

Political Violence Misliked: the Meaning of 'Terrorism'

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1 Terrorism and International Theory

Terrorism is a problem specifically for *international* theory in at least two important ways. First, from a practical point of view, the development of terrorism as a hitherto largely *domestic* problem for states took a turn in the late 1960s that has led historians to remark a new prominence for the phenomenon of 'international' terrorism in the era since. As MI5 puts it, 'International terrorism refers to terrorism that goes beyond national boundaries in terms of the methods used, the people that are targeted or the places from which the terrorists operate' (MI5 2020). Bruce Hoffman, for instance, argues that the retreat of Arab states from playing any effective role in support of Palestinian ambitions after the defeat of 1967 and the failure of the PLO to sustain effective guerrilla methods in attacking Israeli forces led in 1968 to a fundamental change in tactics first marked by the hijack of an El Al flight scheduled to fly to Tel Aviv from Rome by the Popular Front for the Liberation of Palestine on 22 July. Planes had been hijacked before, but for purposes such as to secure passage to a particular destination rather than, as in this case, to force Israel to trade prisoners for passengers. The international attention that could be gained by attacking Israeli civilians abroad culminated in the Black September attack at the Munich Olympics, which killed 11 members of the Israeli team (Hoffman 2006). Since the 1990s, the rise of al Qaeda, and the more recent emergence of ISIS, 'international terrorism has become largely synonymous with Islamic terrorism' (MI5 2020).

At the same time, it can be argued that, in this first respect, the term 'international' has become increasingly redundant. This is because, as Paul Wilkinson writes, 'it is of course extremely difficult to find examples of purely domestic terrorism.' Since 1968, 'international terrorism' increasingly came to mean simply 'terrorism,' since so few terrorist organizations acted alone and restricted their actions to a 'home state' (Wilkinson 2005, 11). Even such ostensibly 'domestic' cases as the Provisional IRA turn out to belong just as much under the 'international' umbrella, when we consider the overspill over operations into Gibraltar and Germany, the sourcing of arms in the USA and Libya, and the provision of training foreign camps.

The second facet of terrorism's specifically 'international' significance is legal. While terrorism has persistently forced itself upon the attention of international bodies as well as states as a key strategic and security problem right up to the present, there is currently no

single, authoritative definition of terrorism in international law, in spite of significant efforts to agree one. This matters in some ways more than in others. For instance, many of the more specific acts that constitute terrorist attacks, organizations, or campaigns are prohibited by domestic criminal law in the majority of states; some are prohibited specifically with reference to domestic definitions of terrorism (such as charges of supporting a terrorist organization) while others are covered by other statutes prohibiting various kinds of violent crime. For purposes of rendering terrorism suspects liable to domestic prosecution, therefore, the lack of a unified approach in international law is less problematic. But, in other ways, it still poses significant difficulties. A feature of international politics to have become widely important since 9/11 is the use of declarations from the UN Security Council to impose obligations on states to adopt wide-ranging counter-terrorist measures. But if, as Helen Duffy writes, parties to a particular agreement or declaration each define the ‘conduct towards such measures should be directed’ differently, then this could have serious implications for human rights and could undermine rather than reinforce the effectiveness of international action (2015, 73). The right conclusion might well be, then, that, in the absence of consensus and clarity on its meaning, the ‘susceptibility of [the term ‘terrorism’] to abuse renders it an unhelpful basis for a legal, rather than political analysis.’ And yet, as she emphasizes, ‘there can be little doubt of the political currency of the language of terrorism,’ especially but probably not only, post-9/11 (2015, 72-4).

Given the gap left by international law, it is therefore all the more important for international theorists to grapple with the significance of terrorism as a *political* term that reflects crucial *moral* values and judgements. Just like the other, descriptive features of terrorism, these normative concerns cut right across any attempt to divide it into domestic and international categories. In order to respond to terrorism in a way that is both effective and ethically defensible, we must turn for guidance to moral and political philosophy rather than to studies in strategy and the empirical history of the phenomenon. This helps shed light on a series of conceptual and theoretical problems that have been with us for some time, albeit that their degree of relevance and range of application changes from period to period.

The first is the need to make good distinctions. In everyday terms, this might be described as the problem of defining terrorism. But the term ‘defining’ raises expectations (and heckles) that are unhelpful. So it may be better to speak in terms of taking account of morally significant differences where these can be discerned and calibrating the response to different things in an appropriate way. The term ‘terrorism,’ I maintain, is unavoidable (and also sometimes helpful) in making sensible distinctions. The second problem is deeply implicated in the first: this refers to the need to appreciate what exactly is wrong with terrorism. The term carries powerful rhetorical force and is seldom used without connotations of moral condemnation. It is vital to reflect on what exactly the ‘evil’ or ‘wrong’ of terrorism is and calibrate our emotional and practical reactions accordingly. And finally, it is necessary to think about motivations for terrorism and the unavoidable possibility that sometimes

political violence is justifiable. Depending on how we define the category of terrorism, that of justifiable political violence might either be identified with non-terrorist violence only or with a category that overlaps with terrorism: in other words, we need to think about whether ‘terrorism’ itself might not be justifiable in some exceptional circumstances.

