

# TERRORISM: SOME PHILOSOPHICAL AND ETHICAL DILEMMAS

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## ABSTRACT

Philosophers weren't thinking a lot about terrorism before the terrorist attacks in the United States on 11 September 2001, or even when they were thinking the main concern was how to deal with terrorism. But after this terrorist attack terrorism was high on the philosophical agenda mainly manifested as an ethical problem. The key concern was: can terrorism be morally justified? That is the issue we are dealing in this paper too.

But, the answer of this question largely depends on the treatment of terrorism, i.e. from the answer on a previous question: what is terrorism? With regard to the problem of defining terrorism the dominant approach seeks to acknowledge the core meaning "terrorism" has in common use. That is why we are going to give some various definitions of terrorism from which the ethical problem of terrorism arises. Afterwards we will make an overview of the most important theories and philosophers that are dealing with this question. We will consider the two main approaches to this issue. Namely, in ethics there are two main approaches: consequentialist and nonconsequentialists. First ones are judging ethical issues based on the consequences second ones the moral status of the ideas nevertheless of their consequences. In the case of terrorism that would mean that consequentialists propose to judge terrorism, like everything else, in light of its consequences. Nonconsequentialists argue that its moral status is not simply a matter of what consequences, on balance, terrorism has, but is rather determined, whether solely or largely, by what it is. For the consequentialists, the test of terrorism is *what is done*, for the nonconsequentialists what the *ultimate aim* of doing it is. And this distinction is not merely just formal. In this paper we will clarify those distinctions.

*Key words: terrorism, ethics, war on terror, good, bad, consequentialist, nonconsequentialists, terrorists, West.*

## INTRODUCTION

Philosophers weren't thinking a lot about terrorism before the terrorist attacks in the United States on 11 September 2001, or even when they were thinking their main concern was how to deal with terrorism not how to think terrorism. But after this attack terrorism was high on the philosophical agenda mainly manifested as an ethical problem. The key concern was: what is terrorism in its essence and thus can terrorism be morally justified? These are the issue that we are going to examine in this paper too.

But the answer of this crucial question of moral justification of terrorism largely depends on the treatment of terrorism, i.e. depends on the answer of the first very important issue: what is terrorism? The history of terrorism is probably coextensive with the history of political violence. The term "terrorism", however, is relatively recent: it has been in use since late 18th century. When it first entered public discourse in the West, the word "terrorism" meant the reign of terror the Jacobins imposed in France from the fall of 1793 to the summer of 1794. Since then the term terrorism was charged with so many meanings that we can't even trace all the historical changes. And of course that is not in the scope of this paper after all. So we are not going to deal with the historical insight in to this problem. What we are going to deal is the ethical dimension of the problem. But prior to that we will have to try to define the term.

With regard to the problem of defining terrorism the dominant approach seeks to acknowledge the core meaning "terrorism" has in common use. That is why it is of significant importance to define properly terrorism. But is that possible at all? One can't find "official" and universally accepted definition of terrorism in any official document of any relevant international organizations that is officially recognized by all state members. Even as a legal term, terrorism is quite blurry. Renewed international lawyer Rosalyn Higgins in the coauthored book *Terrorism and*

*International Law* concludes: "Terrorism is a term without legal significance. It is a merely a convenient way of alluding to activities whether of States or individuals widely disapproved of and in which either the methods used are unlawful or the targets protected or both."<sup>1</sup>

When philosophers are dealing with this issue they are interested in two aspects of terrorism, i.e. philosophy focuses on two fundamental questions. The first is conceptual: What is terrorism? The second is moral: Can terrorism ever be morally justified? These are related questions and actually the answer of the second one depends of the first one. That is why we are going to make an overview of this effort to define terrorism, but firstly from merely political angle. We are going to track some definitions offered by international organizations and states. Before we see what philosophers have to say let`s hear what politics has to say.

### POLITICAL PERSPECTIVE

Terrorism, which is a concept that maintains its presence in each period of international relations, also takes its place among the new threats defined against the security of nation state in this era. In its simplest form terrorism can be defined as "*politically motivated violence*" both the history of conceptualization of terrorism is based on quite old, directly affected by changes in the world conjuncture and defined in different ways in different periods of time. In this complexity of concept the definition of terror and terrorism can be done through using the both fundamental distinguishing features and reasons or consequences of terrorism that differentiate other forms of violence. There is certain number of distinctive defining features of terrorism that differentiate it from other kind of violence. For terrorism, an organisation that is politically organized is necessary. In addition there have to be an existence of a systematic and continuous use of violence. In this context a kind of violence called "ordinary crime" can be defined as terror because it creates fear in society however it is not terrorism because there is no political stimulates. Figure 1 shows the process of terrorism with its distinctive elements. According to figure, the motive is the reason that existed before and motivate the criminals. The motivation of criminal of terrorism is political. A terrorist who moves with political motivation uses violence as a tool. In other words, the violence is a tool because there is no terror and terrorism without violence. Because of the purpose of terrorism is to create fear or erase the idea that the state protects its citizens, it should contain violence or threat of violence to crate an absolute fear in individual minds. The benefit that desired to be obtained from these acts of violence can be defined as the intents of terrorism.<sup>2</sup>

