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# **The Ethics of Terrorism**

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*"There exists more than one system to overthrow our liberty. Fanaticism has raised every passion; Royalism has not yet given up its hopes, and Terrorism feels bolder than ever".<sup>1</sup>*

## **Preface**

I was thirteen when I met terrorism for the first time. It was September the eleventh two thousand and one and it was just a week after I took a picture on the top of the world trade center's south tower. Like everyone else in the world, I was shocked, but that situation woke me up and made me aware of the reality of the world surrounding me. I've been a passive witness of the Kosovo war, the Albanian exodus, the Balkan war, the Kenyan and Tanzanian Us embassy attacks and the first world trade center attack, all events that are clear in my memory throughout images, but of which my knowledge is the result of my studies in International Relations. 9/11 instead is something different. Since then, throughout the years I started rationalizing the event. What pushes those men to kill themselves in the foolish attempt to create such a turning point in modern history? Why innocent people? Which was the inner struggle they suffered to reach this illogical point?

9/11 was a turning point also for all the Arabs around the globe. The result was a radicalization trend of a community that was going through a (slow) process of secularization on the one hand and a dialectic of "good or evil" from both Arab and Western side on the other. This affected my personal growth in a positive way, lifting me up to an impartiality position allowing me to become the political analyst I am today, but unfortunately influencing negatively thousands of Muslims.

This thesis, following the argumentation of "the Ethics of Killing in war", from which it was inspired, tries to answer some of the moral questions that arise regarding terrorism. What is terrorism? Is terrorism distinctively wrong? Is terrorism a monolithic phenomenon? In order to do so, I used the argumentation of philosophers like Igor Primoratz, Carl Wellman, Virginia Held, David Miller, C.A.J. Coady, Smilansky, Walzer, McMahan and professors like

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<sup>1</sup> The Times of London, January 30th, 1795. The first time the word terrorism was used.

Corrao, Orsini, Pizzigallo and I benefited from the knowledge, the critical attitude and coordination of Professor Ian Carter.

## Introduction

The main aim when dealing with terrorism, but in general with issues of global justice, is to maintain an impartial position in constructing a definition of a phenomenon that does not itself prejudice the outcome of any possible ethical investigation. Defining terrorism leaving any moral judgments out of the reasoning would result in an argumentation that is complete, impartial, but also tricky. To do so, a political philosopher should keep in mind the concepts of “value-neutrality”, “value-freeness” and “value-independence”. Ian Carter clearly pointed out the difference between the concepts in his “Value-freeness and Value-neutrality in the Analysis of Political Concepts”<sup>2</sup>.

Value-neutrality provides us with a shared starting point in terms of which to express genuine ethical disagreements. A concept is value-free if its definition is such that the *definiens* contains no evaluative terms. Value-neutrality instead, is when the use of a concept does not imply the superiority of any one of a set of contrasting substantive ethical points of view. “Value-independence is easily confused with value-freeness and value-neutrality, but the three features are analytically distinct. To affirm the value-independence of an ethical or political concept is to make a point about the justificatory grounds (ethical versus non-ethical) on which to prefer one definition of that concept over another. To affirm its value-freeness is to make a point not about the role of values in justifying a definition, but about the presence or absence of values in the definition itself. To affirm its value-neutrality is to claim that it can be used in given contexts without implying the speaker’s allegiance to one or another member of a set of substantive ethical points of view”<sup>3</sup>. Political and ethical ideas are better clarified through the concepts of value-freeness and value-neutrality. Their centrality depends on the nature of our purposes while engaging in conceptual analysis. If our purpose is to build a coherent normative theory with practical implications, it is important to have some value-free concepts along with others. In this context, it is crucial to find a relation between the properties to which the concepts

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<sup>2</sup> I. CARTER, *Value-Freeness and Value-Neutrality in the Analysis of Political Concepts*, in *Oxford Studies in Political Philosophy*, Volume 1, 2015.

<sup>3</sup> *Ibidem*.

refer. By doing so we explain how and why we perceive the world in certain ways and how possibly change it. Value-free concepts, for example, are used because our ethical reason-giving must pass from the ethical sphere to the empirical one in order to influence and represent our view and participation in political and ethical events. If instead our purpose is simply engaging with a normative theory that includes disagreeing parties that try to converge then it is in our interest to deal with concepts that are value-neutral. Finally, metatheoretical value-neutral concepts are used for clarifying ethical categories shared by advocates of contrasting positions or generally by all humans. These value-neutral concepts are abstractions and the concepts behind them might or might not be value-free. Neutral concepts are often used for assembling general theories that relate either to ethics and human nature or to broad ethical and/or political traditions. Moreover, we refer to the internal structure that characterizes neutral concepts to justify a specific normative disagreement. An example could be given with the disagreement between advocates of negative and positive freedom that attempt to show, in this case, different dimensions of an abstract.

This clarification is essential to give an impartial slant to our reasoning, especially in the first part where the thesis presents an attempt to define what terrorism is. As just ascertained, generally speaking, it is quite difficult to give a political concept a value-neutral definition, particularly with such a complex concept as terrorism. Including ethical implications would give us a range of possible definitions that may include different realities. To clarify this point, if we find a value-neutral and value-independent definition of terrorism, a group whose action fit that definition would be universally recognized as part of the phenomenon. Conversely, if the definition contains ethical influences, only those who share the same set of value with whoever provided the definition would recognize the group as part of the phenomenon.

The first chapter will focus on some of the most relevant definition carried out by modern philosophers pointing out the weakness of each one of them and the interesting sparks that might be functional to our definitional effort. Apart from the ethical issue in the definition, another point that challenged me in writing this thesis is represented by the choice between an over-comprehensive long definition, that would include all the aspects of the phenomenon, but exceeding the acceptable length for a definition, and a short definition that would be acceptable but potentially leaves some circumstances out of the *fines*. A complete definition would leave no room for mistakes and misunderstandings, and this is essential dealing with sensitive topics.

This is why having a definition that is not altered or influenced by value judgments (so value-free) is literally fundamental to not prejudge the outcome of the ethical investigation.

In the second chapter, a parallelism between terrorism and war will be taken into account. For someone terrorism might have enough feature in common with war so that its morality follows the same principles of the one of war. Analyzing the most accredited definition of war it is clear that some type of terrorism might be conceptually very close to war, while some others more far from it. Considering terrorism war rather than another phenomenon implies a different response, but also eventually a different degree of justifiability (clearly bearing in mind that terrorism may not be wrong tout court, but turn out to be always the wrong choice in the past!). This is a fundamental prerequisite in writing this thesis, even though some actions falling under the definition of terrorism appear to be more acceptable than others do. Empirically and after a theoretical reasoning, considering the open view I have on this topic, I haven't found yet any reason or example that makes me believe terrorism has not been the wrong choice in whatsoever case. The only few occasions in which terrorism would have been considered justifiable, terrorism at the end never materialized. In order to test the justifiability of the phenomenon, I both tested terrorism as war, using the argumentation of "the ethics of killing in war", and as a special phenomenon, using the argumentations of many modern philosophers.

Getting into depth in the theoretical reasoning, I have noticed that some of the phenomena falling under the definition of terrorism were different from other phenomena as well under the umbrella of the definition. This is why I analyzed both State terrorism and Islamic terrorism separately from the general concept. In the third chapter, alongside with State terrorism I also tested from an ethical point of view the measures implemented by the States to counter terrorism. State Terrorism and modern Islamic terrorism are both within the *fines* of any definition provided (except the value-laded ones), but having particular features that make them possibly something different, I decided to report the interesting peculiarity of such ambiguous cases and finally in the last chapter I tried to provide a new definition for the modern Islamic terrorism.

## Chapter 1. The Definition of Terrorism

To define a political phenomenon is to make a complex intertwining of behaviors, ideology and decisions, clear and distinct through the specification of a set of necessary and sufficient conditions for its existence in the world. The verb “to define” comes from the Latin word for bound, *fines*; the etymology shows that when we are defining something we are giving that something a boundary that makes it definite, distinct and clear. By assumption when a phenomenon is in evolution, the definition itself is evolving. In order to provide the most fitting, rigorous and precise definition the definer should have an inclusive and impartial approach in analyzing that phenomenon. This chapter will focus on the most qualified definitions of terrorism and provide a critical view on the one recognized as the most accredited, Igor Primoratz’s definition, verifying whether after 30 years it still represents an accurate reasoning or not.

### 1.1 The evolution of the definition

Defining terrorism is not an easy task. The phenomenon is constantly in evolution and since it deals either with religion, territorial rights or politics there is no room for universal consensus on its definition. As a matter of fact, there is not a single, all-encompassing, legally binding, definition of terrorism in criminal law. This might be due to the fact that when terrorism developed into the phenomenon we know today, the world was facing a shift from a colonial order toward a new order. Terrorism -or at least what former colonial powers defined as terrorism- was an instrument of self-determination, so it goes without saying that throughout the past 50 years a sort of blurriness over a common line loomed. To clarify this point two examples might be helpful.

*Hezbollah* (حزب الله) is a Lebanese para-military organization that was born in 1982 and became a political party representing the Shia population in Lebanon by 1985. In its Manifesto three objectives are made clear:

- “to expel the Americans, the French and their allies definitively from Lebanon, putting an end to any colonialist entity on our land;

-to submit the Phalanges to just power and bring them all to justice for the crimes they have perpetrated against Muslims and Christians;

-to permit all the sons of our people to determine their future and to choose in all the liberty the form of government they desire. We call upon all of them to pick the opinion of Islamic government which, alone, is capable of guaranteeing justice and liberty for all. Only an Islamic regime can stop any further attempt of imperialistic infiltration into our country”<sup>4</sup>.

As a Party, Hezbollah promotes protectionist measures in the economy and social reforms to ensure protection of fundamental rights like health care and public education. On the one hand, Hezbollah is a legal entity, a ruling party in Lebanon holding several ministries in the last 30 years and a promoter of the anticolonial process. On the other hand, the party is considered as a terrorist group by many countries<sup>5</sup>. Here lie the contradictions and the difficulties to define a terrorist entity through a scientific method. Since Israel suffered -and still suffers- several attacks due to the fact that Hezbollah does not recognize its existence and due to the fact that actually the two are in a *de facto* state of war. Israel considers Hezbollah as a terrorist organization. So do the United States, the Netherlands and Canada. The United Kingdom and Australia, on the other hand, consider a terrorist group only the armed branch of the so-called *Army of God*. Much differently, partner countries like Russia, Syria and Iran seems not to apply the same criteria in defining the Lebanese Party and group. The contradiction and the blurriness is made clear if we point out that the Netherlands and Canada have good diplomatic relations with Beirut, having embassies in a country where ministers might be part of what they define as a terrorist group; the situation would be even more conflicting if such countries make investments or have businesses in that part of the middle east. Hezbollah’s example shows us how defining something dealing with geopolitics is not as easy as it may seem. The second case, however, is even more compelling.

When Algeria obtained independence in 1962, the *Front de Liberation Nationale*, which was indeed considered as a terrorist entity by the French during the occupation, was in charge of ruling the provisional government. The provisional government remained in charge for more

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<sup>4</sup> RABINOVICH I., REINHARZ J., *Israel in the Middle East, documents and readings on society, politics, and foreign relations, pre-1948 to the present*, Hanover and London, University Press of New England, 2008, p. 425-426.

<sup>5</sup> PIZZIGALLO A, *Il ponte sul Mediterraneo, Le relazioni fra l’Italia e i Paesi arabi rivieraschi (1989-2009)*, Roma, Editrice Apes, 2011, p.43.



than 30 years and has been ruled by the only legal party, the FLN. When Chadli Benjedid came to power in 1978, he promoted reforms and started the democratization process which led to a new Algerian Constitution and to the first free election in 1991. The *Islamic Salvation Front* won the first round of election and, since the system foresaw a second round, FIS and FLN would have gone to the ballot; On January the 11<sup>th</sup> 1992 however, the army took power in order to prevent the FIS from winning the Election<sup>6</sup>. This passage requires a precise contextualization: the whole history of the independent Algeria develops within the Cold War framework. Both superpowers were in favor of maintaining the *status quo* of this non-aligned country<sup>7</sup>, so throughout the years no international pressures for democratization materialized. The single party system lasted up until the cold war chess game ended in the period between November the 9<sup>th</sup> 1989 and the end of the Soviet Union in 1992. This period proved crucial to all of the non-aligned countries who had the chance of redefining their international status. In Algeria, the FLN was now under pressure for modernization and democratization. When the Army took power in between the two rounds of election, to prevent, as already mentioned, the Islamic Front from taking the power, a Civil war began. This civil war was between the Army, that was now illegitimately ruling the country after a coup, and the Islamic Armed Group, that reunited all the non-governmental forces.

Two outcomes are relevant in the light of our oncoming analysis: first of all, the Islamic Armed Group, despite the FIS winning the first ballot, has been treated and defined as a terrorist organization. This is quite emblematic of how defining terrorism from a political point of view is most of the times only circumstantial since there is no comprehensive and binding definition. Secondly, Amnesty international and many other international organizations denounced the systematic violation of human rights and the frequent use of torture by the “regular forces”. As examined in the next chapter, there might be some occasions in which terrorism is not distinctively wrong. This case seems to fit in this exception. A group that wins the election is prevented to take power through a coup, then during the subsequent fights the same group suffered the violation of basic human rights from the rivals and they end up being labelled as a

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<sup>6</sup> *Ibidem* p.285.

<sup>7</sup> In the Cold War scenario, a non-aligned country is a neutral country that is neither part of the NATO nor of the Warsaw Pact, but such a situation generally speaking is more favorable to the USSR rather than the USA. In facts Algeria and the FLN received lot of support, aids, grants and military equipment from the Soviet.

Terrorist Organization because they also violated human rights in the attempt to recover their legitimate power.

Not having a single, all-encompassing, legally binding, criminal law definition of terrorism does not imply that there is not any commonly shared definition at all. Actually, the lack thereof makes room for many different definitions. In fact, if on the one hand a commonly shared political definition has not been achieved so far, on the other hand philosophy carries out several solid reasonings. Carl Wellman<sup>8</sup> for instance, in his paper ‘On Terrorism itself’ defines terrorism as “the use or attempted use of terror as a means of coercion”<sup>9</sup>. This is an early and general definition of the phenomenon, but it contains various interesting sparks, in spite of a weakness that is immediately clear: the use of the root terror to define the phenomenon terrorism. Wellman introduces the idea of using terror in order to achieve an objective. According to this principle a terrorist does not use violence for its own sake, but with a specific aim, which is to coerce someone to do something. The second interesting point is that in this definition the difference between using terror or threatening to use terror doesn’t affect the question of the presence or absence of terrorism, meaning that terrorism has a *potential* effectiveness. It goes without saying that if it has a potential effectiveness, a more accurate definition would also cover the threat of using violence which is the core policy of the modern terrorism. In his work, Wellman remarks the fact that violence often enters the picture and that “the ethic of terrorism is not just a mere footnote to the ethic of violence, because violence is not essential to terrorism, in fact, most acts of terrorism are not violent”<sup>10</sup>. He adduces three counterexamples to explain this last concept. Since terrorism is effective potentially and since terrorism does not necessary imply violence, also a judge sentencing a criminal to death in order to prevent other potential criminals from breaking the law, or the systematic use of blackmail as a means of intimidation, but also the threat of flunking any student who hands in his paper after the due date has to be considered as terrorism, even if is non-violent. Although this theory may not be convincing, non-violent terrorism does indeed exist and is particularly effective. A hacker attack on the centralized system that controls energy supply carried out by any activist group in order to coerce a politician to insert a particular topic in a Country’s political agenda

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<sup>8</sup> Emeritus Professor of Philosophy, Hortense and Tobias Lewin Distinguished University Professor in the Humanities.

<sup>9</sup> WELLMAN C., *On Terrorism itself*, The Journal of Value Inquiry, 13, p. 250, in PRIMORATZ I., *what is Terrorism?*, Journal of Applied Philosophy, Vol 7, no. 2, 1990, p.130.

<sup>10</sup> *Ibidem* p.252 in *ibidem* p.130.

is a clear example of non-violent terrorism that fits Wellman's definition. This is true if we consider as violent only those acts of mere physical violence. A lack in energy supply as the result of a hacker attack is not a direct physical assault, but might indeed kill someone so it looms as violence. However, a surgical strike that prevents elevator from working only in those building that are not sensitive (such as hospitals), might create an inconvenience that won't makes that attack fall under the violence definition, but still will make pressure on politician.

Let's now consider the case in which a terrorist group targets a particular piece of art, let suppose the Colosseum, seriously damaging its structure; they targeted it because they wanted to coerce the Italian government to discuss the secession of the Veneto region. Since they are not targeting civilians and they are not causing terror by harming them, can we still talk about terrorism?

The definition of terrorism stated by Virginia Held can be reduced to an "action, usually sudden, predictably and coercively inflicting injury upon or damage harming a person"<sup>11</sup>, which explicitly links and limits the violence and terrorism to the physical person. However, the damage resulted by a terrorist act can affect a property, which could harm consequently the well-being of a person. This harm is produced by making the assumption that the mere intention of executing the act of harming a property was made with the intention of damaging the person.

The definition proposed by C.A.J Coady instead seems to cover such a scenario: for him terrorism is "the organized use of violence to attack non-combatant (innocents in a special sense) or their propriety for political purposes"<sup>12</sup>. According to this definition, damages to properties are included, but there are some elements that seem not to fit the analytical effort we have made up until now<sup>13</sup>. Coady deliberately omits the threat of violence. "The threat to do x is generally not itself an instance of doing x, and in the present case the threat to do an act of violence is not itself an act of violence, no matter how disturbing it may be"<sup>14</sup>. Coady leaves the fear component out intentionally from his definition because he is convinced that the aim of an act of terrorism is to coerce someone to do something and most of the times perpetrators

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<sup>11</sup> HELD V., *Terrorism, Rights, and Political Goals*, in FREY R.G. and CHRISTOPHER W., *Violence, Terrorism and Justice*, Cambridge University Press, 1991, p.64.

<sup>12</sup> COADY C.A.J., *Terrorism and Innocence*, the Journal of Ethics, vol 8, no. 1, Terrorism, 2004, Springer, p.39.

<sup>13</sup> In the next chapters, the definition and the role of combatant and noncombatant in this framework will be tested.

<sup>14</sup> COADY C.A.J., *Defining Terrorism*, in PRIMORATZ I., *Terrorism, The Philosophical Issues*, New York, Palgrave Macmillan, 2004, p.6.

have intended to spread anger rather than fear. An angry population would react faster than a scared population so he declares to “prefer a definition that left out the fear reference, though its incorporation would still catch a good deal that (he) would count as terrorism”<sup>15</sup>. Even though one of the strategies of ISIS is to induce hatred of Muslims on the part of non-Muslim westerners, the choice is questionable and since as stated before the core policy of modern terrorism is to induce fear to achieve an objective, leaving the fear component out is a weakness of this definition. The author himself sometimes encompass this limit of his definition by using the verb *to target* instead of *to attack*<sup>16</sup>; using the verb to target might also imply the fact that there is a threat more than the certainty of an attack.

Another point that could be questionable is the use of the word “organized”. The word in this context could be conceived both from the social point of view and from the equipment point of view. In the first case Coady’s definition would refer only to a group of people excluding any possible lone actions. Of course, a terrorist organization is a collective organized group that plans attack or strategies, but lately we are witnessing lone wolves acting in favor of an organized group being completely alienated from it. Sometimes those terrorist, thought lonely, could be considered as organized, but there might be cases they cannot be defined as organized at all. To make it clear, Anders Brievik<sup>17</sup> is an organized lone wolf, while Muhammad Riad, the Afghan guy who stabbed five people in Germany claiming to be part of the ISIS is an unorganized lone wolf. Defining terrorism as the organized use of violence, not specifying that non-state actors are involved, leaves room for criticism from those who tend to include the moral aspects in the definition. In our analysis, this point tends to be considered as a good point, since the phenomenon must be defined without the ethical implications that would lead us to a partial definition from the philosophical point of view.

