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CAN TERRORISM BE MORALLY JUSTIFIED?

J. Angelo Corlett

INTRODUCTION

It is disappointing that much of what has been written which purports to deal with terrorism ends up not pertaining to terrorism at all, but only to particular forms of violent activity—either state¹ or individual. Perhaps this is due at least in part to writers not devoting sufficient attention to the exploration of the definitional conditions of terrorism. For example, in Leon Trotsky's work, *Terrorism and Communism*,² "terrorism" is not defined, nor is terrorist activity contrasted with other significant forms of violence such as revolution, assassination, etc.³ Although Trotsky argues that the communist revolution does not "logically" require the revolutionaries' employment of terrorism, it does require that any means necessary are to be used to secure revolutionary power, even by terrorism.⁴ Terrorism, for Trotsky, is a form of justified violence⁵ when it is a matter of self-defense⁶ and is an act of intimidation⁷ by revolutionary forces against an oppressive state:

If human life in general is sacred and inviolable, we must deny ourselves not only the use of terror, not only war, but also revolution itself. . . . As long as human labor power, and, consequently, life itself, remain articles of sale and purchase, of exploitation and robbery, the principle of the "sacredness of human life" remains a shameful lie, uttered with the object of keeping the oppressed slaves in their chains.

. . . To make the individual sacred we must destroy the social order which crucifies him. And this problem can only be solved by blood and iron.⁸

This is as close to a definition of "terrorism" as Trotsky comes, though this lack of precision should not surprise one since Trotsky penned it on a military train during civil war—hardly ideal conditions for a record of his considered judgments on such a volatile issue! Although there seems to be no textual evidence to suggest that Karl Marx ever endorsed terrorism, there is also a lack of such evidence that he rejected it *tout court*.

Some writers seem to write of terrorism in a confusing or ambiguous way due at least in part to their failure to become attentive to the problem of carefully defining "terrorism." Others, however, sneak into the very definition of "terrorism" that which (by the lights of most) would clearly condemn any instance of terrorism, morally speaking.

My task in this paper is to explore some philosophical conceptions of terrorism and work toward what I think is the best working definition of "terrorism." I do this in light of the fact that Walter Laqueur asserts that "no definition of terrorism can possibly cover all the varieties of terrorism that have appeared throughout history."⁹ However, this is a strange claim since we must have an adequate definition of the term to begin with to know whether or not a proposed definition of the term includes all species of terrorism in history! With this sort of reasoning it is no wonder that Laqueur claims (at the *outset* of his book) that it is a "hopeless undertaking" to provide a "general theory" of political terrorism.¹⁰ Despite Laqueur's unfounded pessimism regarding a theory of terrorism, I shall undertake to set forth a philosophical foundation of a theory of terrorism by: (a) providing a working philosophical definition of "terrorism," (b) providing moral justificatory conditions for the employment of terrorist activity, and (c) stating the possible role of terrorism in society. Finally, I assess some important philosophical objections to any view of terrorism which argues that terrorism is sometimes morally justified. By "morally justified" and its cognates, I mean "morally permitted or warranted." I mean that the weight of moral reasons in favor of the employment of terrorism at a given time and in a given circumstance outweighs the moral reasons against the use of terrorism at that time and in that circumstance. I assume (among other things) that there exist objectively valid moral rules discoverable by human reason, and that there is no absolute moral obligation to obey the law.

THE NATURE OF TERRORISM

It is crucial to separate three important philosophical problems about terrorism.¹¹ The first is the problem of the *nature* of terrorism. The second concerns the *moral justification* of terrorism. The third concerns the possible *justified role* of terrorism. Some philosophers confuse these problems in their respective attempts to discuss terrorism. They do not see that the nature of terrorism and what makes it morally justified (or not) are different matters. For example, C. A. J. Coady writes,

What is the lesson of this digression for our discussion of terrorism and revolutionary violence? Surely this, that we should continue to make a distinction between two broad types of revolutionary violence, that which is directed at what would be legitimate targets if the revolution were justified and that which is directed at non-combatants. We should reserve the term "terrorism" only for the latter and it can be unequivocally condemned.¹²

It is unsurprising, then, that such thinkers do not even consider the possible (positive) role of terrorism. For on their accounts, terrorism essentially involves harming innocent persons. As Igor Primoratz states, "targeting of the innocent is the essential trait of terrorism, both conceptually and morally."¹³ Yet this targeting of the innocent violates the fundamental moral intuition that innocent persons ought not be targets or victims of violent physical attack.¹⁴ How, then, can it be morally justified?¹⁵ What possible role can terrorism have in society besides a negative one?

Furthermore, some philosophers, such as Virginia Held, recognize that there is a problem of building a "judgment of immorality or nonjustifiability into the definition of terrorism,"¹⁶ but they themselves, like Held, turn around and violate this caution. For instance, just prior to her noting that Michael Walzer argues that "every act of terrorism is a wrongful act,"¹⁷ and prior to her warning that "some of those who define terrorism as the intentional harming of noncombatants conclude that therefore, either by definition or not, terrorism is always wrong,"¹⁸ Held herself argues (however tentatively) that "when either the intention to spread fear or the intention to harm noncombatants is primary, this is sufficient [to turn political violence into terrorism']"¹⁹ Logically speaking, however, this means that any political activity which has as one of its primary intentions to harm noncombatants is a species of terrorism. Why is not this conception of terrorism morally arbitrary? Why is it not sufficient that terrorist activity be that political activity which primarily either intends to cause fear in a targeted population and/or intends to harm *combatants* or noncombatants? Has not Held violated the point about the importance of separating the problem of the nature of terrorism from the question of its moral justification? It is not enough for the philosopher to merely recognize the importance of this distinction; she must also abide by it consistently when discussing terrorism. If not, the result is most likely that of conceptual confusion.

Terrorism has been understood in a variety of ways:

- (a) "A political act, ordinarily committed by an organized group, which involves the intentional killing or other severe harming of non-combatants or the threat of the same or intentional severe damage to the property of non-combatants or the threat of the same."²⁰
- (b) "The expression of disdain for the institutions of civil society in general and, specifically, for the goal of limiting the practice of violence."²¹
- (c) "A political action or sequence of actions. . . . to inspire the 'target' population with terror, by means of random acts of violence. . . ."²²
- (d) A terrifying act which is used to coerce with the threat of great harm of one or more persons if the threat is not heeded.²³

The difficulty with these conceptions of terrorism is that they unwarrantedly sneak into the construal of terrorism (by implication or more directly)

a feature which is obviously (by the lights of most) either morally problematic or unjustified. "Harming of non-combatants" in (a), "disdain, . . . for . . . limiting . . . violence" in (b), "random acts of violence" in (c), and the vagueness of the referent of "persons" in (d) [as well as the fact that (d) does not recognize that property may be a terrorist target] each write into the definition of "terrorism" or the conception of terrorism the idea of either adversely or unjustifiably affecting innocent persons (understood to be non-legitimate targets). It is no wonder that most philosophers who have written on this topic do not believe terrorism can be morally justified.