Taken together, what these problems suggest is that the key challenge for international theory that terrorism poses is to develop an adequate account of the normative parameters of organized political violence by non-state actors, one that facilitates principled discrimination between permissible and impermissible kinds. In parts 2 to 4, I will focus on conceptual and philosophical problems surrounding the use of the word ‘terrorist’ and the distinctions we might need to make and for which it might be useful. In section 5, I turn to some emerging problems of policy in contemporary international politics that are likely to be the focus of further research by international political theorists along with other scholars of security and international relations.

2 The Politics of Naming ‘Terrorism’

Public usage of the term ‘terrorism’ is often marked by two contradictory tendencies: one implies normative and conceptual consensus; the other denies that consensus is even possible. In cases of the first kind, the word is often used in a way that suggests speakers and listeners find its meaning and significance to be relatively uncontroversial. In particular, discourse spoken from positions of political authority and in mainstream media is often based on—and tends to reinforce—three assumptions. The first is that we know what terrorism is. And because we know what *terrorism* is, we are also able to say quite easily who ‘the *terrorists*’ are and distinguish them clearly from those who are not terrorists: terrorists are those who commit a certain type of wrong. The second is that we know what that is, the distinctive wrong which makes terrorism different from others such as simple murder, extortion, or sedition. And the third is that we know that terrorism is impermissible – that it is unjustifiable in all circumstances. To say that some act or person is ‘terrorist’ is to say that their wrongfulness is beyond controversy – the judgement of moral wrongfulness is a corollary of judging someone or something to *be* terrorist.

By contrast, the second way of speaking about ‘terrorism’ presumes that people pressed to explain specifically what they mean by these three beliefs would give quite different answers. This is one reason why the cliché that ‘one person’s terrorist is another person’s freedom fighter’ is so widely accepted. But resort to this cliché is often due to an ulterior motive when speakers wish to reassert the possibility that sometimes violence is a legitimate means even for non-state actors when they confront intolerable, violent tyranny. In the absence of clear criteria by which to distinguish wrongful ‘terrorists’ from justified ‘freedom fighters,’ speakers resort instead to a relativizing move that questions their opponents’ right to condemn rather than defending the freedom fighters’ right to fight. The relativist idea pulls in exactly the opposite direction of the consensus assumption, suggesting that

there is no settled view – and no objective basis for one – around the three decisive issues. To borrow from Thomas Hobbes, in this perspective, ‘terrorism’ comes to mean nothing clearer than ‘political violence disliked.’

The tension between consensus and relativism is just one of the central contradictions that have animated debates about terrorism – its meaning, its nature, and how to respond to it – at different times. Another is between usages of the term that target it exclusively at non-state actors and those that extend it to the criticisms of states and their agents. And a third is the tension between wanting to object to self-appointed paramilitary forces claiming the right to kill illegally and the need to recognize the possibility that armed resistance and revolution are legitimate in certain circumstances, a possibility implicit across a wide ideological spectrum. Theoretical reflection on these matters has been energetic and often rigorous. While disagreement prevails among scholars across different disciplines, the reasons given in defence of different positions and criticism of others shed greater light on important points in the moral map. Even if a consensus position is hard to reach, in other words, we can learn many important things by engaging closely with the main lines of philosophical argument. Sometimes this will be because there is greater agreement on fundamentals than at first appeared – e.g. on the importance of moral principles such as the immunity of the innocent or on the right of self-defence – even if there is divergence on the question of how best to reflect these principles in applications to policy or in normative semantics.

In the theory and ethics of political violence, definitions matter a great deal. Naturally, they matter for methodological reasons: we need to know which things we are talking about if we are going to be able to debate sensibly about what to think about them. But clarity concerning terms like ‘terrorism’ (or ‘genocide’ or ‘violence’) matters for another, very practical reason, which is that varying the way the category of ‘terrorism’ is defined can have very grave – even lethal – consequences for those suddenly finding themselves placed within its boundaries. If you are not a terrorist but something else on one definition and yet on another definition you *are* a terrorist, it might be the difference between life and death. On the first you are an ordinary civilian, exempt from deliberate harming; on the second, you are an ‘enemy’ who might be killed intentionally by a drone strike or by some other means of targeted assassination. This is an important reason why what might otherwise seem like abstruse debates among lawyers, social scientists, and philosophers must be taken seriously. But definitions also matter for other, political reasons: all else being equal, a conscientious citizen might be less likely to support a political movement that they have come to accept meets the definitional criteria of a ‘terrorist’ group and, *mutatis mutandis*, it will increase the moral legitimacy of that group, all else being equal, if the accepted definition indicates that it is something other than a terrorist group. So theoretical difficulties about definition have quite an immediate, practical importance for thinking about policy and politics.

