest against the political rhetoric of terrorism.

The slogan’s force in undermining the rhetoric of terrorism derives from its appeal to two philosophical theories: relativism and subjectivism. It invokes relativism by denying that there is any absolute truth about whether something is terrorism. It invokes subjectivism by suggesting that whether acts are terrorism or freedom fighting depends on the attitudes of the person describing them. From an objective perspective, there is no such thing as terrorism. Rather an action that is terrorism to people with negative attitudes toward it is something quite different, such as freedom fighting, to people with positive attitudes.

The aim of people who invoke the slogan is political rather than theoretical. They use it to shield some favored political group from moral criticism by reducing condemnations of terrorist acts to matters of taste. To critics who condemn acts of violence as terrorism, it says: “You call it ‘terrorism’ only because you don’t like it. When you like it, you call it ‘freedom fighting.’”

While the slogan uses relativist and subjectivist ideas to block moral criticism, it (perhaps shamelessly) makes a latent appeal to objective values as well. It seeks to elevate the status of a favored group by associating it with the positive connotations of the expression “freedom fighting.” Since freedom is widely seen as a lofty goal, attributing this goal to a group is a way to raise its status. The slogan suggests that people who fight for freedom should not be seen as terrorists, even if they do things (such as killing innocent people) that are normally morally wrong.

This reasoning is flawed. It assumes that if the terrorist label can successfully be resisted, then a group and its actions will be immune to moral criticism. This is a mistake. Saying that an act is not terrorism makes a judgment about how to classify it. It so far says nothing about how it should be morally evaluated.

ENDS AND MEANS IN JUST WAR THEORY

People using the slogan make a second mistake. They assume that actions are morally justified if they are done to achieve freedom or other valuable goals. This too is an error. Actions can be morally wrong even if their intended goals are genuinely valuable. This is a central part of commonsense morality. Because some ways of pursuing valuable goals are morally wrong, a valuable end does not by itself justify the means used to achieve it.

This point about ends and means is reflected in the two-part structure of just war theory, a central tradition in the ethics of war. Just war theory divides into two separate parts. The first – usually referred to by the Latin expression *jus ad bellum* – provides criteria for determining when it is morally permissible to enter into a war. The second – *jus in bello* – provides a separate set of criteria for determining whether the means used in fighting a war are morally permissible.¹¹ The *jus ad bellum* criteria focus in part on the goals of war. They recognize some goals (for example, defending one's territory against aggression) as just causes for going to war. Other goals (for example, acquiring other people's territory) are seen as unjust causes that do not justify going to war.

The distinction between the *jus ad bellum* and *jus in bello* criteria reminds us that evaluating a war requires attention to both the goals for which it is fought and the means used to fight for them. If a group meets the criteria for justifiably going to war, its actions may still be immoral if they violate the rules about permissible forms of fighting. A country fighting in self-defense, for example, acts wrongly if it commits atrocities in the course of defending itself. This is a fundamental point in the ethics of war. Even when people fight for goals of great value, there are moral limits on the means that they may use to achieve victory.

As a device for warding off moral criticism, the “one man's terrorist” slogan misses this important point. It assumes that people who are freedom fighters have such a valuable goal that they are justified in whatever violence they use to achieve it. Moreover, because they are justified in their actions, it is claimed that we should not apply the negative term “terrorist” to them. Both of these ideas are mistaken. Neither the classification problem nor the moral evaluation problem is settled by telling us that an action has been performed for a worthy goal.

¹¹ For a description of the just war criteria, see James Turner Johnson, *Morality and Contemporary Warfare* (New Haven: Yale University Press, 1999), 22–40.

Both of these errors occur in Yasir Arafat's 1974 speech to the United Nations General Assembly. Arafat claimed that

The difference between the revolutionary and the terrorist lies in the reason for which each fights. For whoever stands by a just cause and fights for freedom and liberation of his land ... cannot possibly be called [a] terrorist.¹²

Even though Arafat implicitly rejects the slogan's relativism and subjectivism, he echoes its assumption that people who fight for freedom or other just causes should neither be called terrorists nor condemned for their actions.

Both Arafat and those who use the slogan fail to see that people can be both terrorists and freedom fighters. Calling someone a "freedom fighter" tells us about their goal while calling someone a "terrorist" tells us about their means. It is perfectly possible for people to use terrorist means to fight for the goal of freedom.