Perhaps some philosophers construe terrorism as necessarily harming or threatening terrorist harm to noncombatants or innocents out of a conviction that terrorism results from motives or reasons which do not take seriously the idea that innocents should not be harmed whenever possible. But even if terrorism is unconcerned with the harming of innocent persons, it hardly follows from this supposition that terrorism *must be* directed at innocents. Indeed, most terrorist activity, whether morally justified or not, is aimed at a perceived wrongdoer or group of wrongdoers. In this way, terrorism contains, or may plausibly be argued to contain, an essential element which would seek to *avoid* innocents as targets. The very plausibility of construing some terrorists as acting out of certain motives against those who are perceived as guilty of significant wrongdoing, then, suggests that terrorism by nature need not entail the targeting of innocents.

An understanding of terrorism is needed which captures all or most of the essential features of it while not begging the question against the moral justification of terrorism. Consider the definition of "terrorism" offered by Burleigh T. Wilkins:

- (e) "Terrorism is the attempt to achieve political, social, economic, or religious change by the actual or threatened use of violence against persons or property; the violence employed in terrorism is aimed partly at destabilizing the existing political or social order, but mainly at publicizing the goals or cause espoused by the terrorists; often, though not always, terrorism is aimed at provoking extreme counter-measures which will win public support for the terrorists and their cause, . . ." ²⁴

Not only does Wilkins' definition serve as a corrective to (a)-(d), it also improves upon the attempts by Annette Baier and Held (respectively) to clarify the nature of terrorism. Among other things, Baier says, terrorism "endangers human life" by "violent or coercive action," that it is done "publicly," and "randomly."²⁵ Held argues that, among other things, "violence seems an inherent characteristic of terrorism."²⁶ And Alan Ryan states that terrorism is distinguished by two factors: it uses methods of violence which deprive its victims of the power of a graduated, rational response, and it expresses the unwillingness of terrorists to abide by any restraints.²⁷ But surely Wilkins' definition of "terrorism" best captures

what is essential to terrorism: it need not be violent, but pose only a threat of violence. Nor must it target the innocent (“non-combatants,” “non-legitimate targets,” etc.) or those undeserving of harm through the random acts of violence. Nor must terrorism be unrestrained, as the madness of an uncontrolled animal. Surely the terrorist may be one who seeks to negotiate with the primary targets of terrorism, providing politicians and legal authorities the opportunity to reason with the terrorists toward a fair and equitable solution to the problem which, presumably, led to the perceived need for terrorism in the first place. If Gregory S. Kavka is correct, then self-defense may sometimes justify (morally speaking) the taking and holding of hostages by terrorists.²⁸ But this in no way shows unrestraint by the terrorist. Nor does it demonstrate an unwillingness to permit a graduated, rational response by the victims of terrorism. Wilkins’ definition of “terrorism” is one of the few by a philosopher of which I am aware which does not in some significant way beg the moral question against the practice of terrorism. Thus it is a good philosophical propaedeutic.

However, Wilkins’ understanding of terrorism is lacking in the following respects. First, it assumes, with his use of the locution “publicizing the goals or cause espoused by the terrorists,” that terrorists espouse a certain political, social, economic, or religious view which fuels the terrorist act against a certain powerful group. Although this truly describes many terrorists, other terrorists can be “hired” to perform an act which a certain group is either unwilling or unable (for whatever reasons) to commit. In such cases it is the oppressed members of the *group* who espouse certain goals, have certain causes, etc., not the terrorist herself. Second, Wilkins’ definition does not account for the possibility that terrorism may have as its aim to *prevent* change, as in the case where state terrorism is used to squelch an uprising by citizens.²⁹ The former South African government comes to mind here. Whether or not such an act is morally justified, it is important to include this sort of act in the definition of “terrorism.” Moreover, non-state terrorism may also seek to prevent change, such as when a group of citizens uses terrorism to keep the status quo on a certain matter, even though the rest of the country seeks a drastic change. In such cases, terrorism might be used to try to influence the majority to have things *remain* as they are.

But (e) can be modified to accommodate my concerns:

- (e’) Terrorism is the attempt to achieve (*or prevent*) political, social, economic, or religious change by the actual or threatened use of violence against other persons or other persons’ property; the violence (or threat thereof) employed in terrorism is aimed partly at destabilizing the existing political or social order, but mainly at publicizing the goals or cause espoused by the terrorists *or by those on whose behalf the terrorists act*; often, though not always, terrorism is aimed at provoking extreme counter-measures which will win public support for the terrorists and their cause, . . .

I offer (e') as a working definition of "terrorism."³⁰ It is what G. Wallace refers to as a "neutral" definition of "terrorism," one which rests on the possibility of separating questions about the nature of terrorism from questions about its morality."³¹ Although it may not capture all sorts of terrorist acts, it captures most, and it evades the several problems of definition which plague the above-mentioned construals of terrorism. It assumes that terrorism requires (at the very least) a subject, an object, and an audience. (e') also remains consistent with the idea that many acts of terrorism involve some element of surprise from the standpoint of the targets of terrorism.

Under (e') would fall events such as the one which took place at the 1972 Olympic Games in Munich, where certain Palestinians held hostage and killed some members of the Israeli Olympic Team. Clearly there was a political cause which was made public, and the Palestinians involved had in mind, at least as a partial goal, the destabilization of Israeli rule in what these Palestinians deemed as land belonging to Palestinians. There are, of course many other historical examples of what would count as terrorist activity under (e'). But let us turn to other important questions about terrorism.

THE QUESTION OF MORAL JUSTIFICATION

As one philosopher notes, "political violence, like violence generally, is in need of very special justification indeed."³² Can terrorism, understood in terms of (e'), be morally justified? In posing this question it is crucial to point out that I am *not* asking whether or not *every* act or event which satisfies the description in (e') is morally justified. On the contrary, I am asking whether or not *some* such acts or events may be morally justified.

