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Can terrorism ever be justified?

Frederick Richters

Paul Christopher defines terrorism as “any act that involves the [...] intentional threat or use of random violence against innocent people for the purposes of instilling fear in others to bring about a political agenda.” The globalisation of terrorism in the 21st century has made these acts of random violence a prevalent issue of public debate and academic research, with a multitude of arguments either criticising or defending the extreme methods used by terrorist groups or actors. The arguments put forward not only address issues of normative ethics in relation to violent conflict, but they also raise the important question of whether terrorism can ever be justified.

As Martin puts it fittingly, “the beginning of the 21st century is an era of globalized terrorism”¹. While the globalisation of terrorism has changed the way terrorist groups operate and function, the justifications brought forward by individuals and groups to rationalize the violent means that they have used to achieve their extreme goals seem to have changed very little. This makes it plausible to ask whether terrorism can ever be justified. This essay will be working with the definition of terrorism by Christopher² and will analyse four different arguments justifying terrorism: the consequentialist argument (including utilitarianism and the ‘anti-oppression exception’), the ‘supreme emergency’ argument, the argument of ‘collective responsibility’ and the

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¹ Gus Martin, *Understanding Terrorism: Challenges, Perspectives, and Issues* (London, 2006), 3

² Paul Christopher, *The Ethics of War & Peace: An Introduction to Legal and Moral Issues* (New Jersey, 2004), 182

‘divine command’ argument. From this analysis it will be concluded that terrorism can never be justified.

Every serious discussion of terrorism needs to begin with an attempt at defining what exactly terrorism is. Although there is widespread disagreement over which acts constitute terrorism, this essay will use the definition of terrorism brought forward by Paul Christopher as a starting point:

Any act that involves the [...] intentional threat or use of random violence against innocent people for the purposes of instilling fear in others to bring about a political agenda.³

Even if somewhat vague, this definition does capture the four necessary conditions for an act to be considered ‘terrorist’. The first is the “intentional threat or use of [...] violence”, in relation to which Crenshaw argues that “terrorism is [primarily] manifested in a series of individual acts of extraordinary and intolerable violence”⁴. It is also important to note that for Christopher the threat of violence has the same moral weighting as the actual use of violence.

The use of the expression ‘innocent people’ to describe the victims of terrorism can be criticised because it implies that combatants – unlike the ‘innocent’ non-combatants – are ‘guilty’. For purposes of simplicity, however, the expression ‘innocent people’ will be equated for now with ‘non-combatants’, although it must be remembered that authors like Zohar argue that the distinction between the guilty and the innocent does not match the distinction between combatants and non-combatants⁵. As Smilansky points out, “terrorism has typically and specifically targeted civilians without concern for their

³ *Ibid.*

⁴ Crenshaw cited in Jan Oskar Engene, *Terrorism in Western Europe: Explaining the Trends since 1950* (Cheltenham, 2004), 6

⁵ Noam J. Zohar, ‘Innocence and Complex Threats: Upholding the War Ethic and the Condemnation of Terrorism’ (2004) 114 *Ethics* 735

innocence”⁶. In ‘just war’ terminology, referring to a tradition of military ethics which holds that violent conflict ought to meet certain criteria, the disregard for the principle of discrimination and the resulting intentional violation of non-combatant immunity form the conceptual core of terrorism.⁷

The fear induced by terrorism results on the one hand from the threat that violent acts will be repeated and on the other hand from the indiscriminate selection of victims. Targets of violence may also be selected for their symbolic or representative value by having a certain political or social status; however, it should be clarified that victims are not chosen so selectively that they could not have been substituted with other members of the same category of people. In both cases there is an element of randomness which distinguishes terrorism from assassination.⁸ It follows that terrorism is not an ideology but a method of struggle because the violence unleashed against the victims serves only as a means to communicate a political message to the target audience.⁹

The last characteristic of terrorism is the political motivation behind it. The political agendas of terrorists – be they ethno-nationalist, ideological or religious in content – distinguish them from those who commit violent acts for criminal or sociopathic reasons; terrorists are often motivated by what they pretend to be a ‘just cause’.¹⁰ Inducing fear is therefore instrumental in creating “a general context of societal fear that will coerce those in authority to accede to the terrorists’ demands”¹¹. What exactly these demands are can vary from case to case, but usually they involve changing a political system or seizing political power from the incumbent government of a state.¹² It is through the publicity generated by the use of violence that terrorists seek to obtain the

⁶ Saul Smilansky, ‘Terrorism, Justification, and Illusion’ (2004) 114 *Ethics* 791

