PETER SIMPSON

THE WAR ON TERRORISM: ITS JUSTIFICATION AND LIMITS

The first thing to say about terrorism is that it is an evil and a crime. I say this because there has been a tendency in some parts of the media and among some commentators to excuse the terrorists who launched the attacks of September 11th, 2001, on the grounds that the US brought these attacks on itself by its own policies, especially in the Middle East. But however plausible these claims may be, we should not let them blind us to manifest truths. The attacks on the US were evil and those who planned and carried them out were also evil. To doubt this is to betray a certain confusion if not corruption of mind. We all know, and we have all known from our earliest youth, that two wrongs do not make a right. Let it be that the terrorists had grievances, even legitimate grievances, against the US. These grievances could never justify their deeds. An evil deed can never be justified. An evil deed is precisely that, an evil deed. No grievance or pretext, however strong, can ever make it to be a good deed.

I do not mean by these remarks that we should pay no attention to the alleged grievances of terrorists. Nor do I mean that, because the evil of their deeds is so obvious, we should not discuss or explain the evil or say in what it consists. What I mean is that, whatever else we say or discuss, at no point should we say, or allow others to say without challenge, that terrorist attacks are not evil. If we are to have any hope of understanding the phenomenon of terrorism or of how to deal with it, we must all start with the fact that it is evil. Thankfully, this is not a point on which our political leaders have any doubt. For them it is clear that terrorism is an evil. Commentators in the media and some philosophers may hesitate and even doubt this truth, but our leaders at least have not lost their grip on common sense. As evidence I can do no better in the present context than quote the words of the Chinese permanent representative to the United Nations: “Terrorism, which endangers innocent lives, causes losses of social wealth and jeopardizes state security, constitutes a serious challenge to human civilization and dignity as well as a serious threat to international peace and security.” (China Daily, Friday, October 5, 2001.)

But grasping this truth, vital though it be, is only the beginning. We must, for the sake of clarity of understanding, carry our reflections further. The first step to take in this regard would seem to be to lay down some general account of what we mean by terrorism, so that we know in general terms, and not just in a particular case, what it is we are talking about. One point that immediately arises here concerns what has been called state terrorism. Those who use this term typically have in mind acts of violence used by governments and government forces against parts of their own people or against other peoples. The attacks by Israeli forces, for instance, against segments of
the Palestinian population have sometimes been described as state terrorism, and so have some of the actions of the US in Central and South America. Indeed the Taliban themselves, at the beginning of the recent hostilities in Afghanistan, described US and British bombing attacks on terrorist camps and government buildings as acts of terrorism. I will not comment on the justice or injustice of any of these attacks. I will only say that, if one wishes to condemn them as wrong, one should, at least in the present context, refrain from using the word terrorism to do so. It would be better, I think, to use other words to describe the unjust assaults of governments, such as tyranny, despotism, imperialist aggression, police brutality, and the like. I say this because terrorism in its primary use today, and especially in its use in the phrase “the war on terrorism”, refers to acts of private individuals or groups of private individuals and not to governments, even if these individuals receive support and succor from governments. After all, the phenomenon which is now mainly under consideration and which prompts the present reflections is what happened on September 11th, 2001, and that was clearly private acts, not government acts. Once this phenomenon of private acts of violence has been adequately grasped, we can then return, if we wish, to the question of the violent acts of governments and ask how far the word terrorism may usefully be applied to them as well.

I think we should also distinguish terrorism in this its primary sense from the acts, often destructive and sometimes evil too, of rebels and revolutionaries against existing governments and peoples. By rebels and revolutionaries we mean typically people who belong to the country whose government they are attacking and whose aim is to overthrow that government and to replace it with another. As such rebels and revolutionaries are not so much a grouping of private individuals as a rival government in waiting. But terrorists as typically understood are not a rival government in waiting nor are they seeking to overthrow the existing government, even if they would not be sorry if that happened. The terrorists who attacked the US on September 11th, for instance, were not Americans seeking to overthrow the US government and replace it with another.