The arguments against the moral justification of terrorism are many. Carl Wellman has argued that terrorism is *prima facie* unjustified (morally speaking) because it: (i) is harmful; (ii) uses terror; (iii) unduly harms the innocent; (iv) is necessarily coercive; and (v) infringes rights.³³ However, (i) may be neutralized to the extent that terrorism significantly harms only those who deserve it (minimizing harm to innocent persons). Moreover, terrorism's resulting in harm (or potential harm) cannot in itself render terrorism morally problematic. Terrorism is morally problematic to the extent that it targets or results in the harming of innocents. But simply that it is a means of harming (or threatening harm to) others is insufficient reason to render it morally dubious. Otherwise, punishment would be morally unjustified in that it brings harm to wrongdoers. (ii) is neutralized to the extent that, as Wellman himself states, "the concept of terror that defines terrorism is that of 'great fear, dread or anxiety' where the greatness

of the fear or dread is measured either by the intensity of the emotion felt or by the magnitude of the harm feared.”³⁴ But surely this sort of terror cannot be what makes terrorism even *prima facie* morally unjustified, that is, unless one is willing to concede that the great fear, dread or anxiety many segregationists in the American South felt in the face of civil disobedience is what renders civil disobedience *prima facie* morally unjustified. Wellman might argue that such civil disobedience was in fact *prima facie* morally unjustified. However, in light of the strong intuition that segregationism was morally wrong, coupled with the arguments *against* there being even a *prima facie* moral obligation to obey the law,³⁵ it would seem that Wellman would have the burden of argument in demonstrating that the civil disobedience to segregationism was even *prima facie* morally unjustified. Lacking such argumentation, it would appear both that civil disobedience to segregationism created terror in the minds of many segregationists and that such civil disobedience was *prima facie* morally justified. If this is true, then the mere fact that terrorism employs terror or the threat thereof is hardly sufficient reason to render it *prima facie* morally unjustified. (iii) does not clearly count against the use of terrorism in that it is neither obvious who the legitimate targets of terrorism are nor that terrorism must always inflict violence or the threat thereof on truly innocent parties. I shall return to this point later. (iv) does not serve as a reason why the use of terrorism is *prima facie* unjustified because even civil disobedience is sometimes coercive. In his “Letter from Birmingham Jail,” Martin Luther King, Jr. argues that power is never simply given from the oppressor to the oppressed; such power must be forced from the hand of the oppressor (however nonviolently). To argue, as Wellman does, that terrorism is *prima facie* unjustified because it is coercive would be to imply that other forms of coercion, such as civil disobedience, are unjustified. Or, Wellman owes us an argument as to why terrorist coercion is a special case and requires condemnation on moral grounds. (v) cannot serve as a reason why terrorism is *prima facie* wrong in that terrorism against one who presumably deserves it is not an unwarranted infringement of *that* person’s right to be treated as a human being.³⁶ For Wellman to push this point he would seem to have to challenge the claim that retributive justice itself violates the Kantian dictum that persons should be treated *as* human beings. As Kant himself states, when an individual or group violates the rights of others, retribution is required.³⁷ Terrorism might be the retributive means (or one such means) by which to inflict justice on such persons. Thus that terrorism infringes rights is not clearly a sufficient reason to condemn it (as Wellman does).

Wellman’s reasoning aside, there are other arguments that might be proffered against terrorism’s moral justification. R. M. Hare poses a consequentialist objection to terrorism: it is not very likely to be in the

greatest interest of all those affected by its employment.³⁸ There are a number of problems with Hare's consequentialist position on terrorism and its possible justification.³⁹ One which has yet to be articulated is that Hare's consequentialist view of terrorism does not consider the possibility that some circumstance might indeed yield a greater net balance of good for society by the use of terrorism than if terrorism is not employed. Of the use of terrorism, Hare writes that

the question is, though, whether such particular cases are *likely* to be encountered in the world as it is, and whether, therefore, the world in general is such that the principles of the terrorist have a higher acceptance-utility than those which most of us embrace.⁴⁰

But this surely is *not* "the question." The normative question, morally speaking, is whether or not terrorism can ever be morally justified. All that is needed is some hypothetical case which satisfies the conditions sufficient for morally justified terrorism, whether or not any actual case (to date) has satisfied such conditions. After all, some future instances of terrorism can be morally justified even if no actual instance of it (to date) is morally justified.⁴¹

What would such an analysis of justified terrorism look like? Let us begin with Wilkins' analysis of morally justified terrorism. One is morally justified, on his view, in engaging in terrorist activity when:

- (1) one is defending oneself;
- (2) one is selective whenever possible; and
- (3) one directs terrorist activity only against those guilty of injustice.⁴²

However, there are weaknesses in Wilkins' view [(1)-(3)] of what might morally justify an act of terrorism. Although, contrary to Primoratz,⁴³ terrorism's moral justification requires (among other things) that it is a means of self-defense in some cases, (1) is problematic since terrorism might be justifiably employed by those *defending others*. Certainly if terrorism is justified at all it is justified in cases where an oppressed group which cannot defend itself asks for another group to aid through terrorist activity. (2) and (3) seem plausible, as stated. However, there remain other difficulties with Wilkins' analysis. First, in general, terrorism should not be engaged in until other means of change have been attempted in good faith (though, I might add, such means need not be exhausted). I use the locution, "in general" because there may be circumstances in which the immediate use of "militancy" is justified, as John Rawls admits in his discussion of civil disobedience in *A Theory of Justice*. Second, terrorist activity should be *well-planned* so that it is more likely than not to satisfy its goal(s) (revolution, freedom, prosperity, etc.), and so that

harm to innocent or illegitimate targets is minimized. Third, the use of terrorism should be *generalizable*. That is, if it is morally justified for someone or some group to employ terrorism of a certain kind and a given time and in a certain circumstance, then it is morally justified for anyone else in relevantly similar circumstances to employ similar terrorist acts.

In light of the above considerations, then, I offer the following analysis of morally justified terrorism: A moral agent, *S*, is morally justified in employing terrorism, *T*, in a certain circumstance, *C*, and at a given time, *t₁*, to the extent that:

- (1') *S*, being innocent, is defending herself or another innocent or group of innocents in the face of a significant form of injustice in *C* at *t₁*, and concerning which injustice *S* [or the one(s) defended by *S*] are innocent;
- (2') *S* is as conscientiously selective as possible in her choice of terrorist targets in *C* at *t₁-t_n*;
- (3') In *C* at *t₁*, *S* directs terrorist activity only against those clearly guilty of committing acts of significant injustice;⁴⁴
- (4) If time and circumstance permit, *S* attempts other normal means of political, social, economic, or religious change in good faith;
- (5) *S* plans *T* so as to best achieve the cessation of the conditions of injustice which might justify the use of *T* in the first place; and
- (6) It is morally justified for others in relevantly similar circumstances to engage in *T*.