⁷ *Ibid.*, 790

⁸ Engene, *Terrorism in Western Europe*, 9-14

⁹ Christopher, *The Ethics of War & Peace*, 182

¹⁰ *Ibid.*, 183

¹¹ Alex J. Bellamy, *Just Wars: From Cicero to Iraq* (Cambridge, 2008), 138

¹² Crenshaw cited in Engene, *Terrorism in Western Europe*, 6

influence and power they otherwise lack in order to bring about this political change.¹³

The advantage of this definition is that it focuses primarily on the means employed by actors rather than on their identity or standing. By not singling out particular actors, this definition emphasises that terrorist violence can be employed by not only individuals and non-state groups but also states, thereby avoiding a one-sided application in the subsequent analysis.¹⁴

From a deontological perspective, the *jus in bello* principle of non-combatant immunity invokes an absolute moral prohibition upon intentionally attacking non-combatants. Since the intentional targeting of non-combatants forms the conceptual core of terrorism, any justification of terrorism has to justify the violation of the principle of non-combatant immunity. The central question is whether there are cases where this principle may be overridden or restricted.¹⁵

The first argument employed to justify terrorism is based on consequentialism. Consequentialists believe that the morality of an act should be judged by its outcomes and consequences. From a consequentialist perspective, violent means are considered legitimate if they are used to achieve worthwhile ends and succeed in doing so. However, the premise that *any* action might be permissible for the sake of worthwhile ends is not tenable from a consequentialist perspective because there is always a limit to the extent of harm that an actor can reasonably carry out for the sake of these worthwhile ends.¹⁶

Bellamy distinguishes between two different types of consequentialist justifications: utilitarianism and what may be described as the 'anti-oppression

¹³ Bruce Hoffman, *Inside Terrorism* (Oxford, 1999), 44

¹⁴ Engene, *Terrorism in Western Europe*, 12

¹⁵ C.A.J. Coady, 'Terrorism, Morality, and Supreme Emergency' (2004) 114 *Ethics* 777

¹⁶ Christopher, *The Ethics of War & Peace*, 186-187

exception'.¹⁷ In its simplest form, utilitarianism holds that moral constraints like the principle of non-combatant immunity should be overridden if calculations of the overall outcomes of doing so prove that it creates more good than harm. Utilitarianism denies the moral absolutism of the principle of non-combatant immunity, but, in Coady's opinion, it also trivialises the profound moral constraints against intentionally targeting non-combatants.¹⁸

It is interesting, however, that consequentialists like Hare believe that history shows that terrorism usually fails to achieve a balance of good which would justify the intentional targeting of non-combatants.¹⁹ Yet even if terrorism were to achieve a balance of good, the question would arise whether this balance of good could not be achieved by a different means.

Walzer, believing that consequentialist arguments are defective in their own terms, considers the efficiency excuse that "terrorism works (and nothing else does)" to be flawed and argues that the success of this argument largely depends on the premise that targeting non-combatants is the only option that terrorists have. For him, alternative strategies are available in liberal democracies and, in any case, terrorism never works against totalitarian states. As a conclusion, Walzer expresses his doubt "that terrorism has ever achieved national liberation"²⁰. Coady, however, points out that the claim that "terrorism works (and nothing else does)" does not necessarily mean that terrorism must work all by itself, but rather that nothing else will fulfil the role that has been assigned to it. This hints at the question whether terrorism has ever made an irreplaceable contribution to national liberation, a question to which there is no simple answer.²¹ In 1956 the Front de Libération Nationale (FLN) in Algeria decided to use bombings and assassinations against the French population of

¹⁷ Bellamy, *Just Wars*, 141

¹⁸ Coady, *Terrorism*, 777-778

¹⁹ Burleigh Taylor Wilkins, *Terrorism and Collective Responsibility* (London, 1992), 36

²⁰ Coady, *Terrorism*, 785

²¹ *Ibid.*, 786

Algiers in order to put pressure on France and appeal directly to international opinion.²² While it cannot be claimed that the struggle for national liberation in Algeria was resolved by the FLN's terror campaign, it can be argued in this specific case that terrorism has at least partially contributed to the end of French colonial rule by influencing public opinion.

