

Can Terrorism be Justified?

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1. The Questions

Discussions of terrorism must keep various things in mind. Among the various questions that can be asked are the following:

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| (1) What is terrorism? | [definition] |
| (2) Who practices terrorism? | [agency] |
| (3) Why would anyone engage in terrorism? | [causes] |
| (4) What is the proper response to terrorism? | [response] |
| (5) Are any terrorist actions justifiable? | [evaluation] |

My concern today is with the last of these questions. But, it is virtually impossible to say anything intelligent about this matter unless some effort is made to delineate the phenomenon under scrutiny. So I will begin by addressing the first question, and this requires that something be said about the semantics and pragmatics of the terms, ‘terrorism’ and ‘terrorist’.

2. The Rhetoric of ‘Terror’

We are inundated with talk about ‘terror’ ‘terrorism’ and ‘terrorist’ in our media—at least in the U.S.—and these terms are used in labeling a “war” that the U.S. and its allies are currently waging in the Middle East. Let me list a few salient facts about the contemporary rhetoric of ‘terror’ before approaching the issue of definition.

Fact 1. *The word ‘terrorist’ has acquired an intensely negative connotation in contemporary discourse.*

Terrorism is perceived as something reprehensible, as a mode of activity that breaks the rules of legitimate political violence, first, by targeting people who should not be targeted—civilians or noncombatants, often perceived as being innocent of aggression and, therefore, immune from retaliation—and second, by using methods that should not be employed, for example, hijacking commercial airliners or killing hostages or exploding bombs in market places. As such, terrorism is thought to violate two of the main tenets within the *jus in bello* segment of just war theory—assuming that we can extend the familiar moral guidelines of just war theory to all political violence—namely, the so-called *principle of discrimination* according to which civilians or noncombatants are to be immune from military assault, and the so-called principle of *legitimate means (no methods mala in se)*. Further, its etymological roots in the term ‘terror’ suggest that terrorism has something to do with creating feelings of *terror*, *fear*, and *horror*, and such feelings are thought undesirable. Hence, the negative connotations of the terms ‘terrorism’ and ‘terrorist’.

Fact 2. *There is an inconsistency in ascriptions of ‘terrorism.’*

Just ask yourself; who gets labeled as a “terrorist”? All and only those who commit terrorist actions? Guess again. In fact, the answer depends on where you are and to whom you are listening. If you are tuned into the mainstream U.S. media, or into the various agencies of the U.S. government, or, for that matter, into the statements of virtually any government and their associated media, it quickly becomes apparent that the term ‘terrorism’ is ascribed selectively. When our political opponents commit acts such as those mentioned we readily label it ‘terrorism’ and the perpetrators ‘terrorists’, but if we or our allies engage in similar sorts of activity we use different terms, e.g., ‘retaliation’ or ‘counter-terrorism’ to describe the acts. If the agents are a sub-national group we approve of, then it is common to see ‘freedom-fighters’ used to describe them.

Some of these were committed by sub-national groups, for example,

- the attacks upon civilians in Nicaragua by the U.S. financed “contra” rebels of the 1980s that claimed several thousand civilian lives;
- the massacre of over 2000 Palestinian civilians by the Israeli-supported members of Lebanese militias in the Sabra and Shatilla refugee camps in Beirut in 1982.
- the massacre of Bosnian civilians in the mid-1990s;

If we broaden our scope and examine some of the overt actions committed by states, then there are numerous examples that are not usually labeled as “terrorist” though they qualify as such under those definitions that allow for *state* terrorism. These include,

- Bombing of Fallujah (and other Iraqi cities) by American in 2004 featuring the use of cluster bombs and phosphorus bombs;
- the destruction of Grozny by Russian forces during the Chechnya war in 1999;
- the US invasion of Panama in 1990; (Over 2,000 Panamanians were killed in the invasion to capture one leader.)
- the US bombing of Tripoli, Libya in April 1986; (over 100 dead)
- the Israeli aerial and land bombardment of Beirut in the summer of 1982; (over 5500 dead)
- the Syrian army’s attack on the city of Hama in the spring of 1982; (over 10,000 dead)
- the Indonesian invasion and occupation of East Timor, 1975-1998. (over 100,000 civilians killed)

These terrorist actions pale in comparison to more large-scale campaigns such as,

- the U.S. bombing of North Vietnam and Cambodia during the Vietnam war
- the Allied bombing of German and Japanese cities near the end of WWII; for example, from March to August 1945, nearly 800,000 Japanese civilians were killed in US airraids against Japans’ 62 largest cities, and about 85,000 of these died on March 9 1945 on the first day of the bombing in Tokyo

Since no individual, group, or government wants to accept the negative consequences of the term, ‘terrorism’ is always what someone else does. This suggests that one way to explain, and even justify, the inconsistent ascriptions of terrorism, is to argue that the term ‘terrorist’ has an *indexical* or *egocentric* character, essentially dependent upon a speaker’s point of view, much like the word ‘enemy’ or the phrase ‘the enemy.’ No one is an *enemy* as such, but only an enemy *to* someone or other, so that when I use ‘enemy’ and ‘the enemy’ I am talking about *my* enemy or *our* enemy. Similarly, when we hear people speaking of ‘terrorism,’ in actual practice they are talking about violence directed against “themselves,” or, in first-person terms, against “us.”

I’d like to point out, however, that unlike the term ‘enemy’, nothing in the *semantics* of ‘terrorism’ warrants the egocentric usage. The standard English-language dictionaries and encyclopedea define the term as a particular mode of violence, saying nothing about an egocentric or perspectival nature.

But even if we acknowledge that the term has evolved semantically to encompass perspectivalism, that alone would afford not basis for moral claims about terrorism, for instance, that it is an unjust or immoral use of violence. Just as there is no automatic moral taint to being an *enemy*—many good people have been enemies to someone or other—so too, if a terrorist act is wrongful, it is not *because* it is politically motivated violence directed *at us*. If an action is morally wrong, it is because it possesses some universalizable morally relevant characteristic, say, that it is violence directed at civilians, or against innocent people, or that it uses improper means, or that it is politically motivated violence, or—from a pacifist perspective—that it is violence. For the purposes of making a moral claim, the egocentric character of the term ‘terrorism’ is irrelevant.

Finally, it goes almost without saying that the mere negative connotation of a term is no grounds for moral opprobrium towards whatever or whomever it applies to. The terms ‘enemy’, ‘stranger’, ‘foreigner’ all harbor a degree of negativity, but they apply to everyone, saint and sinner alike.

Fact 3. There is no universally agree-upon definition of ‘terrorism’ within contemporary discourse.

This is quite a striking fact given that a “war on terror” is being waged. You’d think that it is of paradigm importance to have a clear conception of what this is supposed to be at war against.

Dictionary definitions, as usual, are not of much help. Here’s what the OED says: **terrorism** is "a policy intended to strike with terror those against whom it is adopted; the employment of methods of intimidation; the fact of terrorising or condition of being terrorised."

Even different agencies within the U.S. government adopt

different definitions of ‘terrorism.’

The U. S. State Department (from Title 22 of the U.S. Code (the codification by subject matter of the general and permanent laws of the United States) Section 2656f(d)):

The term “terrorism” means premeditated, politically motivated violence perpetrated against noncombatant targets by sub-national groups or clandestine agents, usually intended to influence an audience.