The most basic problem of definition arises from the fact that the profile of those phenomena referred to using the word ‘terrorist’ has changed over time due not only to shifts in perspective and theory but also in mutations in the sorts of organization the word frequently refers to. So even if the semantics of the term – its denotation and connotations – were uncontroversial at the present moment (they are not), we are still likely to find that we use it today in ways that are quite different from the ways in which it was used at times in the past. The term ‘terrorist’ first occurred in relation to the French Revolution when it was used by Jean-Lambert Tallien, a Thermidorian, to characterize Robespierre’s ‘Reign of Terror’ during a speech to the National Convention (Erlenbusch-Anderson, 2018, 21). It then appeared in English when Edmund Burke used it to denounce revolutionaries in France as ‘those hellhounds called terrorists’ (Burke [1795] 1999, 359). On this model, it came to refer variously to rule by one person in particular, notably Robespierre (as ‘*charismatic terrorism*,’ in Erlenbusch-Anderson’s terminology), as a regime type comparable to monarchy or tyranny (‘*systemic terrorism*’), or as a ‘philosophical doctrine that specified principles of political organization and justified certain political practices and beliefs,’ which Erlenbusch-Anderson calls ‘*doxastic terrorism*’. As such, it could also be used in an ‘*identarian*’ sense when someone expressed their allegiance to the type of republicanism they associated with Robespierre by adopting the term ‘terrorist’ to describe themselves (Erlenbusch-Anderson 2018, 21-3).

The early association with revolution meant that the term was riven with a crucial ambiguity from the very start. On the one hand, its referents were in government. When their immediate successors came to refer to themselves as architects of governmental ‘terror,’ it helped establish a pattern of using the term – and sometimes the associated terms ‘terrorism’ and ‘terrorists’ – to refer to a type of state or form of government. On the other hand, the same people were also revolutionaries who had recently overthrown the Old Regime and were intent on using their newfound power to ensure that their insurgent politics became established and were defended from reactionary forces. As such, they were closely identified with the idea of violence as it might be used by rebels opposed to the state or a regime or a particular government. ‘Terrorism’ in this image is the weapon of non-state forces: insurgents, rebels, armed resistance, revolutionaries. Debate about the proper scope for using the term over the more than two centuries since the French Revolution has been deeply affected by this ambiguity and by the political implications of leaning one way or the other in order to overcome it.

To some extent, the ambiguity has been absorbed through a small terminological adjustment. ‘Terror’ often refers to a form of government, the sort that characterized the regime led by Maximilien Robespierre and his Jacobin associates from 1793-4 and that is sometimes treated as a common thread running through to the anti-democratic totalitarian movements of the mid-twentieth century. Stalin’s purge of the communist party in the USSR is often referred to as part of his ‘Great Terror’ and Hannah Arendt would use the term to capture the distinctive practices that she identified as totalitarian chiefly in the rule

of the Nazis during World War II (Arendt 2017 [1951]). By contrast, ‘terrorism’ has come to be a byword for illegitimate practices of violence by non-state political actors. To be a ‘terrorist’ in this sense is to be distinguished from a cluster of other things: on one side, the use of violence legally sanctioned by states and perhaps permitted too by international law, e.g. in regular warfare by state forces; on the other side, ‘terrorism’ also implies a distinction *within* the wider category of *wrongful* non-state violence. Bank robbers, criminal gangs, and serial killers may practice the same techniques as terrorists on occasion, but something about whether they are organized and, if so, how their organization is identified affects the way they are categorized and so too, most likely, does the way in which their objectives are framed. If both the organization and its aims are seen as ‘political’ rather than self-interestedly venal, then they are more likely to be regarded as ‘terrorists’, *ceteris paribus* (Bazargan 2015).