A Clear example of a definition that instead includes the moral aspects is the one presented by Jenny Teichman: “Terrorism means any method of war which consists in intentionally attacking those who ought not to be attacked”<sup>18</sup>. This definition is so general that

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<sup>15</sup> *Ibidem*.

<sup>16</sup> COADY C.A.J., *Terrorism, just war and supreme emergency*, in COADY C.A.J. and O’KEEFE M., *Terrorism and Justice: Moral Argument in a Threatened World*, Melbourne, Melbourne University Press, 2002, p.9.

<sup>17</sup> The far-right activist who killed 77 people in his organized attack in Oslo first and Utoya then.

<sup>18</sup> TEICHMAN J., *Pacifism and the Just War*, p.96, in FREY R.G. and CHRISTOPHER W., *Violence, Terrorism and Justice*, Cambridge University Press, 1991, p. 63.

it could be used basically for any intentional but unethical violent act and so interpretable that any government could be traced of terrorism. Even when the moral aspects are left out, identifying innocent, combatant or noncombatant persons is very tricky in this framework; using a definition that implies the concept of *those ought not to be attacked* makes the scenario so much more confused. Two questions dawn at once: who are those not to be attacked? And who decides who is acceptable to be attacked?

A final clarification, regarding Coady's definition, concerns the phrase *for political purposes*. Although this point is common in many definitions, some might object that instead terrorism has an ideological or religious component. No doubt, terrorism is political based, ideology based or religious based. However, it is hardly conceivable to sunder the latter two from politics. Every single terroristic act done in the name of an ideology or in the name of God has a political value. Coady justifies the choice of using *political purposes* claiming that "when religion or ideology employs violent means to undermine, reconstitute or maintain political structures for the further transcendent ends of the religion or ideology, then that counts as *political purposes*"<sup>19</sup>. Having a secular view on historical events allows the observer to be impartial. If we take any religious related event in history, like any battle or any terroristic attack or even any murder done in the name of God, the political value is predominant. From a social scientific perspective, religions are political tools provided with a top down process in order to give positive rules to people, so it goes without saying that from this prospective any religious act of terrorism is a political act. Some might object that a 9 year old suicide bomber does not have that political view clear and this is true. It is also true that most probably none of the terrorists that physically commit the act are aware of the political plan behind it, but the ideologists and the *deus ex machina* (in the true sense of the phrase) are those who have that political aim very clearly in mind. When an attack is carried out before an Iraqi Police recruitment center, is the very final aim to glorify God or to simply prevent youngster from joining the Army?

The definitions analyzed so far seem to lack of completeness even though they are very interesting overall for the analysis we are undertaking; in the next part of this first chapter the definition and the argumentations by Igor Primoratz, the ones considered to be the most accurate, will be tested.

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<sup>19</sup> COADY C.A.J, *Terrorism and innocence*, the Journal of Ethics, Vol 8, no. 1, Terrorism (2004), Springer, p. 41.

## 1.2 Primoratz's definition and its limits.

Igor Primoratz writes on moral, political and legal philosophy and his research mainly focuses on the ethics of war. The effort made in that branch of philosophy is reflected in the thoughts he expresses on terrorism. This thesis has been conceived reading his writings both on war and terrorism; while on the one hand his argumentations are more convincing than the ones of any other philosopher, on the other hand it would be very challenging to test some of them on particularly tricky issues.

Primoratz wrote his *What is Terrorism?* in 1990, almost thirty years ago, yet most of his thoughts expressed there are still relevant today. The phenomenon of terrorism is in continuous evolution so there might be the case it took a different path from what has been theorized. In the past thirty years almost all of the most active groups from that time have ended their terroristic activity. Consider, for example, what happened in 1987 to the red brigades, or the way the IRA stopped being a threat, or the fact that early this year ETA gave up the armed struggle; but in the opposite direction, Islamic terrorism rose up and gave the territorial feature up, becoming the global phenomenon we know today. Furthermore, Islamic terrorism has changed throughout these thirty years. So, are the Primoratz argumentations still valid<sup>20</sup>?

Primoratz challenges the principle that terrorism hits with indiscriminate violence; to some extent this principle is true, but is not absolutely true. When an attack is planned, all of the options and strategies are taken into consideration in order to achieve the objective in the most striking way and with the lowest cost for the terrorists themselves. Are people randomly targeted? According to Primoratz they are targeted randomly only in so far as they are part of the directly targeted group. There are two basic targets in the terrorism strategy, the direct but secondary target and the indirect but primary target. Given that direct and indirect target may coincide, the people who are designated as secondary target are considered innocent, while those who represent the primary but indirect target may or may not be innocent in the eyes of the terrorists. This distinction is essential to understand the phenomenon's dynamics. There might be the case in which an attack is carried out targeting an innocent group with the final aim to put pressure on the indirect and non-innocent target. What is the sense in which the direct victims are innocent? They have done nothing to cause the suffering, injustice or deprivation

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<sup>20</sup> Primoratz makes several updates to his reasoning during the past 30 years, but all of them in line with his early work.

that forced terrorists to use that criminal methodology<sup>21</sup>. Some terrorists are not bothered by that, some others are. Primoratz thinks that some of those who are bothered by the fact that they are killing innocent people sometimes attempt to deny their innocence. He is not convinced at all by this attempt and in fact he thinks that “such arguments may carry conviction with the terrorist who advances them, but are rightly found preposterous by almost everyone else”<sup>22</sup>. The principle that “the main peculiarity of any direct target should be their innocence” is true in general, but could be questioned lately, when terrorism shifted from a local phenomenon to a global scale. Today, we are facing most of the times attacks in which the innocence component is completely excluded by terrorists. Just take a look of any of the ISIS propaganda message. The target of the suggested attack is the enemy, not a random innocent one.

The phenomenon is changing and how it differs from the past will be tested in the last chapter of this thesis, but if we engage in a mental effort and consider Miller’s theory on ‘national responsibility’<sup>23</sup> maybe we get closer to what is in the minds of the people *fighting* for Daesh. Surely none of them did ever come across Miller’s writings, and of course his theory was not intended with this object, but he thinks that any ruler class can be empowered and authorized to act for the group they represent, enacting policies that express common values of the people. Here it makes sense to say the nation is responsible for the policies enacted and it is fitting that the members of this national community should bear the costs. This could be from the economic policies enacted to create prosperity to the consequences of a lost war. Miller asserts that “their members subscribe to a common public culture, despite individual differences in belief and value, and they participate in mutually beneficial practices whose shape they have a chance to influence. The more strongly these conditions obtain, the more appropriate it is to hold nations responsible for their political actions and the consequences that flow from these”. As mentioned above, this theory was not thought to justify in any case the hate some terrorists feel for their victims, but it could be a codification of what some of them might think. Following the argumentation by Virginia Held or by C.A.J. Coady, to some extent when the Archaeological Site of Palmyra has been targeted, those supposed to be harmed were the *infidels (kafir)*, as such guilty of being non-Muslim and following broadly the argumentation

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<sup>21</sup> Among the possible justification of terrorism, scholars account the response to the suffering of a human right deprivation. Later in the next chapters the justifiability of terrorism will be tested.

<sup>22</sup> I. PRIMORATZ, *What Is Terrorism?*, Journal of Applied Philosophy, 7, 1990, p.131.

<sup>23</sup> D. MILLER, *National Responsibility and Global Justice*, Oxford University press, 2007.  
<http://www.philosophybites.com/2008/04/david-miller-on.html>.

by Miller. They, as British, American and so on and so forth, are liable to bear the responsibility of the actions of their nations<sup>24</sup>. To be more precise, since the aim of this thesis, as mentioned, is to use a critical and inclusive view on standard reasoning, this last point should be seen from a different perspective considering the fact that most probably Miller would not agree with this view.

In the Islamic strict view, there is no such a concept of Nation. What gets closer to this concept is the concept of *Ummah*, community. If you are Muslim, you are part of the *Ummah*, regardless your nationality. Likewise, if you are not Muslim, or if you are part of a deviation sect of Islam, you are out of the *Ummah*<sup>25</sup>. Palmyra site is an evidence of the past non-Muslim culture. The direct target is that particular piece of art, guilty in a very broad sense due to the National responsibility principle, and the two indirect but primary targets are the rulers of the countries they think are committing injustices to them, and the people of the *Ummah* living in such countries. Why are Muslims living in a western countries target of those kind of attack? To create awareness and convince them to join the cause and become part of the *Ummah* as foreign fighters. The outcome of an attack, so the influence on the primary target, is so important now that even the terrorist's life is expendable.

If this argumentation makes sense, the latest Islamic terrorism is a radical departure in the terrorism scenario we studied so far. As Virginia Held argues, terrorism shall be considered as a tactic more than a phenomenon *tout court*. Following this argument, we might think of it as a peculiar tactic of a war fought unconventionally.

Despite this update to Primoratz's reasoning, his definition seems to be the most reasonable and the most convincing. **Terrorism is 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 they otherwise would not take**<sup>26</sup>.

In his definition, we can understand his reasoning behind the two targets. According to him, the fact that the direct target is innocent should convince more effectively the indirect but primary target to do something it wouldn't have done instead. Therefore, the aim of terrorism is to threaten someone in order to coerce him or those in charge of representing him to do

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<sup>24</sup> Not guilty to be British in a strict sense, but as a British person you can bear responsibility for British acts.

<sup>25</sup> F.M. CORRAO, *Islam: religione e politica. Una piccola introduzione*, Luiss University Press 2015.

<sup>26</sup> I. PRIMORATZ, *What Is Terrorism?*, Journal of Applied Philosophy, 7, 1990, p.129.



something they otherwise would have not done. Primoratz in his definition does not include the moral aspect, which is an advantage in our analysis. If we consider terrorism as a tactic and not as a phenomenon and we are untied from the moral implications, we can carry out a very accurate definition of the phenomenon. The innocent people he refers to, are the secondary but direct target, those who, in the standard theory, have done nothing in the eyes of the Terrorist. It is interesting to note that also for Primoratz, “innocent” means innocent in the eyes of the terrorist. Are they actually innocent in the eyes of the terrorists? We will discuss this point later in the last chapter.

In the next chapters, untied from the moral implication the justifiability of the tactic will be tested. Is there something like State Terrorism? Can we apply the just war theory to our analysis? Considering the standard theory, is terrorism distinctively wrong? Is there room to consider an act of terrorism as an act of war? Is there any substantial difference between our reasoning and the terrorist’s standpoint concerning these questions?

## Chapter 2. The Ethics Of Terrorism

The Ethics of war, and more specifically the Ethics of killing in war, is the issue of modern philosophy that inspired this thesis. War is one of that peculiar human trait that distinguish it from other animals and is specific of human kind<sup>27</sup> since the born of the species. The phenomenon evolved following the social evolution of mankind. From an unorganized rage between individuals to the modern nuclear confrontation and the future fifth dimension cyber war. Even though “War is hell” (as Walzer famously put it) and laws might seems unsuitable in hell, today war is framed in the law. Chapter VI and Chapter VII of the Charter of the United Nations, but also the Geneva Convention are coded norms that regulate the confrontation between States. Even before WWI, when the armed struggle was limited to the battlefield and the distinction between combatant and no-combatant was easier, unwritten rules were present and observed.

Beside this, there is a whole world of unrul ed confrontations that brings us back to mere physical struggle for power. Civil war, guerrilla and terrorism, but also chemical war and cyber war are clashes that often occur when there is an asymmetrical confrontation. A confrontation is defined asymmetric when the relative military power differs significantly and, as said, often involves the use of unconventional warfare. Unconventional means without convention, and most of the time (but not always, as we will see later) is the weakest entity that prefers to fight out of the rules. Fighting in the rules would give the weakest entity an inevitable disadvantage. As stated before, war evolves following the social evolution of mankind. Since modern societies of developed countries abjure war as a solution to the overlapping of national interests, conventional wars between States are very atypical nowadays<sup>28</sup>. This does not mean that humankind has turnout to be a pacific species, but it implies a shift to a different kind of confrontation. In this chapter I will firstly describe the traditional theory of the ethics of killing

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<sup>27</sup> <https://news.nationalgeographic.com/2016/01/160130-animals-insects-ants-war-chimpanzees-science/> 31/01/2018 h.09.58.

<sup>28</sup> In 2012 the EU received the Nobel Peace Prize for advancing the causes of peace, reconciliation, democracy and human rights in Europe. The continent is living the longest period of peace in its history since the *pax Romana*. This might be explained by the “Democratic Peace Theory” (with all its limits).

in war and its evolution, then I will try to answer the question whether terrorism has enough features in common with war.

## **2.1 Jus in bello and Jus ad bellum**

It is possible for a just war to be fought unjustly and an unjust war to be fought justly. This division and dualism is one point of view while the question of its validity is the core problem of the morality of war.

According to Walzer, one of the most representative philosophers of the traditional theory, some wars are not hell<sup>29</sup>. Feudal Europe had the contention of arms, tournaments were contests were disciplined by consent of the parties that participate; some were cruel and brutal but nonetheless cannot be considered a crime, as war was considered a sort of consensual pastime. A similar argument can be made whenever fighting is voluntary, where what matters is not whether the people involved did or did not choose to fight but whether they are free to leave the field without dire consequences. When running away is acceptable, there is a choice, battles are short and casualties few.

The case of mercenary professional soldiers is similar but different: mercenary soldiers signed up on terms and rewards for their services, so was a sort of freedom in choosing war and given that freedom, a war fought by mercenaries, no matter how bloody, would not be considered a crime. While this is true for professional mercenaries, it is not for mercenary recruited from poor men with no alternatives than to sell their sword, so there is no goodliness in war fought by multitudes thrown into battle. This hold in this case but even when a soldier is forced to battle under a common cause like service of the prince and the people: to defend his country is a duty and not a choice, so we could call it coercion to fight a crime. War is hell whenever people are forced to fight and the limit of consent is breached; what is important is the extent to which war is chosen, and the choice disappears when fighting becomes an obligation or patriotic duty. When choice disappears, then men become political instruments, otherwise it would mean that every war needs the consent of all soldiers to fight which is almost impossible except for a defensive war.

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<sup>29</sup> M.Walzer, *Just and Unjust Wars*, Basic Books, New York, 1977.

The question that arises now is whether soldiers are equal or not. Among fighting soldiers, restraints arise naturally and easily. In the Middle Ages, a military code was indeed widely shared as chivalry. Chivalry distinguished knights from bandits and peasants and a sort of that military honour is still part of the creed of professional soldiers, even if succumbed to democratic revolution that substituted aristocratic honour with popular passion. Democracy, increasing the legitimacy of the State, allows higher forms of coercion: the soldiers might die by the thousands just because they are available for the state to use, as soldiers are nationalized by the modern state. But anyway, we hold that some minimum standards exist, even though they fight unwillingly.

The harshness of modern warfare leads soldiers to need to find someone to blame for their suffering, and that object to blame is usually the man they are engaging in combat: the enemy soldier, even if war is criminal, is in truth as blameless as they are. The armed, is an enemy, but not my enemy in a specific sense, as war is a clash of political identities rather than among individuals, that found themselves to be equal. This poses some limitations like not to kill the wounded, shoot those who surrender, showing that war is still rule-governed: soldiers are entitled to kill, but not to kill anyone. Following Walzer's argumentations: "when soldiers fight freely, choosing one another as enemies and designing their own battles, their war is not a crime; when they fight without freedom, their war is not their crime. In both cases, there are rules, but in the first case they are on mutuality and consent, on the other, servitude"<sup>30</sup>.

If States do possess rights more or less as individuals do, then it is possible to imagine a society of States, applying what is the "called domestic analogy". That international society might be likened to a defective building founded on rights: its superstructure raised through political conflict, cooperation and exchange, everything shaky due to a lack of authority, as every conflict threatens the collapse of the whole structure. Aggression challenges the structure directly and is even more dangerous as there are no policemen (police powers are shared among members and States have to rely on one another). From this comes the preference for military resistance against aggression; this restates the old doctrine of just war: the victim can fight back in self-defence and other States can join, as all are entitled to repel the attack and eventually punish it. In the modern view, there can't be a just war on both sides, there must be someone to blame and enforce international law. The theory of aggression first takes shape under the aegis

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<sup>30</sup> *Ibidem*.

of domestic analogy, and stays under the name of legalist paradigm, as it reflects the conventions of law and order. The theory can be summed up in six propositions:

1. There exist an international society of independent States.
2. This society has a law that establishes the rights of its members – above all, territorial integrity and political sovereignty.
3. Any use of force or imminent threat of force (invasion or assault) by one state against the political sovereignty or territorial integrity is an aggression and is a criminal act.
4. Aggression justifies two kinds of violent response: a war of self-defence by the victim and a war of law enforcement by the victim and any other member of the society. Anyone can aid the victim, but the action to join the fight remains a unilateral choice.
5. Nothing but aggression justifies war, understood as a wrong received.
6. Once the aggressor has been militarily repulsed, he can be also punished to prevent another war.

The rules of fighting well are simply a series of recognitions of men and women who have a moral standing independent of, and resistant to, the exigencies of war and a legitimate act of war is one that does not violate the rights of the people against whom it is directed. Moroccan mercenaries were hired by the Free French Army to fight in Italy, with licence to rape and plunder the country. This we can say is morally wrong, as while it is just to sack a city for necessary military reasons, we cannot say that rape of innocent can be consider necessary to military reasons, even if it keep the troops' moral high. Moreover, the contribution of rape and plunder to victory is slight in comparison with the harm caused. Rape is a crime, in war and in peace. When a soldier avoids such acts, like treating a prisoner humanly, he is not acting kindly, he is acting justly. This is true for civilians, but the same cannot be said for soldiers, as they lose the rights they are defending; they gain war rights as combatants and potential prisoners, but can be attacked and killed by their enemies, but it is important to note that no one else is made to be killed. Everyone else retains his rights, even an aggressor state can punish war criminals. But soldiers fighting for an aggressor state are not themselves criminals and are

committed to the same obligations and rights. The first principle of war convention is that, once war has begun, soldiers are subject to attack at any time. But there are historical examples of soldiers that, by simply not fighting, seem to regain their right to life: it appears to be common that soldiers on patrol or on sniper duty that catch an unaware soldier, has often difficulties in killing him. A man not fighting is just a simple man, so there seem to be, in some cases (naked, funny, drinking coffee), a non-military alternative. A naked man is just a man, not a soldier that the common soldier does not feel like to kill.

During fighting, the man alienates from his humanity, but that moment is temporary. The refusal to shoot a man is against the military duty, yet the recognition of the other as his *pares* is rooted in the unconscious. To shoot sentries, if not in case of a small army fighting a larger one, should be therefore ruled out, but this is not the case in many real-world occasions. According to the German *kriegraison* (reason of war), it is necessary to compel the submission of the enemy with the least possible expenditures of time, life and money; it is indeed a way to weight costs and benefits, and reasons of war can only justify the killing of people that we claim to be killable, namely, soldiers. On this account, modern warfare seems to be unhelpful, since war has become a lot like an economic activity and many civilians actively participate to the effort of war. We can make a distinction between ammunition workers, whose work directly contributes to the business of war and, on the other hand, those who may provide help to the war effort but whose work is not directly related (farmers). So, the distinction to be made is among those who create what soldiers need in order to be able kill (weapons) and those who provide what is necessary for soldiers to live, like all of us; the first are partially assimilated to the class of soldiers and can be killed, the others not. Those who feed the stomach of the army cannot be killed, and the product of their labour, in case of need can be seized or destroyed but their life is not at stake as they are considered innocent.

The second principle of the war convention so is that non-combatants cannot be attacked at any time, nor be the target of a military activity. Even if they are near the battlefield, some care need to be taken in way not to harm civilians, in way to recognized their right to life at best during a conflict. This is the moral doctrine most invoked in this case, the Double Effect. The theory is a way to reconcile the prohibition of non-attacking civilians with the legitimate conduct of military activity; it is permitted to perform acts likely to have evil consequences if the following hold:

1. The act is a legitimate act of war.
2. The direct effect is morally acceptable.
3. The actor has a good intention and aims only at an acceptable effect, the evil one is not intentional.
4. The good effect is sufficiently good to compensate for allowing the evil effect.