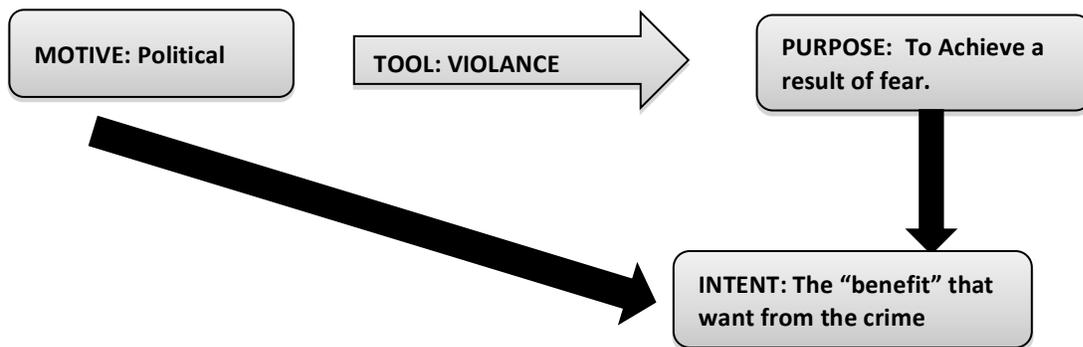


Figure 1: Distinctive elements of Terrorism

In addition, we are going to see how international institutions and states tried to define terrorism. As we can see there is no internationally recognized definition. So far **United Nations** haven't come out with definition of terrorism that is internationally recognized. It is not that the UN or its earlier incarnation, the League of Nations, was not concerned about terrorism. Following the 1934 assassination of King Alexander I of Yugoslavia in Marseilles by Croatian and Macedonian separatists, France proposed that the League should adopt a comprehensive convention on terrorism. This was done on November 16, 1937. However, it restricted "terrorism" only to anti-State acts by defining it as "criminal acts directed against a State and intended or calculated to create a state of

<sup>1</sup> R. Higgins and M. Flory, (ed.) *International Law and Terrorism*, Routledge London, 1997, 13

<sup>2</sup> Sertaç Başeren, "Terörizm: Kavramsal Bir Değerlendirme", Ü.ÖZDAĞ ve O.M. ÖZTÜRK (Der.), *Terörizm İncelemeleri*, Ankara, ASAM Yayınları, 2000, 1-15, pp. 2-3

terror in the minds of particular persons or a group of persons or the general public.” The League asked member states to pass national laws. However it never came into effect owing to disputes over extradition. Also, armed freedom struggles to overthrow established regimes were on the rise, some sponsored by other powerful states.

So far the UN drew 14 legal instruments (12 conventions and 2 protocols), describing what constituted individual acts of terrorism<sup>3</sup>. The first was the 1963 *Tokyo convention* on “in flight safety” (“Convention on Offences and Certain other acts Committed on board aircraft”). Next was the convention against hijacking in 1970. The first hijacking was of an *EL-Al* plane in 1968 from Rome by PLO (PFLP of George Habbash). This is called *The Hague convention*. In 2010, an additional protocol – so called - *Beijing protocol* - was added to this convention. In 1971, another convention was passed to reinforce air travel security on the recommendation of the Montreal based International Civil Aviation Organization. In the same year, diplomats were protected under a special convention. This was necessitated by a spate of attacks on the diplomatic missions of USA, UK, Israel and Cuba during 1971-1972. In 1979, hostage taking was prohibited. Eight more legal instruments were drawn up between 1980 and 2005 for the safety of nuclear material, prevention of airport violence, safety of maritime navigation and fixed platforms (oil drills), prevention of plastic explosives, terrorist bombings and terrorist financing.

Since 2000, the *UN Ad Hoc Committee* has been examining a draft paper on “*Comprehensive Convention on International Terrorism*”<sup>4</sup> – including a common definition. Even in the immediate aftermath of 9/11 the UN failed to adopt the convention, and the deadlock continues to this day. As far as we know the latest effort was made by General Assembly Working Group - established to finalize a draft convention on international terrorism<sup>5</sup>. But all with which they came up was oral report! Obviously the progress is unsatisfactory. Members of various political hues are still divided over what could be the exact definition of terrorism. In conclusion - the UN has no internationally-agreed definition of terrorism and in our opinion, it will be a miracle if we arrive at any acceptable global definition soon.