TERRORISM AS A MEANS

The lesson to be drawn from these errors is that we should define terrorism in terms of means rather than ends. According to the most plausible definitions, terrorism is best understood as a tactic, a means of fighting.¹³ Typical definitions require that terrorist acts must be violent, must deliberately harm innocent people, and must be done for some political or social purpose. In addition, many definitions include the idea that terrorist actions have two targets: the immediate victims of the attack and a second group, an audience, whom the terrorists are trying to influence. Terrorists direct their violence against a smaller group in order to influence the members of a larger group or the leaders who represent them. Brian Michael Jenkins's comment that "terrorism is theatre" stresses this communicative aspect of terrorist violence.¹⁴

Those who use the slogan to defend groups that they support unnecessarily muddy the debate about what terrorism is. In the interests of clarity, they could agree to accept a neutral definition of terrorism as a means of fighting and still remain free to support whatever political causes or groups they want to.

¹² Quoted in Hoffman, *Inside Terrorism*, 26.

¹³ C. A. J. Coady defends the "terrorism is a tactic" view in "Defining Terrorism," in Igor Primoratz, ed., *Terrorism: The Philosophical Issues* (Houndsmills: Palgrave Macmillan, 2004), 7.

¹⁴ Haig Khatchadourian calls this the "bifocal" quality of terrorism in *The Morality of Terrorism* (New York: Peter Lang, 1998), 6. Jenkins's comment is quoted in Hoffman, *Inside Terrorism*, 132.

They could adopt one of two approaches. They could acknowledge both that the group they support uses means that are rightly classified as terrorism and that using terrorist tactics is generally wrong. Nonetheless, they could argue, terrorist tactics are morally justified in this case because of the dire conditions against which the group is rebelling or its lack of alternative means of resistance. This approach replaces the idea that terrorism is necessarily wrong with the view that, while terrorism is generally wrong, it can sometimes be morally justified.

Interestingly, Osama bin Laden makes something like this point, distinguishing between “commendable” and “reprehensible” terrorist acts. According to him, terrorist acts are commendable when they target “the tyrants and the aggressors and the enemies of Allah.”¹⁵ Otherwise, they are reprehensible. Whatever the merit of this moral criterion, it is compatible with a neutral, objective definition of terrorism.

A second approach that a group’s supporters could use is to praise its goal of seeking freedom while condemning its use of terrorist means to achieve this goal. This view is akin to Jenny Teichman’s point that the word “terrorism” can apply to a “rebellion which is conducted *for a good aim but in a bad way*.”¹⁶ If terrorist methods are a “bad way,” then allies of groups that use terrorist means could urge them to use other tactics. They might point out that other successful freedom fighters have avoided terrorism. The Minute Men of the American Revolution used violence but directed it against British army troops, and Mahatma Gandhi, in seeking India’s independence from Britain, completely abstained from violent acts. As these examples make clear, freedom fighters need not use terrorist tactics. They can pursue freedom in other ways.

Both of these approaches provide the kind of political defense that the slogan aims for, but they do it more directly and without blurring the distinction between classifying and evaluating. Because they recognize a neutral, non-partisan sense of the word “terrorism,” adopting either of them would make it easier to resolve the definition problem.

Clarity is not everyone’s goal, however, because confusion can be politically useful. To solve the definition problem, we need either to find ways of stating political views that do not depend on confusions or to put aside partisan motivations and make genuine clarity a serious goal. Impartiality in labeling is essential both for any empirical inquiry into the nature of

¹⁵ Quoted in Richardson, *Terrorists*, 7; original source: John Miller’s 1998 interview of Bin Laden on ABC News.

¹⁶ Jenny Teichman, “How to Define Terrorism,” *Philosophy* 64 (1989), 511.

terrorism and for any attempt to make credible moral judgments about terrorist acts.¹⁷

MORAL CLARITY AND THE SPECIAL IMMORALITY OF
TERRORISM

Those who found moral clarity after the September 11 attacks translated their feelings of horror into moral judgments without seeing that the two are different. By building their moral reactions into the word “terrorism,” they made it harder to think about what terrorism is and why it is wrong. Given the history of propagandistic uses of the term, we need to be especially careful about translating gut feelings into classifications of complex terms.

While I agree with the moral clarity view that terrorist acts are wrong, the view not only undermines classification efforts but also distorts our moral judgments by over-inflating the genuine evil involved in terrorism. As Virginia Held has rightly claimed, “terrorism is not uniquely atrocious but is on a continuum with many other forms of political violence.”¹⁸ As terrible as terrorism is, many non-terrorist actions are equally or more vile.