Walzer argues that this doctrine is defensible only when the two outcomes are the product of a double intention: first, good can be achieved and second, the foreseeable evil is reduced as far as possible. The third condition can therefore be restated: the intention of the actor is good, he aims narrowly at the acceptable effect, the evil is not one of his ends, nor it is a means to his end, and, aware of the evil involved, he seeks to minimize it, accepting the costs.

Civilians have a right to something more, and soldiers' lives can be risked for the sake of civilians, but up to what limit?

War, even a just and legitimate one, inevitably endangers civilians; we can only ask soldiers to minimize the damage. Since the situation, the urgency and the nature of the military target differ, Walzer states that civilians simply have a right that "due care" be taken in their regards. A good example might be the following: pilots of the Free French army during WWII, while bombing France, in way to harm the less number of civilians, went raiding at a very low level in a way to be more precise; that is much riskier and though acceptable.

To sum up, it is possible for a just war to be fought unjustly and for an unjust war to be fought justly. An unjust combatant would only do wrong if he violates *jus in bello*, assuming the moral equality of soldiers with an equal but limited right to kill. Indeed, combatants are allowed to kill only combatant on the other side, and this is the central requirement of *Jus in bello*: the principle of discrimination. McMahan, in his *The Ethics of Killing in War* tries to challenge three fundamental tenets of the traditional theory: the independence of *Jus in bello* and *ad bellum*; the claim that unjust combatants can fight justly; the claim that combatants can be attacked whereas non-combatants cannot. According to the traditional theory, we are initially morally immune to attack, as we are innocents, we are not threatening, so in the context of war, we are those who do not contribute to the prosecution of war. Someone is not innocent when he has done something to meet the criterion for liability to attack, which, according to the

theory, is posing a threat. The theory therefore bid that the defensive war is among the few possible cases for a just war. But this is flawed: in the traditional theory just combatants threaten unjust combatants, therefore they lose their right not to be attacked. The permissibility of defensive force cannot work with the concept that unjust combatants are not committing a crime, since both pose a threat to each other and are liable of attack.

According to McMahan, the terms combatant and non-combatant lose sense. A combatant, if not mobilized, is not posing a direct threat, so is not liable to be attacked. Walzer instead believes that if we state that a non-mobilized army has a non-combatant right, there is at least one moment in the unjust war, in which the unjust combatants are making something wrong. When they mobilize in self-defence, there the theory can be considered as working again, but not before. But if we consider a just cause for the attack, we are more likely to state that the surprise attack was not a crime, so the independence between *jus in bello* and *jus ad bellum* is clearly challenged. If a villain attacks you in way to kill you without any justification, you can justifiably attack him in self-defence, but if defensive force is permissible, the mere fact that you are posing a threat should make it possible for him to attack you in defence as well. This to say that defensive use of force is not always permissible. Walzer believes that there is no right of self-defence during a criminal activity; this condition though does not apply to war, where necessity appears and the personal choices do not count anymore.

McMahan believes that Walzer exaggerates the coercion and pressure that apply on those the government forces to fight: some might have known or might have a notion of the unjustness of their war or might have been convinced by the rightness of their ideals, but these considerations are at best excuses and not justifications. A subjectivist conception of justification, if considered correct, could in addition allow for unjust actions because of strong beliefs, and justify actions against the *jus in bello*. The chances of the conflict to be unjust is indeed very high, since rarely if even wars are just on both sides, is much more likely for soldiers to fight unjust rather than just wars. At this point, could a combatant fighting in contrast with the *jus in bello* ever be justified in fighting? According to this conception of justification, unjust combatants who believe that their war is just are justified in fighting, but also that some combatants, just and unjust alike, would be justified in violating the principles of *jus in bello* - Even those who bomb a children's hospital since they reasonably believe that it's a munitions



storage facility<sup>31</sup>. Following this reasoning, though, only some combatants are justified. A minority. Most of them have the resources to discover all the relevant facts surrounding the war, so they can easily arrive at the conclusion that their war is unjust. In most cases what happens is that they are actively deceived and discouraged from inquiring about the fact, and that is because it's highly important for them to form justified beliefs about the morality of the war in which they are asked to fight (to kill people of whom they have no personal knowledge).

Institutional considerations might be more appealing. Institutions, like the military, need cohesion to work properly, and if these institutions must provide important social goods, we have moral reasons to support them. Security requires laws that, no matter if just or unjust, ought to be respected and enforced: if the institution is to survive, those in charge are given the task to command and the others to follow, even if the latter disagree. This consideration holds as long as the institutions are recognized as such; otherwise, they would lack legitimacy and the strength to impose duties on soldiers. Just combatants, in taking up arms for a just cause, do no wrong and do not lose their right not to be killed, as they are innocent in the relevant sense, and unjust combatants by fighting them would be committing a crime; is impossible therefore to state that is right to kill an innocent while fighting for an unjust cause? Soldiers could in fact refuse to fight, therefore disrupting the ability of the aggressor state to fight and continue a war, and contribute to the defeat and do nothing morally wrong. This would not hinder the capacity of the state to fight just wars, as is very unlikely for the soldiers to mistake a just war for an unjust one. If we accept the case that the duty due to the institutions is in any case too heavy, we could state that the soldiers are justified, but this does not make them just combatants, at best will make them retain their right to self-defence. According to McMahan this is not possible, as is impossible to fight an unjust war following the rules of *jus in bello*. This means that *Jus ad bellum* cannot be independent from *Jus in bello*.

Just cause is one of the most important requirement of *jus ad bellum*, and states the reasons why it is just to go to war and what goods may be pursued by means of war. To this principle another one must be added, the requirement of proportionality holds that the war must not have bad effects out of proportion from the achievable good. McMahan claims that, in the

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<sup>31</sup> Walzer and other defenders of the traditional view claim that combatants are accountable for obeying the rules of *jus in bello* in a way that they are not accountable for the rules of *jus ad bellum*, so it would be surprising if the same considerations that supposedly enable combatants to act with justification in violating the rules of *jus ad bellum* would also enable them to act with justification in violating the rules of *jus in bello*.

absence of just cause, there are no goods that an act of war can produce that could outweigh the bad effects. This argument is called the parallel argument, and McMahan supports it with five apparently valid counterexamples and one that is really valid. The strong one comprises acts of military force that are necessary to prevent just combatants from doing wrongful acts; this can happen in two ways: pursue the just cause with wrongful means or to pursue a hidden aim by wrongful means in an otherwise just war. If the just combatants try to coerce the unjust fighters to surrender by attacking the civilians, it would make it possible for the just ones to attack in defence: the just combatants have made themselves liable to attack, and the attack by the unjust combatants would make the action proportionate. But, if the unjust combatants might end the wrongful action by surrendering, they should do so, even if the permissibility to fight is conditional. The unjust combatants might have a subordinate aim that is just (preventing an atrocity), so an act of war cannot be proportionate in the absence of a just aim, but the just cause need not be an aim that, on its own or with other aims, justifies the war as a whole. Anyway, this constitutes a minority of acts, not the rule.

If this argument holds, is very unlikely for an unjust war to be fought in accordance with the rules. Sidgwick states that the moral combatant will seek as his end to disable his opponent, and force him into submission, but any harm caused must be weighed against the military value of the act, which is measured by its contribution to the defeat of the enemy. This conception anyway, is difficult to support as it is difficult to have some sense of the importance of the event as the consequences are very difficult to predict with a degree of certainty (the belief that the soldier might have of his actions' value could again work as an excuse and not a justification). It is important to encourage all combatants to exercise restraint by keeping their action proportionate to what they believe will be its good effects. This is plausible, but then the proportionality requirement is nothing but a device to keep down the atrocities of war, accordingly it is a moral principle that kicks in only at a lower level of ideality.

Most people would believe that killing even a hundred enemy soldiers in such a way as to save only one own soldier on one's own side is justifiable, but this claim would be based on self-preservation only and this would be valid also for unjust combatants. But unjust combatants are entitled to weigh the good of their own preservation against the harms they might cause only if this good is the one they are permitted to pursue in the circumstances (unjust actions by just soldiers). "Justified warfare just is the collective exercise of individual rights of self-

defence and other-defence in a coordinate manner around a common threat”<sup>32</sup>. Self-defence by unjust combatants in general fails to meet the necessity requirements for permissible self-defence, as they could avoid losses only by standing down and retreat. In general, unjust combatants do wrong merely by fighting, so the proportionality requirement can never be satisfied, and in conclusion, *jus in bello* and *jus ad bellum* are not independent. Combatants have to distinguish, in their action, legitimate and illegitimate targets, namely, in the traditional theory, combatants and non-combatants respectively. As demonstrated above, there are not, with few exceptions, legitimate targets of unjust combatants. McMahan challenges this principle also for just combatants: other things being equal, it is permissible to use defensive force against anyone who poses an unjust threat, so, accordingly, would not be legitimate to attack enemy non-combatants. McMahan claims that an unjust threat is neither necessary nor sufficient for liability to be attacked: one does not lose one’s right not to be attacked by posing an unjust threat to another if one is in no way morally responsible for this fact.

Let’s assume that a person is kidnapped by someone that implant him a chip that will make it is endlessly looking for you in the attempt to kill you, without being conscious of what happens. The Pursuer, is a “Non-Responsible Threat”, as he has done nothing to lose rights and become liable to attack, making him an innocent; the claim that one may not kill a Non-Responsible threat in self-defence is anyway contrary to common sense, but the case suggests that moral responsibility is important for liability. If in any way the pursuer were responsible for the threat posed, that would create a moral asymmetry and the possibility to kill. Again, if the person responsible for the chip is (for some reasons) attached to a respirator, and now unable to stop the Pursuer, that now is upon you. You have three options: to shoot the Pursuer or to flee on the villain’s car, that needs the power from the respirator to work, or get killed. In this case you might kill the Pursuer but not the villain according to the unjust threats theory, but many would claim that the right thing is to kill the initiator that is morally responsible for everything. This example explains that an unjust threat is not a necessary condition to use force to eliminate the threat; rather, what makes a person liable to force is the fact of being moral responsible for the beginning and sustaining the threat.

If it is the moral responsibility for an unjust threat that is the principal basis of liability to defensive force, it seems to follow that what makes a person a legitimate target in war is moral

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<sup>32</sup> M. Walzer, *Just and Unjust Wars*, p. 717, Basic Books, New York, 1977.

responsibility for an unjust threat. We can broaden this assumption to assert that what makes a person a legitimate target in war is moral responsibility or more generally a grievance that provides a just cause for war. Combatants ought to distinguish between those morally responsible and those who are not; the first can be attacked, the others no. All unjust combatants, being responsible for a moral wrong, are targets for war, being all moral agents.

Responsibility, though, does not entail culpability, as one action, even if poses a threat, can be excused. Unjust combatants pose an unjust threat, but could have excuses; this does not make him innocent in terms of discrimination, as only the absence of moral capacity could make him so. A person becomes a target in war by being to some degree morally responsible for an unjust threat, but some constraints do apply (minimal force and proportionality). This though may be true in theory but not in practice, since is impossible to state the degree of responsibility of the combatant in question. McMahan believes that the proportionality requirement applies differently to attacks against different groups: a group of voluntary mercenaries are subject to much more harm rather than an army of conscripted farmers.

In war, there are indeed individuals, also non-combatants, that bear substantial responsibilities for initiating or sustaining a war, or for the wrong whose answer is the cause for war. Civilians that occupy a position of power and used that position of power to initiate an unjust war are therefore liable of attack if attacking them would be more effective than attacking soldiers; moreover, it would be even preferable, as fewer people would die. This view clearly denies the classical division between combatants and non-combatants of the traditional theory, putting even the latter under liability of attack. This principle of discrimination cannot be applied in a too much broad sense, since for an unjust war we could claim all voters supporting the government to bear some level of responsibility, but this would make no discrimination at all. We could anyway include those who directly supply the unjust combatants with the instruments of war and those who occupy positions in the military chain of commands, therefore we could extend the class of those liable to attack to a much larger one than the one of military personnel. According to the responsibility criterion, proportionality calculation must consider three variables: gravity of the threat, the amount of harm inflicted and the degree of potential target moral responsibility (that in the traditional theory is either responsible or not). This extends the category but excludes many civilians as the response to the threat would be disproportionate. In real life, it would be very hard to distinguish among those who hold a high degree of responsibility with those who do not, as they are usually intermingled among the non-

responsible, and we can exclude most of civilian attacks. We cannot state, though, that this view, does not limit the possibility of terrorist attacks against civilian population.

The position above is indeed dangerous to claim; many soldiers, both on the just and unjust side, believe their cause to be just, and giving them a moral permission to kill civilians for their responsibility in a just war is indeed a hazard. The laws of war exist exactly for this purpose, to limit the savagery of war. Given that adherence to certain conventions is better for everyone, we all have moral reasons to recognize and abide by them, but only if all sides agree on that. The laws of war may indeed differ from the morality described above as they must be neutral to be accepted by anyone, as the traditional theory does. These laws may anyway be not ideal, being products not only of modern battlefields but of ancient chivalric arrangements, religious war and Medieval Catholic philosophy, and the discussion set above gives basis for re-evaluation of these rules. The war conventions must first be morally plausible, and must correspond to our sense of what is right; the two ways, deep morality and laws of war, could indeed come to conflict: McMahan seems to prefer laws in any case, as it gives at least a minimum framework to avoid savagery and the use of the moral standard could, even if right, have strong effects on the support for the convention that, as stated above, needs to be approved by all the participants<sup>33</sup>.

## **2.2 Could an act of terrorism be considered as an act of war?**

“The IRA yesterday declared that its war against Britain was over. Even in the long-debased hyperbole of historic moments in the Northern Ireland peace process, this was a monumental announcement.”<sup>34</sup>

“The announcement of a formal Islamic state by insurgents in Syria and Iraq is a "declaration of war against the West and al Qaida””<sup>35</sup>.

“ETA declared a unilateral end to its campaign of bombings and shootings on Thursday, saying it wished to seize a “historical opportunity to reach a just and democratic resolution to an age-old political conflict.”

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<sup>33</sup> J.McMahan, *The Ethics of Killing in War*, Ethics, 114(2004), Section I-III, VI-IX.

<sup>34</sup> <https://www.theguardian.com/uk/2005/jul/29/northernireland.northernireland5> 20-07-2017 h.08.34.

<sup>35</sup> <https://www.theguardian.com/world/2014/jun/29/isis-iraq-caliphate-delcaration-war> 20-07-2017 h.08.21.

The group's announcement of "the definite cessation of its military activity,""<sup>36</sup>

"Israel claims that its recent attacks on Gaza are justified under international law. In doing so, it invokes Article 51 of the UN charter, which clearly recognizes the right to self-defence as an "inherent" right of States. In a statement made before the Security Council at the outset of the latest hostilities, Israel's Ambassador to the United Nations, Gabriela Shalev, clearly invoked Article 51 by claiming that: "In its military operation, Israel exercised its inherent right to self-defence, enshrined in Article 51 of the United Nations Charter. Any other State would have acted in the same manner faced with similar terrorist threats.""<sup>37</sup>

The quotations above leave no room for discussion. Terrorism is war!

In the current language, also thanks to the journalistic dialectic, terrorism is perceived as war. This might be true, in fact as Virginia Held claims, terrorism is a tactic; so terrorism might be a tactic of an asymmetric war, where the terroristic group has only the possibility of using that kind of strategy to reach their political goals. As we tested in the first chapter, terrorism is a powerful means to coerce someone, generally a government, to do something he wouldn't have done instead. And frequently this strategy is combined with others unconventional war strategies like guerrilla or chemical attacks. To answer this query, we should focus on the definition of war and solve the question whether unconventional war should be considered as war first.

The over-inclusive long definition or general definition dichotomy is of course valid also in this case; using one or the other might lead to a different result in our reasoning.

The Collins dictionary defines war as a "period of fighting or conflict between countries or nation"; following this general definition, unconventional war could be considered war only in the occasion when the two contenders are State Entities. The asymmetric power among contenders remain, but those contenders must be Nations. All strategies of unconventional war are available, even terrorism, because as we will argue in the next chapter, also States could use terrorism. However, this general definition excludes the possibility for a "regular" terroristic

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<sup>36</sup> <http://www.nytimes.com/2011/10/21/world/europe/eta-basque-separatists-declare-halt-to-violence-in-spain-and-france.html> 26-07-2017 h.21.30.

<sup>37</sup> <https://www.opendemocracy.net/article/email/article-51-israels-false-claim> 23-07-2017 h 11.03.

organization of being in a *de jure* war condition, though leaving the possibility to be in a *de facto* war condition. This passage is important, because being in a *de jure* war condition would allow the international community to intervene following the Art. 51 of the UN Charter, principle of self-defence. This technicality is the reason why the international coalition fighting the Daesh is not putting boots on the Syrian ground in those territories occupied by the Islamic State. Despite its name, the Islamic State is a terroristic organization that occupied a territory across Iraq and Syria. Since Syria is a sovereign State, the international community is not entitled to fight it directly in self-defence even after a direct attack. The Oxford Dictionary expands the definition to include “any active hostility or struggle between living beings; a conflict between opposing forces or principles”<sup>38</sup>. The result is a general over-inclusive definition. According to such definition, terrorism is war because it literally is an active hostility or struggle between living beings; but following this reasoning also a rugby match would count as war. This means that this definition is too general to fit our argumentation.

In 2014, a member of the Italian Parliament Alessandro Di Battista claimed that “if a drone bombs my village the only way I have to fight back, beyond the diplomatic strategy, is to blow myself up in a subway station”. That was a sort of “institutionalization” of the common idea that terrorism is a special kind of asymmetric war hence it would count as war. Let us now take, as usual, the moral component out; it is though difficult to exclude morality at this point because we are walking a very fine line, with populism from the one hand and any possible justification of any terroristic attacks from the other. Since terrorism is a heterogeneous phenomenon, we should not deal with terrorism *tout court*. This would make our argumentation more complex, but far more complete. The question is no longer, whether terrorism is war or not, but: is this specific terroristic organization violating any moral rule? Are the moral rules the same for both Terrorism and War? And how far can the rules of just war theory help us in formulating the rules for Terrorism?

Let’s suppose a criminal organization uses terrorism as a tactic to achieve control over a specific area that is normally under the State jurisdiction. Intimidating by the threat of using violence would count as terrorism, but if presumably there is no territorial claim that wouldn’t count as war. If the same criminal organization were acting in a failed State scenario, such as

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<sup>38</sup> <http://www.iep.utm.edu/war/> 22-07-2017 h.21.30.

Libya or Somalia, that attempt of achieve control over a specific area could be considered as war.

If a terrorist organization uses terroristic means to achieve the autonomy of a specific area inside a nation that might in some occasions be considered as war. Empirically, the twenty-four Venetian separatists that were found in possess of a tank and with a very precise action plan that included also the “popular participation”<sup>39</sup> to seize power would count as terrorism with a war appearance. However, a more organized and more powerful group like the Eta that made terroristic attacks to create tension in the public opinion hence to put their claims in the political agenda would be accused of terrorism with a political tendency. Furthermore, does striking one’s own country rather than a foreign country makes any difference from this view point? Was the 9/11 attack, carried out by Saudi al-Qaida members based in Afghanistan, considered as a declaration of war? Considering what happened next, the answer seems to be quite tricky, but intuitive. Using the same reasoning, the Utoia attack seems not to be terrorism with war tendency. Trying to reduce the empirical argumentation into a theoretical framework, it seems that terrorism could be considered as war when the ultimate aim of the group is to seize power at the expense of a recognised State Actor, or when the action has a geopolitical value especially when the *modus operandi* includes military equipment.

