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Combating Terrorism Within Moral And Ethical Constraints

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Introduction

James Olson, author of the book *Fair Play: The Moral Dilemmas of Spying (p.15),* questions “What actions by a state are permissible in pursuing the state’s interests? Are lying, cheating, manipulation, deception, coercion and other techniques of espionage and covert action justifiable in national self-defense?” To expand his thought, to that end, I say, “Can different moral and ethical theories co-exist during war or conflict?” Can we extend our range of options in dealing with terrorism globally in an effort to satisfy our national security objectives using principles outlined in the many moral and ethical theories? In short answer, yes. This paper will address moral and ethical theories that I believe justify the use of a range of options or extended options to combat terrorism to meet our national security objectives without severely corrupting our universal morals or ethics.

Strictly speaking from a theory basis, and a common sense approach-with no religious affirmations-I ascribe to a combination of principles of the Just War theory and Moral Absolutism philosophy. It is my belief that we cannot engage terrorists’ *Realpolitik* and *normative ethical relativist* frame-of- mind to justify the use of force based on one moral or ethical theory or philosophy. A combination of principles from the Just War theory and Moral Absolutism philosophy can morally and ethically justify engagement in combating terrorism.

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Background

During the 1950’s, the Cold War waged against international communism and the Soviet Union, was one of the many conflicts facing the U.S. Government and the country as a whole. This “war” brought to bear many questions about morality and ethics in foreign policy, according to many analysts. In a 1954 report, the following statement was issued by a government panel convened to recommend political covert action:

It is now clear that we are facing an implacable enemy whose avowed objective is world domination by whatever means and at whatever costs. There are no rules in such a game. Hitherto acceptable norms of human conduct do not apply. If the US is to survive, longstanding American concepts of "fair play" must be reconsidered. We must develop effective espionage and counterespionage services and must learn to subvert, sabotage and destroy our enemies by more clever, more sophisticated means than those used against us. It may become necessary that the American people be made acquainted with, understand and support this fundamentally repugnant philosophy.

Extracted from James Barry’s *Guideposts from Just War Theory* and referenced in the book *Fair Play*, that statement addressed the struggles we faced testing our morality during the Cold War.

Although the Cold War has been over for quite some time, we face the same struggles with another entity today. Albeit not a state actor, but groups of individuals who wish to develop a

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state or “caliphate” to threaten our livelihood as a nation and western civilization, no matter the ideology.

With radical Islamic extremism spreading across the globe, how do we address the issue of using permissible options to satisfy our national security objectives while maintaining our moral and ethical compass in this “war on humanity?” As a country and as a society, can we maintain our moral and ethical compass if engaged to defeat terrorism effectively? To determine the answers to these questions, we must examine the moral dilemma at hand.

Discussion

Theodore Seto, a law professor from the Loyola Law School in Los Angeles, explained in 2002 that “Before we can decide whether terrorism is immoral, we must first decide what terrorism is. Unfortunately, there exists no consensus definition in U.S. or international law. U.S. law, for example, contains multiple inconsistent definitions.” Seto also observed: “For U.S. criminal and national defense purposes, terrorism is defined generically as any violent or life-threatening unlawful act undertaken with specified (generally political) motives.”

Terrorism, as I define it, involves the death, disruption or destruction of something of value for political or ideological purposes. Terrorists believe in the cause and fight for that cause in a manner that, usually, does not exemplify universally accepted morality or ethics. These “terrorist” acts are moral and justified in their eyes within their culture. Using this definition of terrorism, are acts precipitated by terrorists moral or immoral? Is our response to terrorism

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moral or immoral? In order to understand the morality or immorality of terrorism, we have to address morality as recognized by mankind.

Morality, Ethics and Terrorism

Morality and ethics vary within cultures and from culture to culture. Due to the complexities associated with the various theories in which individuals and societies conform, there are no black and white guidelines or philosophies to combat terrorism or any other radical conflict, for that matter. Political theorist and professor emeritus Michael Walzer, argues "it is important to stress that the moral reality of war [or terrorism] is not fixed by the actual activities of soldiers, but by the opinions of mankind." So what constitutes opinions of mankind? In reality, it is theory or theories recognized by individuals or societies for which there are different definitions or conclusions of what is considered moral or immoral conduct.

Demonstrated by various Islamic radical extremist groups in the last decade or more, the death and destruction of non-believers are, in fact, moral. This mind-set illustrates their radically extreme interpretation of the teachings, sayings, and practices of the Prophet Mohammed written in the Quran and Sunna (Johnson & Sergie, 2014). As an example, the Islamic State “invited military action against it in order to legitimize its narrative of fighting a war against ‘crusades,’” an extreme, militant view of western influence on Muslim countries. (Khatib, 2014) Universally recognized moral codes of *Do not lie, Do not steal, Do not cheat, Do not kill, etc.,* in which I believe, renounce death and destruction for purely political or religious means.