The situation is more or less the same in **EU**. *The Council of Europe Convention on the Prevention of Terrorism* (CETS No 196), adopted in 2005, does not provide a definition of terrorism, but does criminalise public provocation to commit a terrorist offence and recruitment and training for terrorism. The Additional Protocol to the Convention was adopted by the Committee of Ministers in May 2015 and opened for signature in October 2015. The Protocol criminalises being recruited for terrorism, receiving training for terrorism, travelling to another state for purposes related to terrorism, and providing or collecting funds for such travel. The EU and twelve Member States signed the Protocol on 22 October 2015. The same day, the Presidency of Luxembourg signed the Convention on behalf of the EU.

The European Union defines terrorism for legal/official purposes in Art.1 of the *Framework Decision on Combating Terrorism* (2002)<sup>6</sup>. This provides that terrorist offences are certain criminal offences set out in a list comprised largely of serious offences against persons and property which: given their nature or context, may seriously damage a country or an international organization where committed with the aim of: seriously intimidating a population; or unduly compelling a Government or international organization to perform or abstain from performing any act; or seriously destabilizing or destroying the fundamental political, constitutional, economic or social structures of a country or an international organization.

In the **United States**, for instance, references to terrorism are made in numerous context-specific federal statutes and regulations<sup>7</sup>. In the U.S. Code, entitled “Terrorism” a distinction is made between domestic and international terrorism. “Domestic terrorism” means activities with the following three characteristics:

1. Involve acts dangerous to human life that violate federal or state law;
2. Appear intended (i) to intimidate or coerce a civilian population; (ii) to influence the policy of a government by intimidation or coercion; or (iii) to affect the conduct of a government by mass destruction, assassination or kidnapping;
3. Occur primarily within the territorial jurisdiction of the U.S.

<sup>3</sup> All of these documents can be find at the web page of UN: <<http://www.un.org>>

<sup>4</sup> *Measures to eliminate international terrorism (Agenda item 108)* at: <[http://www.un.org/en/ga/sixth/70/int\\_terrorism.shtml](http://www.un.org/en/ga/sixth/70/int_terrorism.shtml)>

<sup>5</sup> Oral report of the Chairman of the Working Group on “Measures to eliminate international terrorism,” November 13, 2015, *UN General Assembly Sixth Committee* at: <<http://www.humanrightsvoices.org/site/developments/?d=13806>>

<sup>6</sup> See: <<http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=URISERV%3A133168>>

<sup>7</sup> 18 U.S.C. § 2331 defines “international terrorism” and “domestic terrorism” for purposes of Chapter 113B of the U.S. Code, entitled “Terrorism.”

"International terrorism" means activities with the following three characteristics:

1. Involve violent acts or acts dangerous to human life that violate federal or state law;
2. Appear to be intended (i) to intimidate or coerce a civilian population; (ii) to influence the policy of a government by intimidation or coercion; or (iii) to affect the conduct of a government by mass destruction, assassination, or kidnapping; and
3. Occur primarily outside the territorial jurisdiction of the U.S., or transcend national boundaries in terms of the means by which they are accomplished, the persons they appear intended to intimidate or coerce, or the locale in which their perpetrators operate or seek asylum.<sup>8</sup>

The Arab Convention for the Suppression of Terrorism<sup>9</sup> was adopted by the Council of Arab Ministers of the Interior and the Council of Arab Ministers of Justice in Cairo, Egypt in 1998. Terrorism was defined in the convention as:

"Any act or threat of violence, whatever its motives or purposes, that occurs in the advancement of an individual or collective criminal agenda and seeking to sow panic among people, causing fear by harming them, or placing their lives, liberty or security in danger, or seeking to cause damage to the environment or to public or private installations or property or to occupying or seizing them, or seeking to jeopardize national resources".

But, nevertheless terrorism remains moving target. As we see it is defined and interpreted in different ways in different countries and organizations. Now let's hear what philosophers have to say on the same topic.

### PHILOSOPHICAL PERSPECTIVE

The problem with determining terrorism was quite simple until the beginning of 20-th century. Because as we already mentioned it was firstly used in the time of the reign of terror the Jacobins imposed in France from the fall of 1793 to the summer of 1794. Actually that was not a terrorism related to the notion in today's terms. It was not loaded with today's meaning.

Very soon the term terrorism came to be associated with drastic abuse of power and related to the notion of tyranny as rule based on fear, which meant a shift toward very strong negative connotations of the term. But even in the age of totalitarianism, when the term was connected with the state itself there was no such a problem dealing with the terrorism itself. For that purpose, a term "state terrorism" was coined to refer to the terror of the state, i.e. of the state as a terrorist. But, as we said, that was not a problem for internal state terrorism to continue to be practiced by military dictatorships in many parts of the world.

