State Terrorism

Discussions of terrorism have always to deal with two questions: "what is it?" and "is it ever or always wrong?" Hence, discussions on state terrorism should deal with those questions as well. This article will attempt to link an operative definition of terrorism with state violence, and apply the same concepts and moral parameters that philosophers maintain for their moral evaluation of terrorism, to the use of violence by the state.

First, then, what is terrorism? Definitions of terrorism are nearly as numerous and varied as are the writers of them. The United States alone has four official definitions of terrorism: Defense Department, FBI, State Department, and U.S. Code. The United Nations does not have an official definition, but maintains an "academic consensus" conception of terrorism. Philosophers are no different, with a plethora of definitions of terrorism themselves. But since it is impossible to discuss state terrorism without defining "terrorism," it will facilitate the inquiry to take the common elements of the various definitions of terrorism and apply them to the state. Thus, if we examine the U.S., U.N., and various philosophical definitions, we find that there seems to be a general consensus that terrorism is the organized use of violence against noncombatants in a conflict, for a political end. It is a definition generally shared by C.A.J. Coady, Igor Primoratz, and Michael Walzer, among others, although it is by no means a universally-agreed upon definition (see Virginia Held, 1991, and Alison Jaggar 2005 for substantive dissenting views on this definition). We will take as our definition of state terrorism, then, a direct attack on noncombatants for a political purpose by a given state.

Second, is state terrorism always morally unjustifiable? Here again, there is a general consensus that states may respond to terrorist attacks with violence provided that they respect the principles of discrimination/noncombatant immunity and proportionality—i.e. the same principles as the *jus in bello* formulation of Just War theory advocates (e.g. Walzer, Coady, Primoratz, and Thomas Pogge). Even here, however, there is no unanimity of position: some philosophers, such as Alison Jaggar ("What is Terrorism…?" p. 219) and Igor Primoratz (in SEP, p. 17; "State Terrorism," p. 117-118) see some forms of non-state terrorism to be less morally culpable than state terrorism while simultaneously holding state terrorism to be morally unjustifiable, while other philosophers, such as Thomas Pogge and C.A.J. Coady, reject all terrorism as morally objectionable (hence, presumably, state terrorism). Further still, Michael Walzer permits state terrorism under conditions of the supreme emergency for the state, provided stringent moral conditions are set: "if saving civilian lives means risking soliders' lives, the risk must be accepted" (*Just and Unjust Wars*, p. 156), for Coady, the supreme emergency defense of state terrorism undervalues the depth of the principle of discrimination and consequently invites abuse of the principle ("Terrorism, Just War and Supreme Emergency," pgs. 18-19).

Nevertheless, it may be said that there is a clear connection between assessing state terrorism and the principles of the Just War tradition. But can state terrorism be assessed simply by a state's violation of the principles of the Just War tradition? Is the violation, for example, of noncombatant immunity in war the same as state terrorism? Douglas Lackey seems to hold to a

very close connection between state terrorism and the violation of Just War principles. For example, when he discusses U.S. nuclear deterrence strategy, he states that "the vast majority of [the nuclear attacks] planned, would involve great numbers of civilian casualties according to the Ratio of Damage argument… [and] would be terrorist attacks" (2004, p. 135). But C.A.J. Coady seems to keep them as separate but overlapping principles. Discrimination, for instance, is to be used both in assessing state terrorism and in assessing the conduct of a war by the state 2002, p. 18-19).

Much of the literature on state terrorism since 9/11 has been directed toward U.S. actions regarding terrorists and other nations. Significant attention has been paid to the two U.S. declarations of a "war on terrorism," one under President Reagan and the other under President George W. Bush. Primoratz, for example, argues that the new U.S. war on terrorism is not state terrorism, because the war (e.g. in Afghanistan) does not deliberately attack civilians. However, he immediately and critically nuances that evaluation by stating that there are both serious concerns regarding the proportionality of civilian deaths to terrorist deaths in U.S. bombing raids, and also that there must be clearer attention paid to the proviso Walzer proffers that the harm to civilians must be deliberately reduced, including accepting more risk to "life and limb of our own soldiers" (1977, p. 124). In contradistinction to that position, Douglas Lackey offers a detailed evolution of how U.S. foreign policy became progressively a state terrorist one, from WWII city bombings to U.S. nuclear strategy, while Noam Chomsky regularly catalogues the clear cases of U.S. state terrorism across the globe (2003).