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There will always be dissent amongst human kind as to what is moral or immoral behavior based on individual and societal moral codes. Many recognized moral and ethical theories and their variations developed and practiced by some of the worlds’ greatest philosophers, exist, as do many races, ethnic backgrounds, cultural mores, and religions, etc. As such, the moral and ethical use of a range of options or extended range of options for or against engagement of terrorists will be viewed differently depending on who you ask. However, within the framework of a few theories which I favor, there are a range of options or extended options, where “practicing” the elements of these theories, could support national security objectives. These options could subjugate terrorism without severely compromising universal morals and ethics established within our society.

When discussing morality in war or conflict, understanding the theories of morality that I believe justify a response to terrorist acts, will help to shed some light on the dilemma faced confronting terrorism. We cannot or will not be able to satisfy or pacify (whichever term you ascribe to) every person in every culture. For the sake of maintaining as clear a conscience as I can, I believe that most elements of the Just War Theory and Moral Absolutism fit the mold to contend with Islamic extremism and terrorism abroad.

Just War Theory

The *Just War Theory* philosophy originated in the 4th century by Augustine of Hippo (Vallely, 2014) and formally developed in the 13th Century Catholic Church by Saint Thomas Aquinas. This philosophy or doctrine attempts to codify when and how it is morally justifiable to wage war. (Olson, 2006) “Just War Theory is simply an argument about what justifications

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make sense” for any government or state to go to war. (Walzer, 2008) The Just War Theory has seven principles. The first three principles’ were originally established by the Catholic Church while the last four developed over time through modern international law and conventions.

The principles’ for “Just War” are:

1. The war must be declared by appropriate legal authority; it cannot be waged by individuals or usurpers
2. A just cause is required, such as self-defense, defense of others, recovery of something unjustly taken, or redress of a serious injury
3. The state going to war must have a righteous intention, namely, the restoration of peace or the promotion of some other good. Revenge, greed, thirst for power, desire for territorial gain, and hatred are not righteous intentions.
4. The damage caused by going to war must be proportional to and not exceed the good to be achieved.
5. The war must have a reasonable probability of success. It is morally wrong to cause damage and expend lives in a futile or hopeless war.
6. Going to war must be a last resort. All non-military means of achieving the same end must be exhausted before resorting to military force.
7. Every reasonable effort must be made to avoid harming innocent civilians.

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Moral Absolutism

“Moral Absolutism is the ethical belief that there are absolute standards against which moral questions can be judged, and that certain actions are right or wrong, regardless of the context of the act. Thus, actions are inherently moral or immoral, regardless of the beliefs and goals of the individual, society or culture that engages in the actions. It holds that morals are inherent in the laws of the universe, the nature of humanity, the will of God or some other fundamental source.” (Mastin, 2008) In essence, moral absolutism establishes a very tough standard for determining whether an action is morally acceptable or not. According to Immanuel Kant, the 18th century German philosopher and central figure in modern philosophy, morality is a function of “good will.” (Rohlf, 2010) A person of good will always performs their duty according to a moral law and that living a good life entails doing good, even though they may not be happy doing it. Kant believed that to be moral, one’s actions must be motivated by a pure desire to do good, regardless of cost or inconvenience without any ulterior motive. (Long, n.d.) (Olson, 2006)

Two categorical imperatives formulate Moral Absolutism: Universal Law and Humanity. Universal Law formulation is the test of whether an action is moral or not and whether it represents a principle that could be universally applied to everyone for the overall good of the society. The Humanity formulation suggests that we treat people with respect and not use them for our ends. It is morally wrong for us to use coercion, deceit, manipulation, etc., to achieve

our ends and that we must always treat people with openness and honesty. Our actions dictate concern for others, not for ourselves. (Olson, 2006)

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Range of Options and Theory

Olson reveals in *Fair Play* “Terrorists practice *Realpolitik”* (p. 26)….”To them any means, including the massacre of thousands of people at a time” [or beheading of westerners for symbolism to the world], are justified in the advancement of their cause.” (p. 27) *Realpolitik* philosophy, infamously used by German Chancellor Otto Von Bismarck in the 19th century, focuses on the considerations of power and advancement of national interests. Advancement of national interests is exercised by all means necessary, even at the expense of doctrinal, religious, or ethical considerations of what is morally right and wrong. (Olson, 2006)