The problem with terrorism arouses with the new type of terrorism that stepped forward in the second half of the 20th century and especially in early 21st century conducted by insurgent organizations. Many movements for national liberation from colonial rule resorted to it, either as the main method of struggle or as a tactic complementing guerrilla warfare. So did some separatist movements. Some organizations driven by extreme ideologies, in particular on the left, took to terrorism as the way of trying to destroy what they considered an unjust, oppressive economic, social and political system. And actually this new type of terrorism rise philosophical and ethical dilemmas (and not just because it targets innocents). Actually when this kind of terrorism came to the fore on the world scene it started to be charged with strong pejorative meaning; and on one side - no one wanted to apply the term to their own actions or to actions and campaigns of those they sympathize with, and on the other side - insurgents practicing terrorism portray their actions as struggle for liberation and seek to be considered and treated as soldiers rather than terrorists or criminals.

From practical point of view terrorism is often treated as organized crime with political purposes and wherein even those political purposes are neglected and the terrorist are prosecuted and charged for their criminal deeds solely. Of course not all criminals are terrorists, but all terrorists are treated as criminals violating the criminal law. This is far more convenient for the States and authorities in dealing with terrorism than to interfere in philosophical, ethical and judicial debates on the nature of terrorism. After all, that is the job of philosophers.<sup>10</sup> To simplify we would put it this way: what is terrorism and terrorists? Are they terrorist - ergo – an evil, or freedom fighters? Or as

<sup>8</sup> Source FBI: < <https://www.fbi.gov/investigate/terrorism> >

<sup>9</sup> <[https://www.unodc.org/tldb/pdf/conv\\_arab\\_terrorism.en.pdf](https://www.unodc.org/tldb/pdf/conv_arab_terrorism.en.pdf)>

<sup>10</sup> And they do that, philosophers and theoreticians take issue with the treatment of terrorists as a criminals or freedom fighters. See chapter: MICHAEL W. BROUHT, PAULINE KAURIN: *Terrorists: Enemy Combats or Criminals* (205-243) in Timothy Shanahan, ed. (2005), *Philosophy 9/11: Thinking about the War on terrorism*. Chicago and La Sale: Open Court.

one title of a paper suggests, “killing civilians or holding territory?”<sup>11</sup> We will answer this question by trying to give some philosophical definitions of terrorism; thereby we will propose our own definition.

Trying to define terrorism one has to adhere to three criteria, as A. Schwenkenbacher in his recent book *Terrorism: A Philosophical Enquiry* suggests: first it has to incorporate the paradigmatic instances of terrorism (as 9/11 or similar); second, the definition should not incorporate any moral assessment of the act in question; and third – “the definition should single out a certain group of actions enabling us to clearly distinguish these actions from other kinds of actions, that is, to clearly identify which acts are terrorist by their nature and which are not”.<sup>12</sup> We may say that we agree on second and third criteria. However is not with the first one. Because, the other two conditions are quite relevant, but the first one is logically inconsistent. Namely, how one can incorporate paradigmatic cases in a definition before the definition is given? Determination of those cases, even such “obvious” one like 9/11, as terrorism, is not possible before given definition of terrorism. It is methodologically and logically inconsistent. It is strange how this author does not see this fallacy. Especially when having in mind that the same fallacy is immanent in the second assumption that definition should not incorporate any moral assessment, which author clearly recognize. Because incorporating such moral assumption in to definition itself has the same false logic that is applicable in the first criteria too. One should first define what terrorism is than to subject it to moral judgment. Very important is the third criteria, the one that demands distinction between other violent actions and terrorism itself. It contains the core of definition because it is some kind of “diferentia specifica.” Is that kind of definition possible?

It is not an easy task at all. Especially if one thinks in philosophical frames and thus problematizing everything. First, if one is thinking on an essential level, there is a crucial problem to distinguish a war from terrorism, for example. For that purpose, lets offer the first (we may say philosophical) definitions of war, by which we will see that it is quite difficult to make the above-mentioned distinction. Namely, Clausewitz defines war as a **political instrument**, i.e. political goal is the primary motive of the war; hence and the political goal of the war will be the measurement that determines the goal of the military act.<sup>13</sup> He says: “war is not merely a political act, but genuine political instrument, extension of the political relationships - its continuation with different means.”<sup>14</sup>

So the terrorism is. Money, wealth or a mere crime has nothing to do with terrorism. Some violent act to be defined as terrorism it has to have political motivation. So from that point of view (that seems essential for terrorism though), it cannot be distinguished from war. In order to do that we may add that terrorism specifically targets in its violence people who are not strictly political entities who has some fault – in most cases victims are not policy makers. Well, that sounds like sufficient differentiation from war. But, is it? If we think for a moment of a WWII and the awful Allied bombings of Dresden, or even worst case – nuclear bombing of Hiroshima and Nagasaki - In both cases a civilians were involved who were not policy makers and has not any fault.

