Terrorism: A Philosophical Enquiry

Anne Schwenkenbecher
The University of Melbourne, Australia

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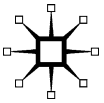

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Introduction

This book is a philosophical enquiry into terrorism. To enquire is the genuine task of philosophy. As such, philosophers also enquire into concepts and ideas that at first sight appear to be clear and obvious. It is typical of philosophers to question widely held convictions and commonly accepted norms if these are found to be inconsistent or inaccurate. The aim of this book is to enquire about terrorism in a way which questions some widely held convictions about what terrorism is and how we should judge it. The guiding questions of this book are: What is terrorism, or, how should it be defined? And could terrorism ever be justified? This book invites the reader to approach these matters from a new perspective, according to which terrorism is just one of many forms of political violence. It argues that terrorism is not necessarily morally wrong and not morally worse than war and that if war can be justified, then so can terrorism. The book demonstrates how the political rhetoric surrounding terrorism is part of the political problem terrorism constitutes.

'Terrorism' is one of those words we encounter almost on a daily basis. It is a phenomenon which people in this contemporary world are often exposed to – through media reports on supposed terrorist attacks, as part of the political and legislative discourse and – unfortunately – sometimes in reality. But what, actually, is terrorism, and what is it not? Is everything we commonly call terrorism really terrorism? Unfortunately, the accuracy of the term's usage is inversely proportional to the frequency of its use. Above all, it is the public discourse on terrorism that is flawed in this way, but also the academic and the practical legal discourse where more than a hundred definitions of terrorism coexist suffer from a definition superfluity. Consequently, the first objective of this book and the focus of Part I is to enquire about

the term terrorism itself. Why is it so hard to define? What makes a 'good' definition of terrorism? It will be shown how – in the long run – a consistent and unbiased definition of terrorism will benefit everyone: because it will be harder to wage unjust and possibly disastrous 'wars on terror', because it will be harder to capitalize politically on hyping up the threat from terrorism, and because it will be harder to justify why states should be allowed certain kinds of political violence while non-state actors are not.

But how can we arrive at a consistent and unbiased definition of terrorism? A definition of terrorism should meet three criteria: first, it should cover certain paradigmatic instances of what we consider terrorism; that is, attacks such as those on the World Trade Center in New York and the Pentagon in September 2001 or those on commuting trains in Madrid Atocha in March 2004 should fall under our definition of terrorism. Second, the definition should not yet include any moral assessment of the act in question. Defining an action and evaluating it are distinct tasks. Third, the definition should single out a certain group of actions enabling us to clearly distinguish these actions from other kinds of actions, that is, to clearly identify which acts are terrorist by their nature and which are not.

That said, we should not lose sight of the fact that there exists an enormous quantity of terrorism definitions already. The first chapter of the book will review existing academic definitions of terrorism in order to find out the extent to which they overlap and whether there exists a certain common denominator. This will reveal that while such a denominator exists, it does not meet the third of the aforementioned criteria, in that it is unable to sufficiently separate terrorist acts from other kinds of actions. Moreover, three controversial aspects often forming parts of definitions of terrorism can be identified, which must be discussed as to whether they should be included in a convincing definition. These aspects comprise the question of whether terrorism should be defined as a method employed solely by non-state actors, whether it is always directed against so-called innocents and what the specific terrorist method consists of.

As a result of this debate, the following definition of terrorism will be endorsed: terrorism is an indirect strategy of using fear or terror induced by violent attacks or force (or the threat of its use) against one group of people (direct target) or their property as a means to intimidate and coerce another group of people (indirect target) and influence their actions in order to reach further political objectives. The violent acts that form part of such a strategy should be called terrorist acts.

In what way is this definition distinct from, and in fact better than, other definitions of terrorism? Most notably, it does not exclude terrorism against non-innocents. The overwhelming majority of philosophical definitions of terrorism consider it a strategy which essentially involves the targeting of innocents. In my book, I challenge such a narrow definition mainly because I consider it arbitrarily restrictive. The definition also does not yet include any moral judgement. It is true that most acts commonly referred to as terrorist acts are shocking and disturbing manifestations of violence imposed by humans on other humans. Consequently, most people have strong resentments against terrorism, and in the public discourse the term is being used almost exclusively in a pejorative manner. But only after elaborating a definition that is morally neutral by large it is possible to honestly and impartially approach the question of whether terrorism is necessarily always wrong. Certainly, a more differentiated approach to the question of what terrorism is will lead to a more reflected judgement on its ethical implications.

It is the moral assessment of terrorism that Part II of the book focuses on. Can terrorism ever be morally justified? Even though common perceptions of terrorism are unambiguously dismissive of its means, careful philosophical reflection of this question arrives at an affirmative answer. According to the definition of terrorism established in Part I, terrorism involves a variety of *prima facie* reprehensible actions, such as inducing fear, employing violence, intimidating and coercing and finally killing. For the purpose of this book, I will simply assume that killing another person is usually the most reprehensible of these actions and thus the hardest to justify. Provided it can be shown that killing in the course of terrorist acts can be justified, terrorist acts – and terrorist strategies – can, in principle, be justified. Though the book concludes that terrorism may sometimes be justifiable, this conclusion does not come without qualification. The conditions which would allow for the morally permissible employment of terrorist violence are extremely hard to satisfy. Ironically, however, they are just as hard to satisfy in the context of more conventional military violence.

Crucial to my approach to assessing terrorism is the distinction between innocents and non-innocents, which I will focus on in Chapter 3. Innocent, as it is understood here, means to be in no plausible sense responsible for the problem the terrorists are fighting against. Innocents are never liable to violent interference, while non-innocents can be. Hence, violent acts against non-innocents are easier to justify morally. Having said this, it is important to emphasize that the question

of innocence and non-innocence alone is not decisive for the (un)justifiability of a terrorist act. Neither are terrorist acts against non-innocent persons always justified, nor are acts against innocents necessarily morally wrong.

