Univerzita Karlova

Fakulta sociálních věd

Institut politologických studií

Department of International Relations

Master's Thesis

2022   Arnima Singh

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Fakulta sociálních věd Institut politologických studií

Diploma thesis project

Can Terrorism be Morally Justified? A Ethical Inquiry into the Moral Justifications for Terrorism

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Year of Project Submission: 2022

Abstract

The thesis aims to answer the question whether terrorism can ever be morally justified. Since the very acts of terrorism are by their own nature morally reprehensible, such as indiscriminate killings of people, the justification for such acts is not always looked for. The thesis forms a cohesive framework based on the Normative theories of ethics, as well as the interpretation of those theories of various influential political and philosophical authors. Through this thesis, we will not only be able to evaluate the morality of terrorism, if it exists but also highlight the importance of conducting an ethical inquiry into the subject and how a more thorough study of ethics in relation to terrorism can potentially help terrorism studies overcome the complexities related to the term terrorism.

Keywords:

Ethics, Utilitarianism, Deontology, Terrorism, Normative Ethics

Length of the Thesis:

62 pages; 108,031 characters with spaces (without abstract, appendices and other supporting pages)

Declaration

Declaration of Authorship

1. I hereby declare that I have compiled this thesis using the listed literature and resources only.

2. I hereby declare that my thesis has not been used to gain any other academic title.

3. I fully agree to my work being used for study and scientific purposes.

In Prague

August 8, 2022

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Introduction

To start from the very basic terminology, the term violence refers to "the intentional use of physical force or power, threatened or actual, against oneself, another person, or against a group or community, that either results in or has a high likelihood of resulting in injury, death, psychological harm, maldevelopment, or deprivation"[1] as defined by the World Health Organisation. The violence in international relations would traditionally only refer to violence between states, or maybe even civil war; and violence by the government against its citizens, if the situation there is really bad. If that were the only categorical basis for determining violence in International Relations, then indeed psychologist Steven Pinker, best known for his work *The Better Angels of Our Nature: Why Violence Has Declined* who claims that violence has declined significantly in the modern world would find no critic. However, since that is not the case, others maintain that it has been "displaced into legal systems, institutional orders and new forms of conflict. Inter-state war may be in decline, but intra-state conflict is rising."[2] In the last few decades, global terrorism has been increasing impacting the world in a number of different forms and it seems as if modern innovations like the internet have just made things that much worse. Hence, terrorism has become one of the biggest security concerns plaguing the world. Considering all these factors, it is not difficult to see why not one academic is willing to define it in a simplistic manner, since it has so many dimensions. With the rise in such activities, it is important to incorporate the why, into the how to stop terrorism. Thus, analysing terrorism and the moral justifications for the acts of terror play an important role into understanding terrorism itself.

Need for an Ethical Enquiry

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[1] "Violence Prevention Alliance Approach." World Health Organisation.
[2] Wight, "Violence in International Relations: The First and the Last Word:"

One of the key impediments to the ethical exploration of terrorism is the fact that there is no standardised definition of terrorism. While terrorism itself is a difficult word to define, the task becomes even more difficult when intertwined with words like political violence, insurgency etc. since they don't have any clearly defined boundaries. It is immensely difficult to formulate a working definition of terrorism, while being mindful of incorporating all the important factors, some of which might be contradictory to each other, factors such as - terrorism as a 'contested topic' where, the political, the legal, the social science and the popular notions of the term often converge and diverge; terrorism skirting around the boundaries of other kinds of politically motivated violence; terrorism used as a 'labeling device' to smear political opponents and terrorism constantly keep evolving, among various others. These issues make the topic of ethics regarding terrorism difficult to define, since we cannot decide whether something is good or right until we know how to exactly define the act itself; and the terms such as 'insurgents' and 'freedom fighters' bring about a different connotation than the term 'terrorist.'[3]

Difference between Ethics and Morality

However, through the lens of ethical theories such as deontology and utilitarianism, it is possible to judge the action regardless of the definition, by following the precepts of those theories. However, before getting into it, it is important to note the use of use of terms 'ethics' and 'morality'. Since the thesis deals with the moral as well as the ethical perspective on terrorism, it is imperative to understand the distinction between the two, even though it is now deemed acceptable to use them interchangeably and consider moral philosophy same as

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[3] Schmid, "Routledge Handb. Terror. Res." Ch 2.

ethics[4]. In the most generic sense, both ethics and morals relate to judging whether the action taken is acceptable or not; where they differ is in the fact of what is considered acceptable – whether it was a right action and hence it was acceptable or a good action and that's what made it acceptable. Ethics would relate to judging whether the action is right or wrong and morals would refer to what makes an action good or bad. In this regard, morality is something that's "personal and normative," and ethics is the principles of "good and bad" defined by a certain community or social setting.[5] Hence the term ethics and moral philosophy will be used interchangeably throughout the thesis.

Role of Philosophy in terrorism studies

This philosophical inquiry of terrorism is not a very straightforward process since many political philosophers disagree with each other on certain nuances within the respective theories, but these nuances could give way to a better form of understanding ethics when it comes to terrorism as opposed to falling into the trap of defining such a vast term. Hence, the role political philosophy comes in handy in determining whether terrorism can be morally justifiable or not and the multitudes of debates associated to it works on two levels – the conceptual level and the moral level, as Igor Primoratz, noted political philosophy author writes. "Philosophers are good at spotting and disentangling confusions and debunking double standards. Although some embrace some version of relativism, others can help overcome it, and put to rest the pernicious cliché "one person's terrorist is another's freedom fighter"[6] As philosophers in general avoid merging together the conceptual and the moral

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[4] Grannan, "What's the Difference Between Morality and Ethics? | Britannica."
[5] Grannan.
[6] "Terrorism Is Almost Always Morally Unjustified, but It May Be Justified as the Only Way of Preventing a 'Moral Disaster' | EUROPP."

debates around whether terrorism can be morally justified, they open the debate up to the possibility of constructing a definition away from its moral and political aspects, and rather bring to light the relevant ethical theories. He adds that philosophers can incorporate major ethical theories, introduce order into a number of moral arguments for and against terrorism, and help people decide what position best reflects their moral values and political commitments.[7]

This is incorporated into the thesis through chapter 3, which lays out some of the most common issues that make it difficult to evaluate terrorism. The thesis on a whole attempts to explore these impediments through the lens of normative ethics, by analysing the works of political and philosophy scholars. However, these problems are deeply entrenched into the term terrorism itself, a problem that is not made easy through ethics, due to their highly interpretive nature. Therefore, a simpler approach to this would be choosing which normative ethic one's more inclined towards. Utilitarianism accepts a lot of morally grey areas of action which can prove good intention on the actor's behalf, however, that is not always the case. Similarly, deontological perspectives differs as well. Chapter 1 is dedicated to precisely this, explaining the normative ethical theories and displaying the vastly different manners in which they have been employed by political and philosophy theorists, all based upon their individual interpretation. The following chapter 2 is similar in manner, outlining the Just War Theory and the differing opinions of the same precepts. All these to show how individual interpretation colours the perspective of an individual and affects their morality. Even though ethics differ from morality on the grounds of being more impersonal, it doesn't make matter much easier. The view of terrorism and it's justification would remain a personal interpretation wherein following the right context and intentions certain terrorist actions

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[7] Ibid.

could be justified ethically but it however, there can be universal opinion or exception, it'll have to be solely on a case-by-case basis and even then highly contested.

Conceptual and Theoretical Framework

Primary sources

The interdisciplinary nature of terrorism makes it difficult to analyse terrorism with a lens of just one frame. This is so because the theories through which terrorism is studied come from various different background such as political science, history, international relations, sociology, psychology, criminology military science, philosophy etc, wherein "… each of these academic disciplines draws on a particular research tradition with its own goals and scholarly criteria."[8] This makes it a very vast subject to research about and the lack of primary sources and empirical bases make the research simultaneously difficult. Noted contributors in the field like Andrew Silk and Alex Schmid have highlighted their concerns over "an overreliance on secondary data," For many scholars, it is due to the "unbridgeable gap between academia and the intelligence community" that has led to this "state of stagnation" and prevented the academia and the intelligence community to work together and ascertain as to what leads a person to get involved in political violence. Thus, people while writing about the theoretical basis of terrorism usually confine their thesis to a more or less a literature review kind of work, analysing the theories put forth by political/social/historical theorists and the limited primary sources that are available at their disposal. This thesis operates in the same manner, in its attempts to analyse the facets of terrorism in order to understand if terrorism can be morally justified. However, since the thesis would be dealing

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[8] Schmid, "Routledge Handb. Terror. Res."

much more with the political philosophy and the theoretical aspect of terrorism, the lack of primary sources and empirical evidence does not make much hinderance to it's workability.

Qualitative method of research

The thesis operates with the sources derived from qualitative methods of research. The topic of the thesis is such that the quantitative research methods would not prove fruitful enough on their own. Therefore, the research conducted would have to be qualitative in nature. The primary focus would be on the ethical and political theories, and the inferences drawn from the works of prominent thinkers and philosophers regarding the hypothesis. While the limitations of such an approach is well acknowledged, for such a given topic, this method appears to be the simplest means to illustrate the points. Selen A. Ercan and David Marsh make further argument on this matter, in their paper 'Qualitative Methods in Political Science', in which they claimed that "…qualitative methods are useful in many contexts and particularly if we are concerned to *understand* the actions and experiences of actors."[9]

Ethical and philosophical enquiry

Ethics is the discipline dealing with what is morally good and bad, and right and wrong. It is similar in that sense to moral philosophy wherein it can also be defined as "the field of study, or branch of inquiry, that has morality as its subject matter."[10] Although it can be seen as practical and pragmatic as scientific inquiry, ethics as a discipline is differentiated from other scientific inquiry based disciplines like anthropology and biology, since it focuses on "determining the nature of normative theories" as opposed to the factual knowledge that science prefer to rally behind.[11] This ethical inquiry suits the topic for this thesis quite well,

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[9] Ercan and Marsh, "Qualitative Methods in Political Science."
[10] Singer, "Ethics | Definition, History, Examples, Types, Philosophy, & Facts | Britannica."
[11] Singer. "Ethics | Definition, History, Examples, Types, Philosophy, & Facts | Britannica."

since it deals primarily with understanding how one would see terrorism through the lens of normative ethical theories and whether certain acts of terrorism could be morally permissible or justifiable through the given theories. This will be done primarily by analysing a number of works by prominent political philosophers like Michael Walzer, Virginia Held, Andrew Valls etc and their take on terrorism and acts of terror in regards to moral philosophy. This is however not a very straightforward process. Terrorism being a vast term of contention means that the authors on whose works the thesis relies to make the exploration would not be able to come up with universally accepted and definite answers, and there would be many facets that we simply won't be able to explore through the thesis. The few facets that are explored here are the basic normative theories, how they can be applied to terrorism and how their interpretation varies significantly from one author to another, which can be clearly seen in Chapter 1 'Ethics and Terrorism'. Building upon that foundation, the next chapter 'Just War Theory' explores the much debated Just War Theory, very much a middle ground to the deontological and utilitarian ethics discussed in Chapter 1, and how it relates to terrorism. Chapters 1 and 2 consist of the theories that the thesis will be using to explore the questions of whether terrorism can be morally justified. The following Chapter 3 'Can Terrorism be Ethically Justified' would be building up further on those theories by enumerating the problems encountered while researching the conditions for moral justification of terrorism and seeing whether normative theories may provide a solution to those problems. This would be followed by the concluding remarks which would explain the findings and bring the thesis together.