Bellamy's 'anti-oppression exception' refers to the argument that terrorism is justified when used as a means by the weak against the oppressor. This argument is based on the presumption that if the weak were obliged to follow the same rules as the strong, they would never prevail. Theorists like Nielsen seem to argue that 'revolutionary terrorism' is justifiable if the violent acts are effective in the revolutionary struggle and if the suffering caused by terrorism is lower overall than the suffering inflicted by the prevailing injustice.²³ The Islamic Resistance Movement, known as Hamas, has often portrayed terrorism as the only weapon available to the weak in confronting a stronger opponent and has argued that it is the most effective weapon at its disposal for inflicting harm with a minimum of losses.²⁴

Bellamy identifies three problems with this argument. First of all, if terrorists can justly ignore the rights of non-combatants, then pressure is put on states to abandon moral constraints in counter-terrorism. Secondly, accepting an 'anti-oppression exception' to non-combatant immunity creates the potential for abuse by dissident or separatist groups in democratic states that will portray themselves as being oppressed.²⁵ Finally, the claim that terrorism is a legitimate form of self-defence against the oppressor is invalid because the intentional

²² Hoffman, *Inside Terrorism*, 61-62

²³ Igor Primoratz, 'Terrorism' in Edward N. Zalta (ed.), *The Stanford Encyclopedia of Philosophy (Winter 2010 Edition)*, available at: <http://plato.stanford.edu/archives/win2010/entries/terrorism/> [accessed March 19 2011]

²⁴ Hoffman, *Inside Terrorism*, 99

²⁵ Martin, *Understanding Terrorism*, 156-157

targeting of non-combatants does nothing to directly protect the terrorists or the communities that they claim to represent from actual attack.²⁶

A second justification used by terrorists to justify their acts is the argument of 'supreme emergency' which is closely linked to consequentialism. According to Walzer, there are situations in which the danger confronted is so great and the options available are so limited that extreme measures must be taken. This argument of necessity depends on the imminence and seriousness of the threat and only allows the state to override the principle of non-combatant immunity when faced with "defeat likely to bring disaster to a political community"²⁷. The emphasis, therefore, is on the extreme nature and the rarity of the situation. The Liberation Tigers of Tamil Eelam (LTTE) have often used this argument by equating the Sri Lankan government's oppressive efforts to racial holocaust and by implying that the Sinhalese plan to destroy the national identity of the Tamil people.²⁸

Bellamy has a two-fold objection to this argument. Firstly, the case for 'supreme emergency' contains the potential for abuse because the situations in question are open to different interpretations by various actors. Furthermore, the argument is based on the fallacious assumption that sometimes there seem to be no alternatives to killing non-combatants. This argument, therefore, needs to prove beyond all doubt that targeting non-combatants can actually defend a state facing 'supreme emergency' and that it is the 'only option' available.²⁹ Orend discards the argument of 'supreme emergency' because an appeal to military necessity cannot be considered enough to override the principle of non-combatant immunity which has been established in the first place with military necessity in mind. However, he also concedes that a strict

²⁶ Bellamy, *Just Wars*, 142

²⁷ Michael Walzer, *Just and Unjust Wars: A Moral Argument with Historical Illustrations* (New York, 1977), 268

²⁸ Michael P. Arena and Bruce A. Arrigo, *The Terrorist Identity: explaining the Terrorist Threat* (New York, 2006), 180

²⁹ Bellamy, *Just Wars*, 144

respect for non-combatant immunity, in this case, might result not just in victory for the aggressor, but also in slaughter and ultimate catastrophe. Therefore, Orend compares the adherence to the principle of non-combatant immunity in a situation of 'supreme emergency' to fighting with one arm tied behind one's back.³⁰

Coady for his part attacks the implicit pro-state bias of Walzer who argues that it is the duty of statesmen to preserve their polity. Ignoring the claims that many of the arguments for terrorism are similar to his state-based arguments of necessity and last resort, Walzer denies that there can be justifications for terrorism.³¹ It could be argued, however, that there are some groups like the Liberation Tigers of Tamil Eelam who can plausibly claim to represent political communities and to deploy violence in defence of a threatened community. In fact, the Sri Lankan government has oppressed the Tamil minority through discriminatory legislation like the Sinhala-Only Act, the practice of standardisation, and the denial of linguistic as well as educational rights.³² But on the contrary, the LTTE have often simply ignored or dismissed their culpability for terrorist actions by referring to themselves as 'freedom fighters' who condemn acts of violence against civilians.³³

In general, it would not seem implausible that various groups fighting against tyrannical regimes could be described as facing 'supreme emergency'. This leads, however, back to the criticism that intentionally targeting non-combatants is not the 'only option' that terrorists have. Moreover, the broadening of the definition of 'supreme emergency' would also reduce the rarity value of the exemption and hence dangerously expose the possible justifications for targeting non-combatants to abuse.³⁴ Smilansky argues that the