If terrorism is war, the response to any potential attack would fall under Art.51 of the UN Charter, meaning that a country is entitle to fighting back, which indeed in many occasion does not make any sense. In facts, the military option is possible only if there is a well-established foreign entity at stake. However, by referring to a terrorist act as an act of war, we may be effectively legitimizing the terrorist cause, and undermining the law enforcement paradigm that is in place to legally respond to terrorism cases. This would also affect the way prisoners are held, treated and sentenced. The Guantanamo case is a clear example of how this sort of blurriness is detrimental. Finally, because it is essential for our argumentation. The main question in the Ethics of Terrorism is whether terrorism is justifiable in some special circumstances or not. Hence if we are dealing with a war related argument, the Ethics of killing in war reasoning would guide us to the solution of the debate (or at best, if the morality of war does not overlap with the one of terrorism, but they result close enough one each other, the first

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<sup>39</sup>[http://www.ilmessaggero.it/primopiano/cronaca/ros\\_arresti\\_secessionisti\\_veneto\\_ex\\_deputato\\_forconi\\_carro\\_armato-353085.html](http://www.ilmessaggero.it/primopiano/cronaca/ros_arresti_secessionisti_veneto_ex_deputato_forconi_carro_armato-353085.html) 22-07-2017 h.22.00.



one would give us a framework for the second one). Nevertheless, if we are dealing with a unique non-war related phenomenon the path to follow could also be different. Therefore, in the next chapter, “Is terrorism distinctively wrong?” both path will be tested in order to have a comprehensive view over the issue.

## **2.3 Is terrorism distinctively wrong?**

In order to provide a proper framework to this complex and controversial question, it is key to keep in mind the premises of the previous chapters and find an answer accordingly to the definitions discussed and accepted as the best understanding of the phenomenon. Therefore, the question must be further explored and expressed by asking if terrorism is a never accepted manifestation and/or expression of violence; if there exists at least one (or more) circumstance where a certain kind of terrorist act is required, hence necessary; and finally, if the indiscriminate killing of people for political/ideological aims can ever be morally justified.

To answer this pillar question, we can follow on of two paths. The first is to consider terrorism as unconventional and asymmetric war and consider unconventional and asymmetric war as proper war. The second is to consider terrorism as something different from war; it could be, in some instances, criminal activity; it could be, in some others, an extreme political act; it could be an act inspired by religious fundamentalist goals. It goes without saying that to answer the question whether terrorism is distinctively wrong or not, the way we conceive of terrorism affects the way we structure our reasoning. If terrorism is considered strictly related to war, the issue could be couched in the same terms as standard arguments in the field of the “ethics of killing in war”. This would imply to follow a well-structured path, making our task considerably easier. If terrorism is considered as a unique phenomenon, things might be more tricky and existing philosophical arguments might help us only partially.

### **2.3.1 Terrorism following the morality of war**

If terrorism is considered a kind of war, or just like war in the relevant respects, as some terrorists themselves strongly believe, the all discussion could be reduced to standard discussion around the rules of *Jus in bello* and *Jus ad bellum*.

According to Walzer, as stated in the previous chapter, not all wars are hell. He stated that, for example, during the feudal era, tournaments were contests disciplined by consent of the parts that participate; some were cruel and brutal but nonetheless cannot be considered a crime, as war was considered a sort of pastime. A similar argument can be made whenever fighting is voluntary, no matter if the person involved does not choose to fight, he is still free to leave the field without dire consequences. When running away is acceptable, there is a choice, battles are short and casualties few. Taking part of a terroristic organization implies a strong, blind belief in the organization's principles. The idea behind that particular ideology is literally considered as a dogma by followers, meaning that, except some particular exceptions, joining a terroristic group (and in this case entering war) is a choice of the single terrorist. Of course, there might be also the case in which someone is coerced to join the organization through intimidation, blackmailing etc. but let's not consider this eventuality for the moment.

At this point, we should focus on the reason why someone chooses to join the terroristic cause; this will determine whether there is a just cause for entering in war, that makes the difference is Walzer's reasoning. According to him, it is possible for an unjust war to be fought justly, but also for a just war to be fought unjustly. There might be also the occasions in which an unjust war is fought unjustly, and this is the case in most of the terrorist scenario, as we will see later.

"If we name terrorist by their actions rather than their supposed goals, we are then free to support the goals –if we think them just- and even actively to pursue them in non-terrorist ways. We can support the US war effort against Japan even while we oppose the bombing of Hiroshima and Nagasaki. We can work for Algerian independence even while we oppose FLN terrorism. We can call for Palestinian statehood, while condemning the groups that attack Israeli civilians. A decent politics often requires a two-front campaign – against oppression and occupation, as in the last two cases, and also, simultaneously, against murder"<sup>40</sup>. With these words, Walzer is telling us that, even if *Jus ad bellum* is respected, if *Jus in bello* is not, terrorism can't ever be justified. Terrorism, in the best-case scenario, is a just war fought unjustly. Why unjustly? Simply because the collateral damage coincides with the total damage

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<sup>40</sup> M.Walzer, *Terrorism and Just War*, 2006, Springer, Philosophy.

of the attack. The innocence component we point out during the definitional effort is the key to understand why, if terrorism is war, the act of fighting is wrongful. Generally killing innocents during war is wrong but might be acceptable if the good that comes out from that “unintentional killings” overweighs considerably the negative implications. This is the double effect doctrine, however if terrorism is war, the doctrine is not applicable because the damage is not unintentional, it is not a side effect, it is indeed central in the *modus operandi*, and basically all of the times the good that comes out does not overweighs the evil generated by the attack. Our reasoning can also be seen from the other way around; if in a *de jure* war condition, the collateral damage is accepted if respects the rules of the double effect doctrine, in a situation where a State is responding to the terroristic threat, the collateral damage is not accepted in all of the instances. Just consider the case in which a measure of offensive counterterrorism harm several civilians during an operation that kills a cell that represent a serious threat to national security with their plan to kill thousand people; in order to kill or arrest those terrorists a school is hit, and some children are killed. In this situation, the good outweighs the bad, but yet international public opinion would not consider the act to be justified. The act would never be considered justifiable by the public in the case the school is located in the same national ground, but might be, and indeed has been, considered justified if that same school is located in a foreign developing country where the cell is based. This might be a spark for our reasoning, telling us that maybe national terrorism is a different phenomenon than international terrorism, also in the perception of the dichotomy war/terrorism. ETA, IRA, Brigade Rosse are perceived as terrorism with a political or ideological value, while al-Qaida and Daesh are perceived as terrorism with a religious value, but since it has an international dimension, somehow war seems to describe better the situation.

In any case, notwithstanding the single point of view and perception of an act like the one just mentioned, the driving idea and reason that makes terrorism an outrageous type of resort to violence is the fact that it has the tendency to directly target non-combatants. “Terrorists, the objection goes, do not have this respect for non-combatant lives, which is a major source of the sense that terrorism is distinctively wrong as compared to conventional war.”<sup>41</sup> The attack to innocent civilians does represent, in fact, the decisive feature distinguishing a terrorist action, and determining the moral judgement and common, as well as

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<sup>41</sup> L. K. MCPHERSON, *Is Terrorism Distinctively Wrong?* 2007, Ethics 117(3), The University of Chicago Press, p. 531.

widespread, negative perception of it. If we also consider the randomness through which an attack is developed, being not just the product of a negligent or imprudent military behaviour but the intended tactic to be displayed, the scenario is one that goes against any reasonable moral thought and rule in wars.

For this first path taken then, the traditional theory of war, built on the skeleton composed by the elements of *jus ad bellum* and *jus in bello* as previously explained, is the one we must refer to for our initial questioning. Let's focus for a moment on the *jus in bello*. What makes *just* the way a conventional war is fought, and the means used in it, is pursuing the final objective respecting the block of agreed rules making up the Law of Armed Conflicts and so the International Humanitarian Law, as reflecting the interconnection and balanced game of strength between the principles of military necessity versus the one of humanity. They have been constituting, in the last decades and up to this moment, the playbook for the conduct of fights as inspired by the greatest willingness to infuse with humanity, as deeply as possible, the vilest human activity. Then, it is just logically understandable why, the first rule for the principle of humanity in wars to be in place as an operating standard, is to be found in the imperative of distinction between combatants and civilians, hence in the principle of discrimination.<sup>42</sup>

This concept is of crucial importance and undeniable relevance for the conduct of conflicts, which need and aim at keeping a minimum level of humanity, seeking to pose some key limits. The establishment and existence of these boundaries is at the foundation of the permissibility of wars to be fought, when strictly necessary, in the context of the highest standards of civilization characterizing our times. The conventional framework of rules known as the *jus in bello* allows for just one and only exception to the obligation to refrain from attacking non-military targets (civilians)<sup>43</sup>: for the sake of military necessity, striving for the success of war operations, the law of armed conflicts permits the rule of proportionality to play the sensitive and critical role of unit of measurement for assessing when innocent lives can be sacrificed out of necessity. Therefore, any attack failing to meet the proportionality criteria, hence resorting to means and methods of warfare which ends up incidentally causing excessive

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<sup>42</sup> E. DAVID, F. TULKENS, D. VANDERMEERSCH, *International Humanitarian Law Code* 2013, Bruylant.

<sup>43</sup> H. P. GASSER, K. DORMANN, *5 Protection of the Civilian Population*, in D. Fleck, *The Handbook of International Humanitarian Law* (3rd Edition), 2013, Oxford Scholarly Authorities on International Law.

damage to non-military targets (represented by non-combatants and civilian objects) in relation to the immediate military advantage likely to result from the action, is to be regarded as a grave violation of the law in wars.<sup>44</sup>

These fundamental principles apply in every armed conflict, being of international or non-international nature, since they fall under the range of customary rules of international law in armed conflicts and are common to most of the treaties and agreements signed in this respect. This means that, any objection suggesting that non-institutionalized armed groups – hence not under the control of national governments - cannot be subjected to the limits and obligations constituting the international law of armed conflicts because they lack the fundamental requirements for a subject to be considered in war, is doomed to die. Indeed, customary rules do not need to be part of a treaty and need neither signature nor ratification by States to be in place, since they are universally accepted and apply in any case and anytime.<sup>45</sup>

This fact has been crucial in allowing legislators, academics and law operators to go beyond the boundaries posed by the requirements and conditions that must manifest for a conflict to be considered a traditional war. Moreover, to extend the applicability of international law and humanitarian law to new shapes and nuances of modern fighting, characterized by the intervention of non-state, organized armed groups, a distinction has been made between IAC and NIAC (international armed conflicts versus non-international armed conflicts).<sup>46</sup> However, for a NIAC to be identified and a mere violent confrontation to be elevated at the status of armed conflict in the sense of modern international law, at least two key elements must be in place. Firstly, the armed group active on the field must be well structured militarily and must present itself as a clearly rationalized organization, from the existence of a hierarchy to the presence of trained soldiers and usage of professional weapons and methods of combat going beyond civilian use. Secondly, the intensity of the fighting is the other equally relevant indicator

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<sup>44</sup> K. IPSEN, 3 *Combatants and Non-combatants*, in D. Fleck, *The Handbook of International Humanitarian Law* (3rd Edition), 2013, Oxford Scholarly Authorities on International Law.

<sup>45</sup> The modern agreements we refer to had followed the Lieber Code on the Laws and Customs of War to meet the need to humanize as much as possible this activity: customary rules are to be found in the 1907 Hague Convention whose principles have been better developed by the 1949 Geneva Conventions as the major treaties on the matter - E. David, F. Tulkens, D. Vandermeersch, *International Humanitarian Law Code 2013*, Bruylant.

<sup>46</sup> D. AKANDE, *Classification of Armed Conflicts: Relevant Legal Concepts*, in E. Wilmshurst (ed), *International Law and the Classification of Conflicts* (2012) chapter 3, Oxford Legal Studies Research Paper No 50/2012.

of the status of a conflict. If both traits can be detected as defining the type of fighting in place, we can effectively consider ourselves in front of a NIAC.

As said before and easy to guess, the classification and quite recent inclusion of this new category of armed conflicts had as its main purpose to submit even non-state soldiers to the rules of International Humanitarian Law, in order to oblige them to the respect of a code for the conduction of hostilities. The manifestation of a NIAC or a NIAC are, then, the only cases in which we can talk about the existence of a war under the traditional meaning. So, in questioning the convenience, morality and lawfulness of a terrorist attack in a war context, we need to take into account and keep in mind that war is nowadays so defined, and the possible use of terror methods deployed must be inscribed in the law framework so designed and internationally valid. Within the recent years, many are the examples we can refer to whether we want to look at hostilities having as protagonist a non-state armed group whose resort to what are indisputably terrorist means of combat made their fame globally: the way Hezbollah developed its attacks against Israel in the 2006 conflict in Lebanon is a clear example, as well as the ISIS strikes in Syria and Iraq up to February 2016.

However, even if the classification of a conflict is of a different kind, the basic and fundamental principles expounded above, stay valid. It might appear tricky that, in the case of NIAC, it is more difficult to assess and make a distinction between fair targets or not on the ground of the direct participation in the conflict, so to respect the principle of discrimination. In IAC it is easier to identify targets because they represent the soldiers belonging to the armies of the opponent states. But, in NIAC even if you know that some people are part of the rebel group, you are not able to target them if they are not participating in hostilities at that specific time.<sup>47</sup>

Still, a thing to keep in mind when conducting military activities is the principle of proportionality, which means to pay attention to the kind and level of importance of the military target and to the collateral damages, which can be justified by the military advantage coming from the strike. A general calculate must be done when deciding to proceed with an attack. We should also look at the principle of discrimination and distinction between lawful targets and

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<sup>47</sup> K. IPSEN, 3 *Combatants and Non-combatants*, in D. Fleck, *The Handbook of International Humanitarian Law* (3rd Edition), 2013, Oxford Scholarly Authorities on International Law.

not. Therefore, notwithstanding the type of conflict, the kind of participant (state or non-state) and the original purpose behind an attack, the key provisions in wars must not be violated in order to consider it lawful and morally acceptable, and for its inner nature the terrorist action does not seem to be applicable not welcomed in regulated wars. It is important to remind that in the context of this school of thought, whose roots are to be found in the traditional theory, IHL (International Humanitarian Law) and the UN Charter are to be treated as different basis on which consider the lawfulness or not of a military activity. You can conduct fair operations under one of the set of rules but on the other side, you can violate the other rules.<sup>48</sup>

This works as a reminder underlying that *jus in bello* and *jus ad bellum* are two distinct legal worlds, but not in McMahan ideas. He challenges these central tenets and makes room for what seems the only possibility for a terrorist attack to be considered morally acceptable in wars. In the understanding of the author, the independence of *jus in bello* and *jus ad bellum* is put under discussion, and a combatant might do no wrong in attacking non-combatants bearing some kind of responsibility in order to make justice under the light of the noble cause behind the action.<sup>49</sup> It is argued, in fact, that the innocents' immunity right during hostilities is to be granted because of the person being harmless, and not to be understood as the absence of guilt whatsoever; hence, in this case a subordinate aim is pursued by wrongful methods because they would represent the only way to reach a greater goal.

Also, in McMahan's vision and in support of the linkage shared by the two domains of requirements as he sustains, it is impossible not to consider the fundamentality of a just cause to exist so to make possible the calculation of proportionality when deploying a force. If wrong, disproportionate, indiscriminate and excessive means are to be used because retained necessary in the context of the war, the advantage pursued in the light of just reasons must be enormous to morally and legally justify the act. And this is the second and only case whose applicability may, at fight sight, open a shortcut between the foundational principles governing wars.

Following McMahan's reasoning, can we say then that non-combatants (thus, innocent, harmless people, not participating to the fighting) are liable to be attacked because of a substantial responsibility they bear for initiating a war or threatening the life and welfare of

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<sup>48</sup> S. OETER *Methods and Means of Combat*, in D. Fleck, *The Handbook of International Humanitarian Law* (2nd Edition), 2008, Oxford University Press.

<sup>49</sup> J. MCMAHAN, *The Ethics of Killing in War*, Ethics 114 (2004), The University of Chicago, pp. 693–733.

other individuals? Set this way, the matter appears to be in favour, or at least to justify, a terrorist attack that would serve as a more effective, secondary way to hit people in power or persuade the most influencing ones to act in accordance with “just” terrorists’ good will. However, the resort to this kind of violence would go against any international agreed criteria for the lawful conduction of hostilities. Allowing the development of certain attacks assimilable to the terrorist ones would mean to make no discrimination at all, no consideration of calculations of proportionality and, ultimately, it would allow anyone to make personal and totally subjective considerations about the justness and necessity of ones’ own actions. This looks like a very dangerous and unthinkable reasoning to apply to the admissibility of violence to be labelled as terroristic. A terrorist would justify his own action against innocent people since the aim is pursued by wrongful methods but it would represent the only way to reach a greater goal.

### **2.3.2 Terrorism as a distinctive phenomenon**

A denial to the application of key principles in wars, in our time and at the point the world has progressed through more and more modernization aimed at reaching the highest level of civilization and humanity, is impermissible, and so are terrorist attacks in wars’ scenarios because of the evident violation of that same humanity reached with difficulty.

Therefore, in order to test the justifiability of the phenomenon let’s consider the purse of the second path we mentioned at the beginning of the chapter, questioning the morality of terrorist actions, where the exclusion of the idea to consider terrorism as war, leads to the only possibility left: modern terrorism as a different, brand new phenomenon of our times.

Here, are very welcomed the references to some authors, whose attempt to reconsider the definitions of terrorism, reinterpret it and elaborate a new vision of its morality as detached by any political influence is key in this dissertation to access this second possibility. For instance, in C. A. J. Coady’s work on *Terrorism and Innocence*, the moral questioning is the main target and in the conclusions the author clearly states that yes, terrorism is always wrong and there should be no exception to the absolute prohibition to intentionally kill non-combatants. This last statement, closing Coady’s reasoning, finds support not only in the predicaments of just war theory but also in its tactical definition.<sup>50</sup> By coining the phrase, he wanted to refer to the terrorist action as grounded on a specific tactic which is the one of

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<sup>50</sup> C. A. J. COADY, *Terrorism and Innocence*, The Journal of Ethics, Vol. 8, No. 1, Terrorism (2004), pp. 37-58, Springer.



targeting civilians and innocents, in war-dimensions as well in the everyday life situations and scenarios. In his idea, it is fundamental to stress this concept and highlight this key characteristic of terrorism to reach a fully satisfactory definition of the phenomenon, which in its terms is: “The organised use of violence to attack non-combatants ("innocents" in a special sense) or their property for political purposes.”<sup>51</sup> By embracing this definition of tactical terrorism, Coady has as main purpose to take the distances from a politically grounded definition. Obviously, this choice is determined to have some important consequences. The first one outlined is that terrorist interventions so understood can be performed not just by sub-state actors but by also by nation-states, internally but mostly externally when fighting international armed conflicts. This idea refuses to see terrorism as a tactic exclusively belonging to the range of methods used by non-state actors and raises the controversial debate on State terrorism.

However, it is not Coady's intention to delve into this vast argument in his reasoning. He presents the second consequences that are on a different position from the one he discusses: not always and not every use of force opposing States must be regarded as terrorist. In certain and rare circumstances, extreme non-terrorist violence needs to be justified as a resort to the only alternative remained in the achievement of legitimate goals. In this perspective, any act involving terrorism can be so identified because based on a tactic whose indifference for the fundamental principle of discrimination makes it immoral, notwithstanding the ideology can be found behind it is not what is the nature of the performer of the action. Therefore, as admitted by the same author, it seems evident the connection between its tactical theory and the just war tradition, where the immorality of a type of conduct is deducible from the same principles ruling both human dimensions.

This idea persist notwithstanding the pressure from some theorists to break the connection established between the categories of civilians (as non-combatants) and innocents, alluding to the fact that the term civilian is not a guarantee for the moral innocence of the individual in question but just a specification of the individual being harmless, and in his incapacity to constitute a threat lies the justification for its immunity from being directly targeted.

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<sup>51</sup> *Ibidem*, p.39.