Conclusion

This thesis analyses terrorism through the lens of various political and philosophical theories such as the Just War Theory, Kantian ethics of the Categorical Imperative, the deontological and consequentialist approach to ethics etc. By applying these theories to the tenets of terrorism and understanding them through the works of multiple political and philosophy theorists we shall conduct the ethical inquiry as to whether terrorism can be justified ethically or not and whether it could be moral. There is a very slight difference between the two, which basically is that ethics deals with understanding what actions are 'Right' and 'Wrong' and morality is understanding which actions are 'Good' or 'Bad'. Other than then this, the term ethics is quite often used interchangeably with moral philosophy.

The purpose of the thesis is to seek to understand whether terrorism could be ethical and justifiable in certain situations, and if so, in what conditions could it be deemed ethical. We shall also highlight the difficulties experienced by many political philosopher as mentioned throughout the following chapters, given the broad and ambiguous nature of terrorism. Due to the length of the project, the paper mainly refers to jihadist terrorism groups when talking about terrorism, and disregards all other terrorist groups. The importance of understanding the ethics in regard to terrorism mainly lies in the fact that the terrorist organisations use the questions of ethics and morality in order to justify their actions and ideology to their present and future followers. It is with these ideological high grounds wrapped up in the propaganda that they influence vulnerable individuals into their organisations. The thesis will not be focusing too much on the propaganda regaled by and about terrorists since that will open too many different avenues. It is just mentioned as an offshoot since ethics and morality plays an important role in the in propaganda, and terrorist organisations are known to cover the inhumanity of their actions by moral justifications, which would be helpful in recruiting others to their cause, in addition to other things. Hence, the ethical exploration of terrorist

actions are as important for justifying acts of terror as a means of last resort as they are in stripping the morality masks off of actions solely taken for amassing power and wealth.

Chapter 1

Ethics and Terrorism

This chapter begins with providing a brief explanations of normative ethics – Virtue Ethics, Deontology and Teleology. It will then break down the most relevant of these three - Deontology ethics and Teleology ethics into their less specific aspects vis à vis consequentialist ethics and non-consequentialist ethics. The chapter further details as to how they perceive terrorism as justified or not justified. This part will rely heavily upon the works of prominent political theorists and philosophers, and their interpretation of the respective ethics theories in order to better understand the relationship between these ethics and terrorism, and to show that there is no one answer when it comes to terrorism.

Normative Theories of Ethics

Introduction

Normative Ethics refers to the part of moral philosophy that is concerned with what can be analysed as morally right and morally wrong and aim to answers questions like what a person ought to act like. It is one of the oldest subcategory of western moral philosophy, and has been a topic of discussion from ancient Greek philosophers, to modern philosophers alike. The normative theory of ethics can be studied through three perspectives – Virtue Ethics, Deontology, and Teleology. Virtue Ethics are character focused, as opposed to action focused "in these theories, propositions about what kind of person to be or about what kind of character to have are treated as fundamental to morality."[12] Deontology places emphasis on

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[12] Copp, David. *Oxford Handb. Ethical Theory.* pg 20

"right action" and acting within the sphere of an individual's rights and duties. In standard deontology, the basic concern is with right action or moral duty and the basic moral truths are propositions about our duties. In Kantian theory, the basic concern is with rational agency. The fundamental moral truths are judgments about rational agency, such as judgments about the maxims that a rational agent could will to be universal laws or judgments about the respect owed to rational agency. In rights-based theories, the basic concern is with rights, and the fundamental moral truths are propositions about the rights we have."[13] Teleology, or Consequentialism as it is known as now is an action based perspective on morality, where the question of morality lies on the consequences of the said action, and "the rightness of an action depends in some way on the promotion of the good"[14]

Theory of Right Action

When talking about ethics in regards to terrorism, the Theory of Right Action is an important debate to mention, since it follows the ever present question of what is the right thing to do. This theory seeks to answer the questions regarding what construes as a morally right and morally wrong action and factors that determine their morality. "A theory of right action is shaped by a conception of what is fundamental to morality." Hence, the theories that tend to disagree about the aspects of the basic moral truths, or the basic principles of moral concern, can be assumed to disagree about the right action as well. "They will differ about the basic right-making properties."[15] However, not all normative theories can provide a framework for this, and many scholars like Julia Annas and Virginia Held consider it to be a distraction of

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[13] Copp. Pg 20
[14] ibid.
[15] ibid.

moral theory "from more central concerns", and that it is ill-equipped to provide a theory of right action[16].

The ones who do see an importance of coming up with a Theory of Right Action are torn between the Consequentialist and the non-consequentialist theories of action. The consequentialist approach is rooted in the consequentialist ethics, and base the theory of right action on the intrinsic goodness of the intention. The non-consequentialist perspective, on the hand, since it includes deontology ethics which are not directly action based, are more complex in this regard. According to David Copp, "deontological theories are those that take the basic matter of moral concern and the fundamental moral truths to be about the rightness of actions or about our duties. Understood in this way Kantian theories and rights-based theories are not best viewed as kinds of deontology."[17] He believes that the latter two share with consequentialism the derivativeness of the actions in regards to judging the "rightness of an action". Hence, in Kantian theories, the derivative is the rational agency and in rights-based theories, it is the rights.

Consequentialism

The Consequentialist approach in moral philosophy can be best summarised by the aphorism "the ends justify the means". The ethics of consequentialism judge the morality of an action based on the overall outcome of the action, as opposed to following the moral codes while carrying out the action i.e. the means employed. Hence it is also referred to as Ends based Actions. To summarise, the Consequentialist ethics judge human actions solely on the basis

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[16] Copp.pg 21
[17] ibid

of its consequences. When the consequences are good (or weigh out the bad), an act is right, else it is not.[18]

Consequentialism is therefore the most relevant ethics theory to study politics in, and is closely associated with realism. As Mark R. Amstutz writes in his book *International Ethics Concepts, Theories, and Cases in Global Politics,* since "the moral legitimacy of an action ultimately depends on its consequences. Policies involving questionable means, or even morally ambiguous goals, may be morally permissible if outcomes are beneficial." [19]This is both the curse and the blessing of the consequentialist approach, especially in a political setting. Amstutz hence prefers the term Ends based thinking "Ends-based thinking is an influential ethical strategy in domestic and international politics in great part because government decisions are judged in terms of results, not motives. As a result, political ethics, whether domestic or international, tend to be consequentialist."[20]

Non-Consequentialism

Developed by philosopher Immanuel Kant, Kantian ethics are the most influential of non-consequentialist ethics, with their focus on the principle of Categorical Imperative. The Categorical Imperative consists of two basic aspects – "First, persons should be treated as having value themselves (i.e., persons are always ends, never a means to an end). Second, individuals should act in accordance with principles or maxims that can be universalized."[21] However, the thesis will take a more generic stance on this, and focus on deontology as a whole, due to heavy implications of the Kantian ethics.

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[18] Primoratz, *Terror. Philos. Issues.* Introduction xiii
[19] Amstutz, *International Ethics.* Ch 4 "Strategies of Ethical Decision Making" pg 51
[20] Amstutz. Pg 52
[21] Amstutz. Pg 56

The Deontology or the Rule-based approach in politics "appeals to the goodness of policies themselves, not to their effects." And hence the decision making is mainly driven by "right actions" and the ones that employ questionable means are deemed to be immoral, regardless of their consequences. Terrorism therefore is undoubtedly bad, since the main focus here is on the intentions, not the consequences. "Given that we are focusing only on the intentions and not at all on consequences, an attack on a human being in order to fulfil a cause may be, cannot be ethically sound under Kant's cateogorical imperative."[22]However, other deontology theories are slightly more flexible in hat they don't condemn terrorism absolutely.

Deontology is quite useful when it comes to forming social norms, to ensure personal rights and freedom for every individual. However, its broad aspirations make it too constricted and it has been accused of being self-contradictory. The most famous example is that regarding lying. "In view of the vagaries and contingencies of life, some critics argue that principles need to be adapted to the specific cultural environment and particular circumstances in which actions are carried out. Lying is wrong, but under some circumstances, so goes the argument, it might be morally permissible, such as to protect a child from a madman or to threaten massive destruction to prevent aggression."[23] Another big problem with deontological theories is that of absolutism when it comes to the rules in rule based non-consequentialism. Ignoring the consequences and the outcomes of the actions are an important aspect, which can be problematic for analysing political violence. It is not always possible to set aside the outcome of the action and instead just judge the action by its inherent value.

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[22] Kennedy-Pipe et al., *Terrorism and Political Violence*. "Terrorism and Ethics"
[23] Amstutz, *International Ethics*.

Consequentialist Views on Terrorism

Utilitarianism

Utilitarianism is one of the best known part of consequentialist ethics. Developed by Jeremy Bentham and John Stuart Mill, it is the notion that an action may be justified if the benefits (the ends) outweigh the costs (the means to reach those benefits or ends). Terrorism is also regarded in a similar fashion from a consequentialist or utilitarian lens. Due to immense flexibility regarding the morality of actions, it is not considered to be inherently bad, but rather judged by it's end results. "Because its interest is in the consequences, of an actions and whether the goodness of those consequences outweigh the badness of the means required to attain them, utilitarian morality appears to permit, and in some instance even require, terrorist attacks on civilians"[24]

However, the same flexibility becomes it's downfall. It becomes difficult to assess how one can bring about the greatest good for greatest amount of people, and if people even want that. Then there is the question of means, which in cases as intense as terrorism and war, can have huge consequences. For a consequentialist, terrorism can be seen as useful for as long as it's benefits are outweighing the costs but as Paul Butler notes, in his paper, "while the lives are tangible (lives lost of both sides, retaliatory violence from the target country, public backlash within the perpetrator's own country, and so on) the benefits are difficult to measure because they are highly subjective"[25] Thereby, everything becomes a cost benefit analysis, and it becomes hard to gauge where the limit is when it comes to the means to gain the ends. Consequentialism always suffers from the 'how much is too much' issue in regards to how

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[24] Kennedy-Pipe et al., *Terrorism and Political Violence*. Ch 2 "Terrorism and Ethics" pg 21
[25] Butler, "Foreword: Terrorism and Utilitarianism - Lessons from, and for, Criminal Law."

much bad stuff can be seen permissible if it is working towards a good result. Hence the need for deontology theories, to balance the scales. "A Kantian perspective is important because it guards against the relativism of consequentialism." [26]

Terrorism Justified

Leon Trotsky defends the red terror in his reply to Karl Kautsky, a text which made scholars scramble to comment on. His primary argument here is that terrorism is a continuity of war and revolution. He likens war to revolution, and so concludes that anything that's permissible in war should also be permissible in revolution. "The problem of revolution, as of war, consists in breaking the will of the foe, forcing him to capitulate and to accept the conditions of the conqueror."[27]

Then he goes about linking revolution to terrorism. While he acknowledges that terrorism is not an integral part of a revolution, however, in order for a revolution to be successful, "… it should attain its end by all methods at its disposal – if necessary, by an armed rising, if required, by terrorism"[28] Here, Trotsky is considering nothing but the end results, by whatever means necessary. He considers terrorism to be harsh reality of revolution and war. His argument follows that we must accept terrorism as a legitimate means of struggle, or disregard it as completely unacceptable. However, the latter would entail that due to the continuity between terrorism, revolution and war, all wars and revolutions should then be deemed immoral as well.