There is something else that also needs to be noted about terrorism if we are to be clear about what it is. The violence of terrorists is typically directed at civilians and civilian institutions, albeit civilians of the country against which the terrorists have a grievance, and is meant to be indiscriminate. It is from this feature, indeed, that terrorism would seem to get its name. For such indiscriminate and violent acts are designed to cause terror among the people at large, and it is by means of such terror that terrorists seek to attain their goals and force the hand of governments. Such indiscriminate violence can also be a feature of the acts of certain government officials and of certain rebel groups. Members of the police force in some parts of the world engage in random acts of violence against the civilian population as part of a policy of terrorizing the people into subservience. I think in particular of Guatemala. Again, some rebel groups, devoted to overthrowing the existing government, may also engage in similar acts of random violence against the civilian population. I think here of the Basque group ETA and the IRA. Such groups have also, of course, engaged in attacks on military installations and personnel, including assassination. I would nevertheless want to call these acts of police force and rebels acts of terrorism. The members of police forces who engage in random acts of violence are doing so...
clandestinely and when off duty, as it were, even if with the connivance and encouragement of their superiors. Were they to do so openly and in their capacity as police officers I would say their acts were acts of tyranny and government oppression. Again, in the case of ETA and the IRA, I would say that their attacks on military installations and government agencies could be acts of rebellion (though they need not be) while their attacks on civilians would have to be acts of terrorism. This is because attacks on civilians cannot be construed as attacks on the existing government so as to overthrow it, and hence cannot be construed as attacks by a would-be rival government in its capacity as a would-be rival government. They can only be construed as attacks by certain persons, who may indeed belong to a group that wishes to overthrow the government, but who in this case are operating as individuals to sow terror among the population at large. And I would say the same was true of attacks on military personnel if the aim here too was to sow terror and was not part of an act of defense against or of an attack on an armed force that was hostile and threatening (so the attack, for instance, on the USS Cole in Yemen some years ago would be terrorism and not rebellion or revolution).

But perhaps I need not insist on all these distinctions for my present purposes. Let it be sufficient if, in the light of what has been said, we characterize terrorism as acts of violence committed by private individuals or groups of individuals who have as such no political authority, and directed indiscriminately against civilian or at least non-hostile populations and institutions, so as to spread fear and terror there in order to achieve some limited goal short of the immediate overthrow of the existing government. This definition may need some further clarification and correction, and it is, one should note, different from other definitions that have been offered. It differs, nevertheless, more by way of addition than of subtraction. The reason for this is my desire to isolate as clearly as possible the phenomenon in question, I mean the phenomenon of terrorism as we ordinarily speak of terrorism and as we are certainly speaking of it in the present context of the war on terrorism. Other phenomena, which may be close to it but are not really part of it, such as rebellion or revolution or acts of violence by governments, can thus be set aside – not indeed so as to be ignored, but so as to be dealt with more clearly in their own place and in their own terms. I should perhaps add, though, that this definition could readily be made to fit acts of violence by governments, and so could be made to accommodate the phrase ‘state terrorism’, if reference to governments is added to that of private individuals and groups, and if the goal to be achieved is expanded to include such things as retention or strengthening of the power and control of the existing rulers. But, as I said, I am reluctant to change the definition to make this accommodation, at least in the present context. For the present context is that of understanding terrorism as it is now most in our minds, and that is terrorism of the sort that was displayed on September 11th, 2001.