One complication here is the fact that sometimes individuals acting alone carry out attacks of the right sort and have what may easily be characterized as political aims or gripes. The Unabomber, Ted Kazinsky, is widely seen as a terrorist, for instance, and yet he had no known links to a wider political organization. On the other hand, the perpetrators of mass shootings in the US are less likely to be characterized as terrorists when there is no known link to an organization (e.g. ISIS). That said, if the political complexion of the killer’s ideas are identified as ‘Islamist’ and as sharing characteristics with groups like al Qaeda or ISIS (and, it must be said, if the shooter is of non-white descent), then there is much greater likelihood that some sections of the media – and some US administrations – will view them as terrorist. Compare, for instance, the treatment of the Las Vegas mass shooting in October 2017 with the June 2016 Orlando nightclub attack. Whereas the self-declared allegiance of the latter to ISIS led to widespread acceptance that his attack should be seen as terrorist, the former was represented publicly in the anodyne terms of ‘mass shooting’ and as presenting the public with a politically simple if dramatic and morally horrifying ‘crime.’ Even where a more overtly political ambition or affiliation has been evident, official and mainstream media responses have less frequently invoked the language of terrorism in the US, e.g. in the case of Dylann Storm Roof in 2015 and in the killing of an anti-fascist protester at Charlottesville in 2017.¹

Such arbitrary differentiations in the way the word ‘terrorist’ is used undoubtedly bear the imprint of politics and hegemonic interests. This ‘politics of naming’ has led some scholars to a deeply sceptical position. Mathias Thaler puts it, ‘[m]any scholars and activists opine that, at least since the inception of the so-called War on Terror after 9/11, the term has been so contaminated with hegemonic interests that we should either abandon it altogether

¹ On controversy surrounding the description of the Las Vegas case, see the following report on popular reaction and the legal background on the BBC News: <https://www.bbc.co.uk/news/world-us-canada-41483943>.

or only use it in quotation marks'. Putting the language of terrorism at arm's length, varieties of 'critical terrorism studies' distance themselves from such intrusions of power into scholarship by limiting analysis to 'meticulous reconstructions of existing discourses' and to criticizing the ways in which the term is enlisted as an instrument for political purposes (Thaler 2018, 10).

Drawing on the genealogical research of Helen Kinsella (2011) and Verena Erlenbusch-Anderson (2018) and on rhetorical analysis of the use of the term (Finlay 2009), Thaler seeks a via media of 'sober realism' that avoids the extremes of a 'politics of naming' that assumes that 'all acts of labelling serve the pursuit of hegemonic interests' and a moralistic philosophical discourse that achieves definitional clarity but at the expense of wholly de-contextualizing and depoliticizing the language of debate (Thaler 2018, 3-12, 117-56). Rightly, he argues that a moral language that includes the term 'terrorism' along with other contested names like violence and genocide can still serve the purposes of moral inquiry and guidance as long as its meaning is recognized as contingent and we pay careful attention to genealogy and context.

3. Rival Accounts of what terrorism *is*

Philosophers have tried to offer a reasoned basis for settling the underlying terminological ambiguities. If they succeeded, it might at least equip informed observers of these debates to make and defend principled judgements and interventions. But philosophers too are divided. In reviewing some of the most prominent positions taken, I'll try to set out how successive accounts can be used to try and address problems arising in their predecessors, though this shouldn't be taken to reflect in all cases a chronological sequence by which different views have been published.

It is useful to start with 'status-based' accounts because these latch onto a simple and quite common assumption in popular thinking. This is the belief that violence is prohibited outside a recognized state of war and, even in war, for agents not authorized by states to take up arms. In this respect, it is a view predicated on Max Weber's idea that the state is the monopolist of the *legitimate* means of violence (even if not always of de facto violence). In his account of the principles of just war theory, for instance, A J Coates argues that non-state actors resorting to armed force fall foul of the criterion of 'legitimate authority.' In its classic formulations – e.g. in the seminal account offered by Thomas Aquinas – a just war must meet the requirements of *jus ad bellum*, the principles governing just resort to war. The three most important of these are just cause, right intention, and right or legitimate authority. The first principle requires them to act in this way only when faced with a prior wrong of the right sort, one which requires war as a remedy. The second demands that actors fight for the right motives. And the third reflects the view that only those actors with a special kind of public authority are entitled to judge when to initiate war and only these can take responsibility for war in such a way as to render killing by soldiers morally and legally

legitimate. On the assumption that the right sort of authority is only likely to occur in the form of a government acting under the aegis of an established state, non-state parties have a natural normative disadvantage. Coates's view is that, however they might describe themselves, whether as revolutionaries, legitimate resistance, or national liberation movements, non-state groups that take up arms generally lack political legitimacy. Rather than having been authorized by those on whose behalf they often claim to act, they are self-appointed. With groups like the Provisional Irish Republican Army during the Northern Irish Troubles or the Red Army Faction when it attacked various targets in Germany during the 1970s, this is the distinctive wrong, the thing that makes them 'terrorists' rather than simply murderers or arsonists or criminals of some other sort. They resort to war and create a condition not unlike war but without the authority necessary to justify so acting (whatever else might be said about their claims about justification, e.g. in terms of just cause or intention) (Coates 1997; see also McPherson 2007; for criticisms, see Steinhoff 2007 and Fabre 2008).