Terrorists-radical Islamic extremists-also believe in *Normative Ethical Relativism*. Their beliefs are right or moral within their culture, and the validity of their beliefs cannot be judged by outside their culture. (Johnson & Sergie, 2014) Because of their beliefs and supposed “right” to wage jihad (holy war) against non-believers, should we respond in kind to the atrocities levied against non-believers by terrorists? Based on their practice of *Realpolitik* theory, we should respond in kind. However, can we justify our response “in kind” based on universally accepted moral codes and the Just War Theory? “What I am urging is that in these cases the recognition that some action or some group (or state) is “evil” should be the beginning of the analysis, not the end. Too often in U.S. foreign policy, the language of good and evil is the end of the discussion rather than the beginning.” “…moral clarity in recognizing evil can sometimes stop us from asking hard questions about how we plan to do just that.” [response in kind]. (Boyle, 2014)

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Based on Boyle’s assessment of the U.S. government’s recognition of evil and its analysis, we should not necessarily let our morals “preclude analytic clarity.” Clarity should also help us decide what is appropriate or inappropriate to “defeat a particular group.”

Modern political theorists have continued the Just War tradition and focused primarily on the criterion of just cause. Currently, the school of thought appears to favor the view that the only justifiable reason for armed conflict is to repel aggression. Traditionally, however, there are two other acceptable causes: to retake something wrongfully taken and to punish wrongdoing. Another area of debate is forcible state intervention. Can state intervention take place to reform that state's political system, for example, in the case of flagrant human-rights abuses? (Barry, 2007) Major General Paul Vallely, USA, (ret.) states: “In the old wars, the aim was to smash the opposing army. In the new, the aim is to break the will of your opponent, or change their intentions, to create new conditions in which your strategic objective is achieved.” The focus globally wherever these conflicts abound, “is to defeat the enemy without alienating the civilians among whom the enemy moves. Massive military responses can even be counter-productive.” (Vallely, 2014)

Addressing the concerns of civilians-for whom terrorists design their actions against-is paramount to achieve national strategic objectives successfully using the Just War theory. The deliberate public taunting that exposes the inhumane treatment and actions toward civilians   
and weaker host government forces, has been terrorists’ modus operandi to grab world attention to their cause. In a recent piece written by lead CNN journalist Laura Smith-Spark, a 2014

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United Nations (UN) report documents "acts of violence of an increasingly sectarian nature" by ISIS and associated armed groups. The widespread abuses reported in Iraq over a nine-week period, "include attacks directly targeting civilians and civilian infrastructure, executions and other targeted killings of civilians, abductions, rape and other forms of sexual and physical violence perpetrated against women and children, forced recruitment of children, destruction or desecration of places of religious or cultural significance, wanton destruction and looting of property, and denial of fundamental freedoms," the report said.

To wage a “Just War” on terrorism, a *just cause* (*jus ad bellum),* has to be established: self-defense, defense of others, recovery of something unjustly taken, or redress of a serious injury. (Walzer, 2008) (Olson, 2006) This principle of self-defense and redress of injuries of Iraqi citizens and Kurdish citizens caused by the Islamic State, for example, warrants the use of a range of options under the Just War theory. In addition, the U.S. and its allies express “a righteous intention, namely, the restoration of peace or the promotion of some other good.” (Olson, 2006) The U.S. and a coalition of Western and Middle East governments assisting in the fight against terrorism have declared that the restoration of peace and goodwill to counter terrorism globally is the primary goal of their efforts. There is no desire for territorial gain, greed or a thirst for power from the West or other countries in the region. Revenge and hatred of terrorism may be a concern based on events of the past in the case of the Islamic State and other terrorist organizations. However, by and large, these two principles of Just War do justify options in combating the current problems experienced on a global scale.

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Although the use of certain force in satisfying our national and regional objectives in a just war, in my opinion, is justified, we must also adhere to another Just War theory. The principle of *just conduct* in war (*jus in bello),* states: “damage caused by going to war must be proportional to and not exceed the good to be achieved, while every reasonable effort must be made to avoid harming innocent civilians.” (Walzer, 2008) (Olson, 2006)

Having examined that our response to acts of terrorism can be justified based on a majority of Just War theory principles’, we should also consider some principles of Moral Absolutism. During the wars in Iraq and Afghanistan, the U.S. developed and refined a Counter-insurgency (COIN) doctrine which fostered a pro-active interaction with locals within war-torn communities. COIN operations, assisted and not run by the U.S. to aid and train local civilians for militias and host government forces, can satisfy national security objectives and uphold certain moral absolutism principles. Within the defined parameters of Moral Absolutism, our actions should “be motivated by a pure desire to do good, regardless of cost or inconvenience without any ulterior motive.” The desire to do good will be universally applied to everyone “for the overall good of the society.” (Olson, 2006) Everyone has certain inalienable rights to freedom and the right to live a good life.