Citing Kavka's words on the issue, in *Moral Paradoxes of Nuclear Deterrence*, being amongst the supporters of this theory, Coady explains that behind this idea there is the concept of moral responsibility and notion of collective responsibility<sup>52</sup>. An individual can then be considered a legitimate target of attack because he is supposed to share some kind of responsibility with the *modus operandi* of his national government being a citizen, or his religious institution in the role of worshipper, or any other group acting wrongly, where any omission, negligent behaviour, lack of interest or failure to exercise the political influence and power each one of us possesses, is to blame. This blame leads to the partial innocence of the single person, which opens to the moral admissibility to use extreme violence against them. However, thinking of the mere membership to a large group, as for the citizenship to a nation-state, as a sufficient reason for resorting to violence leaves anyone strongly hesitant about stretching a concept up to this point. Also, the misinformation or disinformation is so widespread that judging and accusing individuals for other's actions they are probably ignorant of, is clearly wrong and it is demanding too much. "Yet, unless we suppose that there is an actual super-agent, the nation, with a will and intention that somehow absorbs the individual wills and intentions of citizens, even those who do not yet exist or who reject the policies and deeds attributed to the nation, these feelings can seem absurd (...) For these reasons, I think that resort to 'collective responsibility' as a way of widening the scope of legitimate lethal targeting is a bad idea."<sup>53</sup>

In the search for at least one case of justified terrorism, we must not exclude anything from the examination. The findings of other authors on the topic are worthy of attention in this point. Let's focus now on K. Nielsen's *On the Moral Justifiability of Terrorism (State and Otherwise)* whose supreme goal is to resolve the dilemma on whether, if ever, terrorism can be both morally and tactically allowed starting from the strong statement that the State-terrorism is the most prevalent form of terrorism: even if phenomena of individual and sub-state terrorism manifest themselves with increasing frequency, State-terrorism is identified by the author as the source from which the other species follow.<sup>54</sup>

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<sup>52</sup> G. S. KAVKA, *Moral Paradoxes of Nuclear Deterrence* (1987) Cambridge University Press, p. 88.

<sup>53</sup> C. A. J. COADY, *Terrorism and Innocence*, *The Journal of Ethics*, Vol. 8, No. 1, Terrorism (2004), Springer, p.55.

<sup>54</sup> K. NIELSEN, *On the Moral Justifiability of Terrorism (State and Otherwise)*, Vol. 41, No. 2/3 (2003) Article 14, *Osgoode Hall Law Journal*, pp. 427-444.

In agreement with other authors and schools of thought previously mentioned, even Nielsen refuses the politically infused definitions, thus politicized perception of terrorism as an exclusively non-state type of resort to violence and all the following claims acquitting States such as the US in face of accusations about the use of terrorist means. He rejects as absurd the concept of collective complicity applying indistinctly to individuals sharing same social bonds, such as those of nationality; he strongly supports the inapplicability of the double effect doctrine to justify the intentional killing of innocent civilians as the only effective alternative to break the resistance of the enemy or pushing him to surrender. Nielsen finds in several historical past events the proofs for stating that the often reference made to all these principles and definitions are to be regarded as excuses and weak foundations for justifying the targeting of innocents from both a moral and technical standpoint: the first result is that even States are to be called terrorists and cases such as the bombings of Dresden, Hiroshima and Nagasaki are not justifiable.<sup>55</sup>

However, this fact explicated, the author carries on its reasoning willing to consider the verification of circumstances where some evil is already manifested at a certain level, and an equally violent counterattack seems not only necessary but also justified by genuine moral claims. To support these premises refers to the case of Palestinian suicide bombers, looking at their choice as the choice of desperate people lacking any peaceful, reasonable, effective solution for stopping the violence perpetrated against them by Israel over the years. To embrace this perspective and ultimately state that there is at least one case in which terrorism does not violate fundamentals of morality, it is firstly indispensable to abandon what Nielsen calls the conventional wisdom<sup>56</sup> characterized as pure pacifism. On this ground, even the slightest use of violence would be deemed immoral and even any response to attacks as a means of self-defence would be similarly judged. Whosoever is familiar with each phase and occurrence of the endless fight between Palestinians and Israelis is in a position to look at the Palestinian tactics, *prima facie*, as the only and last possible weapon of an undoubtedly weak and discouraged population confronting a more powerful, determined, oppressing, terrorist enemy. Why, then should counterterrorism be rejected, morally and technically, in its fighting terror? Nielsen maintains that: "If the response is that in so acting they kill innocent people and that such killing is evil, the proper reply to that response is in turn (1) that by not so responding,

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<sup>55</sup> *Ibidem*.

<sup>56</sup> A Marxist principle.

even more harm-more evil - will obtain and (2) that, whether they kill or not, the lesser evil should be done.”<sup>57</sup> All these considerations lead to the idea that in our modern world terrorism and behaviours linked to it are so widespread as to suggest that sometimes resorting to extreme solutions is necessary to stop other oppressions and increasingly violent offenses. However, precautions and considerations of proportionality and indispensability of one’s act must be always used, since every case is different and there are not universally applying criteria for judging the killing of innocent civilians morally needed. They also must be effective to be justified, and this is mostly and often very difficult to foresee with precision. Moreover, even whether the effectivity assessment would result positive, there is no certainty about its inner morality.

Therefore, this relativity opens up to many risks and dangerous choices that could be made when trying to judge the reasons behind some kind of actions while wondering if they are going to work. This is clearly difficult to admit and welcome, since everyone found in the position to take decisions of such importance and weight will follow their own ideas and criteria of what is just and necessary, and the range of diverse points of view on “the right thing to do” is so broad and rooted on distinct cultures and mindsets that no universal guideline can be established on this matter.

Another line of thought on the morality of terrorism, departing from the analysis of every single feature defining the phenomenon, is the one followed by D. Rodin who tries to logically elaborate a moral concept that frames the issue of terrorism the best way possible. The presence of intentions and will to pursue harming activities, have been considered by many the substantial and crucial reasons for stating their intimate moral wrongfulness. In its *Terrorism without intention*, Rodin focuses on the fact that even the action causing unintentional harm can be linked to terrorism, which means not only that defining features of terrorism must be found in other distinctive characters (rather than in the intention) and that even tactics used in wars by States can be of terrorist nature, even if they pretend to be just because falling under the governance of rules and principles of law which they respect.<sup>58</sup> In fact, in the author’s reasoning, the moral essential of terrorism and crucial element causing our common repulsion and

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<sup>57</sup> K. NIELSEN, *On the Moral Justifiability of Terrorism (State and Otherwise)*, Vol. 41, No. 2/3 (2003) Article 14, Osgoode Hall Law Journal, pp. 440.

<sup>58</sup> D. RODIN, *Terrorism without Intention*, Ethics, Vol. 114, No. 4, Symposium on Terrorism, War, and Justice (July 2004), pp. 752-771, The University of Chicago Press.

condemnation towards this category of use of force is the object of the attack, hence the victim of violence who does not deserve or must not be harmed. Therefore, the first logical moral definition to which gets is expressed as follows: “terrorism is the deliberate, negligent, or reckless use of force against non-combatants, by state or non-state actors for ideological ends and in the absence of a substantively just legal process.”

To add the negligent and reckless essentials to the definition is crucial since, offering an alternative to the deliberative requirement opens up to other forms of terrorism, expands its boundaries and judges as terrorist and morally wrong even some methods and means of war usually passing the justness test constitutive of the proportionality principle and double effect doctrine. Therefore, what we deduce from these specifications and adjustments of the definition is not some kind of moral justification of a terrorist act, but mostly the opposite belief that not only are there no circumstances in which terrorism can be admitted, but also that the rejection of these kinds of actions ethically speaking must cover also activities usually not considered as terrorist. Here, the distinction between so-called *terror bombing* (driven by ideological or political purposes to be achieved through terror) and *tactical bombing* (the legitimate targeting of military objectives allowing for the possibility of collateral damage) collapses, as inexistent and useless.

Ultimately, R. E. Goodin arguing on *What's wrong with terrorism?* (His book on the question of terrorism is entitled) is another confirmation of the grave crime that this violent manifestation represents in the guise of a tactic for the achievement of socio-political goals.<sup>59</sup> With ironic spirit the author gives this name to his work, where his argumentations give relevance to the fact that terrorism, compared to common crimes of murder, is surely morally worse: it must be criticized for its outstanding cruelty, since it is aimed to multiple killings and differs also from mass murder whose international, manifested perturbation led to the condemnation of this acts under the label of *war crimes* and *crimes against humanity*. In this view, terrorists are unjustifiable since their targeting randomly, or even worse the murder with the intention of killing innocent people, is itself a tactic, not the collateral damage of wars nor the admissible action in the context of the just war theory. In this case, and respectful to the *jus in bello* rules, the direct targets of this strategy would be primarily military objectives or persons, buildings or structures involving civilians but not that alone.

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<sup>59</sup> R. E. GOODIN, *What's wrong with terrorism?* 2006, Polity Press.

For instance, it is in this perspective that Goodin looks at the shocking and atrocious 9/11 terrorist bombing of the World Trade Centre and how differently we might have interpreted an attack to any American military complex, regardless of the possibility of there being a considerable number of civilians involved in the murderous attack. However, Goodin leaves aside the association between just war and terrorism, since its interest does not lie in the will to frame the phenomenon in the war dimension and judge its morality from within it, but to focus on what he identifies as its characteristic traits, thus the political and the tactical faces. The amount of fear and terror induced in the victims for the fulfilment of political goals and achievement of advantages are the motivational forces making wrong itself the terrorist strategy. "Terrorism is fundamentally a political tactic and a deliberate wrong making terrorists not mere murders."<sup>60</sup>

Therefore, Goodin embraces an idea and perspective on the morally wrongness and unjustifiability of terrorism alike the one expressed by his colleagues, mainly Rodin amongst them, as previously explained in this dissertation. Even in *What's wrong with terrorism?* the conceptualization of the phenomenon clearly makes room for the inclusion of State-terrorism which manifest itself as frequently and with the same strength as group terrorism does. Certainly, States can also be terrorists and they can terror-act in different forms and against different targets: terrorism can be performed by a State against its own national population or against individuals beyond its national borders, being other State's nationals or groups and communities of political, ethnical or religious belonging; ultimately, a State can also indirectly perform terror by sponsoring it or being involved in crimes where their complicity is an evident and crucial step in achieving the political advantage.<sup>61</sup> In conclusion, the moral condemnation by the author is absolute and it refers to all the existing forms and means of terrorism falling in its politically shaped definition. "Goodin makes a scathing attack at both terrorists and politicians by likening them to each other, insofar as both of them act with the intention of frightening people for their own political purposes. Both, concludes the author, would be committing what ought be regarded as a capital crime against democratic politics, as they would

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<sup>60</sup> D. M. JONES, *What's wrong with terrorism studies?* In Australian Journal of International Affairs, August 2010, African Security Review 15.4 Institute for Security Studies, p.142.

<sup>61</sup> R. E. GOODIN, *What's wrong with terrorism?* 2006, Polity Press.

all be intentionally undermining people's capacity for democratic self-government by evoking visceral responses rather than reasoned reflections."<sup>62</sup>

Goodin reasoning basically arrives to the same conclusions showed by his colleagues on the ethics of terrorism, findings over which the critical analysis here pursued has led to the final affirmation that there are no circumstances for terrorism to be morally justified. The following below, last references to S. Smilansky work going under the name of *Terrorism, Justification, and Illusion* will serve as the ultimate, most reasonable evidences of what has been finally stated.

Whether terrorism is justifiable is Smilansky's main question too on the issue here discussed. In his opinion, firstly and before addressing such a controversial matter, it is crucial to notice and recall that doing moral philosophy on phenomena such as terrorism could be a truly risky activity. He warns about the misleading potential of its understanding, whether philosophical speculation over its etymology could justify what should be inadmissible: this is a sensitive topic, where a compromise between pragmatic considerations and deontological ethical concerns requiring the respect of fundamental principles must be looked for from time to time, in an endless search for sufficient and acceptable equilibrium.<sup>63</sup>

Indeed, some principles, such as the principle of non-combatant immunity are strictly necessary and must stay in place. However, room for exceptions cannot be denied, since the phenomenon we are dealing with is of great complexity and a straightforward thinking over it, in a black and white manner, would ignore a whole scale of nuances of grey. Weak groups resorting to terrorism to fight back stronger forces and the use of nuclear weapons with deterrence purposes are just a couple of examples. However, the key fact noticed and stressed by Smilansky is that even if taken into consideration, these last circumstances hardly (we better say never) manifested over the mankind modern history. But, really, it is rather the opposite case, thus unjustified resort to terrorism often occurring. This would immediately suggest that there is no terrorism liable of justification and that the closer reality is the admissible and reasonable use of force lacking the crucial essentials of terrorism, defined in its narrower sense

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<sup>62</sup> D. M. JONES, *What's wrong with terrorism studies?* In *Australian Journal of International Affairs*, August 2010, *African Security Review* 15.4 Institute for Security Studies, p.143.

<sup>63</sup> S. SMILANSKY, *Terrorism, Justification, and Illusion*, *Ethics*, Vol. 114, No. 4, Symposium on Terrorism, War, and Justice (July 2004), pp. 790-805.

by the author as “practiced by members of small or weak groups that lack the capacity to field an army and engage in warfare.”<sup>64</sup>

Three key examples extrapolated by the author from the post-Second World War period, when modern history pullulates of waves of terrorism support this thesis: the Irish Republican Army (IRA), Palestinians and Al-Qaida are the terror practitioners identified by Smilansky.<sup>65</sup> Although going through the deep analysis made by the author for each one of these cases is not feasible here nor necessary, can we still mention in synthesis the results found.

- As regarding the first case of IRA, the living conditions of resented by Northern Ireland Catholics have not been so bad as requiring that kind of resort to violence, so that their terrorist methods were missing the support of a just cause;

- In this second case, thus the fight of Palestinians against Israel, it is evident for any person informed about historical events and aware of the past relationship between the two parts that Palestinians had been offered different, convenient and peaceful solutions to their reasonable claims, possibilities that they have been rejecting over the years, from time to time. In this case, where both parties are citing crucial needs and have just causes in support of their demands, a compromise or agreement leaving both sufficiently satisfied must be achieved, but Palestinians kept on refusing, denying the existence of the State of Israel and reinforcing their violent incursions, terror campaigns and murderous attacks towards civilians in Israelis’ territories. Surely both parties are to blame for resorting to terrorism and counter-terrorism actions, but Palestinians, notwithstanding the existing alternatives, have used terrorism and became the first to be blamed for their actual conditions;

- the ultimate, extreme case of Al-Qaida, is in the author’s opinion self-evident in its total unjustifiability: “I trust that little needs to be said on why there is nothing here that can morally justify the most violent terrorist operations staged by Al-Qaida, which purposefully and typically discount noncombat immunity and moral innocence. Primarily, there is, in terms of just war theory, simply no just cause.”<sup>66</sup>

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<sup>64</sup> *Ibidem*, p. 790.

<sup>65</sup> *Ibidem*, pp. 790-805.

<sup>66</sup> S. SMILANSKY, *Terrorism, Justification, and Illusion*, Ethics, Vol. 114, No. 4, Symposium on Terrorism, War, and Justice (July 2004), p. 796.



These conclusions must be followed by the question on which are the circumstances then, where terrorism might be justified if not in the cases addressed because occurring in our reality. The only possibility considered by Smilansky as well as other authors was the one of terrorist campaigns to react to oppressive, totalitarian powers, or terrorism as a means for poor and desperate people in Third World's dimensions to attract the attention of wealthy people with the purpose to receive aid. These would all sound as good reasons to admit resort to extreme violence, being the sole, just escape from outrageous and disastrous situations. However, the author stresses again, that the only form of terrorism seen in the last decade is the one directed against Western beliefs, ideas, values, lifestyle and framework of rights and freedoms; against democracies and best regimes in place. The kind of terrorism that has been showing up lately is mostly driven by blind anger, intolerance, resentment, mad fanaticism, and dangerous, distorted perspectives of the reality rather than by the idealistic and maybe utopic goals previously suggested.

Hence, Smilansky speaks about the illusion we cultivated about the hope of terrorism as being supported by justified, moral aims: cautious and sceptical must be anyone willing to find a justification for terrorism, where the sick and perverse consequences of embracing pro-terroristic campaigns makes excessively risky.

“In fact, one of the particularly nasty features of terrorism is its “parasitic” nature: as in our three test cases, the terrorist infringement of PNI occurs just because the terrorists know that they can rely on their enemies not to react in a similar, ruthless manner. Sometimes terrorism aims to provoke reaction, but its perpetrators also know that such reaction is typically constrained by PNI and other limitations.”<sup>67</sup>

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<sup>67</sup> S. SMILANSKY, *Terrorism, Justification, and Illusion*, Ethics, Vol. 114, No. 4, Symposium on Terrorism, War, and Justice (July 2004), p. 804.

## Chapter 3. Terrorism from the State point of view

This chapter was conceived with the purpose of analysing terrorism from a state perspective. The first part describes State terrorism, while the second part discusses measures to combat the phenomenon. In the final part, a moral evaluation of terrorism is presented in the state perspective.

### 3.1 State-terrorism

Discussions over terrorism and its definition, the assessment of its morality and public opinion perception made clear that for a long time the majority has looked at terrorism as the resort to violence of the weak, the one whose claims are not heard, the one who is the targeted and suffers oppression and whose only alternative is to embrace terrorism. However, many analysis and debating over the phenomenon under discussion, and in accordance to what has been highlighted through the references made here in this very chapter, stressed that States have been using terrorism as much as sub-state actors and insurgent groups have been doing, at least relatively to the common image. Academics and researchers in the field of terrorism have mostly ignored this subject in their works of research, and a first line of criticism should be drawn under the fact of State-terrorism not being represented in the academic literature notwithstanding the crucial implications this indifference implies, in terms of definition of power relationships and hegemony, in the studies over the terrorist phenomenon.<sup>68</sup>

Hence, even if cases of State-terrorism are rarely reported by the media under this label, and disclosure is influenced by politicized interests and government' cover-ups, States often engaged in terrorist acts in the past and are still doing so in the present. One of the main reasons explaining the widespread difficulty in thinking about States as perpetrators of terrorism lies in the fact that they are the legitimate owners of the use of force against who pose a threat to the

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<sup>68</sup> In his article called "*The ghosts of state terror: knowledge, politics and terrorism studies*", Richard Jackson raises with particular emphasis a claim over the silence around State-terrorism which appear to be very common amongst the studies on terrorism. As other authors have done before, he highlights, through a first-order critique, how blind are the most known definitions of terrorism, where an illogical attention is payed to the nature of the terrorist identified, in sub-state actors, and where the politicized discourse totally obscures the existence of a form of terrorism employed by national institutions; a second-order critique regards the risks and dangerous consequences following the ignorance on State-terrorism, implying the institutionalization of a distorted public opinion and international discourse on the issue, and ultimately the justification of violence used by legitimate governments – R. Jackson, *The ghosts of state terror: knowledge, politics and terrorism studies*, Critical Studies on Terrorism, Vol. 1, No. 3, 2008, pp. 377–392, Routledge.

power of the institutional agencies or raise a problem of national security. However, behind States' violent interventions there are not always good purposes and noble intentions. Even legitimate governments can strategically resort to terror against their own citizenry or populations abroad as well as illegitimate institutions do. M. Stohl is familiar with this limitation carried on by the common idea of terrorism. A limit which is evidently expressed and explicitly showed by some of the most important definitions coined by institutional agents and bodies (for instance the U.S.) and aware of the difficulty the author tried to identify some of the core elements describing terrorism as to include the State-terrorism specie. These are the fact of the direct victim as being instrumental and the terrorist tactic used as a strategy for achieving some other goal through the terror caused: "What distinguishes terrorism from other acts of violence are its instrumentality and its targets. It distinguishes direct and indirect victims and it is crucial to understand, that whether we are examining insurgent or state terrorism, how the audience reacts is as important as the act itself and the instrumental victims who are its direct casualties."<sup>69</sup>

State-terrorism can thus be included within this definition, since the principal factor is to be found in the aim to influence the reaction of the indirect victim that has experiences terror and will act accordingly. States will be prone to use terrorism for several reasons: they would want to repress the insurgency of some sub-state organization or movement; to light the fire of a civil war as an excuse to eliminate some political opponents; to attack enemies abroad so to push a determinate reaction in the international scenario for geopolitical interests. These are just some examples of different type of motives for violent methods used by States that have all the features for falling into the determination of terrorism given above.