But what does it mean to say that a terrorist is as “conscientiously selective as possible”? At the very least, it means that she must not intend harm to either innocents or non-combatants [which is implied in (3')].⁴⁵ However, the sincerity of her intent might require, at least in some circumstances, that she run some significant risk of harm to herself in her trying to avoid harming such persons. After all, if (1') is satisfied in the sense that the terrorist is defending others (innocents) against injustice, then at least some of the innocents are those for whom the terrorist is “fighting.” In at least some circumstances, this means that the terrorist will need to consider and use a lesser caliber weapon so as not to endanger innocent persons. Detonating a powerful explosive in the U.S. Capitol building during business hours would endanger many innocent persons, whereas posing a terrorist threat of violence to certain individuals in specific offices within that building, perhaps by holding them as hostages and at gunpoint, would be a less harmful form of terrorism. Note that the latter form of terrorism poses a more dangerous situation for the terrorist herself, while it clearly poses a less severe risk of harm to innocent persons.⁴⁶

Another important question is, of course, whether or not these conditions are ever jointly satisfied in a given case. Hare seems to think not.

For (1')-(6) require the terrorist to be a rational agent, considerate of the moral innocence of some in the midst of the evil of others in the world. But Hare insists that:

Of course most terrorists are not as clear thinking as is required in order to engage in the sort of argument we have been having. They have an extremely selective view of the facts; they do not pay much attention to the facts on which we have been relying, such as the suffering they are inflicting on others, and the rather dubious and over-optimistic nature of their own predictions. They give play to particular emotions to an extent which makes them incapable of logical thought. The philosopher cannot say anything that will help further an argument with such people; for he can only reason, and they will not.⁴⁷

Is Hare correct in his estimation of the terrorist? Is the terrorist "incapable of logical thought," as Hare states? Are terrorists unwilling to engage in rational thought?

While one might be tempted to brush aside Hare's words about terrorists as Hare's unwillingness to treat the moral problem of terrorism in an analytical and non-affective manner, his statements might be taken seriously in order to grasp a different portrait of the terrorist. Alternatively, Hare's description might be seen as a challenge to terrorists to indeed satisfy the justificatory conditions of terrorism whenever terrorism is used.

Be this as it may, terrorists often and typically do show a significant degree of certain kinds of rationality.⁴⁸ Often, if not nearly always, terrorists are reacting to a perceived injustice with the experienced retributivist emotions or reactive attitudes (such as hatred, anger, resentment, etc.). Surely this is one sign of rationality. Another sign of rationality is that the terrorist knows to publicize the act of terrorism in order for terrorism to have some chance of becoming effective. Yet another sign is that the terrorist often purposefully chooses arenas in which terrorism is to some extent catastrophic: airports, large public squares, etc. If the terrorist is incapable of logical thought, as Hare avers, then few or none of these sorts of choices would be made by the terrorist. Instead, the terrorist would choose the countryside as an arena, with no humans to witness the spectacle! Indeed, there is some rationality and "logic" to terrorism, whether or not a particular instance of it is morally justified. As Primoratz correctly argues, "the terrorist does not strike blindly and pointlessly, left and right, but rather plans his actions carefully, weighing his options and trying for the course of action that will best promote his objective at the lowest cost to himself."⁴⁹ This description of the terrorist is, notably, consistent with condition (5) of my analysis of morally justified terrorism.

It is crucial to see that my analysis of justified terrorism also differs from Wilkins' concerning justified targets of terrorism. Wilkins believes that collectives of certain kinds can be vicariously and morally liable for

harms such that they might be justified targets of terrorism.⁵⁰ He bases his view on Joel Feinberg's notion of collective responsibility (where liability is not distributive, but collective).⁵¹

But there are some problems with Wilkins' proposal. First, Feinberg's analysis of collective responsibility concerns, on Feinberg's own admission, *legal* liability only, not collective moral responsibility. For what counts as collective legal responsibility (in a liability sense) does not always count as a case of collective moral responsibility (in a liability sense), and vice versa. Second, Feinberg has since recanted his view on the matter of collective liability where there is no individual or distributive liability.⁵² For as I have argued elsewhere,⁵³ Feinberg's example of a random collective's being collectively liable for a harm (inflicted on it by the Jesse James gang of thieves) is problematic in a number of ways. One problem with it is that it confuses a causal sense of responsibility with a liability sense of the same. Just because those in the random collective could have acted differently in changing the outcome of the Jesse James train robbery does not mean they are, collectively or individually, morally responsible (in a liability sense) for not acting. There is a crucial difference between causal and liability responsibility. Moreover, to act in a way which would make it liability responsible for the harm the group would have had to be a decision-making entity. But it is a random collective (by stipulation), and random collectives do not make decisions. So how can a random collective be guilty of anything when guilt can be the result only of a choosing or deciding agent? To the extent that Wilkins' view is contingent on Feinberg's earlier notion of collective (but not distributive) responsibility, it is problematic.

Was the terrorism at the 1972 Olympic Games in Munich morally justified? Even if we assume, for the sake of argument, that the Palestinian terrorists in Munich satisfied (1')-(2'), and (4)-(6) and that Palestinians have been significantly wronged by Israel, it seems that the terrorist activity in question fails to satisfy (3'). For those terrorists harmed certain Israeli *athletes* who represented Israel at the Olympic Games. But it is far from obvious that the athletes are genuinely and significantly deserving of becoming the targets of terrorism. It is doubtful that the Israeli athletes had very much, if anything, to do with the sorts of political decisions which led to or sustained the "Palestinian Problem." The athletes, then, were secondary targets of terrorism. Yet secondary targets are not to be treated by terrorists, *if they are justifiable targets at all*, in the same ways that primary targets might be justifiably treated in a given case.⁵⁴ Thus it is doubtful that the terrorism at the 1972 Olympic Games was morally justified. More precisely, the degree to which that instance of terrorism is morally justified is significantly mitigated in light of the terrorists using secondary targets in a violent way. To the extent that the Israeli athletes were

innocent noncombatants in regards to any wrongs committed against Palestinians by Israel, the athletes were not the legitimate targets of terrorism.

However, it is not far-fetched to imagine a terrorist group the members of which satisfy conditions (1')-(6). It is possible to imagine a group of conscientious, politically, socially, economically and religiously sensitive persons who themselves have for years engaged in various forms of nonviolent protest in good faith, but who have found their oppressors to be unmoved and unconcerned. Further, it is easy to imagine this group carefully planning and executing a terrorist plan against those in power (officials) or their property, an act which is distinct from assassination (the actual killing of such officials for mainly political reasons). And it is not far-fetched at all to imagine such terrorists doing all they can to minimize harm to non-legitimate targets of terrorism. What is so distinct about the terrorist that she cannot, like the revolutionary (at times), distinguish between legitimate and non-legitimate targets? Even some assassins, as we read in Albert Camus' play "The Just Assassins," are capable and willing to forego their deeds of violence when innocent parties such as small children are endangered. Camus has one such person utter, "Even in destruction, there's a right way and a wrong way—and there are limits."⁵⁵ Perhaps terrorists hijack some aircraft transporting only officials who are clearly responsible (in a liability sense) for significant injustice, demanding rectification, retribution, etc. Surely this sort of act, if generalizable, is morally justified. Surely, moreover, it is a terrorist act. Thus we have an imaginable case where terrorism is morally justified. Perhaps if we look beyond the media reports of terrorism, we might begin to see that at least some acts or events are in some significant measure morally justified.