"A victorious war, generally speaking, destroys only an insignificant part of the conquered army, intimidating the remainder and breaking their will. The revolution works in the same

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[26] Amstutz, *International ethics : concepts, theories, and cases in global politics /*
[27] Trotsky, Leon. *Terrorism and Communism* (Chapter 4)
[28] Ibid.

way: it kills individuals, and intimidates thousands. In this sense, the Red Terror is not distinguishable from the armed insurrection, the direct continuation of which it represents."[29]

Kai Nelson is a consequentialist and he sees terrorism in a more conventionally consequentialist manner, in his article 'Violence and Terrorism: Its Uses and Abuses'. But his approach to political violence and terrorism in particular is not just from a consequentialist, but also from his political identity as a socialist point of view. He begins by questioning the belief that terrorism is always *prima facie* wrong, and seeking to avoid "claims of absolute unconditionality". He believes that the historical records don't hold well for terrorism as the only method of struggle during an oncoming revolution. However, it has proven its worth when used in a combination with guerrilla warfare, especially during liberation struggles like in Algeria and Vietnam. For him too, the morality depends on the end results of the action. If the action was successful in achieving the goal, and the goal was noble, it would be justified to use terrorism. In his view, terrorism would be justified by its political effects and moral consequences. He considers it justifiable in cases such as -

(1) when it is a "politically effective" weapon for a revolutionary struggle and

(2) when, it is employed as the means of last resort, employing which may insure "less injustice, suffering and degradation in the world than would otherwise have been the case." as opposed not employing such means at all.[30]

Terrorism Unjustified

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[29] Ibid.

[30] Nielsen, Kai, "Violence and Terrorism: Its Uses and Abuses" pg 435–449.

Nicholas Foiton, in his essay 'Burdens of Terrorism' makes a consequentialist case for why terrorism is absolutely immoral, which has gone against the grain of what his fellow consequentialists believe. Fotion finds their assessment of terrorism to be "too permissive" and seeks to land upon a theory of consequentialism that would not give so much leeway to terrorists and acts of terror, although he admits it is in no way an absolutist condemnation.[31]

Faintly echoing the non-consequentialist theories, the premise of his argument falls upon the innocence of victims of terrorism. The reason he considers terrorism to be unjustifiable is because the end results of terrorism almost always ends up with devastation on from the victims' point of view. "The victims of terrorism may not be, although they are often, terrorized in (and/or following) the process of being victimized. Yet, they must be hurt in some way if they are to have the status of victims. The victims can be robbed, tortured, raped, starved, killed, or abused in any number of other ways."[32] Another reason for him, which is closely associate to the former reason is the low success rate terrorists have. Even the acts of terrorism committed in the name of a "higher good" still ends with a similar path of destruction for many. And that is a concession in argument, since the "higher good", which is mostly defined in rather ideological terms, is even rational enough to begin with.

This brings him to the crux of argument here, the burden of proof which is usually put upon the terrorists. The acts of terror committed are often touted as last resort, terrorism itself is often called the weapon of the weak. However, Fotion does not believe that these arguments carry any weight. "It will do terrorists little good to argue that when they talk about 'having no other choice' they do not mean this literally, but mean instead 'having no other choice as good as killing innocent people.'"[33] For this argument to succeed, they would need to prove

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[31] Fotion, "The Burdens of Terrorism." Pg 45
[32] Fotion. Pg 45
[33] Fotion.

that there indeed was no other alternative. Merely saying that while putting numerous human lives at risk does not hold up to close scrutiny.

"If they cannot prove that their tactics are the best of a bad lot, nor (they could argue) can the defenders of the other options prove that theirs are any better. However, in making this reply, terrorists forget that they carry a special burden of proof because they carry a special burden of wrongdoing. We do not ask people to justify their actions when they harm no one in the process of attempting to achieve a good or alleged good."[34]

Burlieigh Wilkins in his book *Terrorism and Collective Responsibility*, criticises Nielsen's approach "their arguments depend on empirical estimates that terrorism almost always produces results that are worse on consequentialist grounds than their alternatives"[35] He agrees with Foiton in that terrorism cannot be well justified under consequentialism. He continues that it's quite possible for consequentialism to justify terrorism under certain conditions, but that is the case with every action, not just acts of terror. While consequentialists acknowledge it, they still "… proceed to argue that such circumstances rarely if ever obtain in the real world. However, in the case of terrorism this seems a difficult line to take, especially if the real world is as hellish for so many of its inhabitants as Honderich's facts would suggest." [36]

Non- Consequentialist Views on Terrorism

Deontology

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[34] Fotion.
[35] Wilkins, "Terrorism and Collective Responsibility."
[36] Wilkins.

Deontology forms the crux of the non-consequentialism theories. In the most basic sense, these are the moral theories that do not place the morality burden on the actions, like the consequentialists do. To them, if the action is good or right, it would also be moral. In most non-consequentialist theories, rules form the basis of morality "Deontologists assert that actions should be judged by their inherent rightness and validity, not by the goodness or badness of policy outcomes."[37] The non-consequentialists judge the morality of actions and people based on three moral codes - "First are constraints, such as the duty not to kill innocent people. These duties constrain us even when a prohibited action has good consequences… Second are duties of special relationship, such as duties of friendship and duties of family. And third are options. We normally think that there is a limit to how much good we are morally required to bring about. Traditional deontology agrees that there is a limit and gives us options to pursue our own projects even in circumstances where we could otherwise do more good."[38]

Terrorism Unjustified

Since deontology and non-consequentialist ethics in general are rule based actions, they are very strict with their moral code. Deontology famously does not concern itself with the end goals, but rather places the emphasis on means to achieve that goal. If the means lie within the moral framework of non-consequentialist theories, the actions are considered ethical, otherwise not. It generally leaves no leeway for partially unethical solutions.

"Although political actions based solely on moral obligations are rare, rule-based action is nonetheless undertaken periodically in global society by states and other international nonstate actors in fulfilment of perceived moral duties."[39]

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[37] Amstutz, *International Ethics*. Pg 56
[38] Copp, *Oxford Handb. Ethical Theory*. pg 24
[39] Amstutz, *International Ethics*.

Michael Walzer has been a dominant figure in studying the ethics of war and terrorism. After his 1977 book Just and Unjust Wars, his take on warfare has been sought after by his supporters and critics alike. Hence, when the ever present threat of terrorism hangs closer, morphing into some kind of strange alternative warfare, he decided to adapt the Just War Theory accordingly. Just war theory refers to a set of principles rooted in ancient war traditions stating the rules of war and warfare. The just war theories have multiple interpretations which have espoused much debate on the Just War theory and it's role in understanding moral justifications is quite varied, so it will be covered in detail in the next chapter.

Since the just war theory consists of the elements of both consequentialist ethics and deontology ethics, Walzer's interpretation is one rooted in deontology. His main concern with justifications for terrorism lies in the fact that the cost of civilian lives is too high to warrant any justifications for that. "Terrorism is the random killing of innocent people, in the hope of creating pervasive fear… Randomness and innocence are the crucial elements in the definition."[40] He vehemently denies that any forms of justification could be applicable when it comes to making a 'choice' to take innocent lives.

Terrorism justified

In her essay 'Terrorism and War' Virginia Held states in the very beginning that she will not be answering the questions about the morality of terrorism, but rather showing how war is just as bad, and possibly even more damaging than terrorism, drawing comparisons similar to Trotsky's. However, instead of focusing on the ends or the means to achieve those ends, she

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[40] Walzer, "Terrorism and Just War."

chooses to focus on the issue of rights. For her, the difficulty lies in fact when ensuring one group's fundamental rights leads to supressing the rights of another group, since everyone deserves to have their fundamental rights and liberty.[41] She insists that the actions concerned cannot be solely judged by its consequences, tone must also apply the notion basic human rights. This is how she suggests one might justify some forms of terrorism – if some minority's rights are at the stake and terrorism is a viable means to correct that, it is justifiable.[42]

She calls this distributive justice, which basically boils down to the fact that as long as terrorism is being used to give voice to the voiceless, and liberate from the oppressed, to restore the individual rights of a community, it is justifiable, even when it infringes on the rights of others. As she explains -

"If an act not permitted by existing laws but concerning which there are strongly felt conflicting positions turns out to have results that are generally considered to contribute to the well-being of the political system, the act will be considered justifiable within this system. Moreover, if we decide at a moral level that the continued well-being of that political system is at least better than its destruction, then the act, even if it is an act of violence, may not only be considered justifiable within a political system but may also be politically justifiable." [43] She concludes the paper by stating that terrorism isn't always justifiable, even in a from a deontological lens, just like from a consequentialist lens. That is so because "Depending on the severity and extent of the rights violations in an existing situation, a transition involving a sharing of rights violations, if this and only this can be expected to lead

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[41] Held, Virginia. "Terrorism, Rights, and Political Goals." Pg 72
[42] Held. Pg 70
[43] Held, Virginia. "The Moral Assessment of Violence and Terrorism; How Terrorism Is Wrong : Morality and Political Violence."

to a situation in which rights are more adequately respected, may well be less morally unjustifiable than continued acceptance of ongoing rights violations."[44]

Although her argument for distributive justice sounds very just on paper, it is undeniable that it comes at a hefty cost – the rights of others, possibly innocent people who fall victim to terrorism, regardless of the motives of the terrorists. Igor Primoratz, in his paper 'The Morality of Terrorism' makes a similar argument. He uses the hypothetical example of a woman whose rights would need to be usurped in order to redistribute the justice. She would find the consequentialist justifications of letting herself get harmed for the greater good, for "She has a right to life and bodily integrity, and this right must not be violated merely in order to promote the general interest, the common good"[45] Likewise, regardless of the heavier implications of an individual's rights as opposed to consequences, she would still find the justification faulty "For that justification, too, does not take seriously the separateness of persons, and sacrifices her basic human rights for the sake of the greatest possible degree of respect of rights of a certain group of people."[46]

Conclusion

The chapter started out with the hypothesis that it is not possible to have an explicit approach towards terrorism, especially when it comes to its ethical justification. The normative ethics theories all view terrorism within their own confines, hence it is possible to gain various important perspectives when they are individually applied to analyse the characteristics to

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[44] Held, Virginia. "Terrorism, Rights, and Political Goals." Pg 76
[45] Primoratz, Igor. "The Morality of Terrorism." *Journal of Applied Philosophy.* Pg 230
[46] Primoratz. Pg 230

terrorism. Inevitably however, it must be mentioned that those characteristics themselves are quite dubious .