To put terrorist violence into perspective, imagine a case in which attackers kill and injure some members of an ethnic or religious group in order to terrorize the whole group and cause its members to flee from a particular area. In this case, terrorist attacks are a means of ethnic cleansing. Their aim is to expel a group from a territory by transmitting a powerful threat to them. These acts would count as terrorism according to most definitions and would surely be worthy of moral condemnation.

Imagine a second case in which ethnic cleansing is achieved by massacring all the members of a group. In this case, the communicative aspect of terrorism – its tactic of harming a relatively small group in order to terrorize, intimidate, or influence the decisions of others – is lacking. Instead, the whole group is attacked, and ethnic cleansing is achieved directly by killing all its members.

According to many definitions, this is not a terrorist act because it lacks the “communicative” aspect of terrorism.¹⁹ It would certainly be a great evil, however, and would be condemned by most people as worse than terrorism.

¹⁷ Schmid and Jongman make a plea for an impartial definition in *Political Terrorism*, 3.

¹⁸ Virginia Held, *How Terrorism Is Wrong: Morality and Political Violence* (New York: Oxford University Press, 2008), 9.

¹⁹ Tony Coady is an exception; he defines “terrorism” as a tactic but does not include the “communicative” element in his definition; see his *Morality and Political Violence* (Cambridge: Cambridge University Press, 2008), 161–3.

After all, the terrorist strategy used in the first case kills a smaller number of people and leaves open the possibility for others to flee and build a new life elsewhere. Horrible as it is, it is less dreadful than outright massacre.

The point of these examples is twofold. First, they remind us that terrorist actions are neither the only terrible deeds nor the worst. Second, they show that we don't need to use the terrorist label in order to condemn an action in the strongest terms.

CONCLUSION

At the start of this chapter, I identified three views in Joyner's description of the definition debate:

1. we know terrorism when we see it;
2. it is impossible to agree on a definition of terrorism, and
3. terrorism has no objective reality but exists only "in the eye of the beholder."

I have tried to show that each of these views is wrong. The "we know it when we see it" view is wrong because it cannot account for persistent disagreements about the nature of terrorism and does not acknowledge the obvious bias in many applications of the term. It is the problem of bias that gives rise to the "one man's terrorist" slogan and the apparent impossibility of a definition.

While I have not yet shown the "impossible to define" view to be mistaken, I have suggested a strategy for arriving at a definition. We should look for a definition that focuses on actions rather than people and that contains neutral criteria for determining which actions are terrorist acts. The search for neutral criteria rests on the distinction between defining or classifying acts as terrorism and making moral evaluations of them. The more that we can segregate our classification effort from our moral evaluations, the better are our chances of arriving at a clear, useful definition of terrorism. If this effort succeeds, we will have provided objective criteria for being a terrorist act, and this will refute the claim that terrorism exists only "in the eye of the beholder."

In the [next chapter](#), I will offer a definition of terrorism that I believe provides the clarity we need. I should warn readers that the definition I will propose does not simply describe how the word "terrorism" is used and conflicts with aspects of our ordinary usage of the term. Such conflicts with actual usage are inevitable in any definition because all terms are misused. An inflammatory word like "terrorism" invites misuses that involve applying it both too broadly and too narrowly. Usage is too narrow when, for

political reasons, some acts are exempted from the terrorist category even though they strongly resemble acts that are included in it. It is too broad when political motivations lead to including non-terrorist actions under the terrorist label in order to inflame people's feelings toward those who engage in these actions.

A clear definition will conflict with ordinary language because our use of the term "terrorism" is a hodgepodge of different, confusing usages. A clear definition will necessarily differ from this because it will substitute clarity for confusion. Although a good definition is based on the actual use of a term, it does not merely report or describe it.²⁰

A philosophical definition is a proposal about how best to understand the core meaning of a term. It proposes that we see certain uses as core and others as deviations from, or distortions of, this core meaning. Because definitions of complex terms are proposals rather than descriptions, they are neither true nor false. For this reason, I will not claim that the definition I give is true or that those I reject are false. The best argument for accepting a particular definition is that it is helpful, that it clarifies things in ways that promote understanding. If the definition I offer is superior, it will be because it accomplishes the goal of helping us to make reasonable, morally credible judgments about terrorism.

²⁰ Schmid and Jongman attempt to define "terrorism" based on scholarly usage in *Political Terrorism*, 1–38. Teichman discusses why definitions of terrorism cannot simply report usage in "How to Define Terrorism," 505–17. Richard Brandt discusses philosophical definitions in *A Theory of the Good and the Right* (New York: Oxford University Press, 1979), 2–10.