Does it follow from the supposition that terrorism is sometimes morally justified that there is in such cases a moral *right* to employ terrorism? A moral right,⁵⁶ if it does exist, is conferred on a rightholder by objectively valid moral rules or the principles of an enlightened conscience.⁵⁷ Moreover, such a right is correlated with the moral duty of others to not interfere with the exercise or enjoyment of such a moral right by the rightholder. Such a right has both a subject (the rightholder) and an object (those for whom noninterference with the rightholder is a duty). A moral right is a valid moral claim.

Is there a moral right to use terrorism? Certainly an individual or group may have a moral *choice* to and/or an *interest* in doing so. For example, a group may have a moral choice or freedom to preserve itself from unwanted intrusion or oppression, even if it means that violence is needed as a means of self-defense. Or, it might have an interest in doing so. But a moral right is not a mere choice and/or a mere interest; it is a *valid* moral claim, i.e., a *legitimate* moral choice and/or a *legitimate* moral interest which binds other parties to a moral duty to not interfere with the use of terrorism under

such circumstances. Is there an objectively valid moral rule which might ground the moral freedom to or moral interest in terrorism?

Wilkins might argue that, under some circumstances, the terrorists' claim that violent self defense by way of terrorism is grounded to the extent that (1)-(3) of his analysis are satisfied. Of course, I argue that terrorism is morally justified to the extent that (1')-(6) are satisfied. However, the moral justification of an act or event of terrorism is not in itself sufficient to ground a putative moral right to use terrorism as a means to social, political, economic or religious change. Indeed, one can be morally justified in engaging in terrorist activity, yet lack a moral right to do so. This holds in such cases where there is a genuine and unresolvable conflict of moral claims between the terrorists and their foes. Where such a moral conflict of claims is not resolvable, there exists no moral right between the parties in regards to the use of terrorism.

THE POSSIBLE ROLE OF TERRORISM

This brings us to the possible role of terrorism. What might the possible role of terrorism be? Of course, when (if) terrorism is not morally justified, its role is unclear. But morally justified instances of terrorism, when or if they do obtain, have the role of helping victims of significant forms of injustice to revolt against their oppressors, thereby enabling the group to establish or re-establish itself as a free and equal society. Indeed, terrorism may serve the same purpose as Rawls says civil disobedience serves in a nearly just democratic society: it can maintain and strengthen just institutions. The difference, most would hold, is that terrorism utilizes violence or the threat thereof, while civil disobedience does not. This may surprise some in that a violent or potentially violent activity is seen as having a possibly positive role in a democratic society. But perhaps this is partly because some find it difficult to accept that violence does not *always* beget violence only, but sometimes peace, solidarity, democracy and justice.

OBJECTIONS AND REPLIES

Thus far I have considered some of the conceptions of terrorism and proposed assessments of its moral justifiedness. I have also set forth an analysis of morally justified terrorism. But it is incumbent on me to defend my analyses against at least two general lines of moral objections to it. One concerns the neutral definition of "terrorism" [(e')]. The other focuses on the analysis of morally justified terrorism [(1')-(6)]. I will now consider some objections to my analyses of the nature and moral justification of terrorism.

AN OBJECTION TO THE NEUTRAL DEFINITION OF "TERRORISM"

Wallace argues that a neutral definition of "terrorism" faces a basic problem of there being a rarity of self-declared terrorists: "Might not the explanation be that the moral wrongness *is* written into the concept and that to admit to terrorism is to repudiate those deeds?"⁵⁸

However, there might well be a better explanation for a terrorist's unwillingness to admit to or declare her actions than Wallace's suggestion that "moral wrongness *is* written into" the very concept of terrorism. For such a declaration by the terrorist would bring sure retaliation, and punishment if caught. Why should the terrorist believe that her targets are in a moral position to judge her actions? Thus it need not be the case that a terrorist's not declaring her actions implies the moral wrongness of her terroristic deeds, contrary to Wallace.

It might also be objected that I have been unfair in my assessment of those conceptions of terrorism which include violence to innocents as an essential feature of terrorism. For instance, Primoratz understands terrorism as "the deliberate use of violence, or threat of its use, against innocent people, with the aim of intimidating them, or other people, into a course of action they otherwise would not take."⁵⁹ Furthermore, he insists that his construal is "morally neutral," "not a definitional *fiat* that begs the moral question at issue . . . it does not make the moral condemnation analytically true, or the question about its moral standing a self-answering one."⁶⁰

But I have already explained how a terrorist might, by satisfying conditions (1')-(6), be morally justified in employing terrorism. Yet nothing in the definitional (e') or justificatory (1')-(6) conditions of terrorism logically requires the harming of innocents by terrorists. Certainly if, as Primoratz himself admits, terrorists can and do plan their actions carefully to achieve their objectives, then why cannot such planning and care be taken in the selection of terrorist targets? As I have argued, to the extent that the terrorist accomplishes this aim, she is morally justified in her terrorism, other things being equal. It is simply question-begging to write into the definition of "terrorism" the harming of innocents. For the terrorist might target only primary targets, who on Primoratz's own admission might not be innocent.⁶¹ So as long as it is possible for a terrorist to select only primary targets who are *not* innocent, then the claim that terrorism is morally wrong because it harms the innocent is incorrect.

THE NON-CONSEQUENTIALIST OBJECTION TO TERRORISM⁶²

As noted earlier, Wellman objects that terrorism is *prima facie* unjustified because it violates the right of others to be treated as humans. But let us modify this objection to say that terrorism is morally unjustified

because it infringes rights which are inviolable, such as the right to be treated as a human being, i.e., the right to not be treated (violently) as a mere means to an end. Is this objection sound? To argue that terrorism is morally unjustified because it violates some such right is to beg the moral question against the use of terrorism. For it must be shown, by independent argument, that at least two things are true. First, it must be shown that there exist moral rights which are in fact inviolable (such as the right to be treated as a human being, etc.). Second, it must be shown that terrorism *necessarily* infringes such rights.