Therefore, amongst the many tactical reasons sustaining terrorist actions (terrorism as a warning and intimidating message suggesting the willingness to use extreme violence, terrorism as a bargaining weapon for the obtainment of concessions and fulfilment of other claims) the purpose to force obedience and compliance amongst the population or the opposing ruling party has always been the priority behind several States' terrorist interventions and policies. Sometimes, it is even difficult to detect the presence of institutional agencies behind some of these attacks since States not always engage in terrorism directly, but it is very common the use

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<sup>69</sup> M. STOHL, *The State as Terrorist: Insights and Implications*, Democracy and Security, Vol. 2 No. 1, 2006, Routledge, p. 6.

of surrogates. Through the employment of agents from the civil society who appear to be detached from the government, the secrecy of the action can be maintained, and States can protect themselves from any accuses of violence abuse. Strategies like these are not just a legacy of the past and of some totalitarian and authoritarian regimes, but they have been used also in present days: the Latin America regimes resort to terrorism to eliminate the opposition threatening the supremacy of the ruling government and to accomplish forced obedience by producing fear is a very contemporary and modern example.

Therefore, the complexity and variety of reasons and conditions allowing State terrorism to manifest itself make it difficult to find some common features and precise circumstance that increase the possibility for States to choose terrorist means. In fact, both strong and weak States have engaged in terrorist tactics: the first because aware of their strength and power playing as a shield curbing any counterattack; the second, because in the need to impose their power, to strengthen their regime and combat any challenging opposition to their supremacy.

However, in making the choice to use extreme violence including mass murders and indifferent killing, States go through an actual calculation of the advantages, risks and costs (response and productions costs) resulting from the engagement in terrorist campaigns, both internally and externally in the international scene. This means, as suggested by M. Stohl, that a government action is more likely to reach this level of violence when the very same means are thought to be the most effective, or more effective than any other alternative method of governance.<sup>70</sup>

It is surely more common for non-democratic States to spread terror for the achievement of the goals mentioned above, but in any case, the very problem of State-terrorism is in its process of justification and legitimization, whether the human consequences coming from this extreme option are usually ignored, well covered and managed by powerful States and seen differently, from the costs affecting insurgent terrorists. The origins and foundation of modern nation-states, their organizational structure and dehumanization of their corps, the institutionalized relationships of power requiring the silent obedience to authorities' orders, States' supreme and exclusive monopoly of the use of violence and their international public

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<sup>70</sup> M. Stohl identifies three sets of conditions that influence decision-makers in choosing or not terrorism for ruling out threatening opponents: these are the situational, structural, and dispositional - M. STOHL, *The State as Terrorist: Insights and Implications*, Democracy and Security, Vol. 2 No. 1, 2006, Routledge, p. 13.

acceptance of international rules of conduct and human rights, ultimately and determinately influence the often softened judgement following States' sapient use of force and terrorist means, where their justification comes from a wide acceptance of the need for a State to address national emergencies through its police forces for combating threats to security and population safety. This belief and the widespread conditioning of minds, is the main enemy to the condemnation of terrorism used by States in international campaigns (as the ones in which the U.S. has been involved since the end of the Second World War<sup>71</sup>) and within its national borders. Evidently, this is not morally acceptable, and neither is it the only alternative for States confronting real challenges to their authority.

This is even more current for democracies fighting against terrorism, as suggested by M. Stohl: "We need to create policies which encourage backlash against actors who choose to employ terrorism. Backlash refers to actions that antagonize and alienate the terrorist organizations from the larger socio-political context in which they are embedded and interdependent. They are strategies which seek to delegitimize the actions of terrorists."<sup>72</sup>

### **3.2 Is the expression "War on Terrorism" correct?**

This section has the aim of explaining why the expression "war on Terrorism" is often misleading. The general aim of this thesis is to understand the sense in which terrorist actions are wrong. In doing so, assessing the moral character of the terrorist has been a further step

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<sup>71</sup> In a very known interview, Noam Chomsky, popular author and philosopher, called to the U.S. as the biggest terrorist around. He defined the U.S. military intervention abroad an "assassination campaign", one of the worst the world has ever seen in the last years: the killings, the spreading of fear and use of other forms of violence likely to be linked to terrorism, are produced publicly and openly by the American States under the name of security or to prevent potential threats, often not sustained by any certainty or proof of danger. This explains the total condemnation by the author of what he defines the U.S. terrorist campaign – N. Chomsky, Chomsky says US is world's biggest terrorist, The Global Conversation, by EURONEWS, 17/04/2015, <http://www.euronews.com/2015/04/17/chomsky-says-us-is-world-s-biggest-terrorist> .

<sup>72</sup> M. STOHL, *The State as Terrorist: Insights and Implications*, Democracy and Security, Vol. 2 No. 1, 2006, Routledge, p. 21.

taken in the previous section while ethically assessing the different ways of responding to terrorism is a further step taken in this section.

As I learned during my studies and my current working experience, dealing with terrorism cannot be reduced to a mere armed confrontation. A complex phenomenon implies complex solutions. Let's take a closer look at this topic.

The expression "war on terrorism" used in chapter two is clearly a journalistic expression, but shows the effort government and civil society make to fight terrorism back. With this wording, we can label actions aimed at defeating terrorism from a purely military point of view. For example, the invasion of Afghanistan can be seen as a measure of war on terrorism, just as the establishment of the Guantanamo camp can be.

All the measures taken to prevent any possible attack are part of a precise strategy. Beside the ones mentioned above, the proper way to label the set of measures to fight the phenomenon is by using the word counterterrorism. The first measure of counterterrorism is to understand the causes of terrorism. Once found what pushes people to commit such crimes, the next step is to solve the root of the issue. As Paul R. Pillar asserts, this can be done promoting political and social change to weaken what it regards as root of terrorism as well as waging a battle of ideas against extremist ideologies. Here we notice a substantial difference of attitude between the United States of America, European Countries and Arab Countries<sup>73</sup>. While for many European Governments the roots of terrorism are to be found within their own national Muslim community, for the US the root of the phenomenon must be eradicated from the middle east. Some Arab Countries as Tunisia, Algeria and Morocco adopt a third different method that is of course closer to the European one than to the American. The reason why people in North Africa join the Isis cause is everything but ideological or religious. Religion and ideology are, most of the time, mere moral justifications covering the real aim of the fighters. Fighting for Daesh could be highly profitable for unemployed youngsters. An updated youth unemployment rate is not available, but considering the 2010 data almost one out of two young Tunisian are seeking for a job. In some regions, almost 60% of them are unemployed. In this environment, terroristic organizations find fertile soil. After the 2011 turmoil and after the 2015 attack and considering the over 5000 foreign fighters, Tunisian government has taken serious measures to solve the

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<sup>73</sup> P.R. PILLAR, *Terrorism and U.S. Foreign Policy*, 2003, Brookings Institution Press.

issue from the welfare view point, and so did all the other countries that benefited from the Arab Revolutions, even though low crude oil price is slowing the process down. The second step in the accomplishment of counterterrorism is the defence. Providing defensive security measures imply the protection of individual sites such as military bases, embassies and any other facility that could become a target of terroristic attack. Having a good defensive system has the direct effect of avoiding or mitigating the effects of an attack on that particular site, but also, and more important, an indirect effect: high security measures may deter terrorists from attacking, and since a terroristic attack must include a prior study and surveillance of the intended target, this might be time consuming. The more time passes, the higher the possibility a cell gets caught. After 2011 security measures were particularly high on sensitive governmental targets because of the recent revolution, so Tunisian affiliated shifted their interest toward less controlled targets. The Bardo National Museum and the Riu Imperial Marhaba Hotel were both targeted causing several casualties among tourists and shocking public opinion worldwide. Both sites were characterized by the peculiarity of not having effective defensive measures. Defensive measures, as tool of counterterrorism, have several shortcomings. They are expensive, and this might be the reason why in case of absence of direct threat a museum and an hotel didn't invest such an amount of money. But costs are not only the direct one, but also the indirect cost security measures represent. Longer travel time due to accurate security scanners but also in general businesses that may be more difficult due to stringent standards. Considering the facts that not everything can be protected, there is also an ethical issue arising: there is a hypothetical ratio between security measures and freedom. Defensive measures should then be effective enough to prevent or slow attacks down but not too stringent limiting citizen's normal life. If this occurs, rulers ought to change their policies due to the accountability principle and somehow terrorism achieve their objective.

Finally, counterterrorism materializes in offensive measures. The offensive is complementary to the other two phases of counterterrorism, but has the attraction of not surrendering the initiative to terrorists and is the most powerful phase toward public opinion in term of accountability. There are three main tools: diplomacy, financial control and intelligence. Diplomacy is fundamental in coordinating counterterrorism measures across different countries. This can be done bilaterally or multilaterally even though as we all know, it's not easy to trust other countries when dealing with secret information. There are many national interests at stake, so this kind of cooperation seem to be less successful than others. As former

Belgian President Guy Verhofstadt said quoting former Chancellor Helmut Kohl “Terrorism is borderless, intelligence has to be borderless too”. Here diplomacy plays a key role in creating favourable conditions to create a profitable co-operation. The second tool is financial control; using the “follow the money” strategy has always been one of the best way to uncover criminal activities and terrorism makes no exception. Unfortunately, this tool has two limitations for terrorism, first is that much of the money associated with terrorist activity flows through channels extremely hard to detect (e.g. hawala) and second is that most of terroristic operations are cheap. Creating rudimental bombs or stealing a truck are both not expensive and need low skills preparation. Intelligence is the tool that received more emphasis than the previous, ideally because in the popular imagination is the most effective way of fighting terrorism.

All the strategies mentioned above, summarized as counterterrorism, are closer to any anti criminal national strategy than to a proper military defence strategy. This might be a further sign that the phenomenon is something in between war and criminal activity.

At this point, it is interesting to evaluate from an ethical point of view both the State terrorism and the responses that the states implement to combat the phenomenon.

One of the most widely reported cases of state terrorism was that perpetrated by the United States at the end of the Second World War. Near the end of hostilities, with a country like Japan almost defeated, President Truman decided to drop two atomic bombs that killed more than two hundred thousand people, most of them non-combatants. It was the first and last time that a bomb of this magnitude was used for war purposes. Was it a measure of extreme necessity? Many scholars believe that it was not, and indeed the country in 1945 was basically on its knees. If this act is universally recognized as terrorism, it is interesting to reason from an ethical point of view. In fact, already from the fact that it was not a measure of extreme necessity, it is clear that the action cannot be justified in any way. Scholars agree in decreeing that the direct target was innocent Japanese citizens. Regarding the indirect target, but primary, there are still discussions. Some argue that it was, in addition to the Japanese hierarchy, the Soviet *nomenklatura*. In any case, there seems to be no room for a possible justification in light of the ultimate usefulness of the purpose. The killing of thousands of innocent people could never be justified either with the intent to defeat an enemy country, nor in order to intimidate a nation that would soon become THE enemy. Probably also in the situation in which the dead had all been combatants during a direct confrontation, the act would not have been justifiable



for an evident disproportionality of the action. Even if the achievement of a higher objective had been present, the act would probably not have been justifiable. As many scholars say, in this case this goal was not even that fundamental. Considering also other examples of State Terrorism, like the actions of the Philippine president dictated to counteract the crime and the oppositions, or the action of the democratic Republic of Korea against Japanese citizens in 1987<sup>74</sup>, none of them seems to find any justification in any of the traditional theories from the ethical point of view.

On the other hand, even some actions that fall under the “war on terrorism” label do not seem to find any justifying grounds. Just think of the situation in Guantanamo. It is undisputed that torture against detainees is used within the base<sup>75</sup>. The intent is on one hand to dissuade potential new terrorists and on the other to gather valuable information in light of the war on terrorism. Here too the final aim does not seem to be proportionate with the lack of humanity of the methods used.

What is interesting to note is that those that are labeled as defensive and offensive counter-terrorism measures, besides being more effective, are also more justifiable from an ethical point of view. It is therefore not just a question of definition, but also of merit of the measures to combat the phenomenon.

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<sup>74</sup> <https://www.state.gov/documents/organization/45313.pdf>, p.89.

<sup>75</sup> <https://web.archive.org/web/20060822020012/http://www.amnesty.it/pressroom/ra2006/statiuniti.html?page=ra2006> 13/02/18 h.12.24.

## **Chapter 4. Terrorism from the terrorists point of view**

This last chapter was conceived with the aim of deepening the vision of terrorism from the perspective of the terrorists themselves. To do this I started by presenting a psychological portrait of the terrorist thanks to the empirical work of Orsini. Entering the mind of the terrorist was essential to be able to evaluate ethically if the motivations that led him to make such a difficult decision are fair or unjust. Later I highlighted the main characteristics of modern Islamic terrorism. The characteristics are so distinctive that they forced me to move the fines of the traditional definition of terrorism.

### **4.1 A deeper look into Terrorists' psychology**

So far, this thesis has revolved around terrorism as a concept. However, it is imperative to keep in mind that at an empirical level it is an act of violence perpetrated by individuals (though the single act could also be the result of the deliberation of a collective). In fact, if we cannot figure out how terrorists perceive reality, in terms of what drives them, it is impossible to grasp the meaning of the act itself. This process implies a sharp focus on the terrorist's mind; it entails a deep understanding of their motivations and of their pattern of behaviors. In other words, how do individuals become terrorists? What is hidden behind their actions? Because the acts that terrorists execute are so heinous, many people believe that they are biologically and psychologically different from non-terrorists. However, this is not necessarily true. In fact, to successfully investigate the roots of terrorists' behavior, we must refrain from the prejudice that their choices are the result of irrationality, mental illness or ignorance. It is fundamental to bear in mind that there are no deviant psychological traits that distinguish terrorists from common people: the striking reality about the terrorists' psychological profile is their normality<sup>76</sup> from the clinical point of view. So far, we have presented the question from the side of mere analysis of the rightness and wrongness of the action on a moral point of view. But the moral assessment of terrorism shouldn't be limited only to deontological or consequentialist questions of right or wrong action. Understanding the intention and motivation of terrorists is the final aim of this thesis and can help us decide if and in case how they might be excused for their actions.

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<sup>76</sup> M. CRENSHAW, *The Causes of Terrorism*, Comparative Politics 13(July 1981), p. 390.

Alessandro Orsini, an international expert on the subject, identifies in the ideological component of terrorism the key element to understand what pushes individuals from different social backgrounds to join terrorist organizations, to cut all ties from their ordinary life and kill as well as face death. In fact, according to Orsini, this deep-rooted ideology flows into fanaticism and, by underpinning the persuasion of being the holder of an absolute truth, it legitimizes the imposition by force. Orsini defines this category of individuals as “*terrorists by vocation*”, namely “*the terrorist in his incandescent state*”<sup>77</sup>.

To have a better understanding of the power of ideology as a motivation to commit violence for terrorists by vocation, it comes in handy to use Max Weber’s distinction between living “off” politics and living “for” politics as a starting point. In fact, Weber defines those who live off politics as those individuals that use politics as a material means to guarantee their survival. On the other hand, those who live “for” politics are individuals that feel an inner need to dedicate their lives to a cause, not for personal interests. As Weber writes: “He who lives “for” politics makes politics his life, in an internal sense”<sup>78</sup>. Indeed, the concept of “living for politics” applies to the terrorist by vocation, who is characterized by a deep faith in the mission he perceives as imperative to accomplish, due to an inner need to devote his own life to serve a greater good. Notably, for a terrorist by vocation, politics does not represent a mean to make a living or to upgrade his social status and joining a terroristic organization is the extreme way to prove it. In fact, it represents an act of abandon, giving up the pursuit of personal well-being as well as friendship and family: in other words, life as common people know it. It represents an eagerness to kill and die for a cause that they perceive as more important than survival itself.

Poverty and lack of education cannot be identified as underlying determinants for terrorist behavior. Notably, we have to depart from the common knowledge that all terrorists are uneducated and irrational. Orsini claims that, in fact, the educational level of vocational terrorists is above average, if compared by the social groups they are from. In many cases, vocational terrorists are high school or university graduates that would not lack the means to secure a safe and ordinary life<sup>79</sup>. The members of the Red Brigades are a perfect example of

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<sup>77</sup> A. ORSINI, *Interview With a Terrorist by Vocation: A Day Among the Diehard Terrorists*, Part II, *Studies in Conflict & Terrorism*, 36:672–684, 2013, p. 673.

<sup>78</sup> M. WEBER, *Politics as a Vocation*, in Max Weber, *Essays in Sociology*, Translated, Edited, and with an Introduction by H. H. Gerth and C. Wright Mills (New York: Oxford University Press, 1946), p. 84.

<sup>79</sup> A. ORSINI, *Poverty, Ideology and Terrorism: The STAM Bond*, *Studies in Conflict & Terrorism*, 35:665–692, 2012, 665.

terrorists by vocation: the strong ideological component, which constituted the true core of the organization, is a fundamental element in the construction of a deep-rooted faith in the militants, who embraced the organization's mission and have been responsible for a large number of violent incidents, including assassinations, kidnapping and robberies aimed at accomplishing it. Moreover, taking into consideration the Red Brigades as unit of analysis, the thesis that terrorists have a background of poverty and lack of education does not hold up: the educational level of the individuals arrested or convicted of terrorism is much higher than the national average. 17.8 percent of them was a graduate, compared to the 4.1 percent of the general Italian population, whereas 44.5 percent of them had a high school diploma, whereas the national average was 16.8 percent back then<sup>80</sup>.

Notably, Alessandro Orsini has interviewed a former member of the Red Brigades, in order to have a better understanding of the everyday life of left-wing militants and grasp the motivations for individuals to become terrorists. The interviewee became a Red Brigades member and went into hiding in 1977, abandoning his wife, his daughter and his former life with no expectations of personal advantages; therefore, his choice was radical, but it was also deliberate. In fact, the decision to join the Red Brigades can be traced back to the protest movement of 1977, when he was highly motivated due to the political circumstances of the time: “I was willing to risk my life to smash the state, institutions, capitalism, property, the family, the church”<sup>81</sup>. The most striking finding of the interview is that it points out sacrifice as a leitmotiv, which is typical of vocational terrorists in their perception of their own lives. In the words of the interviewee: “Abandoning all my nearest and dearest was a painful decision, but I felt I had a mission to accomplish. I was not alone. Many of us felt we had to do something that was more important than our individual lives”<sup>82</sup>. These insights about motivation and the importance of ideology for terrorists by vocation corroborate the thesis of Jon Elster, asserting that: “Every human has a profound need to believe, and terrorists are men and women like the rest of us: they are distinguished by the depth of their faith.”<sup>83</sup>

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<sup>80</sup> Ivi, 666.

<sup>81</sup> A. ORSINI, *Interview With a Terrorist by Vocation: A Day Among the Diehard Terrorists*, Part II, p. 673.

<sup>82</sup> Ivi, 675.

<sup>83</sup> M. K. MCBRIDE, *The Logic of Terrorism: Existential Anxiety, the Search for Meaning, and Terrorist Ideology*, *Terrorism and Political Violence* 4 (2011), p. 578.

In order to gain further insights on the terrorist mind-set, it is also interesting to investigate the *modus operandi* that characterizes terrorist attacks. In fact, given that terrorists have agreed to live a life that requires facing death on a daily basis, another characteristic that sets them apart from ordinary people, according to common sense, is that they must be endowed with outstanding courage<sup>84</sup>. In fact, according to sociologist Randall Collins, people are not usually prone to use violence as a consequence of the very process of becoming civilized. Therefore, in everyday life it is uncommon that situations involving violence escalate to physical clashes, also due to the incurrence of what Randall Collins called “the barrier of confrontational tension and fear”<sup>85</sup>, namely the flow of adrenaline that makes violence ineffective. This clarifies that the common belief according to which in order terrorists are brave is a misconception: in order to perform a terrorist attack, it is not courage that is needed. What is indispensable is the arrangement of a particular situation that allows for keeping emotions under control. Specifically, Collins identifies five “situations” that prevent the occurrence of this “barrier of confrontational tension and fear”<sup>86</sup>.