However as the concluding remarks for this chapter as well as for the purpose of building the research further, two aspects of this chapter come to the forefront. The first is the unreliability of an individual ethical theory when applied to find the justifications of terrorism. As proven above, both Teleological as well as deontological perspectives can prove the justifiability and unjustifiability of terrorism. It is highly susceptible to interpretations and given the mostly theoretical aspects, vastly hypothetical. These limitations aside however, all four situations provide important points of contention, which could justify or not justify the acts of terrorism. These elements would be delved into more detail in the following chapters leading to the conclusion that no one theory of ethics could prove useful in this analysis, therefore, both consequentialist as well as non-consequentialist theories together should be applied, in order to extract a more philosophically as well as practically pertinent answer to our research question. Secondly, one point of common consensus here appears to be the indiscriminate killing on the terrorist's part, as a means of inducing fear. Since taking the life of another person is considered to be one of the most morally reprehensible acts imaginable, it follows hence that as one of the means to spread terror, terrorist cannot claim moral justifications for their actions especially if it has led to the deaths of others. Both, in the consequentialist as well as non-consequentialist authors' interpretations, this has appeared to be the main part upon which terrorism can be morally condemned. Hence it follows that in order to find the ethical justifications of terrorism, this point must act as the first defense in the trail. If the context for the terrorist act where indiscriminate killing took place can be justified morally, within ethical frameworks discussed in more detail in the following chapter, it would be possible to provide justification to terrorism in such a situation.

Chapter 2

The Just War Theory

Introduction

This chapter will analyse the aspects of the Just War Theory, which forms a middle ground between consequentialist and non-consequentialist theories of ethics. While this theory is mostly used in regards to warfare, it has gained quite a traction amongst scholars studying terrorism and counterterrorism, especially in association to ethics since "… we cannot have morally credible views about terrorism if we focus on terrorism alone and neglect broader issues about the ethics of war" as author Stephen Nathanson writes in his book *Terrorism and Ethics of War*. This chapter will summarise the theoretical and practical aspects of the Just War tradition in the modern world and how it was gradually developed. This will be followed by the modern interpretations of the just war theories and Michael Walzer's contribution to it. Following the structure of the previous chapter, it will then highlight the debates between the just war theorists; which can provide a lens for analysing the morality of terrorism with and working out the frameworks to better judge the acts of terrorism.

Development of the Just War Theory

Traditions regarding fair warfare has been has been present in most of the ancient societies, and the modern Just War theories are a representation of that past. "Just war theory, like the very idea of ethics, is rooted in the concept of our common humanity. It stems from the

notion that even in the most extreme situation of warfare, there are certain principles that ought to guide our conduct." [47] It's central idea is to diminish the bloodshed caused by war, and how to achieve that aim. For that matter, it's usually divided into two sections –

1. *jus ad bellum* - when it was appropriate to go to war

2. *jus in bello* - how the war should be fought

Early forms of Just War Theory

While the principles of Just War theory that we have come to know now, in the modern world have been usually accredited to its Christian roots, mainly from the works of Saint Augustine and Saint Thomas Aquinas, their works, in return have been inspired by the classical political theorists like Plato, Aristotle and Cicero. In his works "On Duties" Marcus Tullius Cicero, laid down the key elements of a just war – Just Cause and Right Authority. "Perhaps the most important aspect of Cicero's ethical analysis of war was his clear understanding that there must exist a just cause in order for a just war to be declared and subsequently waged. The condition of just cause was based upon three assumptions:

1. *vim vi repellere* - the right to defend oneself and repel force with force

2. *rebus repetitis* - a material right to recover lost property

3. *iniuriae ulciscuntur* - a punitive right to avenge injuries and punish wrongdoers[48]

Saint Augustine of Hippo is credited for laying down the groundwork for the just War theory as we know it now. His works drew the concepts of a Just War based on Proper Authority and Just Cause, here signifying the aim to reestablish peace. His contemporary, Saint Thomas

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[47] Walzer, Michael. *Just and Unjust Wars*.
[48] Cox, "Historical Just War Theory up to Thomas Aquinas." Pg 6

Aquinas is credited for secularizing the Just War Theory. In his hefty *Summa Theologiae*, he sought out a clear distinction between *ius ad bellum* and *ius in bello*.

"Aquinas's main concern was to show that just wars were a legitimate means to obtain peace. True peace must be infused with justice, which must itself be infused with charity, and thus this type of peace was distinguished from the superficial 'peace' maintained by the cruelty of a tyrant, for example… Extreme violence was still legitimate within a just war if it was necessary, but unnecessary violence or cruelty must be absent. Thus we cannot think of the just war as being explicitly limited in terms of military conduct, but rather implicitly limited in terms of how the just combatant would be likely to act."[49]

There is an on-going debate on whether Hugo Grotius or Francisco di Vitoria brought the Just War Theory from the realm of philosophy to the realm of Law and justice. Francisco de Vitoria emphasized Just Cause or the War as self-defense or to "right a very great wrong"; Last Resort, only followed once all attempts of arbitration have failed' and differentiating the civilians from the warriors.[50] Hugo Grotius, realized the need for a common law was needed that would dictate the laws of War among nations, that since judicial settlement was not possible among the rulers,. Thus was born *jurisprudentia* "general theory of law that would restrain and regulate war between various independent powers, including states."[51]

Codification into International Law

The official codification of the Just War theory in the International Law came in with the inception of the United Nations charter, at the end of the second World War, as well as the Nuremberg charters. Nicholas Rengger traces the timeline and credits the Just War Theory's

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[49] Cox. Pg 24
[50] Hamilton, Bernice M. "Francisco de Vitoria | Spanish Theologian | Britannica."
[51] Onuma, Yasuaki "Hugo Grotius | Dutch Statesman and Scholar | Britannica."

principles, which came into the forefront in everything but the name, during the cold War era, especially with the deterrence policy and lack of military engagement between the two super powers. He further adds that the policies of even the "war against terrorism" would be more than vaguely familiar to the early just war philosopher, jurists and theologians, even if the context has changed dramatically.[52] Michel Walzer's book *Just and Unjust Wars* further popularised this in the academic and public sectors. Michael Walzer has been a staple for when it comes to studying the modern Just War Theory. After his 1977 book Just and Unjust Wars, his take on warfare has been sought after by his supporters and critics alike. Hence, when the ever present threat of terrorism looms ever closer, morphing into some kind of strange alternative warfare, he decided to adapt the Just War Theory accordingly. Since the thesis deals with the Just War theory in respect to modern terrorism, we shall be focusing more on his Walzer's early 2000's works. The Just War theory has come a long way, from the ideas of the Ancient Greeks and traditions of other civilisations, to be codified into the International Law.

Modern Just War Theory and the Impact of Michael Walzer

Michael Walzer is one of the most impactful writers to conduct the research on the moral legitimacy of terrorism. Most of the modern work done on this is usually a response to his writings. Some, others build their theories on it, whereas others like Virginia Held and Andrew Valls are critical of it. Held strongly criticises Michael Walzer's take on the just war theory, and his definition of terrorism and why it is immoral, which is essentially "deliberate killing of innocent people" and states that making this the defining feature of all terrorism (as opposed to war, where killing is collateral damage) automatically equates it with something like murder, and here absolutely immoral and unjustified. Andrew Valls too, in his work *Can*

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[52] Rengger, "On the Just War Tradition in the Twenty-First Century." Pg 353

Terrorism be Justified? has criticised Michael Walzer's one sided approach to terrorism to terrorism using the Just War theory, and decides to prove how terrorism can be justified using the same theory. He argues that Walzer uses double standards when discussing perceiving certain acts of terrorism in his book *Just and Unjust Wars*, which is problematic since it reduces complex human beings with probably legitimate reasons to mere monsters, and in doing so devoid of being reasoned with. The author claims it is important to take their claims seriously and assess their violence, if only in the hope that would impose certain moral limits to their violence, as it is "supposed" to do with states. His article is a great example of revisionists take on just war theory and the law of war.

His most important contribution, and the reason why this work is included here is how he defines terrorism. Just from the explanation itself one can detect how strongly he questions the attempt of others who try to give justification for terrorism. Although predominantly American, faintly echoing Bush's "war on terror" rhetoric, and dealing with just "islamic terrorism", this paper highlights an important point, one that is invaluable for this thesis - that terrorism is a choice, it follows the logical conclusion that they must have devised the strategy such as maximum damage should be done, that all the deaths of civilian that results from it, must be consciously calculated and moreover, chosen, to make the maximum impact.

In his article *Terrorism and Just War*, he starts with: "I will begin by arguing that just war theory helps us understand the wrongfulness of terrorism"[53]. He begins by a discussion on 'Innocence' and the importance of discriminating civilians from the combatants. Opposing the stance that all military personnel are combatants and hence, fair targets.

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[53] Walzer, "Terrorism and Just War." Pg 3

"… a lot of soldiers are not actual combatants; they serve behind the lines; they are involved in transportation, the provision of food, the storing of supplies; they work in offices; they rarely carry weapons. And no soldiers are always combatants; they rest and play, eat and sleep, read newspapers, write letters. Some of them are in the army by choice, but some of them are there unwillingly; if they had been given a choice, they would be doing something else. How can they all be subject to attack simply because they bear the name, and wear the uniform, of a soldier?"[54]

1. Protection of civilian. He continues with this thread to address the criticism he has received, usually from the revisionists. He states that the as one of most important aspects of Just War theory, the unconditional protection of civilians is important. For him, the central meaning behind the protection of civilians is "that civilians can't be targeted or deliberately killed, means that they will be – morally speaking, they have to be – present at the conclusion. This is the deepest meaning of non-combatant immunity: It doesn't only protect individual non-combatants; it also protects the group to which they belong."[55] Just as killing a whole community cannot be a legitimate purpose of was, thereby, it also cannot be a legitimate practice of war. However, Voters are not always innocent and the question of "legitimate target" is very vague. In certain cases (like the Israel-Palestine) the voters demand the policies of the government, which the other group is opposing. In such cases however, the violent uprising leading to this does not differentiate between the civilians who support the said government policies, and those that don't.

2. Terrorism as a choice. He believes that terrorism, and the acts of terror is always a choice. His central idea about this part lies in the following quote: "when terrorists tell us that they

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[54] ibid.
[55] ibid.

had no choice… we have to remind ourselves that there were people around the table arguing against each of those propositions. And we also have to recognize that strategic considerations are not the sole, possibly not the most important, factor shaping these arguments. The overall politics and morality, the worldview, of the participants is also a factor..". As a counterpoint, Held puts to question the argument against terrorism of the means through which the terrorists are trying to achieve what they want, which is usually through violence. She holds that those in power should also be hold some blame for terrorism because they did not try to get into a compromise, rather "drove" people to commit violent acts "When nonviolent protest is met with violence and fails consistently to change the policies protested against even when such policies are unjustifiable, it will be hard to argue that nonviolence works where terrorism does not."