At all events, armed with this definition of terrorism, we can see at once why terrorism is and must be evil and unjust. Note first that the evil and injustice of terrorism is not part of the definition of terrorism. I have not defined terrorism as unjust or evil acts of violence. I have defined it by reference to certain acts of violence, to be sure, but without mention of good or bad. The injustice of terrorism does, nevertheless, immediately follow from this definition when we add to it the further proposition that deliberate and intentional attacks on the innocent are unjust.
That it is unjust to attack the innocent is something of a self-evident proposition. Justice is fundamentally a matter of giving each their due, but the deliberate infliction of harm or injury is not due to the innocent who, precisely as innocent, are owed peace and protection, not violence. That civilian populations and also non-hostile military personnel, who are the objects of terrorist attacks, are innocent in this sense is also obvious. However, to avoid misunderstanding, it is important to note that innocence here must be taken in a strict or even formal sense. To say that the objects of terrorist attacks are innocent is not to say that they are guilty of no crime or misdeed whatever. Some might very well happen to be wrongdoers. But it is to say that they are innocent in the precise respect in which they are attacked. For they are attacked simply in their capacity as civilians or non-hostile military going about their ordinary, peaceful tasks (a warship in a friendly port, for instance, is not a hostile presence about to inflict injury or death, nor is a thief walking down the street such a presence – even if he is on his way to commit a robbery). Such tasks are not attacks or threats against anyone, least of all against the terrorists. They cannot, taken precisely as such, be construed as in any way deserving of injury or death (and even if, in some larger context, they might be deserving of punishment, it is not the terrorists whose duty it is to judge or inflict that punishment). These tasks are innocent tasks. But it is against people engaged in such innocent tasks that terrorists launch their attacks. Terrorist attacks are therefore attacks on innocents and so cannot be anything but evil and unjust.

It matters not here what grievances the terrorists may have or what accusations they level against those countries whose people they attack. An evil deed is, as I said at the beginning, an evil deed and nothing can make it to be a good deed. Not even religion, not even the Muslim religion, can make it to be a good deed. Those who say it can, or who claim the support of Islam for their terrorist attacks, are abusing religion and Islam. Do not take my word for this. Take rather the words of one of the Taliban themselves, namely the Taliban ambassador to Pakistan, who said of the attack on the US: “This action is terrorist action. We know this was not Islamic and was a very dangerous action, and we condemn that.” (China Daily, Thursday, October 4, 2001.) Mr. Bin Laden, of course, along with his followers in Al Qaeda, said the exact opposite. They praised the attacks on the US and on civilians, and said that Islam expressly requires Muslims to engage in such attacks. But if even the Taliban have denied that this is what Islam teaches, one wonders what sort of Islam Al Qaeda is following. At all events decent Muslims have good reason to repudiate the Islam preached by Al Qaeda. We can be grateful, therefore, to those Islamic countries and authorities that have openly done so.

Terrorism then is an evil and indeed, because of its indiscriminate nature, an evil of a particularly cruel sort. Those countries, therefore, which love peace and care for the good of mankind must do something to rid the world of this evil. Not to do so would be a dereliction of duty. It is everyone’s duty to do good (pursuing good and avoiding evil is an elementary injunction of reason), and among the good things to be done is the removal of evils, especially grave evils – to the extent, at any rate, that this is possible. Here, however, we must be careful, for in opposing evil it is all too easy to fall into evil oneself. We are doubtless all aware of how easy it is, when someone has injured or insulted us, to respond with hatred and to inflict, or try to inflict, worse
injury than we first suffered. We may in this way satisfy our lust for revenge but we
do not in this way remove evil or make the world a better place. On the contrary we
simply add to the evil in the world, for we add our own evil to the evil of the other.
One cannot defeat evil with evil. That is contradictory. To use evil against evil is not
to defeat evil but to be defeated by it and to become evil in one’s own turn.