One problem with the status-based view, however, is that it is, in principle, overly inclusive (Coady 2004). The possibility that non-state forces might sometimes be required in order to help people overthrow unjust forms of rule is widely accepted by a range of mainstream political views. This is reflected in, among other things, the memorialization of violent uprisings in various states and their inclusion as seminal 'heroic' moments in national narratives. Nationalists in Ireland commemorate the 1916 'Easter Rising,' for instance, as well as the War of Independence, 1919-21, while citizens of a variety of different political stripes in the US commemorate winning independence from British rule by means of armed revolt during the American War of Independence. French citizens, of course, still identify closely with one phase or another of the 'great' revolution (whether as liberals with 1789 or as radical republicans or socialists with later moments). And just as France honours the Resistance to German occupation during World War II, many states commemorate armed revolt against colonial rule by European states, especially since the middle of the twentieth century. The possibility, in fact, of a legitimate war against foreign rule is reflected in the definition of 'international armed conflict' set out in Additional Protocol I to the Geneva Conventions (1977), which attributes combatant privileges to fighters attached to movements seeking to defeat colonial rule, alien occupation, and racist regimes.

So if all non-state organizations resorting to arms even against violently oppressive regimes are 'terrorist'; and if 'terrorist' is one of the most powerful terms of opprobrium available to us for condemning wrongful non-state violence; then status-based definition proves unhelpful and unattractive. If we wish to uphold *both* the status-based definition *and* the belief that armed resistance and revolution are sometimes morally justifiable, then we are forced to conclude that not all terrorism is morally evil. This will turn out to be because the characteristic 'wrong' of terrorism isn't, in fact, a wrong. Violence by non-state parties is only wrongful *if* it meets other conditions. Wrongfulness must therefore be at least partly to do with these other conditions and not the direct result of non-state status per se.

A second possibility for redefining terrorism reverts once again to the just war tradition, this time appealing to a principle of 'just cause' rather than 'legitimate authority.' Call this approach an 'ends-based' definition. It is implicit in Yasser Arafat's speech to the UN General Assembly in November 1974. Arafat insisted that the Palestine Liberation Organization was, in fact, the legitimate representative of its people. But what rescued it from accusations of terrorism made by its enemies wasn't this claim about its status; it was the fact that its violence was directed towards securing a 'just cause.' His 'revolutionary' movement couldn't reasonably be denounced as 'terrorist' since it fought against colonial domination and oppression. In this regard, it was just like the Americans who fought in the eighteenth century against imperial rule, the European resistance fighters who took on the Nazis, and the anti-colonial movements in Algeria and elsewhere after World War II. To denounce one as terrorist was to denounce them all. Instead, Arafat argued, the term 'terrorist' should be directed against the colonists themselves: it is those who use violence to create and uphold oppression who ought to be called terrorists (Finlay 2009, 758-9).

Once again, we have an approach to defining terrorism and identifying its distinctiveness that latches onto something important. Lethal force used for anything other than defeating equally great injustices ought to be condemned; still more should we condemn it if it used to uphold further wrongful violence and oppression. But as an implied definition of terrorism, an ends-based approach is likely to prove even worse than a status-based view, since it will be both over-inclusive *and* under-inclusive. If fighting for an unjust cause is the trigger for using the word 'terrorist,' then any state that engages in unjust war will qualify. So not only will it be accused of international aggression, for instance; the very same wrong will also be characterized as 'terrorist.' This seems redundant. On the other hand, any party using violence in any form, on such a view, would be exempt from the accusation of terrorism as long as it had a just cause. It is just possible that a belligerent that used *excessive* force could be accused of terrorism on this definition, if excessive means unnecessary: any harms inflicted beyond what was needed would not serve a just cause. But a belligerent that used force indiscriminately could evade the charge, provided it caused no more harm quantitatively than was necessary.

Ironically, Alan Dershowitz was able to capitalise on the perplexities caused by the sort of move that Arafat attempted when he argued for a flat rejection of pleas to differentiate between terrorist and non-terrorist non-state political violence in practical politics. Writing in the immediate aftermath of 9/11, he argued that, yes, just cause is likely to be the decisive criterion, distinguishing rightful non-state violence from wrongful terrorism, but such questions are always open to contention: reasonable people can disagree about which sides have just cause. In which case, if we do genuinely need to galvanise the democracies in starving true terrorists of political and economic oxygen, as he thinks we must, then we ought to simplify matters: any non-state group resorting to organized violence ought to be treated as if terrorist and excluded from dialogue until it forswears the use of force (Dershowitz 2002, 9).