The term “terrorist group” means any group practicing, or which has significant subgroups which practice, international **terrorism**;

Note. The State Department interprets the term “noncombatant” to include, in addition to civilians, military personnel who at the time of the incident are unarmed or not on duty.

The FBI (taken from the U.S. Code of Federal Regulations (the codification of the general and permanent rules published in the Federal Register by the executive departments and agencies of the Federal Government) 28 C.F.R. Section 0.85:

Terrorism is the unlawful use of force and violence against person or property to intimidate or coerce a government, the civilian population, or any segment thereof, in further of political or social objectives.

The U.S. Defense Department:

Terrorism is the unlawful use of threatened use of force or violence against individuals or property to coerce or intimidate governments or societies, often to achieve political, religious, or ideological objectives.

The U.S. National Counter Terrorism Center :

A terrorist act is one which is premeditated; perpetrated by a subnational or clandestine agent; politically motivated, potentially including religious, philosophical, or culturally symbolic motivations; violent; and perpetrated against a noncombatant target.

The negative connotation, the lack of a concern for consistency in application, and the gerrymandered definitions underscore a fourth, and probably the most important, fact about the current usage of ‘terrorism’, namely,

Fact 4. *The rhetoric of ‘terror’ has become a political tool that governments and their associated media use in labeling those who resort to force in opposing governmental policies.*

Because of its negative connotation, the ‘terrorist’ label automatically discredits any individuals or groups to which it is affixed, dehumanizes them, places them outside the norms of acceptable social and political behavior, and portrays them as “evil” people that cannot be reasoned with. As a consequence, the rhetoric discredits any individuals or groups that are described as ‘terrorist,’ and thereby,

- dehumanizes any individuals or groups described as “terrorist.”
- erases any incentive an audience might have to understand their point of view so that questions about the nature and origins of their grievances and the possible legitimacy of their demands will not even be raised;
- deflects attention away from one’s own policies that might have contributed to their grievances;
- repudiates any calls to negotiate with those labeled ‘terrorist’;
- paves the way for the use of force and violence in dealing with them, and in particular, gives a government “freedom of action” by exploiting the fears of its own citizens and stifling any objections to the manner in which it deals with them;
- erases the distinction between national liberation movements and fringe fanatics.

Noam Chomsky has phrased it poignantly:

“... the term “terrorism” is commonly used as a term of abuse, not accurate description. It is close to a historical universal that our terrorism against them is right and just (whoever we happen to be), while their terrorism against us is an outrage. As long as that practice is adopted, discussion of terrorism is not serious. It is no more than a form of propaganda and apologetics.”

I actually advocate a stronger thesis: namely, that the rhetoric of ‘terror’ is itself a terrorist tool that states avail themselves of. The ‘terrorist’ label is a means of characterizing a certain group so as to dehumanize them, portray them as irrational beings devoid of any moral sense and beyond all norms. In so doing, governments find it easier to deflect criticisms of

their own policies, and to justify military responses that deface the distinction between agents of terrorist actions and the populations from which they emerge. The logic of the strategy is simple: *to get away with a crime, demonize your victims*.

I have another lecture on this topic. Having made my points about the term ‘terrorism’, I return to the topic of terrorism.

3. A Definition of ‘Terrorism’

There is a real phenomenon of terrorism. While it is to some extent arbitrary how we define terms that we choose to use in our arguments, we cannot make much headway without some definition, and it is helpful to try our best in respecting widespread ordinary usage in such a way that secures the label for certain widely acknowledged instances of terrorism.

Most writers on the topic agree that terrorism is,

- (i) a deliberate use or threat of violence,
- (ii) politically-motivated, and
- (iii) directed against non-military personnel, that is, against civilians or noncombatants.

Taking these as the only essential features of terrorism, perhaps the simplest and more accurate reportive definition is this:

Terrorism is deliberate, politically-motivated violence, or the threat of such, directed against civilians.

Several terminological points must be addressed to clarify what I will henceforth refer to as this *standard definition* of ‘terrorism’.

First, where ‘violence’ refers to any coercive action or policy that causes physical or mental harm, then violence is politically-motivated if caused by desires to achieve certain political goals, where those desires might be those of the agent *or* those of others whose actions have moved the agent to react. This allows that action born out of frustration over a political situation, brought about others pursuing their political agendas, is politically-motivated even if the agent does not act from a plan within which terrorism is a means to a definite political goal.

Second, this means that we can distinguish different types of terrorism depending on facts about the agents and about the modes and mechanisms whereby harm is carried out.

One contrast is that terrorism is **strategic** if employed to achieve a political goal, but **reactive** if it derives from an emotional response to politically induced grievances, e.g., anger, outrage, desire for vengeance, despair. Since strategy and emotion can be jointly operative, and actions can have multiple agents, a given act might manifest both modes of violence.

A second contrast concerns the causal route whereby harm is inflicted. **Direct terrorism** consists in assault or an immediate threat to do so, for example, killing someone or giving the orders to do so. But violence can also be committed by other means, say, by imprisoning people, depriving them of clean water, food, or necessary medical supplies, destroying their shelters, or damaging the institutional fabric of their society, e.g., hospitals, schools, factories and businesses. States, in particular, accomplish such **structural terrorism** by forcibly implementing—or impeding—institutions, laws, policies, and practices that result in harm to noncombatants.

Third, the term ‘civilian’ is ambiguous. In the widest sense, ‘civilian’ designates any person who is not a member of a state’s military organizations. In a narrower sense, ‘civilian’ applies to all and only those who are not members of any militia, be it a state militia or a non-state militia.

Terrorism is also defined in terms of the broader notion of **noncombatant**, where a combatant is someone who is actively engaged in carrying out military operations—as distinct from the cooks and medics that might also serve in a military organization, or soldiers home on furlough.

I will use ‘civilian’ in the narrower sense—those who play no role in a military organization—but my argument applies even if you want to define terrorism in terms of violence directed against noncombatants.

Fourth, the occurrence of ‘deliberate’ implies that the perpetrator is intentionally using or threatening violence to achieve political objectives *and* is identifying the victims *as* civilians. But while the combination of ‘deliberate’ with the phrase ‘directed against’ suggests that actual or threatened violence is *intentional*, harm to civilians might be incidental to the main aim of a terrorist action, say, to destroy property, to gain attention, to provoke a government’s response.

For example, if the attacks on the World Trade Center towers were aimed solely at provoking an American military action, then, while harm to civilians was foreseen and deliberate, it might not have been viewed as essential to the action plan intended, and if so, it was not itself intentional. What was intentional was destroying those buildings in order to engage the U.S. militarily in the Middle East, not killing civilians, though the latter was a foreseen consequence of what was intended. This is why I do not want to define terrorism in terms of *targeting* civilians. If targeting is intentional killing, then it becomes much more difficult to ascertain whether a given act of politically-motivated violence is terrorism or not.

But even if one insists that intentional harm to civilians is essential to terrorism, it need not be the primary objective of the act. Some distinguish the *primary targets* of terrorism, viz., those whom the perpetrators wish to move in some way, typically, governments, from the *secondary targets*, namely, the civilians, harm to whom is viewed as a means of moving the primary targets.