Now it is a striking fact that in all the build-up to the war on terrorism after
September 11th, 2001, and in the subsequent prosecution of that war in Afghanistan
and its possible continuation into other countries, there have been repeated and
persistent calls from all sides that the war should be conducted with great prudence,
that it should only target the guilty, that clear evidence of guilt or threat should be
forthcoming, that any military action undertaken should not result in collateral
damage or as little such damage as possible, that the UN be properly informed and
consulted, and so forth. These calls came first from the US Government itself. They
have been repeated by almost all countries round the world, whether friendly or
hostile to the US. The hostile countries made these calls with a certain indignation and
even with fear (springing, perhaps, from secret guilt). But it is something of a tribute
to the US that they made these claims at all. The claims were an admission that it
made some sense to appeal to justice when talking to the US; that one could expect
the US to have a certain sensitivity to the claims of justice and to the opinions and
judgment of the international community, and in particular the UN, when deciding
what to do; that one had some hope, indeed, of getting the US to change its mind if its
policies could clearly be shown not to accord with justice. I do not mean to imply by
this that the US always acts with justice, that none of its policies is unjust, or that
none of its officers behaves unjustly. That would be too much to expect of any
country or government. We are human, all too human. We make mistakes, sometimes
deliberately. We regret only after the event and not before. But at least we can regret;
at least we can acknowledge the claims of justice against us; at least we can be
restrained by appeals to what is good. Certainly the world thought that was true of the
US, for otherwise why make appeals to justice?

But consider the contrast here. Has the world thought it worth appealing to justice
with Al Qaeda? Has the world beaten a path to Al Qaeda’s door appealing to them to
follow justice and prudence or the counsels of the international community and the
UN in their decisions of whom and what to attack? Has the world appealed to them, in
the name of justice, to give themselves up, or at least Mr. Bin Laden, to a court of law
to prove their innocence or to admit their guilt? Or again, to change focus, has the
world appealed in the name of justice to Mr. Saddam Hussein (or to other despots of
the same ilk) to stop the tyranny and oppression of his people, to abide by UN
resolutions, to apologize and make reparation for his aggression against Kuwait? This
has not happened, or at least not on the same scale as appeals to justice have been
made in the case of the US and the war on terrorism. And if Mr. Saddam Hussein
seems, as of this writing, ready, though grudgingly, to accept some UN resolutions
and to make some gesture of apology to Kuwait, it is patent that he is doing so only
because he has coalition troops breathing down his neck and not because of any sense
of remorse or desire for reform. His continuing oppression of his own people is proof
enough of that. But why this difference in the way the world makes appeals of justice
to the US but not to Al Qaeda and Mr. Saddam Hussein? Surely because no one
believes that the latter have a sufficient sense of justice or of responsibility to world opinion to make such appeals worthwhile. Only force could bring home to them the error of their ways, and there could be no guarantee of success even then.

Be that as it may, however. Let it at least be agreed that we must resist evil and resist it with good. How then are we to resist the evil of terrorism with good? The short answer is that we should resist it with all the good at our command. In all our actions, in all our lives, we should be doing the most good we can and encouraging our neighbors to do the same. For the evil of terrorism springs from many sources, and in particular it springs from the injustices, real or apparent, committed by others against what the terrorists hold dear. Such injustices give no excuse, of course, to the evil deeds of terrorists as I have already remarked, but if we can, each in our own way and in our own place, reduce the injustice around us, we will be doing our part to reduce the emergence of more terrorists in the future, as well as making the world a better place in general. But such an answer, while vital and in need of frequent repetition, is not enough. Our concern is the more specific question of whether force, in particular the force of war, is a just response to terrorism. If it is not we ought not to engage in it; but if it is we need to know what sort of force, under what conditions, subject to what limits, and so forth.

The first thing to note here is that force is a neutral term. It does not by itself connote something either good or bad. The same is true, for instance, of tolerance. That too connotes something neither good nor bad in itself. Everything depends on what is tolerated and why. Tolerating the murder of infants would clearly be bad; tolerating the expression of different opinions in the course of philosophical debate would clearly be good. That is why those who praise tolerance as a virtue are speaking too simply. Tolerance as such is not a virtue, nor is intolerance as such a vice. We need to know tolerance or intolerance of what, by whom, when, how. That is also why those who condemn force as a vice, such as pacifists, are speaking too simply as well. Is all use of force always and everywhere wrong? Is the force used by parents to discipline children wrong? Is the force used to arrest criminals wrong? Is the force used to defend oneself against attackers wrong? It seems patent that to answer yes to all these questions is absurd. Some uses of force are clearly right and just. The only interesting question to ask is which uses are so.