1 – The first situation is defined by Collins as “attacking the weak”, namely a person who is unarmed, undefended, isolated and usually outnumbered. This reduces the risks entailed in the attack itself and consequently succeeds in reducing the production of adrenaline unleashed from a violent physical clash.

2 - The second situation is one where the physical clash between two individuals follows very specific rules, with the aim of entertaining an audience. This is the case, for example, of staged fights, or duels between aristocrats during the Middle Ages. In this situation, fear is overcome by focusing on the audience rather than on the adversary.

3 - The third situation described by Collins is long-distance combat, possible in modern times thanks to ranged weapons. This prevents the attackers from witnessing the pain of their targets, hence reducing the risk of emotional engagement.

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<sup>84</sup> A. ORSINI, *Are Terrorists Courageous? MicroSociology of Extreme Left Terrorism, Studies in Conflict & Terrorism*, 38:3, 2015, 179-198, 179.

<sup>85</sup> R. COLLINS, *Violence. A Micro-Sociological Theory* (Princeton, NJ: Princeton University Press, 2008), p. 19.

<sup>86</sup> R. COLLINS, *Micro and Macro Causes of Violence*, *International Journal of Conflict and Violence* 1 (2009), pp. 9–22.

4 - The fourth method of bypassing the problem of fear consists in the use of deceit to overpower the target. Collins also claims that this is the most effective form of violence, when used to wheedle him out, since the target is completely unaware of what is about to happen, given that the attacker has approached him deceitfully, without letting him grasp his intentions. Since the victim does not have the time to realize he is in danger and cannot react, the aggressor is able to keep under control the emotional tension that derives from fear and from physical encounter.

5- The fifth method to overcome the emotional barrier of a clash is the situation in which the aggressor is concentrated more on the technical expertise necessary to complete his tasks rather than on the nature of the act, detaching from the physical suffering inflicted to the victim. This is the case, for example, of snipers in wartime: by focusing on the necessity to be precise and effective, snipers can be very disciplined, and they are able keep control over their emotions.

The classification provided by Collins comes in handy when analyzing the acts of violence perpetrated by terrorists. Usually, in fact, terrorist attacks are the result of a combination of the violent situation of type one and type four, exercising what Orsini calls “cowardly violence” or “vile violence” . Thus, terrorists prefer to attack weak and isolated people through deceit, by arranging situations that make it easy to overpower their victims. This is evident when analyzing the acts of violence perpetrated by the Red Brigades. In fact, Orsini has interviewed a number of former members of the Red Brigades with the aim to identify some sort of recurring pattern in the carrying-out of terrorist attacks, a *modus operandi*. One of the most striking findings is that the most complicated part of a terrorist’s job does not consist of pulling the trigger but in the ability to manage a complex organization, in order to maximize the outcome while also minimizing the risks entailed in their operations. Hence, if the paramount aim of terrorists is to place their victims in a desperate condition, defenseless, with no way to flee and with no one to rescue them, the most important part of the plan is to study the habits of their victims, to learn everything about their lives, by tailing them for a long time. Orsini reports the perfect example of “vile violence”. Notably, the Red Brigades shot one of their victims in the legs by attacking him when he less expected it. The man was hit while opening the door of his apartment to go to work, early in the morning. Moreover, the plan was arranged so that they would have carried out their aggression while everyone in the building

was sleeping, so that no one could come to rescue the victim<sup>87</sup>. This allows us to understand that terrorists are not courageous, they are coward. They manage to kill their victims only after placing them in situations where they have no possibility of escape or reaction. Thus, the main conclusion that we can draw from the analysis of terrorists' modus operandi is that they are not individuals that stand out for courage, so they have to rely on planning "death situations"<sup>88</sup>, minimizing the risks of being overpowered and therefore overcoming their emotions.

Thus, the main finding that can be drawn by the sociological analysis of the profiles of terrorists, by using left-wing extremists as case studies, is that terrorists are not mentally ill, or ignorant, nor even brave. Even if their mind-set may convey the impression of being almost pathological, it is essential to keep in mind that we are dealing with men and their actions, as for what drives them and the way they are carried out, have a meaning. As reiterated by Dr. Daanish Mustafa, since terrorism "is innately human in its causes and consequences"<sup>89</sup>, learning about terrorists' motivations, intentions and pattern of behavior will allow for the implementation of a human-centered approach to terrorism, to reinforce the effectiveness of the current nation-state approach in the global response to terrorism.

## **4.2 Distinctive traits of Islamic terrorism**

Not only is the debate over the most widely accepted definition of terrorism still ongoing, but it becomes even more heated when it involves Islam. In fact, "Islamic Terrorism" has become a trending topic in global politics since the beginning of the new millennium and the two-word expression has been widely discussed within the global arena and, even though it is still quite an ambiguous concept and the very use of the expression "Islamic terrorism" is challenged. Indeed, it seems improper to couple a notion as heinous as "terrorism" with such a noble concept as "Islam". In fact, while the term "Islam" itself refers to the religious, historical, cultural and social aspects of the Islamic religion from the seventh century to the present, labels like "Islamism", "fundamentalism", "radicalism", "Islamic extremism" have been used, especially after 9/11, in the public arena in an undifferentiated way, with disregard for the

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<sup>87</sup> A. ORSINI, *Are Terrorists Courageous? MicroSociology of Extreme Left Terrorism*, p.193.

<sup>88</sup> Ivi, p.194.

<sup>89</sup> <https://www.dawn.com/news/151974>.

differences within the Muslim community. In addition to this, labels are generally presented in a binary opposition. Notably, the term 'Islamic world', for example, is used in contraposition to 'the culture of West'. The same applies to other concepts such as extremist in contraposition to moderate, totalitarian and democratic, secular versus religious. This narrative within the Western political discourse has been often branded as "counter-productive", "highly politicized, intellectually contestable" and "damaging to community relations"<sup>90</sup>.

For the purposes of this dissertation, we can say that by *Islamic terrorism*, *Islamist terrorism* or *radical Islamic* we can designate any terrorist act, set of acts or campaign committed by groups or individuals who profess Islamic or Islamist motivations or goals<sup>91</sup>. It should also be noted that when we deal with "Islamic terrorism", we are referring to a wide number of terrorist organizations with a varied range of political goals. Notably, this definition refers to terroristic organizations as the Islamic State, Al-Qaeda, Boko Haram, Fatah al-Islam, Hamas, Hezbollah, Jaljalat, among others, with a decentralized networks of cells scattered all over the world. The highest numbers of aggressions carried out in the name of Islam occur in Iraq, Afghanistan, Nigeria, Pakistan and Syria<sup>92</sup>, even though the most interesting trend emerged in recent decades is that terrorist attacks have occurred on a global scale, therefore striking not only in Muslim-majority states in Africa and Asia, but also in several other countries, including those within the European Union, the United States, Canada, Russia, Canada, Israel and India.

Even though terrorism, as we have seen so far, can by no means be conceived as a phenomenon related to Islam by definition, an analysis of the terroristic attacks perpetrated in recent decades reveals that a large share of them has been carried out in its name. Notably, Bruce Hoffman, political analyst at RAND Corporation, stresses that while in 1980 only two out of 64 groups could be categorized as religion-driven, in 1995 almost half of the organizations categorized as terroristic, namely 26 out of 56, were classified as religiously motivated, and most of them espoused ideologies whose principles were rooted in the teachings of Islam<sup>93</sup>. More specifically, according to the Global Terrorism Index 2016, in 2015, four

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<sup>90</sup> R. ROSDIWAN, *The Narrative Characteristics of Islamic Terrorism Discourses*, AL ALBAB - Borneo Journal of Religious Studies (BJRS) Volume 3 Number 2 December 2014, p. 218.

<sup>91</sup> B. HOFFMAN, *Inside Terrorism*, Columbia University Press, 1999, pp. 89–97.

<sup>92</sup> "Global Terrorism Index Report 2015", Institute for Economics & Peace. November 2015. p. 10.

<sup>93</sup> "The evolution of Islamic Terrorism: an overview",  
<https://www.pbs.org/wgbh/pages/frontline/shows/target/etc/modern.html>.



Islamic terrorist groups accounted for 74% of all deaths from terrorism: namely ISIS, Al-Qaeda, Boko Haram and the Taliban<sup>94</sup>.

However, it is necessary to bear in mind, as Shmuel Bar argues, that terrorism has nothing to do with Islam: it is a perversion, a radicalization of a faith whose name essentially means “submission to God, peace, purity, obedience”<sup>95</sup>. Indeed, Western leaders such as George W. Bush and Tony Blair, leaders of the Western crusade against terrorism in the Middle-East, have reiterated in several occasions that their enemy was not the Islamic faith: “We’re taking action against evil people. Because this great nation of many religions understands, our war is not against Islam, or against faith practiced by the Muslim people”<sup>96</sup>. Even though the political motivation of the leaders of radical Islamist groups is not in doubt, the moral justification for these movements has always been expressed by emphasizing its reliance on Islamic sources of authority and religious principles. This is why, even though an approach to Islamic terrorism focusing exclusively on religious and cultural factors can be considered too narrow, it is also true that any analysis of radicalism cannot be successfully undertaken without considering Islam as a political and social system that revolves around religion. In fact, in traditional Islam, and particularly, in the approach of Islamic fundamentalism, no separation is envisaged between political and religious factors. Islam is, in fact, a system that encompasses both religion and regime (*din wa-dawla*), therefore no area of human activity is left outside of domain. This is the reason why, investigating the roots of Islamic terrorism by taking into consideration political and socioeconomic factors alone would fail to properly address the underlying elements of the environment in which this phenomenon is entrenched and nurtured. In fact, the success of radical Islamic organizations in the recruitment of activists over the time, in spite of the growing strength of the Western civilization process, is proof of the rooted ideological nature of the phenomenon. Thus, in order to grasp the motivation for these acts and to devise a effective strategy that aims at addressing the root determinants of terrorism, it is necessary to understand the religious-ideological factors, which are deeply embedded in Islam.

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<sup>94</sup> Global Terrorism Index 2016, Institute for Economics and Peace, 2016, p. 4.

<sup>95</sup> S. BAR, *The Religious Sources of Islamic Terrorism*, Policy Review; Jun/Jul 2004; 125, p.27.

<sup>96</sup> Remarks by the President George W. Bush at a Town Hall Meeting with Citizens of Ontario, Ontario Convention Center, Ontario, California, January 5, 2002, <https://georgewbush-whitehouse.archives.gov/infocus/ramadan/islam.html>

The underlying element of modern Islamic radicalism is that it conceives the decline of modern Muslim societies as the consequence of the departure from the "straight path" (*as-sirat al-mustaqim*), which is to say the path that pleases God; therefore, the solution to revive the past glory consists in a return to the original spirit of Islam. Notably, according to Bar, the fundamental element in the radical Islamist approach can be defined as both dichotomist and ahistorical: in fact, there is no such thing as relativism, religious innovation, historical evolution, interpretations and political pluralism: perfection only belongs to the ways of the Prophet and the events of his time<sup>97</sup>. Resulting from this approach, the world can be distinguished in two categories: *Dar al-Islam*, "The House of Islam" namely, Muslim countries, and *Dar al-Harp*, "The House of War" which is to say, countries that are not under Islamic rule. They are doomed to be enemies and fight, until Islam will prevail<sup>98</sup>. This ideological view of the world, in opposition to reality, where a large number of Muslim lands have been long under "infidel occupation"<sup>99</sup>, has called for the adding of a sixth pillar to the five canonized ones (as Shiites do): the personal duty for all Muslims to join the jihad<sup>100</sup>. This duty has come to be perceived as a religious imperative, just like the other five pillars of Islam (the statement of belief, prayer, fasting, charity, and haj), envisaging damnation for all those Muslims who refrain from putting it into practice. Therefore, the concept of jihad has become a key element in the ideology of Islam. It is a complex concept, since there is no single and shared understanding of it, given that the Quran gives rise to a number of different interpretations and doctrines. Literally, it means 'to strive or struggle in the way of Allah'<sup>101</sup>, but it takes on different meanings that depend on the different interpretations that the various communities and theologians give to this word. In general terms, jihad encompasses any form activity undertaken in the attempt to follow the path of God. However, more specifically, the term has two main understandings, "greater Jihad" and "lesser Jihad". "Greater Jihad" refers to the efforts of a believer to live a Godly life in accordance with the principles of the Muslim faith laid out in the sacred texts. It represents the inner, spiritual struggle of every Muslim in their search for God by putting into practice the teachings of the Quran, through meditation, prayer, and working for social justice too.

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<sup>97</sup> S. BAR, *The Religious Sources of Islamic Terrorism*, Policy Review; Jun/Jul 2004; 125 p.32.

<sup>98</sup> Ivi, p.32.

<sup>99</sup> Ivi, p. 30.

<sup>100</sup> It is indeed a pillar for Shia Islam. For Shiites there are six pillars instead of five.

<sup>101</sup> "Islam: attitudes towards fighting and warfare",

<http://www.bbc.co.uk/schools/gcsebitesize/rs/war/islamrev2.shtml>

On the other hand, "lesser Jihad" designates the struggle in defense of the Islamic faith. Notably, the interpretation of this term is very controversial: the Quran is not clear at this respect, since it contains verses that corroborate different theories and consequently it becomes a tool in the hands of the various imams to support their doctrine. It can be conceived as a non-violent persuasion aimed at the diffusion of Islamic beliefs. On the other hand, Islamic fundamentalists see violent struggle as necessary to eradicate obstacles to restoring God's rule on Earth and defending the Muslim community, or *ummah*, against apostates and infidels<sup>102</sup>.

Ultimately, the perception of jihad as a personal duty has become so embedded in Islam that it has contributed to the promotion of a Thanatophile ideology, with the subsequent idealization of death, that is conceived more like a desired outcome and not as a necessary evil when in war<sup>103</sup>. This outcome has been achieved also by emphasizing verses in the Koran and stories glorifying martyrdom and celebrating the splendor of paradise and the rewards in the afterlife for those succumbed in the struggle against the infidels. In particular, contemporary events, stemming from foreign and domestic political strategies of both Western and Muslim world, have led to a significant radicalization for many members of the Muslim community, in particular those in the diaspora. Resentment at the perceived oppression of Muslims worldwide has had relevant repercussions and has emphasized the perception of jihad as a personal duty. More specifically, the origins of modern international Islamist terrorism can be traced back to the rise of the Islamic fundamentalist trend in the twentieth-century. In fact, the "Islamic Movement" began to emerge in the Arab world and in India under the British rule as a consequence of the crumbling state of Muslim society in those countries, where social injustice and submission to foreign domination provoked a reaction in the Muslim world. However, while the turning point for this kind of Islamic insurgency was in many cases the meeting with the West, these Islam-driven struggles against colonial powers on rare occasions affected combatants from other Muslim countries. Therefore, according to John Moore, former political-military analyst with the U.S. Department of Defense, to better understand the roots of militant Islam, it is useful to distinguish three phases in the evolution of Islamic terrorism: 1968-79, which represented the dawn of modern international terrorism; 1979-9, marked out by the

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<sup>102</sup> Ibid.

<sup>103</sup> S. BAR, *The Religious Sources of Islamic Terrorism*, Policy Review; Jun/Jul 2004; 125 p.30.

afghan jihad and state sponsor terrorism; 1991, that represented the turning point for the globalization of terror<sup>104</sup>.

The first phase of the development of modern international terrorism was characterized above all by a sharp focus on material damage and limited attacks. Especially, the rise of these nationalist and revolutionary movements, along with their idea that terrorism could prove effective in reaching political goals, can be considered as the dawn of modern international terrorism. Many secular movements began to rise in Palestine during the 1960s, as the Popular Front for the Liberation of Palestine (PFLP) and Al Fatah, which drew lessons from guerrilla movements in North Africa and Latin America to switch from classic, rural-based, warfare, toward new forms of urban terrorism, including the deliberate targeting of civilians. In particular, they carried out a number of hijackings, bombings, and shootings, carrying out a number of operations whose peak was the kidnapping and killing of Israeli athletes participating in the 1972 Munich Olympic Games. This is particularly important, because these Palestinian organizations became a model for other religious movements developing in the region. In particular, the failure of Arab nationalism in the 1967 war resulted in the strengthening of extremist Islamic movements as the Muslim Brotherhood, advocating a departure from secularism, and a return to the application of the principles of the Quran to regulate the activities of states, communities and families.

The second phase, between 1979 and 1991 was marked out by the Afghan jihad and the rise of state sponsored terrorism. Notably, this phase was characterized by the evolution toward urban-based attacks with a sharp increase in the number of civilian casualties, which led to the deliberate targeting of civilians as a strategy during conflicts. Moreover, warfare in the region turned into a testing ground for the emergence of militant, fundamentalist Islam. In particular, 1979 represented a critical moment in the evolution of international terrorism. In fact, on the one hand, the Iranian Islamic revolution rose concerns of a possible exportation of Shia insurgency. On the other hand, the Soviet invasion of Afghanistan and the anti-Soviet mujahedeen war that stemmed from it, lasting from 1979 to 1989, played a key role in the rise and strengthening of a large number of terrorist groups. In fact, the conflict in Afghanistan succeeded in attracting volunteers from several countries of the Islamic world, being a key

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<sup>104</sup> “The evolution of Islamic Terrorism: an overview”,  
<https://www.pbs.org/wgbh/pages/frontline/shows/target/etc/modern.html>.

factor for the subsequent development of a jihadist faction of well-trained, experienced militants, which represented a defining element for the development of contemporary international terrorism. This period is particularly important because the debate over state-sponsored terrorism began to gain prominence within the international arena. In particular, Hezbollah, pioneer in the use of suicide bombers in the Middle East, author of the 1983 bombing and killing of 241 U.S. marines in Beirut, as well as kidnappings of U.S. and Western civilians and government officials, stirred up tensions due to the support of the Iranian government<sup>105</sup>.

The following years represented a turning point for what can be defined as the globalization of terror. With the end of the Cold War, new States came into being, while many others underwent a long period of unstable and anarchic conditions. The aftermath of the Cold War served as breeding ground for an increasing number of terrorist activities, due, in particular, to the proliferation of advanced weapons and military equipment worldwide. Moreover, the instability stemming from the conflict, affecting in particular areas as the Balkans, Afghanistan, several African countries as well as Colombia, provided collateral benefits to terrorist organizations, being particularly fruitful as for their training and recruitment activities and for the logistic support to their operations provided through smuggling and drug trafficking routes.

The region of Afghanistan, in particular since the 1989 Soviet withdrawal, offered training ground for terrorists. In particular, since 1994, the Pakistani-supported Taliban militia in Afghanistan has featured a number of characteristics conventionally associated with state-sponsors of terrorism, hence taking care of logistical support, travel documentation, and military training, among other things. Even though fundamentalist groups such as the Egyptian Islamic Jihad and Al Qaeda rose in Afghanistan long before the Taliban, the emergence of the Taliban control has represented a turning point toward the evolution of terrorism activities in the region into a quite coordinated movement.