3. Collateral Damage. Walzer believes that for the terrorists, "there is no such thing as 'collateral'", since they function on the belief "The more deaths, the more fear." Hence all damage to them is primary and so they are essentially amoral. He focuses on the fight against terror in this segment, insisting that we need to treat terrorism as war, and follow the principles of Jus ad bellum, in order to wage a just fight. "Jus in bello represents an adaptation of morality to the circumstances of combat, to the heat of battle. We may need further adaptations, to the circumstances of terror. But we can still be guided, even in these new circumstances, by our fundamental understanding of when fighting and killing are just and when they are unjust."[56]

Traditionalist and Revisionist approach to modern Just War Theory

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[56] Walzer. Pg 12

The modern Just War theory is divided among many sects, out of which the Traditionalists and the Revisionists is one of the most influential. The Traditionalists associate the Just War theory and the morality of war with the rules codified in the International law. For most of them, if an action is lawful, it is moral hence they are also known as the Legalists. The other group, the Revisionists, focus on the moral aspect of said action, regardless of its lawful nature. While most Revisionists are moral revisionists, there are some who are also legal revisionist, who believe that legal theory supporting the Law of War is not effective enough. This is not the only divide one can find in the modern just War Theory. Due to changing methods of warfare, there is a great scramble to evolve the Just War Theory and it's extension- the Law of War, to fit into the modern warfare scenario. The traditionalists like to see the just war theory as it has been codified in the International law. The revisionists, on the other hand question certain precepts that have been taken for granted for ages, like the state as being the sole authority, and the shaky grounds that the principles of last resort and proportionality stand on. While doing so, many bring forth the arguments that appear to legitimise terrorism, or just pull the term out of its black-and-white perception. However, the prevalence of this, the questioning the morality of terrorism and finding some has led to a great debate of ethics and has led to many scholars turning to just war theory to legitimize or delegitimise the actions of terrorists.

Interpretation of Terrorism through Just War Theory

Terrorism Unjustified through Just War Theory

In his article *Five Questions about Terrorism* written just one year after the attacks of 9/11, one can very easily see the influence of the traditionalist approach. Here, he expands on his reference to fight against terrorism as a "just war". The titular five questions are the basic

questions regarding terrorism, such as what it actually is, how should it be explained, and more importantly, how should we respond to it. He provides a very scholarly view on the opinion that was prevalent amongst most of the Americans as to the necessity to protect American lives, since "…American lives are now visibly and certainly at risk.''[57]

Just from the explanation itself one can detect how strongly he questions the attempt of others who try to give justification for terrorism. Although predominantly American, faintly echoing Bush's "war on terror" rhetoric, and dealing with just "Islamic terrorism", this paper highlights an important point, one that is invaluable for this thesis - that terrorism is a choice, it follows the logical conclusion that they must have devised the strategy such that maximum damage should be done, that all the deaths of civilians that results from it, must be consciously calculated and moreover, chosen, to make the maximum impact. Here he is echoing one of the central themes of modern just war theory - what comprises of a civilian and in what circumstances is killing them acceptable.

1. "What is terrorism" He makes it a point to distinguish it into three distinct categories - "revolutionary movement", "state terrorism" and "war terrorism" However, despite publishing the essay in 2002, religious terrorism doesn't feature into it.

2. "How should we go about explaining it?" Here, the author drops in an important note, that has been a focal point of understanding terrorism and why it cannot be morally justified - it is a choice, and it results in the killing of numerous innocent lives. Coming back to his 9/11 discussion, he flat out refuses to consider things like poverty, unemployment another social issue as a cause for terrorism. He believes that it is "[Jihad] is a response not only to modernity but also to the radical failure of the Islamic world to modernize itself."

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[57] Walzer, "Five Questions About Terrorism."

3. "How is terrorism defended?" He next focuses on the reasonings that justify the terrorist attacks. He narrows down the excuses into two types. The first is seeing terrorist activities as a desperate attempt by the "oppressed" sections, seeing it as the so called "weapon of the week". The second one is placing the guilt on the victims, as he sees in the case of 9/11 bombings, which many linked to the US's meddling in the middle east. He believes that this "policy appeasement" would lead to further disasters, and once again, citing the killings of innocent people, not morally legitimate.

4. "How should we respond?" Herein his response contains the Bush rhetoric of the "war on terror" which he considers as a "just war" since it will intervene, or "ought to intervene, against genocide and "ethnic cleansing" wherever they occur."

5. And lastly, for the signs of a "successful response" he writes that "a decline in attacks and in the scope of attacks; the collapse of morale among the terrorists, the appearance of informers and defectors from their ranks; the rallying of opportunists, who have the best nose for who's winning, to our side" as a measure of success.

Terrorism Justified through Just War Theory

We can compare this approach to a more revisionist approach by analyzing the work of Andrew Valls, who sought to prove that terrorism can be justified by the just war theory, in his essay *Can Terrorism be Justified?* The stark difference here is that unlike Michael Walzer, Andrew Valls doesn't just emphasize on one principle of the Just War Theory- the protection of civilians; an important caveat of the just war theory however not at the expense of disregarding all the other principles. He argues that Walzer uses double standards when discussing perceiving certain acts of terrorism in his book Just and Unjust Wars, which is problematic since it reduces complex human beings with probably legitimate reasons to mere

monsters, and in doing so devoid of being reasoned with. The author claims it is important to take their claims seriously and assess their violence, if only in the hope that would impose certain moral limits to their violence, as it is "supposed" to do with states.[58]

His article is a great example of revisionists take on just war theory and the law of war. The points he makes through them are –

1. Just Cause – This refers to the principle of declaring war only if it's for morally good cause. This principle has been utilized a lot by the scholars who have been writing about the morality of terrorism. A lot of times, there is a blurred line between terrorists and revolutionaries, and then this principle speaks for itself. It is highly intertwined with the people's right to self-determination, and Valls addresses this; "While just war theory relies on the rights of the citizens to ground the right of a state to defend itself, other communities within a state have that same right"[59] [60]

2. Legitimate Authority – This refers to the principle that the declaration of war can only be done by a legitimate authority. One of the most controversial points among the revistionists, the concept of legitimacy seems difficult to define here. He cites Tony Cotes by saying that "… to equate legitimate authority with state sovereignty is to rob the requirement of moral force that it historically has had." He argues that "elections are not required for legitimacy in just war theory" and that there are many authoritarian regimes that can very easily wage wars, and aren't even elected to the

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[58] Valls, Andrew "Can Terrorism Be Justified?" *Ethics in International Affairs.* Pg 65-78
[59] Valls. Pg 68
[60] Cyrille Metuonu and Chukwuemeka, "Just War Theory and the Question of Terrorism in Modern Africa: Which Way Forward?" pg 47

office by the public. The opposite could be possible for non-state entities, they may have the backing of the public, so how can they be considered non-legitimate in this scenario?[61]

3. Right Intention – Valls just draws his argument from the two aforementioned points, in that "if just cause and legitimate authority can be satisfied, there seems to be no reason to think that that the requirement of right intention cannot be satisfied."[62]

4. Last Resort – This refers to using warfare and violence as a last resort, after all other attempts sat peaceful reconciliation have been tried. This principle has very often been used by scholars who have discussed the justness of terrorism, that it often emerges from a place of desperation. However, Michael Walzer considers it as a "excuse" and that it is usually the first resort, not the last. The author concludes that while it is true that judgement must be made upon whether "… all reasonable non-violent measures have been tried, been tried a reasonable times, and been given a reasonable amount of work." But that there would "always be a room for argument about what reasonable here means…"[63]

5. Probability of Success – This refer to the principle of starting a war only if there is a likelihood of winning, to minimize the damage otherwise cause. Andrew Valls, like most revisionists questions this criterion since both state and non-state actors are required to have a prospective judgement and "prospective judgments are liable to miscalculations and incorrect estimation of many factors." He then questions if

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[61] Valls, "Can Terrorism Be Justified?" Pg 71
[62] Valls. Pg 72
[63] Valls. Pg 72

terrorism ever has a probability of success. Judging by its nature, the probability of success for terrorists depends upon the opposition acting the way they've predicted, which has less probability of occurring than during actual warfare.[64]

6. Proportionality – This refers to whether the good outweigh the bad aspects of the War. Here, Valls shows skepticism about our ability to "measure the value of cost and benefits that may not be amenable to measurements". He then follows this though to claim that regardless of the ambiguities associated with this, "… terrorism can satisfy this criterion at least as well as conventional war" since if the large destructive modern warfare can be sometimes justified, so can terrorism, since it is on a far smaller scale, especially if "the end of the violence is the same or similar in both cases, such as when a nation wishes to vindicate it's right to self-determination"[65]

Conclusion

The aim of this chapter is to reflect upon the just war theory, it's tenets and applications regarding the justification of terrorism. One of the key questions analysed here is whether this theory is an appropriate means to analyse the ethical justification of terrorism, and our findings appear to be affirmative, that not only is it a useful tool for our research questions, it can also prove a very adequate framework for judging terrorism. Seeing as its characteristics strongly echo the characteristics of both consequentialist as well as non-consequentialist theories, it further proves the point made in the last chapter that no single theory would prove good enough for this research question. Hence, building up from last chapter's conclusion, we already reached the consensus that a more efficient way for judging terrorism would be

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[64] Valls. Pg 74
[65] Valls. Pg 74

using an amalgamation of both of these normative theories, however a practical framework was left wanting. This issue has been partially resolved with the Just War Theory which, as mentioned above, combines the key characteristics of both the normative theories used in the thesis so far. Now that we have a potential framework for our research question, the thesis will further build upon this by laying out the complexities of terrorism and analyzing whether they could be overcome through the means of the normative ethics theories.

Chapter 3

Can Terrorism be Ethically Justified?

Introduction

This chapter details the complex nature of terrorism and why it is difficult to apply ethics theories to it and in the process attempt moral justifications for terrorist actions. Through these arguments, this chapter will seek to explore if and in which given circumstances can terrorism truly be justified, following from the two previous chapter the theoretical framework of the normative theories and the Just War Theory. The central objective here is to solidify the theoretical base that has been formulate through the last two chapters, by proving that none of the formerly mentioned theories can be a good judge for the research question, but certain characteristics of these theories when applied together would be a more efficient way for finding the moral justifications for terrorism.