Fifth, it might be thought that etymology demands that terrorism involve the creation of terror, fear, and alarm. While several writers speak of such psychological effects as essential to terrorism, the use of ‘deliberate’ in the definiens of the standard definition once again requires care. Fear and alarm are typically the byproducts of actions that deliberately expose civilians to violence, and certainly many instances of terrorism have had such effects, especially since they are unexpected and unpredictable. But if the perpetrator’s aim is simply to cause outrage and thereby provoke a response in order to achieve political objectives, then fear and alarm may very well be unintended and inessential. In this way, also, terrorists might carefully choose their secondary targets, making it erroneous to require that an act of terrorism be “random,” “indiscriminate,” or “irrational.”

Sixth, the standard definition does not *imply* that terrorism is unjustifiable. It might seem to have that implication given the use of ‘deliberate’ and ‘civilians,’ but a separate argument is needed to establish that a given act of violence directed against such persons is morally unjustifiable. Definitions that *explicitly* make terrorism illegitimate through such adjectives as ‘illegal’, ‘unlawful’, ‘random’, ‘indiscriminate’, etc. make it more contentious to classify a given action as a terrorist act. A definition that avoids this implication, by contrast, has the advantage that a moral assessment can be defended upon an examination of the case rather than being settled by arbitrary stipulation. Moreover, it makes it less difficult to classify an action as “terrorist.”

Seventh, the standard definition excludes no kind of person or organization—including a government or state—from being an agent of terrorism. There are several reasons to resist the U.S. Code’s stipulation that terrorism is practiced only by non-state agents or clandestine state agencies, never *states*:

- For one thing, there are no semantic grounds for restricting ‘terrorism’ to non-state agents, if we are to judge from the most recent editions of the *Oxford English Dictionary*, *Webster’s Dictionary of the English Language*, the *Encyclopedia Britannica*, and the *Encyclopedia Americana*. Etymologically, ‘terror’ and, hence, ‘terrorism’, imply nothing about the identity of the agent. The 15th edition of the *Encyclopedia Britannica*, vol. 11, pp. 650-651, allows that governments can be the agents of terrorism when it speaks of “establishment terrorism.” The OED does not restrict the definition of ‘terrorism’ to non-state agents.
- For another, ‘terrorism’ has been, and still is, applied to certain violent actions by states. In fact, the terms ‘terroriste’ and ‘le terreur’ were initially applied by the Jacobin leaders to refer to the actions by their own revolutionary government in eradicating its enemies. During Robespierre’s Reign of Terror, for example, it is estimated that some 400,000 men, women, and children were imprisoned by government authorities, and some writers estimate that the number executed was as high as 40,000.
- Finally, the restriction to non-state actors is disingenuous. The term ‘terrorism’ has become the term of art in labeling illegitimate methods of political violence. Exempting states from being agents of terrorism yields an unfair rhetorical advantage to established governments, especially since the weaponry and organization that modern states have brought to bear in pursuing their ends through violence against civilians consistently dwarfs any amount of harm achieved by non-state actors engaged in terrorist activity. That states can commit criminal acts of warfare has long been recognized in international law. [the Hague Conventions and the Geneva Conventions of 1949]

But, not to be unduly stubborn, we may speak of what non-state groups do as *ordinary terrorism* and what states do as *state-terrorism*.

So defined, terrorism is probably as ancient as organized warfare itself, emerging as soon as one society, pitted against another in the quest for land, resources, and dominance, was moved by a desire for vengeance, or, found advantages in operations against “soft” targets. Of course, ancient lineage is no justification for any activity, otherwise there would be no end to the horrible crimes that so qualify.

Nor should come as any surprise to use to learn that there are all sorts of people are willing to justify terrorism, for there are people all around the world who sanction various acts of terrorism.

- Many have sanctioned the fire bombing of German and Japanese cities near the end of WW2, and the use of atomic bombs on Hiroshima and Nagasaki.
- There are spokespersons on both sides of the Israeli-Palestinian conflict who have condoned violence against the civilians of the other side for over 70 years.
- Several writers have offered historical and philosophical justifications of terrorist violence, e.g., Leon Trotsky or, more recently, Ted Honderich.
- Former U. S. Secretary of State Madeline Albright publicly justified terrorism when she said that the deaths of some half million Iraqi children because of inadequate access to proper sanitation and medical treatment due to the UN sanctions, were “worth it.”
- There are religious justifications, e.g., in *Numbers* 33, 50-53, we read that Yaweh ordered the Hebrews to drive out the Canaanites from their homes. I recall how we were told with approval about the story of Samson as a child, who brought down the roof upon his captors and their wives as well as his own – an early version of the suicide bomber.

4. The Question of Justification

In the current climate of opinion, attempts to justify terrorist actions on moral grounds are likely to be met with expressions of incredulity, at both the scholarly as well as the popular level. Robespierre’s ominous “virtue without terror is powerless” lost whatever credibility it might have appeared to have long ago, at least as a moral maxim. It is more common to hear sweeping denunciations of terrorism on the grounds that it is a brutal violation of the human rights, fails to treat people as “moral persons,” does not differ from murder, indiscriminately attacks the innocent, targets those who are innocent of the grievances from which it stems, or, simply, is a violation of the *jus in bello* discrimination rule.

Terrorism is also likely to generate disgust, hatred, and vengeance, not only within the targeted community, but also among the external audience with little understanding of the relevant history, rendering it a strategy that backfires by increasing the determination and volume of one’s enemies. Recalling Kant’s insistence that war can be justified only if it is expected to contribute to future peace, it is precisely because terrorism is capable of generating intense feelings of hatred and vengeance that it threatens to undermine trust and the possibility of future coexistence. As Kant realized, criminal strategems raise the frightening possibility that genocidal annihilation of one or both parties might be the only way to end a conflict.

Yet, it is not obvious that these considerations trump all others *if* terrorism is the only means available to secure an *overridingly justifiable end*, that is, when *not* committing terrorism would have morally worse consequences than engaging in terrorism. Can such a scenario ever exist?

I am going to approach this question through the lenses of what has come to be called **Just War Theory**. As I see it, this consists in a series of mid-range normative principles governing political violence and that are widely accepted by political philosophers and recognized by a vast body of international conventions. By ‘mid-range’ I mean they fall somewhere between the very abstract normative principles concerning the very grounds for right and wrong and particularized principles for resolving particular normative disputes (e.g., the U.S. ought always to follow international law in its treatment with POWs).

A. *The Rules of Jus Ad Bellum*

1. Just Cause. War may be launched only for the right reason. The just causes most frequently mentioned include: self-defence from external attack, the defence of others from such, and the protection of innocents from brutal, aggressive regimes.

2. Right Intention. A state must intend to fight the war only for the sake of its just cause.

3. Competent Authority and Public Declaration. A state may go to war only if the decision has been made by the appropriate authorities, according to the proper process, and made public, notably to its own citizens and to the enemy state(s).

4. Last Resort. A state may resort to war only if it has exhausted all plausible, peaceful alternatives to resolving the conflict in question, in particular diplomatic negotiation.

5. Proportionality. A state must, prior to initiating a war, weigh the total goods expected to result from it, such as securing the just cause, against the total evils expected to result, notably casualties. Only if the benefits are proportional to, or “worth”, the costs may the war action proceed.