But what is so special about terrorism such that the harm it inflicts on others is morally prohibitive? Is it not true, as Camus writes, that “freedom can be a prison, so long as a single man on earth is kept in bondage”? And if those who unduly keep others in bondage become the victims of terrorism (at least partly as a matter of retribution), what moral *right* have they which might bind *anyone* to a moral duty to not infringe their claim to remain *unharm*ed? Is it not true that a criminal’s claim to not be harmed (in certain ways) is sometimes or to some extent invalid insofar as the criminal justice system, having found the person guilty through a procedure of due process, takes pains to punish her? How is it, then, that an oppressor has a right not to be terrorized, especially by those whom he has abused? How much weaker is the oppressor’s claim to not be a victim of terrorism when that oppressor has already victimized others by way of terrorism? Is a state which unjustifiably inflicts terrorism on its citizens entitled, as a matter of moral right, to protection from non-state terrorists who engage in terrorism according to (1’)-(6), above? I think not. There are some instances where terrorism is morally justified, where terrorism overrides another’s claim to be treated as a human being. For there is no absolute, non-conflictible, inviolable moral right to be treated as a human being.

Thus it seems that there is no inviolable or absolute and non-conflictible moral right to not become a victim of terrorist action, unless, of course, one is truly innocent of harming the terrorist and/or her property, or someone on whose behalf the terrorist chooses to act. The only ones who are truly morally exempt from the horrors of terrorism are the morally innocent, or nonlegitimate targets. The morally guilty enjoy no such luxury.

THE CONSEQUENTIALIST OBJECTION TO TERRORISM⁶³

Kai Nielsen sets forth the consequentialist objection to the use of terrorism:

Thus we are not justified in rejecting political assassinations and terroristic activity out of hand simply because they involve violence for sometimes a

resort to violence is justified; but, generally speaking, they are not justified because they are ineffective and are very likely to enhance the oppression of the oppressed classes in the society in whose name they are carried out.⁶⁴

However, as Wilkins so eloquently argues,

from a strictly consequentialist point of view it would seem that where human suffering is concerned the additional suffering caused by terrorism might be but a drop in the bucket, a drop which would seem justifiable if there were any chance at all that it might alleviate the wider human suffering to which it is a reaction.⁶⁵

Thus it is far from obvious that the actual or prospective or foreseeable results of terrorism can never outweigh the prospective benefits of a subgroup of significantly and continually oppressed individuals, especially where (1')-(6) are satisfied.

This does not mean, however, that consequentialist considerations do not figure into the moral justificatory status of a terrorist act. It simply means that the above sort of consequentialist objection to the use of terrorism cannot rightly serve as a general defeater to the use of terrorism under conditions (1')-(6). That is, the terrorist, in seeking to satisfy (1')-(6), should consider the likely results of her action for herself and others. For such a consideration might very well play a role in deciding to what extent terrorism ought to be utilized in a given circumstance.

So neither of these objections to my positions on the definition, justification and possible role of terrorism is telling. What counts as terrorism must be considered in light of (e'), and the possible moral justification of terrorism must be debated in terms of (1')-(6), above. Confusion about terrorism's moral status often results from not distinguishing these two problems: the problem of definition, and the problem of justification.

CONCLUSION

I have provided a working definition of "terrorism," set forth the conditions under which it is morally justified, and stated the possible role of justified terrorism. I have not claimed that any specific case of terrorism is justified. Rather, I have set forth the foundations of how we might begin to judge terrorist activity, morally speaking. My estimation is that more terrorist acts than those who condemn it out of hand think are morally justified, and fewer instances of terrorism than terrorists think are morally warranted, though both reason and history must help us to assess this claim.⁶⁶

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NOTES

1. For an interesting and informative discussion of state terrorism, see Jonathan Glover, "State Terrorism," in R. G. Frey and Christopher Morris, Editors, *Violence, Terrorism, and Justice* (Cambridge: Cambridge University Press, 1991), pp. 256-75.

2. Leon Trotsky, *Terrorism and Communism: A Reply to Karl Kautsky* (Ann Arbor: University of Michigan Press, 1961). This work was originally published in the United States as *Dictatorship vs. Democracy* and in Great Britain as *The Defence of Terrorism*.

3. Even though Trotsky, in his 1935 Preface to the Second English Edition, admits that it was the Editor's idea to include "terrorism" in the book's title, and that Trotsky's own concern is "not at all the defence of 'terrorism' as such," it leads to much confusion when he devotes an entire chapter to terrorism without either defining it or providing its justification (moral or otherwise).

4. Trotsky, p. 58; Walter Laqueur, *Terrorism* (Boston: Little, Brown and Company, 1977), pp. 67-68.

5. Trotsky, pp. 58-59.

6. Trotsky, p. 62.

7. Trotsky, p. 58.

8. Trotsky, pp. 62-63.

9. Laqueur, p. 7.

10. Laqueur, p. 6.

11. There is some recognition that the questions of the definition of "terrorism" and its justification need to be considered separately. For example, Virginia Held states that the definitional question is often confused with the matter of the *legal* justification of terrorism as a practice of political change [Virginia Held, "Terrorism, Rights, and Political Goals," in R. G. Frey and Christopher Morris, Editors, *Violence, Terrorism, and Justice* (Cambridge: Cambridge University Press, 1991), p. 59]. But this is not the same as pointing to the conflating of the questions of the definition of "terrorism" and its *moral* justification, as I argue. Moreover, R. G. Frey and Christopher Morris recognize that there exist two such separate questions, but they state that "they are hard to separate" (Frey and Morris, p. 1). They do not, however, *insist* that the two questions be separated as a matter of analyzing terrorism, as I do. Finally, Terrence L. Moore argues that if we construe "terrorism" as by definition immoral, then inevitable disagreements about the morality of terrorism will surely lead to disagreements about what in fact terrorism amounts to [Terrence L. Moore, "The Nature and Evaluation of Terrorism," Ph.D. dissertation, University of Pittsburgh, 1987, p. 59]. My point, of course, is not simply that sneaking the harming of non-combatants or innocents into the definition of "terrorism" leads to further disagreements in discussing terrorism, but that doing so *begs the moral question* against terrorism. This point is recognized by G. Wallace. However, while Wallace attempts to avoid the problem of conflating the nature and justification of terrorism by "doing without a formal definition of terrorism," [G. Wallace, "Terrorism and the Argument From Analogy," *International Journal of Moral and Social Issues*, vol. 6 (1991), p. 150], I set forth and explicate a definition of "terrorism" in distinguishing the questions of the nature, moral justification, and possible role of terrorism.

12. Coady, p. 65.

13. Igor Primoratz, "What is Terrorism?" *Journal of Applied Philosophy*, vol. 7 (1990), p. 133. It is noteworthy that in his critique of Primoratz's definition of "terrorism," Walter Sinnott-Armstrong does not challenge Primoratz's idea that targeting the

innocent is essential to terrorism [Walter Sinnott-Armstrong, "On Primoratz's Definition of Terrorism," *Journal of Applied Philosophy*, vol. 8 (1991), pp. 115-20]. For another critique of Primoratz's definition of "terrorism," see Tony Dardis, "Primoratz on Terrorism," *Journal of Applied Philosophy*, vol. 9 (1992), pp. 93-97.