Psychological dissonance, indecisiveness as to what is moral and good, stress and desensitization to violence all these things related to living in a conflict ridden area are enough to push a person into doing something drastic. The author Erich Freiberger, states that instances of "lack of restraint" when it comes to things like drone warfare would end up making radicalizing more people, and exacerbating the problem even more. "The difficulty is only that they impose restraints that we would prefer to ignore. We might succeed in killing terrorists with our drone strikes, but even if we only killed terrorists and not the hundreds of innocents we have also killed, how could this, in itself, possibly be an appropriate justification? How can a policy of killing terrorists bring a lasting peace if for every terrorist

we kill, we only inspire more to oppose us?"[66] Over the years, terrorism has edged out of the political violence box, and become something much bigger, which has led to many efforts to understand the motivations of terrorists. "… terrorism has been associated with several so-called "root causes" that have promoted other kinds of political violence such as riots and street protests, revolutions, civil wars, and international armed conflicts. Some of the possible root causes are poverty, authoritarian and repressive regimes, or cultural and religious practices."[67] These researches reveal a myriad of motivations for modern terrorism. A culture of martyrdom, loneliness and the desire to fit-in, and glorifying those who died in such a way; is also a good incentive, especially for those who were felt alienated due to some reason or another. Revenge is also an important motivation and then there's the propaganda which takes all these elements and wraps them up with religious or nationalistic zealot. Terrorist discourse pays special attention to find ethical justifications for their actions, in order to attract followers and rally their base towards their self-proclaimed moral high ground. The complex nature of terrorism makes it difficult to understand key concepts related to it, and hence the question of ethics and morality in terms of terrorism become very difficult to answer.

Contested Nature of Terrorism

Due to the complicated nature of the topic, it would be quite difficult to discuss the morality of a terrorist action as well if one is not even certain what that action can be summarized as. In addition to that, there is always a sleuth of terrorism discourse claiming their actions as ethically moral, usually in order to gain followers. This is why philosophy is useful tool to

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[66] Relations, "Just War Theory and the Ethics of Drone Warfare Written by Erich Freiberger."
[67] de la Corte, "Explaining Terrorism: A Psychosocial Approach."

analyse terrorism from. Philosophers are comfortable with dissecting many differing views at once, and draw concise arguments from them. As Igor Primoratz writes, in his book *Terrorism: The Philosophical Issues* writes that when it comes to the issues of morality, the role of philosophers becomes two-fold – to criticize, analyse and clarify arguments in both for and against the typical stance and to clarify and analyse the concepts involved within the said moral issue. This is quite helpful in the case of terrorism, since while Social Sciences analyse the causes, effects, and varieties of terrorism and History studies how terrorism has evolved over years, philosophers generally start with two basic questions: What is terrorism? and whether it ever be morally justified. Therefore, this simplifies the process of analysing and clarifying concepts since it is preliminary to any discussion regarding terrorism, regardless of the discipline."[68]

Ambiguous Definition

We start with what is terrorism, why it is difficult to define and how that affects the philosophical assessment of terrorism. A P Schmid, in his Handbook of Terrorism Research asked a number of academics and other experts in field to give a consensus regarding the definition of terrorism. Based on that, and their criticisms of his own definition, he came up with the following definition, that has gained "wide acceptance" even if it still has some shortcomings to address -

"Terrorism is an anxiety-inspiring method of repeated violent action, employed by (semi-) clandestine individual, group or state actors, for idiosyncratic, criminal, or political reasons, whereby – in contrast to assassination – the direct targets of violence are not the main targets. The immediate human victims of violence are generally chosen randomly (targets of opportunity) or selectively (representative or symbolic targets) from a target population, and

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[68] Primoratz, *Terror. Philos. Issues*.

serve as message generators. Threat- and violence-based communication processes between terrorist (organization), (imperiled) victims, and main targets are used to manipulate the main target (audience(s)), turning it into a target of terror, a target of demands, or a target of attention, depending on whether intimidation, coercion, or propaganda is primarily sought."[69]

Igor Primoratz has written numerous papers on terrorism and morality, and has come to define terrorism as – "In an ethical context terrorism is best defined as the deliberate use of violence, or the threat of its use, against innocent people, with the aim of intimidating some other people into a course of action they otherwise would not take."[70] While he too understands that distorted semantics of the word terrorism, and how this definition could simultaneously be perceived as too narrow or too wide, he believes that this definition connects most of the points that philosophy has been discussing about in regards to terrorism such as "*violence* (or threat of violence) against the *innocent*, for the purpose of *intimidation* and *coercion*."[71]

Defining concepts has never been an easy task, and it is especially difficult to define a concept such as Terrorism, which has rooted itself, over the centuries, into not just the history, but also sociology, psychology and every other study. However, it is important because conceptual issues need to be taken seriously. While terrorism itself is a difficult word to define, the task becomes even more difficult when intertwined with words like political violence, insurgency etc. since they don't have any clearly defined boundaries. In order to highlight the fact, let's take the study conducted by Leonard Weinberg, Ami Pedahzur and Sivan Hirsch-Hoefler, in which they did a survey of 73 definitions of terrorism and presented

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[69] Weinberg, Pedahzur, and Hirsch-Hoefler, "The Challenges of Conceptualizing Terrorism." Pg 780
[70] PRIMORATZ, IGOR. "What Is Terrorism?" Journal of Applied Philosophy 7, no. 2 (1990): 129–38.
[71] Primoratz, "What Is Terrorism?"

it in their paper titled Challenges of Conceptualizing Terrorism. In it, they ranked the most commonly appearing "definitional elements" which quite neatly exemplifies the contested nature of terrorism, even though that alone was not the purpose of their study. The words - Violence, Political, Fear, Threat, Victim, Tactic, Civilians and Movement; summarise the multitude of complexities all wrapped under one word.

This definitional issue hence manifests itself in the philosophical discussions of terrorism. The ongoing debates about the "innocence of the voters" and the military, when it comes to defining what a legitimate target it; violence as the "weapon of the weak" and the "last resort" or the most convenient choice, and most importantly, whether terrorism's morality should be treated and evaluated as we evaluate War.[72] These discussions have taken the center stage when it comes to the morality of terrorism, and the definitions reflect that. For instance, Michael Walzer, who considers modern terrorism to be unjustifiable would define terrorism in more absolutist terms than someone like Virginia Held or Andrew Valls, who maintain that in certain situations violence can be justifiable.

However, when the question of ethical justifications of terrorism applies, it is possible to set aside these difference in definition and move beyond to whether certain acts of terrorism can be justified or not. This is possible through taking the various elements of what comprises of terrorism and analyzing them against the ethics theories.

Overlapping Associations with Political Violence

Terrorism often skirts around the boundaries of other kinds of politically motivated violence like assassination, and guerrilla warfare. There is also the issue of piling different forms of political violence under terrorism. This makes it difficult to ascertain

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[72] Weinberg, Pedahzur, and Hirsch-Hoefler, "The Challenges of Conceptualizing Terrorism."

as to what comes under the category of political violence, and what construes as terrorism. Politically motivated violence such as guerrilla warfare or urban guerrilla warfare, assassinations etc. are often for example? The same acts, such as air piracy or assassinations, may be considered terrorist acts on some occasions but not on others, and are usually based upon the assumed motivations of the perpetrators or the social standing of their victims.[73] How does one differentiate between them?

From the ethics point of view too this poses a big debate. Many acts of political violence in the past have now been accepted to be morally pertinent such as those with the goal of liberation from an oppressive regime or colonizers. It has also brought into significance the quote from British journalist Gerald Seymour Gerald Seymour "One man's terrorist is another man's freedom fighter," from a book set during the heights of the IRA.

Role of the Governments

The concept of state terrorism has been a relatively new one, and despite numerous examples throughout history, it is one of the hotly contested topics when it comes to finding a definition. Regardless of whether one see a state partaking in terrorism or not, its monopoly on (legitimate) violence will forever keep the idea of misusing it and getting away with its repressive tactics around. The government has always had the privilege on defining what construes as terrorism and what doesn't. This has brought about a glaring disparity between how violent acts of terrorism are perceived by the public when perpetrated by non-state actors as opposed to the state. As Primoratz notes, the term has became a way to besmirch an

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[73] Weinberg, Pedahzur, and Hirsch-Hoefler.

opponent, and would rather denounce their opponents even if their own or allied government is carrying out similarly violent actions such as killing people and spreading fear.[74]

This has now become the norm with terrorism, with several prominent scholars including it in their definitions, academics or otherwise. The context was not what was important, and as a result multiple anti-colonial struggles were termed, as well as recognised as acts of terrorism, since they were considered against the state. This has impacted the study of terrorism in the realm of ethics very deeply. It has ensured that most philosophers who identify as deontologists and especially subscribing to Kantian theory of deontology, would disregard the idea of justification of terrorism without a second glance. "If we are looking for a moral justification of terrorism, we should look for it in consequentialist ethics; deontological theories can be expected to judge it as wrong in itself, even when it has good consequences."[75] Immanuel Kant was famously against revolutions against the government. For him 'a rebellion is never legitimate' hence it would follow that those adhering to his rule based morality too would consider it to be illegitimate, which just gives the State more leeway to partake in terrorism and less not take any responsibility for it. Very few deontologists have engaged in the discussion, however Virginia Held's rights based approach to justify some forms of terrorism has started to change that.

Loss of Innocent Lives

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[74] Primoratz, *Terror. Philos. Issues*.
[75] Primoratz, "The Morality of Terrorism." Pg 228

Finally, one of most important aspects for the thesis is the loss of innocent lives. It's importance is highlighted when Michael Walzer uses it as the sole defining feature for terrorism – "Terrorism is the random killing of innocent people, in the hope of creating pervasive fear."[76] The concept of innocence is highly contested. Ideally, in order to easily identify the ethical from the unethical, one side works in accordance to the acceptable standers of morality, whereas the other side does not. However, that is not applicable to non-hypothetical situation where there are not just two sides, not just single motives and no straightforward motivations. In such a setting, how is one supposed to distinguish something evil from a necessary evil? According to many, the unethical aspect of terrorism arises from the fact that they indiscriminately kill civilians, who are merely the innocent bystanders. "… terrorism cannot be justified morally, no matter what its political aims, because terrorists select their victims haphazardly, without concern for innocence or guilt. Here, he construes "innocence" under a model of crime and punishment. On that model, punishment should fall on the guilty, not the innocent, one the wrongdoer, not the mere bystander."[77]

The question of innocence is definitely not a very straightforward one, however real life facts such as child militias are quite prevalent which lays bare the arguments such as Walzer's for "Such 'combatants' hardly seem legitimate targets while the 'civilians' who support the war in which they fight are exempt."[78]

Supplementing this the analysis that Virginia Held states wherein there seems to be some discrepancies when talking about violence conducted by the government as opposed to violence done under terrorism. She states that violent actions of the government are often

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[76] Walzer, Michael. "Terrorism and Just War." Pg 3
[77] Fullinwider, "Terrorism , Innocence , and War."
[78] Held, Virginia. "Terrorism, Rights, and Political Goals."

seen under a more utilitarian light, where killing civilians is more of a "collateral damage".

However that is almost never the case with violence conducted by an individual or organisation.

"The use of violence directed at non-combatants is judged justifiable on utilitarian grounds if carried out by one's own or a friendly state, as in many evaluations of the justifiability of bombing raids in wartime in which civilians can be expected to be killed. At the same time, when revolutionaries and rebels use violence that harms non-combatants, such acts are judged on non-utilitarian grounds to be unjustifiable violations of prohibitions on how political goals are to be pursued." She calls for a more consistent evaluation of violence in both sides, preferably based on non-utilitarian grounds.[79]

What are the tenets of terrorism acceptable via ethics theories?