6. Probability of Success. A state may not resort to war if it can reasonably predict that doing so will have no measurable impact upon achieving the goal of the just cause

B. The Rules of Jus in Bello

1. Discrimination and non-combatant immunity: Non-combatants should be immune from attack.

2. Proportionality: Use no more force than is necessary to achieve just military objectives.

3. Legitimate Means (No means *mala in se*) There should be no use of weapons or methods “evil in themselves,” e.g., rape, genocide, poison, treachery, use of human shields, forcing captured soldiers to fight against their own side, and using weapons whose effects cannot be controlled, like biological agents.

4. Benevolent Quarantine for POWs: Prisoners of war must be treated humanely.

C. The Right of Collective Self-Defense

Second, let us generalize the notion of a *community* to include any society of persons having some level of geographical and political unity and containing entire families that ensure its continued existence through the usual reproduction of individuals who *ipso facto* become members. States are communities possessing sovereignty over territory, but there are various levels of non-state communities as well, e.g., those constituting political or regional divisions within a state, local municipalities, religious communities, ethnic minorities, etc.

Any community can be subjected to threats and attacks stemming from civil disorder, government oppression, foreign invasions and occupations. Normally, the job of defending a community is vested in the sovereign power, but the sovereign does not always deliver, especially if it is too weak, has been decimated or destroyed, or, is itself the aggressor.

In such cases, just as individuals have a right to use violence in situations of self-defense in the absence of police protection, so too, a community has the right to collective self-defense when state protection is unavailable—at least when it is legitimately constituted within that territory. If so, the constraints imposed by just war theory can be considered in relation to nonstate agents.

D. Existential Threats

Nowhere is the justice of collective self-defense more manifest when a community faces an aggressive threat to its very existence. This can take different forms, with attempted extermination of its members being the clearest threat warranting a community’s recourse to self-defense. But even where extermination is not at issue, an aggressor might try to destroy a community in other ways, say, by enslavement or forced conversions of its members, destruction of its vital institutions (economic, agricultural, political, cultural), appropriation of its natural resources, seizure of its territory and dispersion of its members. Each of these threats to a community’s survival is an *existential* threat and, typically, will be viewed as unjustifiable from that community’s perspective.

A right of collective self-defense need not be limited to existential threats to survival, for it can also arise when there are threats to a society's political independence, territorial holdings, resources, technological and military capabilities, or even, as Rawls said, "basic freedoms of its citizens and its constitutionally democratic political institutions" (Rawls 1999a, 91). Here, let us confine attention to existential threats.

E. Standard Measures of Collective Self-Defense

How is collective self-defense to be pursued? This depends upon the broader legal and political orders that the community exists under, but the following are what might be called the *standard measures* a community may take when threatened by an aggressor:

- (1) Offers of direct negotiation with the aggressor to resolve the problem.
- (2) Appeals to external agencies, institutions, and laws in order to arbitrate and work towards a peaceful solution of the problem.
- (3) Appeals to a recognized sovereign, or to external powers to forcibly intervene to stop the aggression.
- (4) Resort to non-violent resistance to halt or retard the aggression.

If these measures fail, then the community has the right to,

- (5) Resort to military resistance, whether through conventional or guerrilla warfare, against the aggressor's military forces.

While this latter measure is usually accorded to organized states and their militia, if a community is not being protected by a state then it has the right to direct its members to take up arms in pursuit of collective self-defense. This is not a surprising allowance given that a state might persecute its own population or a segment thereof.

So far, so good. But now we come to my **third** consideration. If we are going to consider a community's right to employ military force in self-defense, we must still raise ethical questions about the conditions under which it can exercise this right and the constraints to which its use of force is subject. Here, we can take the rules of just war theory as our guideline, but in a suitably generalized form, applying not only to states but also to communities that fall short of statehood.

So, let consider our situation of self-defense from the standpoint of generalized just war theory, for we should not expect any community—state or non-state—to be justified in resorting to violence unless it has a just cause and acts as a last resort, through a competent authority, with expectations of success, etc. Refusing to generalize the considerations of *jus ad bellum* and *jus in bello* to all sorts of political violence, whether waged by states or non-state agents, would be to delegitimize any resistance to repression by a non-state community, including all revolutions, national liberation movements, and resistance to tyrannical government. That is an implausible conclusion.

F. Radical Existential Threats

Suppose now that members of a community faced with an existential threat have good reason to believe that the aggression is *unjustifiable* by widely accepted canons (say, applicable international conventions). Suppose further that the following is true:

- They presuppose that their own community is worth preserving.
- The leadership of the community under threat has tried each of the standard measures for self-defense against the aggression, in particular, this leadership has appealed to the aggressor for direct negotiations, publicly argued its case by appeal to international law, appealed to international organizations (say, the United Nations) and to external powers for intervention to halt the aggression, appealed to external powers, say, regional alliances or the major world powers, resorted to non-violent methods of protest, and confronted the aggressor's military within the standard *jus in bello* guidelines.

- Repeated attempts to turn back the existential threat through the standard measures have proved unsuccessful.

In such circumstances, the targeted community faces what I will call a **radical existential threat**, namely, a situation when (1) it is subject to an unjustifiable existential threat, and (2) its recourse to the standard measures of self-defense have failed to end or abate that threat. Such a situation qualifies as a “supreme emergency” and a paradigmatic *just cause*—namely, to eliminate or reduce the threat—if anything does.

G. The Question

A situation of radical self-defense is an extreme emergency situation. What may a community do in a situation of radical self-defense? In particular, would strategic terrorism be morally permissible?

Let’s go as far as we can with just war theory in answering these questions.

In a situation of radical self-defense, the criterion of **just cause** is immediately satisfied. Without a protective sovereign, the community is justified in taking self-defense into its own hands through strategies that it judges will best end or abate the threat, whether these involve acquiescence, surrender, flight, or resistance. Insofar as it undertakes action with this goal in mind, then it can readily satisfy the criterion of **right intent**.

However, to do so with justification, the proposed course of action must also satisfy the requirement of **competent authority** and **public declaration**, either through endorsement by the acknowledged leadership of the community or by the community itself through the best available means of determining consent in the circumstances.

By the very way a radical existential threat is described, recourse to terrorism might also satisfy the requirements of **proportionality** and **last resort** given that the aggression is unjustified and that standard measures of self defense have been tried and have failed. Terrorism would then be a *Machiavellian* course of action since it would violate widely shared standards for the sake of an overridingly just goal, namely, to reduce or end an unwarranted existential threat. Machiavelli’s allowance for occasional cruelty was offered as a “last resort” strategy for the sovereign, but, in a situation of radical existential threat a community is its own sovereign.

H. Reasonable Hope of Success?

In plain fact, communities have and still do face radical existential threats, and some have tried the standard measures of self-defense before resorting to terrorism. It is precisely because of gross disparities in economic and military resources between oppressor and oppressed, and because of the continual technological improvements in protection of military personnel, that terrorism might be the only means of resistance available. Suicide terrorism, in particular, is viewed by its agents as a strategy of last resort when embroiled with a “zero-sum” conflict.

If a proposed act or campaign of terrorism is to satisfy the last resort condition, not only must it be assumed that terrorist acts can be carried out, its proponents must have evidence that there is a *reasonable hope of success* that they might enable the community to reach the goals related to the just cause. This is often the most difficult *jus ad bellum* condition to satisfy, but two points should be kept in mind.