Either way, trying to define terrorism and specify its distinctive wrong exclusively with reference to its ends fails and leaves us with work still to do. In light of this, there are two further possibilities, either of which might be used on its own or synthesized with a definition saying something about status or the ends of force. The first focuses on the tactics of terrorists, their specific *means* of employing violence, and argues that this is what is both normatively and materially distinctive about the phenomenon. Terrorists, it is sometimes argued, are generally killers. If they are also non-state actors fighting against established states and governments, then it is likely that their killings will be illegal. And if we think their violence is illegitimate or unjustified, then we are likely to view it as morally wrongful. In which case, the *specific* wrongfulness of terrorism cannot be either its violent nature or its murderousness: murder, as Robert Goodin (2006) argues, is a crime that's already on the statute books everywhere. So perhaps it is best to take a cue from the word itself: 'terrorism' is surely centrally about terror. If terrorist acts generally aim not only to kill, maim, and destroy, but also to cause terror, then perhaps this is what makes it distinctive. If so, then we'd know who the terrorists are, what it is about their acts that make them wrongful, and why it is that terrorism is impermissible.

Philosophers of the morality of war frequently cite variants on a cluster of related deontological distinctions central to non-consequentialist ethics. These include the doctrine of double effect, which distinguishes between intentional and merely foreseeable harms that might arise from a chosen action and a distinction between what's sometimes called 'eliminative' and 'opportunistic' harming (Quinn 1989). Whereas killing someone posing a threat inflicts a purely eliminative harm that they may have made themselves liable to. By contrast, terrorist attacks that take advantage of the existence and vulnerability of one group of (innocent) people and that harm them in order to affect the emotions experienced by another set of people are exemplary cases of opportunistic harming. Moreover, the fear they intentionally inflict on the second set of people might itself be an opportunistic harm if it is intended to provoke them into, say, pressurizing their government into changing its policies.

Ethicists emphasize the exploitative nature of this way of harming, stressing how it distinguishes the wrongfulness of many classic terrorist attacks (and regimes of terror) from (eliminative) murder. But as a basis for definition, focusing on 'terror' as such faces some problems. One of these, highlighted by Jeremy Waldron, is that the psychological state that terrorists can credibly aim at isn't in any distinctive sense one of 'terror.' To be distinctive, terrorist attacks presumably need to aim at something more acute than mere fear: fear is created and utilized across a range of activities that we presumably wouldn't wish to denounce as terrorism, from threatening detentions to forgetful or tardy school kids, to imposing fines or jail sentences on citizens for failures to pay tax. Waldron argues that a truly distinctive sort of fear corresponding to 'terror' is likely to occur in only a subset of the cases we might wish to characterize as terrorist, those that threaten to destroy people's

agency rather merely attempting to influence it through coercion (Waldron 2010). An additional, major problem for this approach is the fact that terrorists frequently concentrate on creating reactions *other* than fear. The attacks on the World Trade Centre in 2001, for instance, seem likely to have been directed at a global audience of Muslims whom their architects hoped to inspire. And insofar as it sought to create a reaction amongst Americans, it is likely to have been one of anger, vengefulness, and hubris: like the events portrayed in Gillo Pontecorvo's film, *The Battle of Algiers* (1966), terrorists sometimes intentionally provoke their enemies into overreacting. In the anticipated sequence of events, fear plays a relatively insignificant role.

The problems facing status, ends, and terror-based definitions indirectly lend credence to a fourth, widely followed account: this defines terrorism and identifies its specific wrong by its targets. An object-based account typically incorporates some of the other, non-moral features of terrorism – its political goals, for instance, regardless of whether or not they are just – but specifies the distinctive characteristic as the deliberate use of violence against people who should not be targets. How the category of illegitimate targets is defined can vary, with different wider effects on the theories that can be built around it. The candidates are non-combatants, civilians, innocent non-combatants, innocent civilians, or simply 'the innocent.' There isn't space to work through these five categories systematically, but the sort of implications they might have can be seen if you consider in each case the category of targets excluded (Coady 2004; Finlay 2009; McMahan 2009).

4. Problems with a Target-Based Definition

Some problems with this approach remain, however. First, if violations of discrimination are 'terrorism' and if 'terrorism' is the central word in our normative vocabulary, then this implies that all other acts of violence are non-terrorist. This raises an important question: against whom can violence be directed *discriminately*, and under what circumstances? Are all soldiers 'legitimate targets' of discriminate force? Or is the relevant category 'security forces'? Robert Goodin alludes to this problem when he argues that just war definitions of terrorism emphasizing indiscriminate targeting are implicitly permissive of 'cop-killing' (2006, 15-16). If the term 'terrorism' is appropriate only in those cases when violence is directed towards those who aren't members of the security forces, he suggests, then a consequence could be that the killings British Army soldiers during the Troubles in Northern Ireland or, to take a more recent example, the murder of Lee Rigby by ISIS-inspired attackers in London, 2013, would enjoy the enhanced legitimacy that comes with not being describable as 'terrorist' attacks. To avoid this consequence, we seem to need something else here.