Consequentialism

While utilitarianism supports many grey areas when it comes to acts of terror, it pays heavy emphasis on whether the intention behind that act was right or not, which ends up making the situation more of a cost-benefit analysis. Schwenkenbecher, in her book "Terrorism: A Philosophical Inquiry" places the condition of moral justifiability of an act of terror upon the killing on innocent people. "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."[80]

In concept it sounds like a straightforward approach, that if an individual or organisation is able to justify the killing of innocent people as 'collateral damage' it is ethically viable. Adding onto this, the killing of civilians definitely makes up the most important key of

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[79] Held, Virginia. Pg 66
[80] Schwenkenbecher, "Terrorism: A Philosophical Enquiry."

contention when it comes to justifying an act of terror. However, if we shift our attention on to criminology for a second, killing people to achieve an objective is not an unfamiliar thing. Criminologist Paul Butler sums up the argument of killing innocents under utilitarianism, regardless by terrorists or states as follows –

"When the government intentionally kills or hurts someone under the guise of "punishment," it may have retributive and/or utilitarian objectives. Retributivists punish exclusively because punishment is deserved, either because the criminal is morally blameworthy or because she has broken some contract with society. Utilitarians believe that criminals should be harmed when it is in the best interest of society, usually because punishment is believed to deter other crime, or to incapacitate a criminal, or to rehabilitate her."[81]

Moving back to the philosophical, Wilkins makes the point that consequentialism and when violence may be deemed ethical is when it can be proved to serve the greater good. "From a strictly consequentialist point of view it would seem that where human suffering is concerned the additional suffering caused by terrorism might be but a drop in the bucket, a drop which would seem justifiable if there were any chance at all that it might alleviate the wider human suffering to which it is a reaction." [82] Hence, it will definitely be wrong to identify acts of terror as 'prima facie wrong', and the difference between a revolutionary and terrorist, and terrorism and other forms of political violence can be just as simple and difficult as being able to convince the use of violence was used as the 'last resort' and as a 'weapon of the weak and desperate', under consequentialist ethics.

Non-consequentialism

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[81] Butler, "Foreword: Terrorism and Utilitarianism - Lessons from, and for, Criminal Law." Pg 8
[82] Wilkin, "Terror. Collect. Responsib."ch 2

Under non-consequentialist forms of ethics, and mostly deontology, Virginia Held is the most vocal proponent for not considering terrorism as *prima facie* evil. She too put a lot of focus on loss of innocent lives due to acts of terror, but also asks for a more defined definition of 'civilians'. In her numerous works, she highlights how the actions for which the so-called terrorists are being labelled as evil are not in fact unique to them. Actions like treating humans as collateral damage in the means to get political gains or to trample rights of individuals and many such actions are carried out just as often by state actors as well. She highlights the double standards of how the reaction to death of innocent people is when it's carried out by one's own or friendly state, it's treated on utilitarian grounds, but not when it's done by opposing factions or by rebels or revolutionaries for what may have been a justified political goal. She calls for a uniform evaluation of civilian deaths when using ethics theories.[83] Her ideology can be distilled down to the statement that as long as terrorism is being used to diminish the suffering of the people in need, to give voice to the voiceless, it is justifiable or rather a more equal distribution of rights violation is better than the violation of rights of just a few -

 "It seems reasonable, I think, that on grounds of justice, it is better to equalize rights violations in a transition to bring an end to rights violations than it is to subject a given group that has already suffered extensive rights violations to continued such violations, if the degree of severity of the two violations is similar."[84]

She also has a lax approach towards the Just War Theory precept of Right Intention and Probability of Success, in that she believes that such is the nature of terrorism, that even with the best of intentions, sometime the effects are not as they had been predicted to be, that it is

[83] Held, "Terrorism, Rights, and Political Goals."
[84] Held. Pg 74-75

indeed quite difficult predict the consequences of an action, much less something as risky as justifiable acts of violence. It might just turn out that even with the best of intentions, they end up doing more harm than good, however, certain situations are dire enough to demand that risk. "If existing conditions are terrible, 'they might prompt a prospective terrorist to reason that any chance of altering these states of affairs is worth the risk of failure and the near certainty of harm to property or persons that violence involves.'"[85] She states that people frequently take risks when there's a possibility no matter how slim, to alleviate a difficult situation, a committing acts of terror for worthy political gains is no different.

Conclusion

Through this chapter we have tried to explore the conditions within the ethics theories that may give moral validity to certain terrorist acts. While further adding onto the two previous chapters and the theoretical framework derived from it, this chapter has tried to apply the consequentialist theory of utilitarianism and non-consequentialist theories of deontology and Just War. As seen above, under consequentialist approach, the greater good approach seems like a common denominator for justifying terrorism, however it is very hard to figure out what exactly qualifies as the greater good, when the risk of losing innocent lives is the cost. However, a more harsher application of utilitarianism would put retribute justice within the confines of morally acceptable, to push the morally blameworthy. Deontological approach to moral permissibility of terrorism ventures along the similar lines wherein fighting for the rights of the downtrodden makes the cost of coming violence acceptable. The probability of an act of violence to gain political gains are never assured, and hence for Held, giving a

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[85] Held. Pg 68

leeway is acceptable if the act fails to secure the political motive it set out to do. In addition to the deontological approach, Just War theory's pillars of Just Cause, Right Intention, Last Resort and Probability of Success are also important factors to consider, which form the tenets of either or both of these ethical theories, and prove to be an important aspect in judging whether terrorism can be morally justified.

Hence, in summation, no one ethics theory is able to provide justification for terrorism. However, when these three ethics theories are applied together it can provide a more through proper scrutiny to the act, it's effect, what it sought to achieve, and the likelihood of the gains acquired and therefore would be a good measure of exploring the morality of terrorism. Considering the nature of terrorism and an almost synonymous relationship with violence, it is important that the it terrorism should be condemned and means undertaken to work towards it's eradication. However, as seen from this chapter, it is a complex web of ideas, of which not all are malicious, however it is quite difficult to separate the malicious out of the necessary. While the inherent problems with terrorism regarding it's similarities with other means of political violence, it's definitional drawbacks etc, it becomes difficult to find out what terrorism is, much less whether in a certain context it could be justified or not. While ethics theories can help circumvent the cumbersome definitional debates surrounding it, it is always based upon the interpretation of the individual and the context within which the acts of terrorism were carried out. While this thesis cannot always help with the former, there is a possibility that it can help identify those contexts within which terrorism can be morally justified.

Chapter 4

Conclusion

Introduction

Analysing terrorism and the moral justifications for the acts of terror plays an important role into understanding terrorism itself. The need for exploring the ethical and moral justifications for terrorism is twofold- it helps identify the causes wherein violence was employed for reasons that could within the right context be morally justifiable. It also helps to identify the causes that cannot and should not be justified and yet still are, usually in the form of terrorist propaganda to gain followers, to justify their actions to such followers and to use it as a mask for explaining the acts of terror done for the purpose of amassing power.

This thesis tries to attempt this through the lens of the philosophy of ethics. The research question raised in the beginning was whether terrorism can be morally justified. If we are to analyse the characteristics of terrorism, ignoring the debates demanding nuance, they all list a number of *prima facie* reprehensible actions such as use of violence, intimidation and coercion and other fear inducing methods, in addition to killing people as a means to get attention.[86] It is this last characteristic of terrorism on which the question of morality mainly hinges, however, there are other aspects that are to complicated for a straightforward ethical analysis of terrorism. These complications are discussed in detail in the previous chapter, however it's reiterated here due to its relevance to the flow of argument employed for the thesis, as it is being compiled into this concluding chapter. After briefly highlighting these

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[86] Schwenkenbecher, Anne. "Terrorism: A Philosophical Enquiry."

complications, the chapter delves into the argument structure by summarising the research conducted within each chapter and how it builds up to the following chapter, leading towards the conclusion. This will be followed by the concluding remarks regarding the thesis and general discussion pertaining to the research question, the hypothesis and the conclusion gleaned from the research.

Complications Regarding the Ethical Inquiry of Terrorism

The first difficulty in ethically judging terrorism can be seen in its definition itself. The definition of terrorism varies not just in the semantics, but also in context. It is so because so many aspects of terrorism are connected to other things that just exacerbates the conceptual problems. Thus, terrorism is forever going through this look of struggling to define what it is and what it is not, and having problems with coming up with a working definition. The use of this term into the general discourse is another problematic factor, for it enables the misuse of the word. In recent times, this particular behaviour has become even more common, where this term is most often used as a means of political slander. And this works well, due to the ambiguity associated with terrorism, which blurs the lines between other forms of political violence. The phrase "one man's terrorist is another man's freedom fighter" holds much weight here. Hence, these ambiguities also show when one studies the moral justification for terrorism. Finally, one of the most relevant aspect of terrorism for a philosophical study would undeniably be the indiscriminate killings innocent people. Like the aforementioned complications, here too there is hearty debate as to who construes as a civillian, the question of innocence and the entire motivation behind this very drastic action. Within the answers for these questions and others like them hinges the question whether a particular terrorist act could be ethical or not.

Summarisation of the Research

Research Question

The thesis was set up to explore the idea whether terrorism could be morally justified. In order to do so, it relies heavily on the normative ethics theories, particularly the Consequentialist Ethics' Utilitarianism and Non-consequentialist Ethics' Deontology and Just War Theory. Furthermore, upon building the research base for the hypothesis, the thesis has identified one of the key aspects of terrorism within which lies the answer to our research question – the act of indiscriminate killing. Upon analysing multiple works of various political scientists and philosophers regarding the morality of terrorism, this has emerged as the most common rumination among them. Those arguing that terrorism can be justified do so by laying out the conditions within which indiscriminate killing could be justifiable, and those opposing it take on the stance that killing another human being can never be justified, and should never be justified. The works of these authors have lent a significant amount of knowledge and conceptual basis for the subject at hand, and have hence made up the bulk of this thesis, drawing upon it's extremely theoretical nature.

Argument Structure

Chapter 1

The first chapter titled 'Ethics and Terrorism' details the most well-known segment of the ethics philosophy – the Normative Ethics. Under this comes the consequentialist ethics and

non-consequentialist ethics. The chapter highlights these ethics and the different approaches to terrorism the scholars have, who study these ethics. Both consequentialist and non-consequentialist ethics have multiple interpretations and hence we can see terrorism both justified and unjustified under both of them. The best known type of consequentialist ethics is utilitarianism or teleology, under which an action is judged after it has been acted upon, based on its consequences. For the non-consequentialist we have deontology and Just War Theory that have been widely used in the thesis. These ethics are the ones that do not make the consequences of an action the bases of their ethical inquiry, but rather judge the action based on intentions and motivations. The non-consequentialist approach mainly implies judging the actions based on the intentions rather than consequence, and primary adherence to a rule or "duty" is used quite commonly in this regard. The chapter consists of explanations for both the consequentialist ethics and non-consequentialist ethics and how it can be applied to terrorism. After analysing certain texts imperative to the topic, it becomes quite clear that under both of these types of normative ethics, terrorism can be justified and unjustified respectively, and that it depends upon the interpretation of the ethics on the author's part.