Since force is in itself neutral, it can only be just or unjust according to the way it is used, that is to say for what goals or ends, in what amount or kind, against and by whom, when and where, with what likely consequences, and so forth. Of these several features, the goal or end of force would seem to be the first and most important. No amount of force, used by anyone on any occasion, could be just if the end aimed at were not just. So what are the just aims for which force may be used? Well ultimately, since we are talking of the use of force by men against men, the goals must be the good of men. Only if force has as its goal the promotion of the human good could it be good. The human good is clearly a complex whole consisting of many parts, from material and physical goods, to external goods, to cultural, educational, and spiritual goods. There is no need to spell these out in detail or explain their connections and relative subordination to each other. It is enough to note them in their general outline. For our concern is less about what the human good is than about what uses of force are justified with respect to it. In particular, since the war on terrorism is directed to
resisting an evil, the evil of attacks on innocent life and limb, on habitations and property, on economic and social structures, the question is what determines the legitimate use of force in resistance to evil.

The operative idea here is that of self-defense. Since the human good is the object of pursuit, whatever attacks that good or hinders that pursuit may be resisted and repulsed sufficiently to make the pursuit of the good possible again. It seems manifest, therefore, that in some cases physical force must be just, for in some cases it is the only, or only reasonable, way to pursue the human good. The fact that war typically causes much damage – and to one’s own people and country as well as to those of the enemy – is not a decisive objection. Not every just act has to be such that it involve no abandonment of lesser goods for the sake of greater ones. We regularly forego immediate pleasures for the sake of bodily, mental, and spiritual health. Moreover, we consider it right to amputate a diseased limb to save the whole body or to cast overboard precious cargo to save the ship from sinking. Such acts are, of course, acts of last resort. One must look at the war on terrorism in the same way. Regrettable though the loss of other goods might be, yet in this case the use of force is the only sensible way forward.

Force, then, is necessary for the protection and pursuit of the human good, but only as a last resort and only as long as force is necessary. As soon as it becomes possible to pursue the good again without recourse to the use of force we should do so. Now in the case of the current war against terrorism the US and its allies have hitherto been following the logic of this argument. Before any force was used in Afghanistan appeals were made through many channels to get the Taliban to give up the terrorists within their midst and to close down the camps where these terrorists trained. The Taliban refused, or at any rate delayed and prevaricated sufficiently to make the exercise of further patience in their regard imprudent. The terrorists also refused to give themselves up voluntarily. Hence both groups effectively declared themselves at war with the civilized world – for any part of the civilized world was a potential object of their attacks. The civilized world, therefore, was driven by them into the last resort of using force against them. The same is happening (as of this writing) in the case of force against Iraq. While the threat of force has been real and has been backed up with clear and concrete preparations, considerable efforts have also been made by the international community, especially through the UN, to get the Iraqi government to forestall the actual use of force by voluntarily abiding by its obligations and coming clean about its support for terrorism and its possession of nuclear, chemical, or biological weapons. These efforts may be paying off, and as long as they continue to do so the need for force will be removed. Al Qaeda, which has not abandoned its terrorist acts or intentions, must still be pursued, of course, and countries that aid or abet them must still be required to desist, and by force if need be.

Judging how best to do this and calculating the consequences, whether good or bad, of different policies and actions are hard matters, requiring much knowledge, good sense, and good will. Still these are the sort of matters that we expect our military and political leaders to decide and to be qualified to decide. The rest of us must, perforce, leave these matters to them. We can nevertheless all intervene in insisting that, whatever decisions are made, they are made within the limits of justice. For these limits are general enough, and accessible enough, that those not involved in
concrete decision making can still know them and can still judge how far they have been or are being observed.6 These limits have been touched on above, and are in essence twofold: first, that if a decision is made to use armed force against terrorist groups and their supporters, there be sufficient and compelling reason (in particular that no other options are plausible or available);7 and, second, that, in the prosecution of such use of force, the force be proportionate to the goal aimed at and, in particular, that it not target innocents, civilian or otherwise, and that any unintended and collateral damage to innocents be reduced to a minimum (otherwise one would sink to the same level as the terrorists themselves and defeat the very point of opposing terrorism).8