Conclusion

Elements of the Just War theory and Moral Absolutism principles can morally and ethically justify engagement in combating terrorism. Defense of individuals and societies that cannot defend themselves; redress of atrocities from those with no ethics or no universal morality;

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motivation to universally do good for others regardless of cost or inconvenience; and the development of policies directing proportional use of force to lessen the collateral damage to civilians, are principles that can be applied. The U.S. can develop a range of options or extended range of options at its disposal to satisfy its national objectives without severely compromising moral and ethical values.

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References

Barry, James A. (2007). *Guideposts from Just War Theory* Managing Covert Political Action. Retrieved September 23, 2014 from *https://www.cia.gov/library/center-for-the-study-of-intelligence/kent-csi/vol36no3/html/v36i3a05p\_0001.htm*

Boyle, Michael J. (2014, August 27). [ISIS And The Perils Of Moral Clarity](http://thefederalist.com/2014/08/27/isis-and-the-perils-of-moral-clarity/). Retrieved September 23, 2014 from http://thefederalist.com/2014/08/27/isis-and-the-perils-of-moral-clarity/

Johnson, Toni & Sergie, Mohammed. (2014, July 25). Islam: Governing under Sharia. Retrieved Sep 29, 2014 from http://www.cfr.org/religion/islam-governing-under-sharia/p8034

Kant, Immanuel. (1785). The Metaphysics of Morals. Retrieved September 29, 2014 from

http://www.justiceharvard.org/resources/immanuel-kant-groundwork-for-the-metaphysics-of-morals-1785/

Khatib, Lina. (2014, September 27). CNN. Airstrikes will not beat ISIS. Retrieved September 29, 2014 from http://www.cnn.com/2014/09/26/opinion/uk-isis-airstrikes/index.html?hpt=hp\_t3

Long, Roderick T. (n.d.). Immanuel Kant: The Metaphysics of Morals (Excerpts). Retrieved September 29, 2014 from http://www.praxeology.net/kant7.htm

COMBATING TERRORISM WITHIN MORAL AND ETHICAL CONSTRAINTS 15

Mastin, Luke. (2008). The Basics of Philosophy. Retrieved September 29, 2014 from http://www.philosophybasics.com/branch\_moral\_absolutism.html

Olson, James M. (2006). *Fair Play: The Moral Dilemmas of Spying.* First edition. Potomac Books, Inc; Dulles, VA; ISBN 978-1-59797-153-9 (paperback)

Rohlf, Michael. (2010). "Immanuel Kant", The Stanford Encyclopedia of Philosophy (Summer 2014 Edition). Retrieved October 2, 2014 from http://plato.stanford.edu/entries/kant/

Seto, Theodore P. (2002, June 1). *The Morality of Terrorism*, 35 Loy. L.A. L. Rev. 1227 (2002). Retrieved September, 26, 2014 from http://digitalcommons.lmu.edu/cgi/viewcontent.cgi?article=2333&context=llr

Smith-Spark, Laura, Carter, Chelsea & **Tuysuz, Gul.**  (2014, October 2). Could an ancient tomb's future decide whether Turkey will fight ISIS? CNN | World. Retrieved October 2, 2014 from http://www.cnn.com/2014/10/02/world/meast/isis-air-strikes/index.html?hpt=hp\_t2

Vallely, Paul. (2014, September 21). The new military morality: Can the principles of Just War have meaning in today's world? *The Independent.* Retrieved October 1, 2014 from http://www.independent.co.uk/voices/comment/the-new-military-morality-can-the-principles-of-just-war-have-meaning-in-todays-world-9747136.html

COMBATING TERRORISM WITHIN MORAL AND ETHICAL CONSTRAINTS 16

Vallely Genealogy. (n.d.). Biography of Major General Paul Vallely (ret.). Retrieved October 1, 2014 from http://www.vallely.com/general.htm

Walzer, Michael. (2008, April 15). Michael Walzer on Just War Theory. Retrieved September 29, 2014 from http://bigthink.com/videos/michael-walzer-on-just-war-theory

Walzer, Michael. (2000). *Just and Unjust Wars: A Moral Argument with Historical Illustrations*

New York: Basic Books 2000; 3rd edition. ISBN 0-465-03705-4.