First, some, like Michael Walzer and Haig Katchadourian, argue that terrorism never works to advance a group’s ultimate goals. But there a number of counterexamples. For one thing, state terrorism has frequently achieved desired goals; the American “manifest destiny” was partly achieved through terrorism against native Americans, and it has been argued that the terror bombing of Japanese cities in 1945 hastened the end of WWII. Non-state terrorism has also been effective for example, the establishment of a Jewish State in Palestine in 1948, with a decisive Jewish majority, would never have been achieved without the use of terrorist tactics in causing an exodus of the bulk of the Palestine’s Arab population from the territory that became part of that state.

In a recent study of suicide terrorism, Robert Pape has pointed out cases where suicide bombings has gone some way in enabling a group to secure desired goals

- Hezbollah against the US and France in 1983 (forcing a withdrawal of their military forces in Lebanon).
- Tamil Tigers against Sri Lankan Government in the 1990s.
- Hamas against Israel in 1994-1995 (hastening a withdrawal of Israeli forces from Gaza).

It is not too difficult to understand how a threatened community's resort to terrorism against powerful unwarranted aggression *could* be successful in advancing its goal of self-preservation.

1. The aggressor concludes that the price of its aggression is too high and, to avoid the effects of terrorism upon its own civilian population, decides to desist from that aggression, at least by way of suspending its aggression.
2. Recourse to terrorism can draw attention to the grievances of the threatened community. As a result, external states and alliances might be caused to intervene to bring an end to the aggression because of larger political ramifications or general humanitarian concerns. This seems to be what happened in the Balkans in the 1990s.
3. By retaliating against aggression, the threatened community gains credibility and recognition, both from external parties and from other members of their own community who might thereby become more confident, more hopeful, and more committed to joining a resistance whose likelihood of success is increased with greater participation and unity. (Franz Fanon argued in this vein.)

Second, the probability of success is enhanced if the aggressor has itself used terrorism in either its direct or structural modes. Such *parity of means* in the method of violence might strengthen the conviction in external parties, as well as in the aggressor's own population, that it is appropriate to return terrorism for terrorism or that tit for tat violence has escalated out of proportion. An asymmetrical use of terrorism, by contrast, runs the risk of evoking contempt for the threatened community among external parties and in alienating members of the threatened community who would normally be opposed to such tactics.

I. Jus in Bello Concerns

What about the *jus in bello* rules? Well, the demand of *proportionality* can continue to be respected; not every imagined act of terrorism by the threatened community could be justified, and no more should be used than is necessary to end or reduce the existential threat.

Further, the *prohibition on using illegitimate means* can be respected; the weapons used by terrorists, bombs, guns, knives, etc., are more primitive forms of the weapons in the arsenals of state militaries; that *some* terrorism is justified does not imply that terrorism through any means, for example, nuclear weapons, nerve gas, etc., would also be justified.

Similarly, the requirement of *treating prisoners of war humanely* is satisfiable; even though the weaker parties in asymmetric conflicts usually do not have the resources to take prisoners of war, when they do, there is no reason they could not respect the standard conventions on prisoners of war.

But now we come to the toughest case. Up to this point, the argument has been consequentialist; communities have a right to defend themselves against radical existential threats by terrorist means because the consequences of failing to act in this way are worse. Barring a pure utilitarian consequentialism, however, concern for a *just* distribution of the value of the expected consequences must also be factored in. And here we come to a direct challenge to any attempt to justify terrorism, namely, the *jus in bello principle of discrimination*; civilians ought not be targeted in the pursuit of political goals.

What are the reasons for observing this principle? There are two main grounds for this exemption:

- (1) Targeting civilians is not essential towards achieving the military end of victory. Since the civilians are unarmed, they do not constitute an impediment towards the prosecution of military strategy.
- (2) Targeting civilians is targeting the innocent. If party A is innocent of an aggression against B, then B's violently targeting A in pursuit of redress would be a gross violation of justice.

So, the question is; how could violence against civilians be justified if such violence is not essential towards achieving the military objectives—it is gratuitous—and if they innocent of the terrorists' grievances?

Answer? Gratuitous violence directed against an innocent person *cannot* be justified, but it is incorrect to suppose that violence against civilians must be gratuitous—this I have argued in the three points above. Moreover, it is incorrect to

suppose that civilians are automatically “innocent” of their community’s aggression against another community. They might be culpable of that aggression in a number of ways and in varying degrees.

1. Civilians might support their governments through overt political action, e.g., political rallies in favor of the aggression, disseminating information and propaganda in favor of aggression, working within political organizations to generate or sustain the aggression.
2. Civilians can participate in an aggression by voluntarily paying taxes to the government conducting the aggression.
3. If the aggressor has a representative political system that operates under the principle of popular sovereignty, namely, that ultimate political power is vested in the citizenry and exercised by the governing institutions through the consent of that citizenry, then citizens *share responsibility* for the laws, policies, and actions of the state, for these represent the consent of the collective of which each individual is a member.

In general terms, those who voluntarily join *any* association or institution share in responsibility for its actions, and citizenship in a representative system is voluntary; it can be renounced, even if there are dramatic consequences for so doing such as imprisonment or exile. Responsibility in a representative system is not avoided by belonging to the political opposition or having been critical of the government’s policies and acts, even though, in such cases, one’s culpability might be of a lesser degree.

In sum, terrorism is justified only if a further *culpability condition* is satisfied, namely, that those who would direct violence against civilians within the aggressor community must have evidence that those civilians share in the responsibility for that aggression.

Is this to abandon this crucial tenet of *jus in bello*? Yes and No.

NO, in the sense that the principle still establishes a *prima facie* duty for those engaged in military action in pursuit of a political goal.

YES in the sense that this principle can be *overridden* whenever,

- (1) A community faces a radical existential threat;
- (2) The parity of means condition is met (that is, the community is a victim of terrorism);
- (3) The culpability condition is met (that is, civilians in the aggressor are culpable of the aggression).

NO, in the sense that a modified principle of discrimination remains in all situations: *in redressing a grievance, those innocent of that grievance are to be immune from harm*. In yet other words, there is no reason why terrorism cannot discriminate, targeting only those members of the aggressor community who are guilty of that aggression. The truly non-culpable, e.g., children, the mentally ill, and so forth, should be immune from attack.

Let me now bring this to a head. I have argued that where various conditions are met, then terrorism against an aggressor can be justified.

More precisely—and this is my main thesis—if the members of a community have adequate evidence that

- their community is subjected to an unjustifiable radical existential threat from an identifiable aggressor (hence, that the *jus ad bellum* just cause and last resort conditions are met);
- a projected campaign of terrorism would satisfy the *jus ad bellum* conditions of competent authority, proportionality, right intent, and reasonable hope of success;
- the aggressor is using terrorism against their community (parity of means condition);
- the adult civilians of the aggressor are culpable of the aggression that constitutes the existential threat (the culpability condition); and
- the *jus in bello* demands of proportionality, legitimate means, humane treatment of captives, and discrimination (do not target innocents) are to be respected;

then their recourse to terrorism against the aggressor community for the purposes of ending or reducing that threat is morally justifiable.

Addenda

1. Some Questions

(1) Are there ever situations of radical existential threats? They certainly have been. During the 16th-19th centuries, societies in two continents were systematically obliterated. They faced situations of radical existential threats. These societies might have been saved had they resorted to terrorism before it was too late. The ongoing onslaught against the Palestinian Arabs is another.