Hence most people strongly condemn terrorism, strongly than they would condemn war; yet they often fail to say how terrorist acts differ from other acts of violence such as the killing of civilians in war. Exactly on this bases of inability for distinction, above-mentioned Schwenkenbacher thinks that lies the danger terrorism to be morally justified - if one does not give a proper definition it won't be possible to condemn it. The author argues that we cannot have morally credible views about terrorism if we focus on terrorism alone and neglect broader issues about the war. Assuming that terrorism is just one of many kinds of political violence, he denies that it is necessarily wrong and worse than war. If terrorism is just one of many forms of political violence than “terrorism is not necessarily morally wrong and not morally worse than war and if war can be justified than so can terrorism.”<sup>15</sup> Having in mind this, one may say that there is no difference between war and terrorism: and thus if war can be justified terrorism can be too. That's why is crucial for us to find the difference between war and terrorism and other forms of violence respectfully.

Than what is the difference between terrorism and war? And where it can be located? Let's try to depict the scenery were both acts occur in order to find that distinction. And aftermath we will try to give few philosophical definitions of terrorism by which that distinctions will came to the fore. As we can see war is a form of political

<sup>11</sup> V. Asal, L. De La Calle, M. Findley, and J. Young, “Killing Civilians or Holding Territory? How to Think about Terrorism,” *International Studies Review*, 14, 2012, 475–497

<sup>12</sup> Anne Schwenkenbacher, *Terrorism: A Philosophical Enquiry*. London: Palgrave Macmillan, 2012, 7-8

<sup>13</sup> Karl Von Klauzevic, *O Ratu*. Beograd: Vojno delo, 1951, 44-45

<sup>14</sup> *Ibid.*, 113

<sup>15</sup> Anne Schwenkenbacher, *Terrorism: A Philosophical Enquiry*. London: Palgrave Macmillan, 2012, 151

communication. Terrorism is also a mean of political communication. We can agree that both are political means. But unlike war that takes place in some internationally defined scene and norms, terrorism takes place in shadows, out of all established and recognized norms. So, from philosophical perspective we can set the distinction between war and terrorism on ethical ground. Why is that? What that does it mean in a first place? That means that even a war is grounded and waged in some ethical settings, i.e. there is ethics of war! There is no ethics of terrorism in a meaning that there are some standards according to which terrorism can be waged. While we can say that there a certain rules and regulations even in war, we cannot say the same about terrorism. Namely terrorism is terrorism just because it's out of all rules. Nevertheless, who is defining those rules of war (imperialistic countries or not) there are rules of waging war, there are not rules of waging terrorism. And killing innocent civilians is not in one of those rules. Killing innocents in war is forbidden, considered as breaking the rules of the war and it would be condemned by all on the bases of those rules.

After depicting the scene, we may continue in our quest for proper definition of terrorism. Thus Donald Black in his well-known paper on terrorism (building on definitions of Seneckal de la Roche, and Ganor), says that "terrorism in its purest form is self-help by organized civilians who covertly inflict mass violence on other civilians."<sup>16</sup> This Max Weberian "ideal-type" definition includes civilians as a perpetrators and victims of terrorism which is in the core of terrorism. But it lacks some other essential elements of it. Like political goals implied in it for example, and especially its connection with innocent victims. That is why we are going to see some other definitions offered by philosophers.

Swedish philosopher and a professor of practical philosophy at the University of Kalmar, Per Bauhn in his book *Ethical Aspects of Political Terrorism* gives such definition: "The performance of violent acts, directed against one or more persons, intended by the performing agent to intimidate one or more persons and thereby to bring about one or more of the agent's political goals."<sup>17</sup> As we can see there a several constitutive elements of terrorism important for this author: 1. violent act; 2. intimidation; 3. political goals. This is so called "broad" definition (we will discuss this later) that does not take in to consideration non-combatants, i.e. civilians as a core trait of terrorism. But as we already mentioned this kind of definitions are too broad and thus contains risk of confusing terrorism with war or other forms of violence. To illustrate this just put word "assassination" as a definition subject instead of "terrorism" and it will work perfectly fine too: "Assassination is performance of violent acts, directed against one or more persons... etc."