14. Michael Walzer, *Just and Unjust Wars* (Harmondsworth: Penguin Books, 1980), p. 145.

15. Another position against the moral justification of terrorism is articulated in Haig Khatchadourian, "Terrorism and Morality," *Journal of Applied Philosophy*, vol. 5 (1988). It is noteworthy, however, that even if intentionally harming innocent persons turns out to be essential to terrorism, it is not obvious that terrorism would always be morally unjustified, as is argued in Gerry Wallace, "Area Bombing, Terrorism and the Death of Innocents," *Journal of Applied Philosophy*, vol. 6 (1989), pp. 3-15.

16. Held, p. 65. Also see Virginia Held, "Violence, Terrorism, and Moral Inquiry," *The Monist*, vol. 67 (1984), p. 619.

17. Michael Walzer, "Terrorism: A Critique of Excuses," in Steven Luper-Foy, Editor, *Problems of International Justice: Philosophical Essays* (Boulder: Westview Press, 1988), p. 238; Held, p. 65.

18. Held, p. 67. Held has in mind Coady's argument here.

19. Held, p. 65.

20. C. A. J. Coady, "The Morality of Terrorism," *Philosophy*, vol. 60 (1985), p. 52. Another of those who seeks to conflate the two questions of the definition of "terrorism" and the moral justification of terrorism is Martin Hughes, "Terrorism and National Security," *Philosophy*, vol. 57 (1982), p. 5.

21. Loren Lomasky, "The Political Significance of Terrorism," in R. G. Frey and Christopher Morris, Editors, *Violence, Terrorism, and Justice* (Cambridge: Cambridge University Press, 1991), pp. 100, 104.

22. Jan Narveson, "Terrorism and Morality," in R. G. Frey and Christopher Morris, Editors, *Violence, Terrorism, and Justice* (Cambridge: Cambridge University Press, 1991), p. 119.

23. Carl Wellman, "On Terrorism Itself," in Joe P. White, Editor, *Assent/Dissent* (Dubuque: Kendall/Hunt Publishing Company, 1984), pp. 254-55.

24. Burleigh Taylor Wilkins, *Terrorism and Collective Responsibility* (London: Routledge, 1992), 6. Coady agrees that one of the distinctive points of terrorism is to destabilize social relations (Coady, p. 53). However, Coady sees this as a matter of the sociology of terrorism, rather than as a point about the definition of "terrorism."

25. Annette Baier, "Violent Demonstrations," in R. G. Frey and Christopher Morris, Editors, *Violence, Terrorism, and Justice* (Cambridge: Cambridge University Press, 1991), pp. 33-37.

26. Held, p. 60.

27. Alan Ryan, "State and Private: Red and White," in R. G. Frey and Christopher Morris, Editors, *Violence, Terrorism, and Justice* (Cambridge: Cambridge University Press, 1991), pp. 230-55; Frey, R. G. and Christopher Morris. "Violence, Terrorism, and Justice," in R. G. Frey and Christopher Morris, Editors, *Violence, Terrorism, and Justice* (Cambridge: Cambridge University Press, 1991), p. 15.

28. Gregory S. Kavka, "Nuclear Hostages," in R. G. Frey and Christopher Morris, Editors, *Violence, Terrorism, and Justice* (Cambridge: Cambridge University Press, 1991), pp. 276-95.

29. Gordon Graham argues that “terrorists are enemies of the established state” and are “aimed against the state” [Gordon Graham, “Terrorism and Freedom Fighters,” *Philosophy and Social Action*, vol. 11 (1985), p. 46]. However, as Bat-Ami Bar On states concerning the etymology of “terrorism,”

‘terrorism’ as a negative term was coined in 1795 by the French Directory to refer specifically to the repressive measures practiced by Robespierre’s government. It was later used to describe the activities of nineteenth-century clandestine oppositional groups in Russia. Not surprisingly, because these groups were considered revolutionary, ‘terrorism’ retained its negative connotations in the dictionaries of the time even though these groups were different from the French revolutionaries, and their ends differed also [Bat-Ami Bar On, “Why Terrorism is Morally Problematic,” in Claudia Card, Editor, *Feminist Ethics* (Lawrence: University of Kansas Press, 1991), pp. 109-10].

30. Compare this definition of “terrorism” to Jenny Teichman’s:

Terrorism consists of violent actions carried out for political or other social purposes, including some large-scale mercenary purposes, by individuals or groups, having an aim which might be good or bad, but carried out by means of either or both of the following: 1, attacks on innocent or neutral or randomly chosen people, or 2, using means which involve atrocities, e.g., torture, cruel killings, or mutilation of the living or the dead, committed against randomly or non-randomly chosen people who may be innocent or not [Jenny Teichman, “How to Define Terrorism,” *Philosophy*, vol. 64 (1989), pp. 513].

Note that Teichman’s definition, unlike (e’), does not count certain *threats* of violence as terrorism. Nor does her definition allow for one party to commit an act of terrorism on behalf of another. Finally, Teichman’s definition does not allow that property can be used as an object of terrorism to address a person or set of persons as the primary target of terrorism. On Teichman’s definition of “terrorism,” then, if a political group secured a quite valuable artifact of a government (perhaps some “top-secret” documents, “national treasures,” etc.), threatening to destroy it unless that government released certain political prisoners all of whom constitute a third party to this act, this act would *not* be a terrorist one. Whether or not this sort of action is in the end effective, there is little question that Teichman’s definition has failed to capture some important features of the nature of terrorism.

Nonetheless, (e’) shares the following commonalities with Teichman’s definition of “terrorism.” First, both are what Teichman refers to as “narrow stipulative definitions” of “terrorism.” Secondly, (e’) and Teichman’s definition agree that one “ought not to begin by *defining* terrorism as a bad thing” (Teichman, p. 507).

31. G. Wallace, “The Language of Terrorism,” *International Journal of Moral and Social Issues*, vol. 8 (1993), p. 125.

32. Kai Nielsen, “Political Violence and Ideological Mystification,” *Journal of Social Philosophy*, vol. 13 (1982), p. 25.

33. Wellman, “On Terrorism Itself,” pp. 254-55.

34. Wellman, “On Terrorism Itself,” p. 253.

35. Joel Feinberg, “Civil Disobedience in the Modern World,” *Humanities in Society*, vol. 2 (1979), pp. 37-68; Richard Wasserstrom, “The Obligation to Obey the Law,” *UCLA Law Review*, vol. 10 (1963).

36. Elsewhere Wellman minimizes the strength of the moral rights objection to

terrorism because of related considerations. See Carl Wellman, "Terrorism and Moral Rights," in John Howie, Editor, *Ethical Principles and Practice* (Carbondale: Southern Illinois University Press, 1987), pp. 128-53.