(2) Does Terrorism ever work as a strategic tool? Certainly it has. Cases: Jews in establishing a Jewish state with a Jewish majority. Palestinians in gaining recognition and support and internal confidence. Algerians, in ending French rule. Black South Africans in ending apartheid.

One sometimes hears that terrorist tactics seldom succeed in securing their goals (for example, Carr 2002). But there are undeniably many examples when violence directed at civilians has achieved both short and long-range goals. For example, the atomic bombs dropped on Japanese cities in 1945 are widely thought to have hastened the end of WWII, resulting in over a half-century of peace between the former antagonists.

Among non-state actors there have also been relatively long-term successes, for example, on both sides of the Israeli/Palestinian conflict. One of the objectives of Jewish terrorists in the late 1940s was to make the cost of governing Palestine too great for a war-weary Great Britain. Another objective during the 1947-49 war between Jews and Arabs was to induce as many Palestinian Arabs to flee from their homes in Palestine as was possible. Through a few well-timed massacres, notably of some 250 civilians in the Palestinian village of Deir Yassin in April 1948, over 300,000 Palestinians fled from their homes, villages, and lands in the areas that eventually became part of Israel, paving the way for the establishment of a decisive Jewish majority in these areas (Childers 1961, Morris 1987, Flapan 1987). Chaim Weizmann, Israel's first president, described this flight of Palestinians, and the forced removal of some 400,000 others, as "a miraculous clearing of the land: the miraculous simplification of Israeli's task" (Hirst 1984: 143). Menachem Begin, head of the Jewish terrorist group, Irgun, wrote, "Of the about 800,000 Arabs who lived on the present territory of the State of Israel, only some 165,000 are still there. The political and economic significance of this development can hardly be overestimated" (Begin 1951: 164).

One effect of Palestinian terrorism of the early 1970s is that it drew attention to the grievances of dispossessed Palestinians, grievances that had been largely ignored in the first two decades after the loss of their homeland and the crushing of their quest for self-determination. For example, after the kidnappings and killings at the Munich Olympics in 1972, the Palestinian leader, Abu Iyad, said the following:

The sacrifices made by the Munich heroes were not entirely in vain. They didn't bring about the liberation of any of their comrades imprisoned in Israel . . . but they did obtain the operations' other two objectives; world opinion was forced to take note of the Palestinian drama, and the Palestinian people imposed their presence on an international gathering that had sought to exclude them. (Rouleau 1978: 111-112)

The Palestinian's recourse to violence succeeded to the extent that it placed their grievances and aspirations on the World's agenda.

It is not yet clear what the objectives were of those who rammed the planes into the World Trade Center Towers. If the perpetrators were indeed al-Qaeda operatives, as many believe, then their aim may well have been to provoke a massive U.S. military reaction in the Middle East that would intensify hostility to the American presence there, destabilize pro-American regimes, and, eventually, put an end to the perceived American hegemony over the Middle East. They might have miscalculated, but it is far too early to judge that. The great risk of any resort to terrorism is the hatred and resentment created in the victims and their sympathizers.

(3) What are the causes of terrorism? Robert Pape in his *Dying to Win* (2005) maintains the following:

. . . every suicide campaign from 1980 to 2003 has had as a major objective—or as its central objective—coercing a foreign government that has military forces in what they see as their homeland to take those forces out. . . . suicide terrorism is a strategy for national liberation from foreign military occupation by a democratic state. (pp. 42-45)

(4) Are there justifications for terrorism that go beyond the circumstances that I mention? Here are some possible extensions of justified acts of terrorism:

- terrorists acts by a person outside D defending D
- attacking civilians of D (collaborators)
- attacking civilians of B, a supporter of A's aggression
- reactive terrorism (Wilkins, Honderich)

2. Justifying Retaliatory Terrorism

Suppose there is very little probability that recourse to terrorism will be successful in ending a radical existential threat. Could recourse to terrorism still be justifiable? Not on strategic grounds, presumably, and hence, the foregoing argument would not apply. But are there other ways to justify such reactive terrorism?

Burleigh Taylor Wilkins stated that "even if terrorism by the Jews [against the Germans during WW2] had done nothing to improve matters, striking out in self-defense, is, I believe, a morally legitimate action on the part of anyone who has been condemned to death." (Wilkins 1992, p. 27) Thus, he argues that if one is facing annihilation, one is justified in using terrorism against the aggressors even if there is no probability of success in turning back the aggression. He gives no reason for this. I would advocate a consequentialist justification of the policy, namely, that acting on the rule of "defend oneself against murderous aggressors" is justified because of (i) its value as a deterrence against would-be aggressors, and (ii) its value as a dignity-preserving or dignity-enhancing measure on the part of the perpetrator.

Ted Honderich, in his *Theory of Determinism*, says that punishment can be justified because it satisfies a "grievance-desire." The *cause* of such a desire is the product of (i) a sense of being unfairly victimized and (ii) a sense that such a condition is an intolerable affront to one's dignity as a human being. The *content* of this desire is that justice be done, that the offender receive his rightful desert. The desire for vengeance is one such desire. The important psychological *benefit* from acting on such a desire is to reduce the victim's anger, frustration, despair, and feeling of hopelessness so that enough mental equilibrium can be restored to make life bearable once again.

In the case where one is victimized by being a member of a community under radical existential threat, then the reduction brought about by one's own action might be felt by *other* members of the community. So, the psychological benefit aimed at is not necessarily that of the perpetrator, but of others of his/her population.

The fundamental principle here is that when threatened with rights-violating annihilation or unbearable humiliation by an aggressor, each human being possess the right to retaliate against that aggressor. This is a rule I think we are justified in acting upon, and it can be justified in terms of the beneficial consequences of adhering to it in the long run. No one's dignity has to be sacrificed to the point that are willing to peacefully acquiesce to their own liquidation. This is a right of individuals, not collectives, for I don't think that collectives have the fundamental dignity or worth that an individual human has. Collectives do have a right to survive, but its derivative from individual rights to survive, be protected, associated with others, etc.

So I think the rule, *you may retaliate against unjustified aggressors who pose a radical existential threat* (even if those aggressors are civilians) can be justified even in the case where strategic terrorism is unlikely to be successful in deterring that threat.

The moral grounding for this is *rule-consequentialism*: we should act on the basis of rules adherence to which are likely to have better consequences than relevant alternatives or no rule at all. I think if we all realize that each human has this right of retaliation we will think twice before embarking on an aggressive campaign against them. All of this is embodied in the simple moral at the end of one of Aesop's fables: *If you do bad things to people, they might do them to you*. In terms of contemporary parlance: *what goes around, comes around*.

I think that yes if (i) there is little hope for a decent life in exile or apart from that community, and (ii) if one's life is consumed by anger, outrage at injustice, despair and hopelessness, then one has the right to affirm one's dignity by striking at one's oppressor in revenge. (Plato: the worst situation is to be the victim of injustice without the power of revenge.

Perhaps this is what Honderich means by a “grievance desire”.) Still, one wonders whether this will carry the day. I think that even if there is little probability of success for saving one’s own community, one’s desperate actions may serve to deter other communities who might, at some future date, consider employing T in pursuing a campaign of harmful aggression against another community.

3. Does Terrorism Ever Work?

One sometimes hears that terrorist tactics seldom succeed in securing their goals (for example, Carr 2002). But there are undeniably many examples when violence directed at civilians has achieved both short and long-range goals. For example, the atomic bombs dropped on Japanese cities in 1945 are widely thought to have hastened the end of WWII, resulting in over a half-century of peace between the former antagonists.