On the other side, Primoratz Igor, for example offers so called "narrow" definition that includes innocent as a core element of terrorism, but his definition lacks the required political dimension. Thus, he manages to avoid the danger of confusing terrorism with some other form of violence, but fail to avoid some other confusion because of which this definition still has an essential deficiency. He defines terrorism as: "The deliberate use of violence, or threat of its use, against innocent people, with the aim of intimidating some other people into a course of action they otherwise would not take."<sup>18</sup> This is quite elegant definition including one of the core traits of terrorism – innocent. But because it lacks political dimension still can be misinterpreted. What if one simply makes just a tiny replacement in the defining term "terrorism" with term "kidnappers" for example? Kidnappers are using violence, against innocent people with the aim of intimidating some people in order to force them to take a course of action they otherwise they would not take? This, maybe exaggerated illustration, is in order to illustrate that lack of political dimension of terrorism may led to its misinterpretation. Terrorism is political act par excellence and every definition has to take it into consideration.

In Corlett's book - *Terrorism: A Philosophical Analysis* the following definition is given: "Terrorism is the attempt to achieve (or prevent) political, social, economic or religious change by actual or threatened use of violence against other persons or other person's property; the violence (or threat thereof), employed in terrorism is aimed partly destabilizing the existing political or social order, but mainly at publicizing the goals or cause espoused by the terrorists or by those or by those on whose behalf the terrorist act; often though not always terrorism is aimed at provoking extreme counter-measures which will win public support for the terrorist and their cause."<sup>19</sup> This is almost complete but in our opinion rather complex and even clumsy definition with abundance of elements.

<sup>16</sup> Donald Black, *The Geometry of terrorism*. Sociological Theory, 22/1, 2004, 14-25

<sup>17</sup> Kalmar Per Bauhn, *Ethical Aspects of Political Terrorism*. Lund: Lund University Press, 1989, 28

<sup>18</sup> Igor Primoratz, *Terrorism: A philosophical Investigation*, Cambridge: Polity Press, 2013, 34

<sup>19</sup> J. Angelo Corlett, *Terrorism: A Philosophical Analysis*. London: Kluwer Academic Publisher, 2003, 167

These several offered definitions among other goals had one in particular – to show two different approaches in defining terrorism. One narrow, second one is broad. Narrow definitions restrict terrorist violence to that directed strictly at innocent persons. They consider that terrorism is attack on innocent – and that is a core feature of this violent act. Those who oppose this suggest that broader definition is more appropriate. Broad definition that does not make restriction and they include combatants as well as non-combatants in their definition. They object to define terrorism as violence against innocent persons only. They argue that doing so runs together the question of the nature of terrorism and that of its moral status and begs the moral issue by making terrorism unjustified by definition. What is needed is morally neutral definition, as above mentioned author Schwenkenbecher insisted as one of three criteria that have to be met in definition. The criteria that a definition has to meet are to be morally neutral, and that means that a narrow one cannot be taken into consideration, but rather a wide one.

But it is virtually impossible to offer morally untainted definition. We think that even broad type of definition cannot be morally indifferent definition since incorporates such terms that are moral terms par excellence. Like term violence for instance! Violence is not merely a psychological or sociological term it is an ethical term, subjected to moral investigation. Broad definition that takes violence, as one of the core traits of terrorism has to have in mind that violence itself is morally loaded. Well, is this meant that morally neutral definition is impossible nevertheless it is required? As we agreed with a criteria mentioned by Schwenkenbecher, that every definition has to meet if we want it to be credible: the definition should not incorporate any moral assessment of the act in question. On one side that means that narrow definition including innocent is impossible as it is morally charged, on the other side we saw that even broad definition contains morally charged terms as well. Is this meant that morally neutral definition is impossible? We think it is possible! We think that narrow definition that contains term non-combatants instead of innocent is suitable definition. Non-combatants or civilians are morally neutral term! We agree that innocent or guilty are terms requiring moral assessment and thus in the sphere of morality, but not the term civilians or non-combatants. Civilian or non-combatants are simply out of the scope of ethics as science. Being a civilian has nothing to do with ethics as science and moral judgment it is just a simple state of existing in a social community. One can be just a civilian nevertheless if he is innocent or not. So, just a simple replacement of the term innocent with civilians will solve the problem.

Having all of this in mind at the end of this chapter we will offer a definition that we consider most complete and comprehensive and on bases of which a correct moral assessment can be made. We may say that terrorist act is a sudden, unannounced and violent political act intentionally targeting non-combatants/civilians or their property, to draw public attention for the cause, in order to reach political objectives. This definition is broad enough by its form (to include all necessary facets of terrorism), but narrow in its contents by including civilians. Threat as a trait that is often included into other definitions, here is excluded for an obvious reason – it is just that – a threat and can and should be defined otherwise. They are considered as a threat namely just because of the act – use of violence, so the essential is the use of violence rather than a threat of violence. They are threats in relation with the act, otherwise they would not be considered as such in a first place. So the act is primary object of definition.