One way of addressing this is by arguing that terrorism is defined by *both* the *jus in bello* and legitimate status, but not by the status of being (or not being) a 'state.' The question is how a non-state group can satisfy conditions necessary for it to be able to mimic the state's

ability to privilege its fighters as ‘combatants’ and to legitimise their violence. Terrorism, on this view, occurs where a group attacks civilians, regardless of its status, but it also occurs if a group that lacks the political legitimacy needed to authorize its members to fight as combatants nevertheless sends them out to attack soldiers. So ‘terrorism,’ on this account, can include attacks on civilians *and* attacks on armed forces. On the other hand, it is possible to avoid, on this view, designating any and all non-state groups ‘terrorist’ since it leaves open a normative space within which to recognize some cases as non-terrorist where they are judged to be both legitimate and discriminate.

Critical terrorism studies scholars, among others, argue that the tendency to use ‘terrorist’ as a term to characterize non-state groups and their actions specifically reinforces a bias inherent in public discourse that helps mask the illegitimate violence of states. One way to correct this is to insist that the accusation be levelled equally at state forces that violate discrimination and not just non-state forces. However, there is one further way in which a normative approach to the concept of terrorism can be more beneficial to states. The legal *jus in bello* (and perhaps an account of the morality of *jus in bello*) permits the *collateral* killing of civilians. And in some conflicts between law-abiding state forces and law-breaking non-state forces, the numbers of civilians killed by the former may greatly exceed those killed by the latter. Consider, for instance, the series of recognized, open ‘wars’ between the Israel Defence (and Air) Forces and Hamas in Gaza. Whether Israeli forces adhered as strictly to the demands of international law as their defenders claim is a matter of controversy. So too is the precise breakdown of civilian versus military casualties among Gazans who died in successive outbreaks of violence. But regardless of which side is right on either question, it is highly likely that the IAF killed far more civilians *legally* than Hamas terrorism killed *illegally*. Sometimes a comparison of costs between conventional military violence and non-state civilian-targeted ‘terrorism’ has led theorists to the conclusion that we ought to be less hard on terrorists, at least relatively (McPherson 2007). Some even consider revising the definition of the term to eliminate its negative moral connotations in recognition of the facts in cases of this kind (Held 2008).

I’m inclined to think this move to be problematic since it undermines the ability to point directly towards something that ought to be challenged in the behaviour of armed actors, whether state or non-state, viz. violence intentionally targeting the innocent. Nevertheless, these facts do have important normative implications. First, they suggest that, at the very least, critically reflective responses to state-versus-non-state conflicts shouldn’t be too quick to accept a decision about which side (if any) was ‘terrorist’ as an answer to the question of who was in the wrong and to what extent. It is likely that in many cases there will be significant wrongs on both sides and observers ought to pay very close attention to the perhaps unintended but certainly foreseeable *legal* killings as well as to intended and illegal killings. Second, it suggests that critical observers ought to be attentive to the danger that international law may be used against its own purposes, e.g. if military commanders carry out actions with high rates of collateral damage, not because it’s unavoidable, but

because it might have a deterrent or punitive effect (Gross 2010, 156). And third, it raises the question asked by Maja Zehfuss about whether, in fact, International Humanitarian Law doesn't contribute to a complaisance about the use of armed force that causes more deaths than the prohibitions of *in bello* discrimination and proportionality can sensibly be said to have prevented (Zehfuss 2018).

5. Problems for International Politics and Foreign Policy

The distinctions we might make between terrorist and non-terrorist violence have a clear bearing on two issues for international theory in cases like Syria, namely, on the one hand, the possibility of identifying partners to assist through international interventions and, on the other, the ethical problems posed by security threats arising from terrorist organizations like ISIS with its commitment to international militancy and to the foreign export of violence.