37. Immanuel Kant, *The Metaphysical Elements of Justice*, John Ladd, Translator (London: Macmillan, 1965); Jeffrie G. Murphy, "Does Kant Have a Theory of Punishment?" *Columbia Law Review*, vol. 87 (1987), pp. 510-32; "Kant's Theory of Criminal Punishment," in Jeffrie G. Murphy, Editor, *Retribution, Justice and Therapy: Essays in the Philosophy of Law* (Dordrecht: D. Reidel, 1979), pp. 82-92; *Kant's Philosophy of Right* (New York: St. Martin's, 1970); J. Angelo Corlett, "Foundations of a Kantian Theory of Punishment," *The Southern Journal of Philosophy*, vol. 31 (1993), pp. 263-83.

38. R. M. Hare, "On Terrorism," in Joe. P. White, Editor, *Assent/Dissent* (Dubuque: Kendall/Hunt Publishing Company, 1984), 247f. An alternative consequentialist analysis of the moral status of terrorism is found in Stephen T. Davis, "Is Terrorism Ever Morally Justified?" in *Terrorism, Justice and Social Values*, C. Peden and Y. Hudson, Editors (Leviston: The Edwin Mellen Press, 1990), pp. 385-90.

39. Wilkins, pp. 33-41.

40. Hare, p. 248.

41. The analysis of morally justified terrorism provided in this section is not set forth as an analysis of certain historical cases of morally justified terrorism. One difficulty with either defending or condemning particular historical instances of terrorism is the media's biases in presenting the "facts" of a given terrorist act or event. Much of what counts as news reports on terrorism amounts to little more than propaganda and is of little use to philosophers in their attempts to judge the moral status of such terrorist actions. Few, if any, reports of terrorism will attempt to provide information about the possibility that the action or event was a response to significant injustice, or that the terrorists were conscientious in selecting targets, and so forth. In light of these factors, then, the following analysis is set forth and defended as one pertaining to the *possibility* of morally justified terrorism. Its significance lies in the fact that it stands as a challenge to what Wallace calls "non-neutral" definitions of "terrorism," ones which "either assert or recommend that moral wrongness is built into the definition of terrorism" (Wallace, "The Language of Terrorism," p. 127).

42. Wilkins, p. 7. Wilkins admits that he is offering a partial analysis of morally justified terrorism.

43. "Terrorism is different, both conceptually and morally, from violence employed in self-defense" (Primoratz, p. 133).

44. This condition renders implausible the objection that, according to (1')-(6), war qualifies as terrorism. However, terrorism may be an "act of war."

45. This point is directed at Michael Walzer's concern that the employment of terrorism is unjustifiable in that it fails to distinguish between combatants and noncombatants [Walzer, *Just and Unjust Wars*].

46. Although Robert Young's defense of the use of terrorism is, like mine, based for the most part on the "just war" tradition, our respective accounts differ in significant respects. First, I do not require that terrorism's moral justification be a tactic of final resort, as Young's account does. Nor does my view make use of an economic analysis of terrorism as Young's does. Finally, my analysis of morally justified terrorism is far more dependent on the notion of a terrorist's *not* harming innocents than is Young's [Robert Young, "Revolutionary Terrorism, Crime, and Morality," *Social Theory and Practice*, vol. 4 (1977), pp. 287-302].

47. Hare, 249. For a similar view of terrorism, see Paul Wilkinson, *Terrorism and the Liberal State*, Second Edition (New York: NYU Press, 1986), p. 56, where "terrorism" is defined as "the systematic use of murder and destruction, and the threat of murder and destruction, to terrorise individuals, groups, communities or governments into conceding to the terrorists' political aims. . . . terroristic violence is characterized by its indiscriminateness, inhumanity, arbitrariness and barbarity."

48. For an alternative account of the rationality of terrorism, see Robert Holmes, "Terrorism and Violence: A Moral Perspective," in *Issues in War and Peace: Philosophical Inquiries*, J. C. Kunkel and K. H. Klein, Editors (Wolfeboro: Longwood, 1989), p. 116.

49. Primoratz, p. 130. Also see Jenny Teichman, "How to Define Terrorism," *Philosophy*, vol. 64 (1989), p. 510: "Modern terrorism is not necessarily arbitrary in its choice of victims." Perhaps the modern terrorist's (sometimes) choice of specific victims is yet another sign of her sometimes rational behavior.

50. Wilkins, Chapter 7.

51. Joel Feinberg, *Doing and Deserving* (Princeton: Princeton University Press, 1970), p. 249.

52. Feinberg has made this point to me in private on more than one occasion in 1992.

53. See "The Problem of Collective Moral Responsibility" (forthcoming).

54. The helpful distinction between primary and secondary targets of terrorism is made by Wellman. A *primary target* of terrorism is the person who is or is perceived to be the main political addressee of the terrorist activity, while a *secondary target* is a person or thing which is used as a means to address the primary target. See Wellman, "On Terrorism Itself."

55. Albert Camus, "The Just Assassins," in *Caligula & Three Other Plays*, Translated by Stuart Gilbert (New York: Alfred A. Knopf, 1958), p. 258. That terrorists can and do discriminate between possible targets is discussed in Che Guevara, *Bolivian Diary*, translated by Carlos P. Hansen and Andrew Sinclair (London: Jonathan Cape/Lorrimier, 1968); and Walzer, *Just and Unjust Wars*, p. 199.

56. Moral rights are sometimes referred to as "natural" or "human" rights. They are, unlike legal rights, non-conventional in nature. They are grounded in human reason quite independently of conventional norms [See Carl Wellman, *A Theory of Rights* (Totowa: Rowman & Littlefield Publishers, Inc., 1985)].

57. Joel Feinberg, *Social Philosophy* (Englewood Cliffs: Prentice-Hall, 1970); *Rights, Justice, and the Bounds of Liberty* (Princeton: Princeton University Press, 1980); *Freedom and Fulfillment: Philosophical Essays* (Princeton: Princeton University Press, 1992).

58. Wallace, "The Language of Terrorism," p. 126.

59. Primoratz, pp. 129, 135.

60. Primoratz, p. 136.

61. Primoratz, p. 131.

62. As noted earlier, Wellman is the philosopher who brings this concern to the fore (Wellman, "On Terrorism Itself," pp. 156-60).

63. For especially enlightening treatments of this sort of objection, see the critique of the respective consequentialist views of Hare, Kai Nielsen, and Ted Honderich in Wilkins, Chapter 2; Held, pp. 70f.; and Frey and Morris.

64. Kai Nielsen, "On Terrorism and Political Assassination," in Joe P. White, Editor,

Assent/Dissent (Dubuque: Kendall/Hunt Publishing Company, 1984), p. 312.

65. Wilkins, p. 48.

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