Further, the moment of surprise and the fact that no terrorists announce their act is distinctive trait from war. One might object that the war is clearly distinct from terrorism by the fact that in war a nations are engaged, in terrorism aren't. We agree that it is clear demarcation line between war and terrorism. Full definition of war in the Merriam-Webster Dictionary is "a state of usually open and declared armed hostile conflict between states or nations".<sup>20</sup> On 2-th of april 1917, for instance, President Woodrow Wilson asks Congress to send U.S. troops into battle against Germany in World War I. War is declared terrorism isn't, and we consider that should be underline, nevertheless that war is often defined as a conflict state between nations. If we have in mind the philosophical approach to war and the first given definition of war by Clausewitz, this distinction is very important. Moment of surprise and unexpected attack is what terrorism makes efficient fighting tool for political goals. In addition, intentionally targeting the non-combatants is another distinctive trait of terrorism. No war intends to target civilians. It is a conflict between armies and targeting civilians is subjected to condemnation as a breaking the rules of warfare. Not because we presuppose that civilians are innocent (that has to be discussed yet if needed), but just because they are not involved in the conflict and by attacking them attacker is simply violating the rules of war nevertheless is it moral or not. It is just a violation of rules, not norms in ethical sense of the term. War is unjust in its essence but when happens there are strict rules that involved parties has to obey.

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<sup>20</sup> Online Merriam-Webster Dictionary <<http://www.merriam-webster.com/dictionary/war>>

## ETHICAL APPROACH

Ethics or moral philosophy is a branch of philosophy that involves systematizing, defending, and recommending concepts of right and wrong conduct. Ethics try to give answers to moral issues, it investigates the questions "What is the best way for people to live?" and "What actions are right or wrong in particular circumstances?" In practice, ethics seeks to resolve questions of human morality, by defining concepts such as good and evil, right and wrong, virtue and vice, justice and crime. All of these issues are relevant tools for examination of terrorism. When talking about ethical issues on terrorism actually we are talking about two specific approaches in ethics that can be applied on terrorism. We may say that two main approaches toward various ethical questions are distillates throughout history – *consequentialism*, and *nonconsequentialism*. These approaches can be used as an explanation toward terrorism too. In ethics in generally these two main approaches: consequentialism and nonconsequentialism. Let's explain briefly what are they about.

*Consequentialism* is a set of normative ethical theories holding that consequences of one's conduct is the ultimate basis for judgment about the rightness or wrongness of that conduct. Thus, from a point of view of consequentialism a morally right or wrong act is judged by the consequences, i.e. right is act that produces a good outcome and wrong is the one that produce bad outcome or consequence. Consequentialism claims that the right act or system of rules is the one that maximizes the balance of good consequences over bad ones. If consequences are good, rather than bad, than the act can be morally justified.

*Nonconsequentialism* is a type of normative ethical theory that denies that the rightness or wrongness of our conduct is determined solely by the goodness or badness of the consequences of our acts or of the rules to which those acts conform. Non-consequentialist ethics holds that actions are intrinsically good or bad (by themselves), their rightness/wrongness does not depend on their consequences. Nonconsequentialism assumes that some kind of action is good based on its inherent value as good, and that some kinds of action (such as breaking promises or killing the innocent) are wrong in themselves, and not just wrong because they have bad consequences.

## CONCLUSION: CAN TERRORISM BE MORALLY JUSTIFIED

In conclusion we will consider the moral issue – can terrorism be morally justified from the stand point of above mentioned two main approaches in ethics: consequentialism and nonconsequentialism. So, let's look at terrorism from these two general ethical approaches.

Adherents of *consequentialism* judge terrorism solely by its consequences. Terrorism is not considered wrong in itself, but only if it has bad consequences on balance. Thereby the innocence of the victims does not change that. As we can see he uses wide definition approach in which the innocence of victims makes no difference to its justification. Kai Nielsen approaches terrorism as a consequentialist in ethics. He thinks that though acts of violence are at least prima facie wrong, circumstances can arise where, even in democracies, some of them are morally justified<sup>21</sup> In his paper "*On justifying violence*" he discusses the question "whether revolutionary violence is ever justified as a means of establishing or promoting human freedom and happiness." And in this paper he "states the conditions which must be satisfied for such violence to be justified and argue that sometimes these conditions have been satisfied." So, he presupposes that there are such acceptable conditions by which terrorism can be justified. "Terrorist acts must be justified by their political effects and their moral consequences. They are justified (1) when they are politically effective weapons in the revolutionary struggle and (2) when, everything considered, there are sound reasons for believing that, by the use of that type of violence rather than no violence at all or violence of some other type, there will be less injustice, suffering and degradation in the world than would otherwise have been the case"<sup>22</sup>

As we can see for consequentialism there are certain circumstances when terrorism can be justified. He draws some historically significant events as an example where terrorism was used as a method of struggle in order to overthrow bad governments or struggle against injustice.