In the absence of unified guidance from international law, the problem of making careful moral and political distinctions between terrorists and other violent actors internationally has gained new practical importance for democratic powers in the wake of the Arab Spring. States considering possible international intervention in the civil wars in Libya and especially Syria have tried to make discriminating distinctions among rebels forces. But such is the complexity of these cases that the utility of 'terrorist' as a term that could bundle the criteria needed to discriminate between factions is doubtful. Allowing this term to structure debate about the normative questions it raised – about whether to encourage negotiation with the regime or support rebels in seeking victory and about which rebels to arm or otherwise assist – presented the risk of playing into the hands of a regime that sought to characterize the rebellion as a whole as terrorist (even to the point of releasing imprisoned Islamist militants early in the conflict to try and encourage radicalization). A more promising line of inquiry, therefore, for scholars seeking to inform a critical approach is to turn attention away from the wrong sorts of non-state violence and to theorize more explicitly about the other side of the coin. What does non-terrorist, non-state political violence look like? In what circumstances is it permissible for citizens in a state to take up arms against their rulers (or occupiers) and, where this occurs, what forms might armed struggle against oppressive governments legitimately take?

Recent work on the ethics of revolutionary war and guerrilla struggle grapple with these questions (Finlay 2015, 2017b; Gross 2015). Relatedly, an eye on foreign policy for democratic states indicates the need to ask whether and when they might consider offering assistance to rebels (Buchanan 2013; Pattison 2015; Finlay 2007, 2017b; Renzo 2018, 2019). And finally, the enormous complexity of making discriminating judgements in a context like Syria highlights a question that has recurred for philosophers repeatedly over the decades since World War II, which is whether and, if so, in what circumstances it might even be permissible for non-state (or even state) forces to resort to terrorist methods, on one

definition or another (Walzer 1977; Held 2008; Finlay 2015). And this, in turn, complicates the picture for those considering assistance to rebel forces, given the likelihood that they might feel compelled to resort to morally questionable means (as Buchanan 2013 argues).

Recent philosophical analysis drawing on the work of ‘revisionists’ (classically, McMahan 2009; Fabre 2012; Frowe 2014) suggests that just war theory has sufficient philosophical resources within it to be able to provide a theory of permissible violence for the purposes of armed resistance against oppression. Revisionist analysis pursues the logic of individual rights to more radically cosmopolitan conclusions than ‘traditionalists’ like Michael Walzer and is more amenable to recognizing moral possibilities for non-state actors (cf. Walzer 1977). But work in this form will benefit from relatively friendly challenges from theorists drawing on critical theory (Iser 2017; Thaler 2018) as well as from engagement with more thoroughgoing criticism from sceptics (e.g. Zehfuss 2018).

Just war theory and the wider ethics of political violence that has grown up around it have also been enlisted to grapple with the ethical dilemmas faced by democratic leaders and security officials confronted with terrorist threats. Symbolic of the wider debate on these matters, the question of whether torture could be justifiable on the parts of officials faced with the dilemma posed by a ‘ticking bomb terrorist’ has attracted much attention both from just war theorists like Jean Bethke Elshtain (2004) and Jeff McMahan (2008; 2019) and lawyers such as Alan Dershowitz (2002). Their more permissive views have posed a problem for theorists who recognize the central importance of the ban on torture as something that must be upheld in order to maintain effective taboo that is central to liberal ethics and, crucially, to international law (Waldron 2010; Thaler 2018). Since the Obama administration and with the advent of increasingly sophisticated armed ‘unmanned aerial vehicles’ (UAVs or ‘drones’), targeted killing has become the most prominent counter-terrorist practice with important implications for international theory and ethics. In spite of its close association in the public mind with US responses to al Qaeda and ISIS, the current among ethicists, international lawyers, and other theorists goes right back to the first five years of the present millennium when Israeli security agencies targeted leading militants in the West Bank and Gaza (Gross 2003; Statman 2004; Luban 2012; Finkelstein et al 2012).

At present, an area in which innovations seem likely to pose new challenges to the use of just war theory as a framework for addressing the implications of terrorism for international theory is information warfare and cyberattacks. These have a bearing on the question of terrorism in an era when not only states but also non-state actors are increasingly found to exploit vulnerabilities in state, corporate, and private computer systems and networks. Are attacks on cyber infrastructure acts of violence? Is cyber-attack a form of ‘warfare’? We speak of ‘cyber war,’ but are we using the word war literally or metaphorically (Finlay 2018)? Given the extent to which spheres of life have come to be adapted around or colonized by the internet (from banking to hairdryers, and from health care to news media),

the prospect for inflicting or suffering major damage by means other than ‘armed kinetic attack’ have increased enormously. If groups that might have used car bombs in earlier decades now prefer to train their recruits in the arts of hacking and computer-virus development, does this get them off the hook so far as naming terrorism and so far as armed combat with terrorism are concerned? But the innovations we see shouldn’t be allowed to distract from some continuities and similarities. Although terrorist groups in Nigeria, Kenya, and elsewhere, might be tempted to cash in on ISIS celebrity by claiming its mandate and affiliating themselves, in many ways they are continuing to inflict fear and bloodshed along with political disorder and instability in ways that recall actors from earlier conflicts.

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