The question under which circumstances terrorism against non-innocents can be morally justified has deserved very little attention, mainly for conceptual reasons. Over the last thirty years, there has been a continuous debate on the ethics of terrorism, which since the 9/11 attacks has further intensified. However, as the overwhelming majority of philosophical definitions restrict terrorism to violent strategies against so-called innocents, little research has gone into the question of terrorist violence against non-innocents. I will eventually argue that an act of terrorism against non-innocents must satisfy these criteria in order to be morally justified: *just cause*, *moral authority, discrimination and protection of the innocent, proportionality*, *last resort* and *discourse*. A terrorist strategy against non-innocents is justified if the vast majority of individual acts of violence satisfy these criteria.

Chapter 5 faces an even more challenging question: Could terrorism against innocents ever be justified? Some philosophers consider the prohibition against killing the innocent an absolute prohibition, while others argue that there may be exceptions to it. The main objective of Chapter 5 is to find out whether terrorism against innocents could ever be one of these exceptions. For this purpose, it reviews two prominent attempts to justify collective lethal violence against innocents: the distributive justice approach to justifying terrorism introduced by Virginia Held and the doctrine of supreme emergency which was originally introduced by Michael Walzer. I will eventually argue that targeting of innocents in the course of acts of terrorism can only be justified in situations which constitute a real supreme emergency in the sense of a moral disaster.

While Chapters 4 and 5 focus on deliberate killing, the last chapter (Chapter 6) deals with the moral assessment of unintended side effects on innocents. Can they ever be permissible? Building on the moral difference between incidental and accidental damage, I show how certain kinds of accidentally caused lethal harm may be as impermissible as most incidental damage. Opposing the doctrine of double effect, I will argue that the distinction between intention and foresight is morally not as decisive as the adherence to a principle of due care in violent activities. The basic moral difference with regard to collateral damage in war is between engaging in risky activities and providing high standards of care, and engaging in risky activities and not providing high

standards of care. An act of terrorism against non-innocents causing lethal collateral damage among innocents is extremely unlikely to comply with such standards of care and is thus usually – but not necessarily – impermissible.

On the one hand, this book advances an argument that – in principle – terrorism can be justifiable. On the other hand, it constitutes an attempt to approach the morally charged problem of terrorism and its ethical implications from a sobering distance and to impartially inquire into its philosophical dimensions. Yet, the argument put forward in this book reaches beyond a mere philosophical debate: It reaches out into the terrorism discourse in political science and even jurisprudence, both, yet the latter in particular, struggling to define terrorism. The argument also goes beyond the problem of terrorism, reflecting more generally on the ethics of political violence and its permissibility by both state and non-state actors.

There are also a number of aspects regarding terrorism that this book does not cover. This book does not reflect on the public discourse on terrorism in detail. It instead focuses on terrorism as a strategy of political violence. Earlier I raised the questions of whether terrorism is simply everything that we commonly call terrorism. This claim advocates a purely descriptive definition which – along the lines of the late Wittgenstein – holds that the meaning of a word is its use in the language.[1] Yet, this only leads to the commonplace that the way the term is used in the language is ambiguous and blurry.[2] Discourse analysis can deliver very useful insights into the public discourse on terrorism, its inherent hegemonies and structure, and into how the problem of terrorism is being 'constructed' in the public discourse. Certainly, the public and the academic discourse and the corresponding use of the term 'terrorism' intersect; they are interdependent and not always separable. I will focus, however, on terrorism understood as a certain kind of violent strategy for political purposes and the corresponding terrorist acts.

Moreover, my book does not address issues relevant for the practical context of counter-terrorism. It does not focus on the causes of terrorism as a strategy of political violence, its prevention and how it could be combated. These are important and doubtlessly urgent fields to explore, but they would go well beyond the scope of a philosophical reflection. Yet, the definition suggested here and the implied understanding of terrorist violence may have consequences for counter-terrorism. Considering terrorism as essentially aiming at influencing an audience, such as politicians or a constituency, implies that once a

terrorist attack has been launched, it might be precisely the wrong reaction to declare a state of war, for example, and therewith increase the psychological effect of the attack substantially. It also implies that there cannot be any guarantee against the occurrence of terrorist attacks as long as certain social groups or individuals feel treated unjustly and are determined to take radical measures for combating this – alleged or real – injustice. Hence, launching legal initiatives on reducing political liberties with the officially promoted objective of enhancing security is not necessarily the most efficient strategy as it merely aims at the symptoms, not at the roots of the problem. Furthermore, it could even promote a terrorist actor's objective in that it further delegitimizes the respective state or government resorting to such measures. In short, the implications of the here-presented definition of terrorism may contribute to throwing a critical light on some recent counter-terrorism measures which appear to go way beyond averting terrorist attacks, but rather seem to use those attacks as an opportunity to promote further political objectives.

Hence, this book recommends a watchful attitude to the view that terrorism constitutes a permanent threat and as such is a pressing problem of societies today. Such caution is appropriate, first of all, because of the conceptual problem anyone is facing when speaking, debating and reasoning about terrorism. Without doubt, 'terrorism' is one of the most ambiguous and blurry terms in the public debate, and it is often far from clear what the term actually refers to. Consequently, when terrorism is being presented as a threat and a pressing problem, we should inquire into what exactly this threat is about. Directly linked to this question is the problem of the more or less systematic exploitation of the terrorist threat by politicians, and probably some academics, too, the awareness of which this book attempts to raise.