³⁰ Brian Orend, 'Is there a Supreme Emergency Exemption?' in Mark Evans (ed.), *Just War Theory: A Reappraisal* (Edinburgh, 2005), 144-145

³¹ Coady, *Terrorism*, 782-784

³² Arena and Arrigo, *Terrorist Identity*, 180

³³ *Ibid.*, 196-198

³⁴ Coady, *Terrorism*, 786-787

justification for Palestinian terrorism fails due to the existence and feasibility of alternatives to terrorism, but concedes that terrorism might be justified in situations where there is a genocidal threat to a group's very existence, as there was in Rwanda in 1994. While it is highly doubtful that terrorism would have been effective in preventing genocide in this case, the argument raises questions of 'collective responsibility'.³⁵

Many terrorists argue that non-combatants who benefit materially from an oppressive regime lose their innocence and become legitimate targets. Wilkens argues that it is legitimate to target non-combatants provided that they are "members of a community which is collectively guilty of violence"³⁶. He points out, however, that this justification only applies to those who "either have themselves been the actual or intended victims of violence, or are members of a community [...] which has been the actual or intended victim of violence". He admits that this may involve "inflicting violence upon those who in their individual capacity may have done or intended no harm to the would-be terrorists or [their] community"³⁷. The problem with this reasoning is that it equates non-combatancy with innocence and combatancy with guilt which brings us back to the problems of defining terrorism.

If a community including innocent non-combatants can be held collectively responsible for the crimes of combatants – whether these crimes be real or perceived – and if the non-combatants simply lose their innocence by virtue of belonging to the same community as the combatants, then this argumentation is not only an excuse for terrorism but also for mass slaughter. Left-wing terrorist groups like the Red Army Faction (RAF) in Germany have used this kind of argument to justify their revolutionary anti-establishment ideology and the deliberate targeting of non-combatants belonging to the 'imperialist'

³⁵ Smilansky, *Terrorism*, 797

³⁶ Wilkens, *Terrorism and Collective Responsibility*, 29

³⁷ *Ibid.*, 31

establishment.³⁸ The concept of ‘collective responsibility’ makes the right to life conditional on an individual’s relationship to oppression.³⁹ Hostility or political support does not turn innocent civilian members of a community into combatants; only actions, not sympathies, can change the status of non-combatants.⁴⁰ Moreover, if communities can be collectively judged for their wrongdoing, then the victims of terrorism can also collectively judge the terrorists and their communities and use that judgement to (further) justify oppression.⁴¹

The last argument invoked to justify terrorism is that of ‘divine command’ which holds that terrorist acts become morally right when they are commanded by God.⁴² This justification is highly problematic: a divine mandate is impossible to disprove, it can be claimed by anyone without restriction, and it can be used to justify any act, no matter how abominable.⁴³ Even if leaving open the theoretical possibility that God could mandate terrorist acts, those invoking such a mandate need to prove its veracity by more than faith and have to recognise the possible corruptibility or self-interest of those who convey such messages to them.⁴⁴ Hamas has often claimed to wage a ‘holy war’, fought by divine command, against a foreign invader that has usurped Palestinian land.⁴⁵

As the analysis has shown, consequentialism and its related arguments are unable to justify terrorist violence because terrorism fails to achieve a balance of good and is rarely the ‘only option’ available. The argument of ‘supreme

³⁸ Hoffman, *Inside Terrorism*, 80-83

³⁹ Bellamy, *Just Wars*, 143

⁴⁰ James Turner Johnson, *Morality and Contemporary Warfare* (New Haven, 1999), 131-132

⁴¹ Bellamy, *Just Wars*, 143

⁴² Christopher, *The Ethics of War & Peace*, 184

⁴³ Bellamy, *Just Wars*, 144

⁴⁴ Christopher, *The Ethics of War & Peace*, 186

⁴⁵ Hoffman, *Inside Terrorism*, 98

emergency' is invalid because it creates the potential for abuse and is unable to prove that targeting non-combatants can actually defend a state or group facing 'supreme emergency'. Wilkens' argument of 'collective responsibility' has to be discarded because its argumentation can be misconstrued to justify mass slaughter and the logic of 'collective responsibility' can also justify the victims of terrorism taking revenge on the terrorists and their communities. The argument of 'divine mandate' fails because those invoking such a mandate are unable to prove its veracity by more than faith and have to recognise the possible corruptibility of those conveying the message to them. Since the various excuses for terrorism fail to justify the violation of the principle of non-combatant immunity, it can be said in conclusion that terrorism can never be justified.

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