What can be the main objection to this argument of Nielsen argument? On first look it seems that this argument is strong. Especially because it can justify terrorism widely defined where innocents are involved. But the main objection to this kind of argument actually can be the same common objection that can be made to any consequentialistic ethics. These objections can be summarized under well known saying, "the end justifies the

<sup>21</sup> Kai Nielsen, *On Justifying Violence*. *Inquiry* 24 (1), 1981, 21 – 5

<sup>22</sup> Kai Nielsen, "Violence and Terrorism: Its Uses and Abuses", pp.446 in Burton M. Leiser (ed.), *Values in Conflict*, New York: Macmillan, 1981, 435–449

means", which of course can't be justified. No one can be sure that the goal is morally important enough; any method of achieving it is acceptable. Namely, how great has to be a good, to be good enough to justify using of terror and violence? Second, who can define greater good, who has a mandate to do that? Even if these two conditions are acceptable third questions is not: how one can guarantee that at the end the good will be achieved by the means of terrorism? At the end how one can claim that the same goal can be reached by morally good means instead of bad? Consequentialism can't address these objections and thus those trying to justify terrorism on this basis fail to discharge this burden too.

Now let's look at the arguments of **nonconsequentialism**. As far as nonconsequentialism is concerned it seems that things here are clearer than in case of consequentialism. If for nonconsequentialism human acts are judged solely on its intrinsic value it is more than obvious that killing is bad, killing innocent especially. Within a nonconsequentialist approach to morality, terrorism is considered wrong in itself, because of what it is, rather than only because its consequences are bad on balance. This kinds of action - such as killing the innocent - are wrong in themselves, and not just wrong because they have bad consequences. And this seems that is sufficient argument for not justifying terrorism. But this is not to say that this approach leaves no room whatever for morally justifying certain acts or campaigns of terrorism. Indeed, nonconsequentialist discussions of terrorism also present a range of positions and arguments. Some authors are trying to justify it exactly on the bases of nonconsequentialism. How is that possible and in what cases?

One line of argumentation goes by invoking some deontological considerations such as justice or rights. When right or rights of a persons are not respected, what may be done to ensure that they will be? If some basic human rights are not respected, claim these adherents, resorting to terrorism can be justified. Terrorism obviously violates some human rights of its victims. But its advocates claim that in some circumstances a limited use of terrorism is the only way of bringing about a society where human rights of all will be respected. But this line of argumentation barely can satisfy the basic elements of deontological logic. Namely if one's acts are judged solely by the moral essence inherent into the value, then one value is higher than other. Deontologist admits that there is hierarchy of values. Thus, how any right can be higher than life?

In such circumstances when basic human rights are violated, terrorism can be permissible only in a narrow range of cases. Namely in the cases that immediate life thread or total disaster is approaching. This is the second line of argumentation offered by Michael Walzer. He sets his argumentation in broader scenery considering any conflict, including war. He defence the attacks on civilians in '*supreme emergency*' circumstances. The argumentation of Walzer is on historical examples, as it follows: In early 1942, it seemed that Britain would be defeated by Germany and that its military could not prevail while fighting in accordance with the rules of war. Britain was the only remaining obstacle to the subjugation of most of Europe by the Nazis. Thus, Walzer claims: "that was an ultimate threat to everything decent in our lives, an ideology and a practice of domination so murderous, so degrading even to those who might survive, that the consequences of its final victory were literally beyond calculation, immeasurably awful."<sup>23</sup> Thus Britain was facing a "supreme emergency" imminent threat of something utterly unthinkable from a moral point of view. In conclusion terrorism can be justified in the light of supreme emergency and moral disaster.

This argument of Walzer seems irrefutable. But we claim that this is merely an argument for resorting to terrorism, but rather an ideological position that the only thing that can justify is imperial wars. This is the exact "argumentation" that supports so-called "just wars" of Western countries and their interventions worldwide. Just wars, humanitarian interventions, justifiable democratizations .... all of these rests in this theory. Resorting to terrorism in order to avoid supreme emergency or moral disaster is not moral or amoral; it is immoral just because this statement is logically wrong. This is simply wrong just because no terrorism can prevent supreme emergency! Terrorist are small groups that can't resist such approaching disaster. Could have terrorist stopped approaching emergency in a WWII? Could have been that kind of disaster stopped by terrorism?

To conclude: none of the offered theories cannot offer valuable and plausible argument in justification of terrorism, so terrorism cannot be justified in any sense and under any circumstances.

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