There is little more that I think I can usefully add at this stage to the discussion of these questions. So I leave such discussion to others better qualified and informed in these respects than I. There is, however, another issue that I would like to end by raising, for it has become particularly compelling and worrisome in recent months. I mean the denial of freedom and civil rights that several governments have deliberately, and even cynically, got involved in since September 11th, 2001.9 Here I find myself obliged to criticize the domestic anti-terrorism policy of my own US government, in marked contrast with my relatively favorable opinion – as of this writing at least – of its foreign anti-terrorist policy. Citizens, legal residents, and visitors in the US, especially of an Arabic or Muslim background, have been subjected to arbitrary arrest and detention, to threats or acts of deportation, and to other abuses of a like nature. Such acts have been encouraged, if not entirely justified, by the Patriot Act, passed by the US Congress barely a month after September 11th, 2001. This act has dangerously extended the power of the policing agencies to invade personal privacy. The justification given for such behavior by the US government is that it is necessary to protect the American people from further terrorist attack. But this justification is as self-contradictory as the behavior itself is counter-productive. How can the US proclaim its goal in the war on terrorism to be defense of the free and civilized world if its own domestic acts are denials of freedom and civilization?

Indeed if, contrary to my strictures at the beginning, I am to allow some use of the term 'state terrorism', I would allow it here. For here it has a certain rhetorical force – to make clear, even in the very words, the contradiction of which I am speaking. To use terrorism (state terrorism, that is) against terrorism, is to promote terrorism, not to defeat it. If we must choose, therefore, let us, as true heirs of our civilized heritage, choose freedom with terrorism rather than slavery without it. But we do not in fact face such a choice, and we should not let governments or their agents trick us into believing that we do. After all, no policing or investigative power is going to be proof against every possible terrorist attack, and the attacks that we can reasonably expect to prevent should not require us to deny ourselves in the process the rights that make living worthwhile. Free peoples of the world must be as alert against attacks on freedom by home governments as against attacks on life by alien terrorists. It may well be less the adventurism of foreign armies in Iraq or elsewhere than the tyranny of domestic policing at home that should give us most cause for fear – and for vigilance.
NOTES

1 This point was forcefully made by Rüdiger Bittner and Ivan Vukovic in their contributions to the conference - though Uwe Steinhoff did explore, in the spirit of philosophic provocation, what reasons there might be for doubting it.

2 But not, apparently, in its first historical use. As Laurence Lustgarten reminded us, the word ‘terrorism’ was first used to describe acts of state terrorism, namely the Reign of Terror unleashed during the French Revolution.

3 Tony Coady pointed out in his paper that there are over 100 definitions of terrorism already in the scholarly literature. Definitions, of a partial if not always of a comprehensive sort, were offered by Coady himself and also by Per Bahn, Haig Khatadourian, Georg Meggle, Seumas Miller, Walter Pfannkuhe, Igor Primoratz, Ralf Stoecker, Uwe Steinhoff, and Ivan Vukovic. The differences between these definitions seemed to be more ones of emphasis than of substance.

4 The desirability of not defining terrorism as wrong or unjust was pointed out in particular by Georg Meggle and Uwe Steinhoff.

5 How precisely to understand innocence was a topic of some dispute at the conference.

6 Judging the success and morality of the war on terrorism also provoked much debate at the conference.

7 Some of the complications here were explored in interesting ways by Janna Thompson.

8 The difficult question of how to measure the just limits of collateral damage was a subject taken up in particular by Ulrich Steinworth.

9 Laurence Lustgarten and Ralf Groetker are especially to be thanked for making this question an express topic at the conference.