For consequentialism, we used Kai Nielson's essay *Violence and Terrorism: Its Uses and Abuses* and Leon Trotsky's 'Terrorism and Communism' to show arguments that deem terrorism morally justifiable under consequentialism; by focusing on revolutionary violence and showing how it is an effective means, if one is to fight injustices when all else fails.[87] Following that, Nicholas Foiton's 'Burdens of Terrorism' and Burlieigh Wilkins's book *Terrorism and Collective Responsibility* shows another side of consequentialism which holds terrorism decidedly immoral. They focus their attention on the killings or in any way hurting

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[87] Trotsky, Leon. *Terrorism and Communism* "Chapter 4: Terrorism"

innocent lives, and they conclude that this is way too high of a price to be paid. They dislike the cost-benefit analysis which is central to utilitarianism, when civilian lives are in question and hence pronounce terrorism as unjustifiable.

The similar approach is applied to the non-consequentialist theory, deontology as well. Due to its much wider implications, the Just War Theory is dealt in detail in the following chapter. Through Deontology as well, interpretations differ starkly. On one hand there's Michael Walzer who, in multiple essays and books has written about the immoral nature of terrorism stating that terrorism is a choice and when an individual or organisation sit and rationally decide to take lives for whatever motive, it is inherently immoral.[88] On the other hand there's another anthology of works by Virginia Held where she has argued against Walzer's claims and put emphasis on what she calls distributive justice. She believes that if terrorist acts are being carried out in order to give voice to the voiceless and fight injustices, it is no different than our own governments using violence on a day-to-day basis to maintain compliance.[89][90] The chapter ends on the note that even through using the lens of normative ethics theories, the individual interpretations make it significantly harder to find out if terrorism can be defensible through any ethics theory. Somehow, the individual approaches don't always hold much weight when scrutinised for defending terrorism.

Chapter 2

In Chapter 2 'Just War Theory', we go into a detailed profile of the Just War Theory. The Just War Theory refers to the code of conduct to be followed, leading to and during warfare –

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[88] Walzer, Michael "Terrorism and Just War." *Philosophia*. Pg 7
[89] Held, Virginia "The Moral Assessment of Violence and Terrorism; How Terrorism Is Wrong : Morality and Political Violence." Pg 43
[90] Held, Virginia "Terrorism, Rights, and Political Goals." Pg 66

called *jus ad bellum* and *jus in bello* respectively. It's application to modern terrorism is credited to the works of Michael Walzer's book *Just and Unjust Wars*. Another off-shoot of non-consequentialist ethics, Just War Theory appears more like a common ground between Teleology and Deontology. This is due to the fact that of all precepts of this theory vis à vis Just Cause, Legitimate Authority, Right Intention, Last Resort, Probability of Success and Proportionality, wherein some can be seen as act-based while others can be rule-based actions.

In his book and consequentially following essays, Michael Walzer laid out numerous arguments as to why terrorism can never be morally justified, using the principles of just war theory. His main points of contention is the fact that choosing to indiscriminately kill innocent people and treat them as collateral damage as the way towards a political or personal gain is inherently immoral.[91] [92] While the points that he makes are indeed extremely powerful, he deems terrorism as *prima facie* wrong, and that open it up for contention. Amongst many writer who have contested that, we use the example of Andrew Valls, whose work *Can Terrorism be Justified?* laid out a point-by-point critique of Walzer's arguments, whilst making his own arguments that some exceptions do exist in which case terrorism could be morally justified through the lens of Just War Theory, mostly in the form of revolutions and fighting against tyranny. These situations would fill the criteria for Just War, Right Intention and Last Resort at the very least and Probability of Success and proportionality in the very best scenarios.[93] Hence, ascertaining the morality through Just War Theory also seems very contested. However, one consistency that follows throughout

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[91] Walzer, Michael. "Five Questions About Terrorism."
[92] Walzer, Michael. "Terrorism and Just War."
[93] Valls, Andrew. "Can Terrorism Be Justified?"

the two chapters is that within the right contexts, in each of these ethics theories, it's possible to find some kind of moral defence for terrorism.

Chapter 3

Chapter 3 builds up on the past two theoretical chapters and seeks to apply those theories to certain principles of terrorism. It begins by explaining the most commonly contested problems when studying terrorism such as its lack of a universal definition, blurred boundaries between terrorism and other forms of political violence, whether states can partake in terrorism etc.; just some of the most common issues that make it difficult to evaluate terrorism. These problems are deeply entrenched into the term terrorism itself, a problem that is not made easy through ethics, due to their highly interpretive nature. Therefore, a more straightforward approach to this would be choosing which normative ethic one's more inclined towards. Utilitarianism accepts a lot of morally grey areas of action, more importantly killing people if it can be proven to serve the greater good. This can prove good intention on the actor's behalf, however, that is not always the case and certainly never a straightforward one. Similarly, deontological perspectives differs as well, but seem stoutly steeped into the rights-based ideology. But, there are certain aspects in both these normative theories which can be used to make a case of terrorism, in the right context. As highlighted in the chapter, the emphasis on indiscriminate killing is a big factor in considering terrorism as a prima facie evil. While utilitarianism is quite flexible here, certain deontology theorists also surprisingly take a more relaxed approach. To summarize it, as long as the context can be true to Right Intention, Just Cause and Last Resort, an equivocally reprehensible thing as killing can also be morally justifiable. When applied separately, these theories' provide a very watery defense as well as condemnation for terrorism. However, when applied together,

taking the certain points from all three theories, or rather just certain principles of the Just
War theory relating to both deontology and teleology – Just Cause, Right Intentions and
using terrorism as a Last Resort, it is possible to develop enough scrutiny to ascertain when
terrorism could potentially be ethically acceptable.

Research Results

The thesis ends with the concluding remarks that for the most part, the main point of interest
for most of the authors analyses is the killing of innocent people, which is definitely a huge
ethical liability on terrorism. Committing an act of violence against an individual is bad
enough but killing people indiscriminately just for political or some other form of gains
makes it understandable as to why many consider terrorism to be *prima facie* immoral.
However "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."[94]

While ethics theories can help circumvent the cumbersome definitional debates surrounding
it, it is important to note that in order to achieve maximum and efficient scrutiny, the
characteristics of Utilitarianism, Deontology and Just War Theory could be applied together.
Following the final analyses of the normative theories in chapter 3, we come to the
conclusion that utilitarianism can provide a good lens to view the violence towards civilians
aspect, wherein punishing the criminals to deter future crimes is seen as acceptable.[95]   It can
also be supplemented by the ascertaining whether the killing of people was done in order to
alleviate human suffering and hence for the greater good.[96] This view can be similarly found

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[94] Schwenkenbecher, "Terrorism: A Philosophical Enquiry."
[95] Butler, "Foreword: Terrorism and Utilitarianism - Lessons from, and for, Criminal Law."
[96] Wilkins, "Terrorism and Collective Responsibility."

in deontology focused readings, wherein they highlight the uneven evaluation of ethics when the civilian deaths occur due to government policies or terrorist actions. These ideas, when implemented through certain principles of Just War Theory - Just Cause, Right Intention, Last Resort and Probability of Success can create an efficient framework wherein the situational context can be applied through this framework and it will provide a thorough scrutiny to ascertain whether terrorism can be justified.

Concluding Remarks

The thesis set out to answer the chosen research question of whether terrorism can be morally justified. It further build upon that question of moral justification to as in what circumstances it could be justified, seeing that the answer for the first question was highly interpretational and also personal. It was proved to be highly interpretational through the previous three chapter, each devoted to show different approaches to terrorism via ethics theories, an seeing how due to the complex nature of the term, the very principles of a particular theory can be used to justify as well as condemn terrorism. Furthermore, the semantics of the words 'morality' and 'ethics' while used interchangeably now, and also in the thesis, highlight an important difference as well. Morality is judging whether an action is 'good' or 'bad' whereas ethics are a set of theories to judge the 'rightness' or 'wrongness' of an action. Hence, the research question itself made the topic highly personal, and why ethics and morality has been used interchangeably in this regard.

Following that, it is important to explicitly state that conducting an act of violence in as a tactic for inducing fear is in itself a morally reprehensible thing. However, as many authors have proven with numerous examples and hypothetical scenarios, certain situations

necessitate such actions. Therefore, understanding when the acts of terrorism can be morally defensible can help solidify the line between the terrorism for the sake terrorising people for personal gains, and revolutions, guerrilla warfare and other types of politically motivated violence conducted in order to bring about a desperate change.

While dismissing the acts of terrorism as *prima facie* evil is quite widespread, it becomes more important to be able to recognise when terrorism can be justified, since as we can see there certain context within which using the means of terror is the only towards a better society. That however is not the only reason. Numerous terrorist organisations proclaim their acts of terror as a necessary evil, and due to the complex ideologies involved within the term terrorism itself, it can be quite easy to mould the discourse into one's favour. Although the role of discourse is not analysed in the thesis per se, due to far reaching implications of its own, it would be hard not to even mention it due to its widespread use. And this aspect of terrorism, wherein one can quite deftly turn the argument of moral justification in their favour arises due to the multiple definitional debates surrounding terrorism. The term terrorism has found it difficult to disentangle itself from political violence, among many other points of contentions.

This is where ethics come to play an important part. As seen through the thesis, is it possible to circumvent the definitional issue, to a certain extent, by applying the principles of ethics and ascertaining how the different characteristics of terrorism seem under them. Building upon this idea, the thesis research reached the conclusion that even in this instance, there's too much leeway, wherein even theory provides at best a watery defence, if it exists. In there is to be a defence for terrorism, it needs to be tight enough to withstand intense scrutiny. Hence, as the research result states, applying the characteristics from all three theories and

focusing on the key aspects of terrorism (in this case, the indiscriminate killing of people) can provide much more satisfactory results, that may have the potential to withstand the scrutiny that comes with something as controversial as moral defence of terrorism.

However, once again it is important reiterate that this framework still can't stand on its own and it will still be quite dependent upon the interpretation of the individual and the context within which the acts of terrorism are carried out. Even with this point, it is important to recall the difference between ethics and morality, wherein one is a set of principles laid out based on ideals of equal rights and good intentions, and the other is a set of principle beliefs, based on our own intrinsic ideas of what is morally good and hence acceptable, and what is morally bad and hence unacceptable. With this in mind, it is important to note that even if one is successfully able to prove that a particular act of terror was committed in the right context and hence can be considered ethical, the personal ideas of whether it was good action or not would vary from individual to individual. While this thesis cannot always help with the latter, there is a possibility that it can help identify those contexts within which terrorism can be morally justified. The view of terrorism and it's justification would remain a personal interpretation wherein following the right context and intentions certain terrorist actions could be justified ethically but it however, there can be universal opinion or exception, it'll have to be solely on a case-by-case basis and even then highly contested.

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