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One effect of Palestinian terrorism of the early 1970s is that it drew attention to the grievances of dispossessed Palestinians, grievances that had been largely ignored in the first two decades after the loss of their homeland and the crushing of their quest for self-determination. For example, after the kidnappings and killings at the Munich Olympics in 1972, the Palestinian leader, Abu Iyad, said the following:

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4. Justifying Palestinian Terrorism?

Using the argument from radical self-defense (section 9), there is a *prima facie* case for the legitimacy of both past and current Palestinian terrorism directed against Israelis.

First, the Palestinian community throughout Palestine, and the Palestinian communities in various regions within Palestine, have faced, and still face, an existential threat from Zionism. This threat has been demonstrated by

- Israel’s expulsion of Palestinians in 1948 and again in 1967 and refusal of repatriation of Palestinian refugees;
- Israel’s colonization, land confiscation, and other forms of structural terrorism in the occupied West Bank that began in 1967 and have continued until the present, including during the period of the Oslo Accords;
- Israel’s systematic violation of the human rights Palestinians in the occupied territories;

- Israel's refusal to comply with international resolutions calling for its withdrawal from the territories occupied in the 1967 war;
- Israel's opposition to peace initiatives, e.g., repeated calls for an international peace conference on the Middle East, the Rogers Plan of 1969-70, the Reagan Plan of 1982, Prince Fahd's peace plan of 1982, the PLO's offer of peace in 1988, and the Arab League's proposals of 2002.
- Israel's deliberate efforts to destroy the PLO's capacity to establish and maintain an independent state in the occupied territories (Yaniv 1987, *passim*);
- Israel's assassinations of Palestinian political leaders, extending from the 1970s to the present;
- the expressed intention by the dominant Israeli political parties to retain control of the West Bank or large segments thereof;
- the refusal by Israel's leadership to permit a viable Palestinian state to be established in the occupied territories, extending from Moshe Sharett's agreements with Abdullah (Rogan 2001), to Ehud Barak's breaking off talks at Taba in Jan. 2001 (Reinhart 2002, chp. II), to Ariel Sharon's rejection of the Arab League's peace overtures in spring 2002, the 2002 Geneva Accords between moderate Israelis and Palestinians (Shuman 2003), and the Bush Administration's 2002 "Road Map" for peace.
- The virtually unquestioned support for Israeli policies by the government of the United States.⁴⁶

That this existential threat is unjustifiable is due to its violation of the human rights of Palestinians including the right of self-determination (see Chapter 1, section 10) .

Second, in light of this threat, the Palestinians have a just cause for resorting self-defensive measures, but the just cause in this case is that of survival, not solely that of achieving political independence. A group's goal of self-determination is not always overriding and cannot, by itself, justify a campaign of terrorism, for not every impediment to a national group's quest for political independence poses a radical existential threat. The Palestinians' quest is for their survival as a community *in* their home territory, and in this sense their case is arguably different from the situation faced by Kurds, Tamils, Basques, Irish, etc., however legitimate the demands for self-determination for these groups might be.

Third, the Palestinians have attempted the standard measures of self-defense noted above. (a) The major Palestinian political organization, the PLO, has tried diplomacy by entering into direct negotiations with Israelis. The Palestine National Council ratified the two state solution in 1988 thereby explicitly recognizing Israel's right to exist. The Palestinian Authority in the occupied territories has repeatedly stressed its acceptance of the two state solution. Yet, Israel has not reciprocated, since it has steadfastly refused to negotiate any deal with the Palestinians that would grant them a viable state in Palestine. Only the most naive or deceptive would claim that Israel's leadership has been interested in a meaningful compromise with the Palestinians. If they were, they would not have initiated the direct and structural terrorism described in sections 4 and 5 above, or in the persistent vilification and dehumanization of Palestinians noted in section 8. (b) The Palestinians have also appealed to external agencies for assistance (for example, the League of Nations, the United Nations, the Arab League) and to external powers, they have supported international resolutions calling for a two-state solution to the conflict and they endorsed the Bush Administration's Road Map. (c) Palestinians have repeatedly used techniques of non-violence in combating the Israeli occupation, and have sought and received the help of like-minded Israelis, but to no avail. (d) The Palestinians have resisted established militaries, viz., the British military in 1936-39, the Zionist forces in 1947-48, and the Israeli military since the establishment of the Jewish state. None of these measures have been successful in ending or abating the existential threat they face, much less in securing their self-determination. In the atmosphere of ongoing hostilities accompanying the American occupation of the Middle East, there is even less likelihood that availing themselves of these standard measures of self-defense will be successful. By emasculating Palestinian diplomacy, intensifying the control over the West Bank, Israel has deprived young Palestinians of hope, leaving terrorism one of the few avenues of active resistance left. Thus, there is good reason to conclude that the Palestinian in the West Bank face a *radical* existential threat, in which case terrorism presents itself as a last resort strategy for that community.⁴⁷

Fourth, there is evidence that recourse to terrorism has produced at least some desired results for the Palestinians, even though it has not yet secured Palestinian self-determination nor ended the existential threat posed by Israel. In plain fact, Palestinian terrorism has succeeded in perpetuating the cycle of violence that Israelis and Palestinian have been locked in for over eighty years. One result is that considerable attention is kept riveted upon the conflict and, thus, upon Palestinian suffering and Palestinian demands. As indicated in section 4 above, the result is that not only have many people pressed for answers to questions about why this sort of violence is occurring, but many people throughout the world have become more sympathetic and supportive of the Palestinians. For over eighty years, beginning with the British commissions of the

1920s, extreme violence *has* caused external players to play a more active role in resolving the Israeli-Palestinian conflict. It has led some Israelis to question policies of the Israeli government in the occupied territories, and, in a few instances, it has caused the Israeli government to make some concessions to the Palestinians (Pape 2005,). Given the intentions of the Israeli leadership, quiet acquiescence on the part of Palestinians would have resulted in slow strangulation. Further, striking back against their oppressors has also alleviated the Palestinians' sense of impotence against a powerful adversary and, thereby, strengthened the confidence, resolve and unity among their communities.⁴⁸

Fifth, the remaining conditions for justifying the Palestinian's campaign of terrorism appear to be satisfied. Palestinian militancy has received enough popular support from the Palestinian residents of the territories to sanction at least the general strategy of violence against Israeli civilians. This kind of support intensifies whenever the Israeli military increases the amount of terrorism it employs against the Palestinians (sections 3-5 above). Not only is the *parity of means condition* satisfied, thereby, but since Israel is a representative democracy with large percentages of its adult citizens publicly supporting the measures that constitute the existential threat to the Palestinians, then the *culpability condition* is also met.⁴⁹ Indeed, the election of Ariel Sharon—arguably, the most aggressive and violent man towards Palestinians in the past 50 years—in 2001 and his reelection in 2004 is concrete evidence that the Israel public supports terrorism against Palestinians. While these factors certainly do not justify every act of terrorism committed by Palestinians, they constitute a strong *prima facie* case that the Palestinians have been justified in resorting to terrorism.

5. Suppose there is a way of harming the aggressor, even if it would not succeed in ending or reducing the aggression? Would inflicting harm under such circumstances be morally justified as long as the other *jus ad bellum* and *jus in bello* conditions are observed? There are at least three reasons for claiming that it would be.