When bringing the question of state terrorism to the level of global justice, one might engage in an analysis of the institution of the state itself and its moral legitimacy. The work of Noam Chomsky in regard to state terrorism certainly takes this approach. As might be expected given his political commitments (see "Chomsky, Noam"), Chomsky focuses on specific state-sponsored violent actions against other peoples, and finds the United States to be the leading sponsor and activist in state terrorism (1991; 2002). The basic principle of justice Chomsky uses is the criterion of universality, or, as Kant refers to it, reversibility. Using that measure, Chomsky begins his analysis of state terrorism by stipulating two forms of such analysis: literal or propagandistic (see "Propaganda"). He opts for the literal approach, by which one settles on a general definition, seeks instances of it, and then attempts to determine causes and remedies for it. What he finds by such analysis is that the United States is a primary source of state terrorism on the world stage, and it engages in acts of state terrorism due to its primary concerns to further the interests of the corporate elites of the U.S. (1988; 1992).

In a related analysis, if one adopts the cosmopolitan view of a Rawlsian position, such as Charles Beitz or Thomas Pogge, one might well be tempted to reject state terrorism on the grounds of the moral arbitrariness of the state itself. These philosophers seek evidence of a structure of international interdependence and social cooperation, thereby demonstrating that state boundaries themselves "have a merely derivative significance." Rather, global justice would be "concerned with the moral relations of members of a universal community" (1999a, 181–2).

While it is important to note that neither Beitz nor Pogge apply these moral interests to state terrorism per se, the ground remains fruitful for such work.

In general, one might conclude from this brief overview of the philosophical literature, there must be a morally presumptive illegitimacy to the use of state terrorism. The use of the traditional standards of Just War principles is the only moral justification available to the state for using violence against terrorists. This is not without its problems, however, since it blurs a distinction between war crimes and terrorism. One category applies clearly to nation-states only, while the latter can be true of states as well as organized groups.

Finally, nearly all contributors to the discussion regarding state terrorism focus on the issue of morally legitimate *responses* to terrorism (e.g. responses for which the U.S. has moral justification in taking action against terrorists after 9/11), but few write about state actions that breed terrorism (a significant exception to this observation includes Virginia Held; for example, in 2004). Rather, their analyses begin with the U.S. being attacked (e.g. Walzer, Pogge, etc.) and reflect on "what we can now do to them." This starting point for the analysis of state terrorism eclipses several issues, all of which concern the creation of some of the conditions for terrorism against a state: 1) state terrorism of one state against another that may predate and even cause non-state terrorist attacks on the state terrorized (e.g. U.S. drone attacks in Pakistan. Pogge does deal with this issue in 2008); 2) state enhancement of terrorism—i.e. support of the terrorism of other nations (e.g. U.S. arming Israel to attack Lebanon and Palestine; the School of the Americas); 3) whether state terrorism may be classed as a nonviolent kind (e.g. U.S. economic sanctions on Iraq prior to the invasion of 2003, or U.S. putting military bases in Saudi Arabia. Both actions directly antagonize the civilian population of each country, and in the case of Iraq sanctions, were devastating to the innocent population). Finally, preventing terrorism is seldom discussed in the topic of state terrorism (again, Virginia Held is a notable exception). One way to further this latter issue comes in advocating the recognition of the need of peoples to achieve maximal freedom, especially freedom of speech. The latter will serve as a "release valve" from social and economic pressures and prevent the felt need for violent retribution against a state. That alone would be insufficient in preventing terrorism, however. In addition, one would have to advocate some form of distributive justice, since justice in this manner is predicated on notions of freedom and equality. The end result would likely be both that states would experience less non-state terrorism and thus have less of a justification to engage in actions approaching the level of state terrorism.

(See also: Enemy Combatants, The Hague Conventions, Illegitimate States, International Law, Political Obligation, Rights, Terrorism, Torture, Michael Walzer, War against Terror, War Crimes, War Just and Unjust)

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