1. Under the assumption that every community, like every human being, has a unconditional right of self-defense against unjustified aggression, then allowing terrorism under radical existential threat might convey a message to future generations that contemplated aggression of such magnitude will generate violent responses, whether from the victim or from those who sympathize with the victim. Concern for the safety and future of their own civilians may very well function as a deterrent that would stay the hand of the would-be aggressors. Rules permitting punitive retaliation for grievous wrongs have too great a deterrence value to warrant their suspension in the absence of a reasonable hope of success of ending or reducing a particular existential threat.

2. Denying the legitimacy of retaliation against powerful adversaries would give every society, every state, every political faction, a reason for the acquisition of overwhelming power. Suppose a society acquired enough power to make it very clear that *any* opposition to it aggression against another society would likely be unsuccessful. Suppose, further, that its military and leadership have nearly immunized themselves from retaliation, leaving only terrorism—violence against the more exposed, yet culpable civilians—as a means of retaliation. If the lack of a reasonable hope of success in ending the aggression is the only thing that keeps such proposed terrorism from being right, then a corollary of the *might makes right* formula would triumph under the guise of *might makes wrong*: acquire enough power so that your opposition cannot *justifiably* retaliate. Who could resist such immunization? Adherence to that precept would be a greater danger to the world, and a greater offense to human dignity, than adherence to any rule permitting retaliatory terrorism against an unjustified aggressor.

3. Few situations are worse than being faced with a humiliating unjustified annihilation of oneself and all that one holds dear without the power of retaliation. No human being should be morally *required* to passively submit to such a fate; each has a right to alleviate the suffering caused by such a condition and preserve one's dignity as a human being through the available means. Some might have the strength to preserve dignity through nonviolent resistance, peaceful acquiescence to one's fate, or even solitary stoical suicide, and no one can criticize their decision. But not everyone has had the philosophical luxury, religious and moral training, or the saintly strength of spirit to transform such ideals into viable practical alternatives capable of sustaining a course of action when threatened with humiliating extermination. The first impulse when attacked is to fight back, and when the attack is viewed as uncalled for then that impulse is strengthened. To most humans, the conviction that *those guilty of a crime are to be punished* is too compelling a practical maxim to abandon even when it is reasonable to expect that the crime will be committed regardless of what one does. The decision to strike back against overwhelming odds can be a valuable means for reducing misery and retaining dignity *while* enduring the threat of destruction, before the twilight falls.

On each of these grounds, then, retaliatory terrorism against those who pose a radical existential threat is morally justifiable. Neither individuals nor communities can be morally required to passively submit to their own future extermination without the right of resistance against those responsible. If an existential threat is so severe that it would be

carried out in the absence of resistance, then, for the reasons given, terrorism against unjustified aggressors is better than the available alternatives.

Before passing final judgment on the Palestinian response to the threat they are facing, it is worth reflecting on the lives of young Palestinians brought up under Israeli military occupation. From birth, they have been subjected to the brutality of midnight searches, beatings, imprisonment, torture, restrictions on their movement, and to the ongoing spectacle of watching their parents, their relatives, their friends being humiliated on a daily basis.⁵⁰ According to a 2004 survey of 944 youths in Gaza, age 10-19, nearly half showed symptoms of severe Post Traumatic Stress Disorder. Among them, the most prevalent types of trauma exposure were witnessing funerals (94.6 percent), witnessing shooting (83.2 percent), seeing injured or dead who were not relatives (66.9 percent), seeing family members injured or killed (61.6 percent), witnessing their fathers being humiliated or beaten by Israeli soldiers (55%).⁵¹ In many cases, the dead or injured were children, like themselves. Add to this the fact that they have continually been reminded that this land used to belong to them, the Palestinians, the Arabs, for centuries before the catastrophe of 1948, of how those distant fields belonged to their village, of how they had free access to the rest of the country, to the holy cities of Jerusalem (*Al-Quds*) and Hebron (*Al-Khalil*), to the Dead Sea, and to the hills of the Galilee. If, throughout their lives, this is what they have seen and heard, then it is understandable when they become young adults they would be consumed by four powerful emotions

- *humiliation*, derived from a violation of dignity and honor;
- *outrage*, derived from a violation of a sense of justice;
- *despair*, derived from nearly four decades of life under the structural terrorism of the Israeli occupation and the failure of the world community to end it;
- *vengeance*, derived from humiliation, outrage, and despair.

Is it surprising that they should react in the desperation of suicidal terrorism in which they fail to see their victims as innocent? When members of a society repeatedly resort to vengeance of this magnitude, we must not fall for the incredible suggestions that it is because of their cultural or religious beliefs, or, even more ludicrously, their "hatred of freedom," their "desire to kill without cause," or their "disposition toward unbridled violence." That large numbers of Palestinians are so consumed by humiliation, outrage, and despair that they find violence to be the only outlet, is a vivid testimony to the *political* failure of international diplomacy and the *moral* failure of the world community. Their final act is very likely a plea that the pain and horror they have endured throughout their lives ought not be tolerated by any human being.

6. Inconsistencies in the Rhetoric of 'Terror'

Cases of Terrorism that are not usually labeled as such.

- the attacks upon civilians in Nicaragua by the U.S. financed "contra" rebels of the 1980s that claimed over 3000 civilian lives;
- the massacre of over 2000 Palestinian civilians by the Israeli-supported members of Lebanese militias in the Sabra and Shatilla refugee camps in Beirut in 1982;
- the massacre of civilians by death squads in Guatemala and El Salvador during the 1980s.

If we broaden our scope and examine some of the overt actions committed by states, then there are numerous examples that are not usually labeled as "terrorist" though they qualify as such under those definitions that allow for *state* terrorism. These include,

- the destruction of Grozny by Russian forces during the Chechnya war in 1999;
- the US invasion of Panama in 1990;
- the US bombing of Tripoli, Libya in April 1986;
- the US naval bombardment of Lebanese villages in the Chouf mountains in October 1983;
- the Israeli aerial and land bombardment of Beirut in the summer of 1982;
- the Syrian army's attack on the city of Hama in the spring of 1982;
- the Iraqi and Iranian missile attacks on each other cities in the mid 1980s;
- the Indonesian invasion and occupation of East Timor, 1975-1998.

The list goes on and on, and this is to say nothing about more large-scale campaigns such as,

- the U.S. bombing of North Vietnam and Cambodia during the Vietnam war;
- the Allied bombing of German and Japanese cities near the end of WWII;
- the Soviet purges of the 1930s;
- the Nazi mass murders of civilian populations during WWII;

- the cultural revolution of Mao Zedong in the 1960s.

Cases of Violence that are inaccurately labeled ‘terrorist’.

At the opposite extreme, some actions are routinely labeled “terrorist” that do not qualify as terrorist under the standard definition nor under the definitions championed by U.S. governmental agencies. For example, the U.S. media is replete with references to “terrorist” actions by the Lebanese group, Hezbollah, against the Israeli military in southern Lebanon, or by Palestinians against Israeli soldiers in the occupied territories, targets that hardly qualify as civilians or noncombatants. Apart from the State Department’s unusually strict definition of “noncombatant,” the same can be said for actions directed against the U.S. military, say, the bombing of the USS Cole in Yemen in October 2000, or the bombing of the U.S. Marine barracks in Beirut in October 1983.