International jihadist terrorism entered abruptly the international arena with the terrible attack on the World Trade Center on 11 September 2001. Since then, two terrible waves of

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<sup>105</sup> “A look back at the deadly 1983 Marine barracks bombing in Beirut”,  
<http://abcnews.go.com/International/back-deadly-1983-marine-barracks-bombing-beirut/story?id=50663026>.

jihadist terrorism have unfolded, separated by a ten-year period that has featured a decreasing number of attacks. Notably, 9/11 was preceded by two attempted attacks, namely one targeting the World Trade Center in 1993 and another one in 1998, with the bombings of the American embassies in Kenya and Tanzania. These three terrorist attacks shared a specific and recurrent pattern: the management of these aggressions has always been carried out by the central core of Al-Qaeda, based in Sudan and Afghanistan, after a lengthy period spent gathering intel. The perpetrators of the attacks were not home-grown terrorists, they arrived in the U.S. through several airports with diverse levels of security in order not to be tracked. The attacks have always been carried out with extremely technological weapons for the time, such as airplanes and high-potential explosives, maximizing the number of victims through a careful selection of the location of the attack with surgical strikes. Case in point is the attacks on the Twin Towers, when 19 hijackers took control of four commercial airliners causing the deaths of 2,996 people and injuring over 6,000 others<sup>106</sup>. September 11 has completely transformed the chessboard of international relations. Countering terrorism has been at the forefront of the international agenda since then, in order to tackle the global threat represented by Al-Qaeda. During this period, security forces have improved transport controls, starting a hunt for terrorists to track down the leaders of the organization, pushing them into hiding and forcing them to cut all the links with the cells scattered all over the world. Consequently, these cells gained more autonomy and Through this new arrangement, the two major terrorist attacks in Europe, namely Madrid in 2004 and London in 2005, were carried out. In the case of the Madrid train bombings<sup>107</sup>, the investigations pinned the attack on a Moroccan Salafist group to which Al Qaeda had provided funds long before the attacks: therefore, the cells had planned and carried out the bombing in an autonomous way<sup>108</sup>. Despite this, the terrorist act was carried out following the same *modus operandi* as Al Qaeda, with the use of high potential bombs and explosives from Morocco, even though the component of martyrdom, typical of jihadist terrorism, is missing in this case.

It is essential to keep in mind that in this first wave of jihadism the recruitment has always taken place in the mosques. Therefore, counterterrorism addressed the problem with the

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<sup>106</sup> "Winnipegger heads to NY for 9/11 memorial", <http://www.cbc.ca/news/canada/manitoba/winnipegger-heads-to-ny-for-9-11-memorial-1.991431>.

<sup>107</sup> It is interesting to note that at first, the attack was officially attributed to the ETA.

<sup>108</sup> A. RABASA, C. BERNARD, *The Muslim World after 9/11*, RAND Corporation, 2004, p. 162.

implementation of strategies including the infiltration in mosques and the signing of protocols between governments and the Islamic communities.<sup>109</sup> After the attack in London, in 2005, which was characterized by very similar features, Islamic terrorism had a setback. In the years between 2005 to 2015, in fact, terrorist attacks were few in numbers and characterized by very low intensity; however, in this period, with the easing of security measures, extremist groups had the possibility of rearranging their network again, developing new strategies. Europe remained unaffected by the clashes that were shaking the Middle East, where the Arab Springs and the outbreak of the three great civil wars in Syria, Iraq and Yemen were altering the fragile balances in the region. Only one exception, in Europe, represented the prelude of the rise of a new trend in the framework of jihadist terrorism. Namely, the attack on the Toulouse Jewish school in 2012 perpetrated by Mohammed Merah, a 23-year-old radical French-Algerian. He murdered two French soldiers and then attacked a Jewish school where he killed two students and a professor. Indeed, Merah was the first European attacker to claim allegiance to jihadism after online radicalization, the new recruitment strategy arranged by the then very young Islamic State organization, under the name of ISIL (Islamic State of Iraq and Levant). The young man was not the first to be involved in online radicalization, but he was the first one to put into practice the strategy that marks out most of contemporary terrorist attacks in Europe: low intensity but multiple attacks carried out by makeshift means.

However, this new *modus operandi* was not put into practice in the immediate re-exploding of the jihadist campaign in Europe. The first two attacks, the attack on Charlie Hebdo and the one targeting the Bataclan, shared the features of the aggressions carried out by Al Qaeda, being characterized by strong centralization and surgical strikes. However, there were some relevant differences: in fact, only some of the Paris terrorists were foreign fighters who trained in Syria, while several others were only young radicals who only had partial paramilitary training. Moreover, the key elements in this two attacks, that will become distinctive features within the new wave of jihadist terrorism, were the lack of the component of martyrdom and the target of striking several times, even on the same day and in the same city. After these two targeted attacks, the intelligence campaign that was carried out by Western forces and the

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<sup>109</sup> ITAC, *Militant Jihadism: Radicalization, Conversion, Recruitment*, Canadian Centre for Intelligence and Security Studies, The Norman Paterson School of International Affairs, Carleton University, Vol. 2006 - 4, p.16.

international effort to eradicate this new threat to global peace, incited the Islamic State, protagonist of this “new era of international jihad”<sup>110</sup>, to increasingly rely on independent actors, recruited with Hollywood-style propaganda diffused above all through social media as a tool to create followers. This second wave of jihadism, in fact, has been accompanied by rising concern about home-grown terrorism, also known as “lone wolf terrorism”. This term refers to attacks carried out by local citizens outside of any command structure and without material or organizational support from the central core of any terrorist group<sup>111</sup>. A series of lone wolf terrorist attacks in France, Germany, the United States and elsewhere shows that the phenomenon continues to spread: in fact, between October 2015 and August 2016 over 20 attacks have been perpetrated by radicalized individuals in response to the Islamic State’s call to indiscriminately kill “non-believers”<sup>112</sup>. It should be noted that this strategy is profitable for the Islamic State in several ways. First, it is low-cost and relatively easy to implement: in fact, no planning is needed on its part as well as no contact with or knowledge of the attackers. Moreover, home-grown terrorists can bypass preventive security measures: since there is no direct connection with ISIS, it is almost impossible to identify them ahead of the time, therefore they give no possibility to put in place effective countermeasures. In addition, these kinds of aggressions are further detrimental for both a citizens and state governments, raising fear and fueling tension and distrust among civilians while also making leadership appear paralyzed and even weak. Therefore, even though the numbers of the victims of these attacks are much fewer if compared to the large-scale terrorist attacks that have shaken the world at the beginning of 2000s, the frequency of episodes is much higher and the ease with which they seem to strike even greater. This new strategy of terror has led to a generalized increase in the fear of the attacks, also because, as Pieter Van Ostaeyen, international expert on the subject, has clearly explained, ISIS’s goal has appeared to be: “signaling that it can attack anytime, anywhere, and we cannot prevent it”<sup>113</sup>

As we have seen, this second wave of jihadism has been marked out by the rise of ISIS, which has superseded Al-Qaeda in catalyzing the international attention as global threat in terrorism. In fact, in spite of sharing the same mindset, ideology, long-term goals and rhetoric,

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<sup>110</sup> “ISIS declares creation of Islamic state in Middle East, 'new era of international jihad’”, <https://www.rt.com/news/169256-isis-create-islamic-state/>.

<sup>111</sup> “ISIS’ Lone-Wolf Strategy”, <https://www.foreignaffairs.com/articles/2016-08-25/isis-lone-wolf-strategy>

<sup>112</sup> Ibid.

<sup>113</sup> “Paris attacks: A new type of terrorism?”, <http://www.bbc.com/news/world-europe-34820847>.



ISIS is not its evolution or its expansion. It represents a departure from the standard terrorism reasoning. Although al Qaeda remains dangerous, the novelty of ISIS is that it represents something entirely new. Traditional terrorist networks, as al-Qaeda, can usually count on a maximum of a few hundreds of members and they do not establish rule on a territory. On the other hand, ISIS acts more like a pseudo-state: it can rely on over 30,000 fighters, it has direct control on territory in both Iraq and Syria, it boasts extensive military capabilities and it funds itself<sup>114</sup>. In fact, the capacity of ISIS to finance its activities does not rely on external funding. By having established control over a territory, the group has been able to build a self-sustaining financial model that is a novelty in the field of terrorism. In fact, since 2012, ISIS has gained control of key oil assets in eastern Syria, taking over almost 60 percent of the country's oil production capacity<sup>115</sup>. Furthermore, the Islamic State sells some of this oil on the black market in Iraq and Syria, smuggling a part of it also into Jordan and Turkey, with a total revenue between \$1 million and \$3 million per day<sup>116</sup>.

The economic revenues of ISIS, however, go well beyond oil. They involve, for example, trade of cotton and wheat from Raqqa as well as the control of key transportation routes in Western Iraq, which allows them to charge tolls. Moreover, after taking control of Mosul, it took over the provincial central bank and sold on the black market a number of stolen antiquities and expensive items, as cars and jewelry. However, a key element in the group's finances is a broad spectrum of extortion racket activities targeting producers in ISIS territory, levying taxes on all properties, from small family businesses to large enterprises, as cell-phone service providers as well as energy suppliers and water delivery companies. In addition, like other terrorist groups, ISIS takes hostages, gaining millions of dollars in ransom payments.

ISIS has completely changed the standard conception of terrorist organization. When al-Baghdadi proclaimed himself the caliph, it represented a bold claim to religious authority. This reveals a lot about the behavior of the organization: in fact, it points out that ISIS' core is about raw power and conquer, not ideology and legitimacy. This mindset has repercussions on recruitment strategies. In fact, ISIS has been able to attract a staggering number of fighters. About 30,000 fighters from at least 85 countries have joined the Islamic State of Iraq and Syria

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<sup>114</sup> "ISIS is not a Terrorist Group", <https://www.foreignaffairs.com/articles/middle-east/isis-not-terrorist-group>.

<sup>115</sup> *Ibid.*

<sup>116</sup> *Ibid.*

(ISIS) as of December 2015<sup>117</sup>. Even though the great majority of ISIS recruits come from the Arab world, several foreign fighters also come from Western states, as the European Union, as well as the United States, Canada and Australia and from Russia, Indonesia and Tajikistan. The recruitment of foreign fighters by ISIS has indeed become a global phenomenon.

A comparison with Al Qaeda can be useful to better grasp the novelty brought about by the Islamic State. In fact, Al Qaeda's recruitment strategy revolves around religious arguments and a narrative of self-sacrifice for the sake of the protection of the *ummah*. Notably, Bin Laden and his successor, Ayman al-Zawahiri, undertook a significant effort in building a solid image of religious legitimacy and drawing attention on jihad as a personal duty of all Muslims, in line with the foundations of Islam. This is reflected by their propaganda videos, with the terrorists playing the role of ascetic warriors, recording footages of *mujahideens* giving speeches from caves or studying in libraries. In the ideology of the group, the establishment of a caliphate represents a long-term, utopian goal: the paramount objective is the mobilization of the *ummah*. More importantly, it should be noted that in al-Qaeda, there is no place for the pursuit of personal well-being<sup>118</sup>. In this sense, al Qaeda's image is not very appealing. Even for the most committed young Muslim man, the message of the group could be slightly hard to sell. ISIS, in contrast, offers a very different message for its recruitment. The group appeals to followers attracted by not only the idea of religious crusades, but also by personal power and a sense of belonging and purpose. Moreover, the establishment of a self-styled caliphate, therefore accomplishing what al-Qaeda has always claimed to be achievable in a utopian future, has drawn the attention on the capacity of ISIS to produce immediate results, in contrast with the narrative of self-sacrifice typical of conventional terrorist groups. Recruiters also offer wives, luxury, and financial stability<sup>119</sup>. Furthermore, the Islamic State provides food, shelter and a monthly salary, particularly appealing for individuals which lack the basic means to survive. Therefore, compared with al Qaeda's rigorous and idealistic message, ISIS has the advantage of having a more visceral and intuitive appeal: a desire for power, well-being and quick results.

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<sup>117</sup> "ISIS is not a Terrorist Group", <https://www.foreignaffairs.com/articles/middle-east/isis-not-terrorist-group>.

<sup>118</sup> "ISIS is not a Terrorist Group", <https://www.foreignaffairs.com/articles/middle-east/isis-not-terrorist-group>.

<sup>119</sup> Ibid.

This represents a significant departure not only from al-Qaeda and, more in general, Islamic terrorism, but also from standard terrorist organizations, as the Red Brigades, which were characterized by a complex ideological framework deeply rooted in the militants. As Alessandro Orsini argues, the members of the Red Brigades were driven by a deep faith that acted as a filter in their perception of the world<sup>120</sup>. The militants, in particular, used ideology to interpret the world and to guide their actions. It goes without saying that it is impossible to generalize and that a case by case approach is preferable when investigating the motivations of terrorists; however, all Red Brigades terrorist acts point out the causal power of the ideology that they regarded as the necessary condition for undertaking the acts they were required to perform. Notably, they did not kill to improve their socioeconomic status or to enhance their well-being. They accepted the idea of killing because they were pushed to do so in the light of the specific ideology of the organization, that envisaged the establishment of revolutionary state through armed struggle. In the words of a former Red Brigades militant: “If I win, I do not want any positions or honors. I just want the job of getting rid of our enemies, all those who have to be got rid of. It’ll be a difficult task because there will be millions of people who have to be eliminated. That’s what I want to do after [the revolution].”<sup>121</sup>

Conversely, an increasing number of research has established that the belief in extreme ideologies plays a secondary role in the decision to join a terrorist group and that material rewards, as economic and financial compensation, are to be considered more relevant factors in recent times. As a matter of fact, the Islamic State can attract followers from very different backgrounds, since, unlike other terrorist organizations, “[who] rarely promise foreign fighters material incentives, ISIS propaganda does not exclude material reward, which has always been an important part of its attempt to motivate youth to join it in Syria”<sup>122</sup>. In particular, a study for the United Nations Office of Counter-Terrorism found that a large number of fighters in the ranks of the Islamic State were “novices”<sup>123</sup> in their religion and that economic factors have represented for them a more significant reason to join the organization, since ISIS promised

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<sup>120</sup> A. ORSINI (2012) *Poverty, Ideology and Terrorism: The STAM Bond*, Studies in Conflict & Terrorism, 35:10, 665-692, p. 672.

<sup>121</sup> S. ZAVOLI, *La notte della repubblica*, (Milan: Mondadori, 1995), p. 221.

<sup>122</sup> United Nations Office of Counter-Terrorism, *Enhancing the Understanding of the Foreign Terrorist Fighters Phenomenon in Syria*, July 2017, p.37.

<sup>123</sup> Ivi, p.30.

wages, homes and even wives<sup>124</sup>. In fact, it should be noted that most of the sample analyzed by the study comes from disadvantaged economic and educational backgrounds, with poor job prospects. For example, when asked about the role of ‘jihad’ in taking their decision to travel to Syria, only 35 percent of the interviewed sample answered that it was ‘extremely important’<sup>125</sup>. Furthermore, when directly asked about the relevance of ideology over their decision join ISIS, only 23 percent stated that it was ‘extremely important’<sup>126</sup>.

It is therefore clear that the Islamic State, by attracting attention using brutal violence, can assert their dominance and appeal to people by offering some sort of primitive gratification. The recruitment does not rely on factors that can be countered by addressing ideological determinants, but by leveraging on one’s desire for power and material rewards, coupling them with the promise of better prospects for economic and social advancement, particularly common among young and disadvantaged individuals. From a moral point of view, these motivations to join the terrorist cause seem to vitiate every possible search for justification of the phenomenon. The reasons mentioned above seem to offer almost no point of support for justifying reasoning. In the light of what is expressed in this thesis, if the premises are correct, the terrorism of the Islamic State does not seem to be ethically justifiable in any way.

In the view of the forgoing, can we apply the definition of terrorism to this new organization? As seen, the modern Islamic terrorism seems to be a different phenomenon compared with the terrorism witnessed so far. The Islamic State has so many distinctive features that, in my opinion, is difficult to label it as traditional terrorism. By traditional terrorism, I refer to the phenomenon falling under the *fines* of the definition by Primoratz.

**Terrorism is 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 they otherwise would not take<sup>127</sup>.**

The first point I would like to discuss is the meaning of “innocent”. As Primoratz intended, innocent means innocent in the eyes of the terrorists. If this conception is true in general, in the specific case of the Islamic State, this might not be true. The whole terroristic

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<sup>124</sup> Ivi, p. 37.

<sup>125</sup> Ivi, p.35.

<sup>126</sup> *Ibidem*.

<sup>127</sup> I. PRIMORATZ, *What Is Terrorism?*, Journal of Applied Philosophy, 7, 1990, p.129.

strategy was based, so far, in targeting innocent people to create a certain type of outrage and anger in both the public opinion and the decision makers. The more these sentiments were triggered, the more the strategy was successful. This principle is still valid, except for the fact that, as I see their ideology, the people targeted are not innocent in their eyes and the distinction between primary and secondary target (which is the second point I will discuss) is not as important as before. On the one hand, the *Kuffar* (infidels) are guilty of being non-Muslim<sup>128</sup>. On the other, they are the one to blame for their conditions, as highlighted in the previous chapters, due to a misinterpretation of the National Responsibility principle. If we take for granted the fact that the direct target is not innocent, then also the fact that there is a primary target and a secondary target, could be tested. In fact, as Primoratz claims, people are targeted randomly only as long as they are part of the directly targeted group. There are two basic targets in the terrorism strategy, the direct but secondary target and the indirect but primary target. Given that direct and indirect target may coincide, the people who are designated as secondary target are considered innocent, while those who represent the primary but indirect target may or may not be innocent in the eyes of the terrorists. This distinction is essential to understand the phenomenon's dynamics. There might be the case in which an attack is carried out targeting an innocent group with the final aim of putting pressure on the indirect and non-innocent target. What is the sense in which the direct victims are innocent? They have done nothing to cause the suffering, injustice or deprivation that forced terrorists to use that criminal methodology<sup>129</sup>. But as highlighted in many occasion, the Islamic State challenged this concept attacking using terrorist-like strategies, groups of people they consider guilty of apostasy or guilty of being part of an enemy entity. Without a doubt, ISIS is a terrorist group, but its features are so distinctive to challenge the fines of the traditional definition of terrorism.

Some might object that the Islamic State do also attack following the regular strategy of randomly hit innocent people with the aim of intimidating them, public opinion or governments into a course they otherwise would not take. This is the case of the attacks in Belgium where also Muslims were targeted as part of the random strike strategy. Nevertheless, it is not the case of the Charlie Hebdo attack. In this case, the direct target is guilty of lampooning Islam and the

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<sup>128</sup> <http://www.dailymail.co.uk/news/article-5319569/New-ISIS-propaganda-video-urges-sick-attacks-song.html> 8/12/2018 h.08.43.

<sup>129</sup> Among the possible justification of terrorism, scholars account the response to the suffering of a human right deprivation, as seen in the previous chapters.

Prophet Mohammed. Is there any indirect target? It is not clear at all. Some might suggest western societies were the indirect targets and the aim was to make them aware of the fact that the *Ummah*, was tired of enduring religious satire. Some others might suggest that the indirect target was the *Ummah* itself and the aim was to make them aware of the presence of an Islamic State to join. In any case, the direct target was for sure guilty in the eyes of the terrorist. This, together with the reasoning in chapter 1.1 on Wellman's concept of violence, would result in an adjustment of the Primorats definition as follows: **Terrorism is the deliberate use of violence, or threat of its use, directly or indirectly against people, with the aim of intimidating them, or other people, into a course they otherwise would not take.**

This small adjustment provides a definition that includes the modern concept of Islamic Terrorism as I see it, also embodying the possibility of using violence against facilities with the aim of harming people and not falling into an over-inclusive definition. In order to test this definition I analyzed all the events and organizations commonly labeled as terrorism. In my opinion, of course, all the examples of terrorism outside of modern Islamic terrorism, falling within the limits of the definition of Primoratz, are also included in the slightly larger ones of this new definition: Both political terrorism of the second half of the last century, as well as terrorism of state, but also the first Islamic fundamentalist terrorism.

## Conclusions

This thesis was conceived with the intention of deepening the topic of the ethics of terrorism. As I see it, it is the direct evolution of the ethics of war, a subject much debated in modern philosophy. Obviously, in order to discuss the morality of the terrorist action it was appropriate to start from a very controversial topic: the definition of terrorism. Indeed, if the phenomenon itself is very controversial, its definition is not far behind. During the first chapter, the most accredited definitions of terrorism were presented. Their strengths and their virtues have been highlighted. The result was that Igor Primoratz's definition, despite being short and old, was the most solid and transversal. Before entering into the ethics of terrorism, it was essential to expound the concept of ethics of killing in war, both in his traditional view of Walzer and in the version revisited by McMahan. Once this concept has been clarified, and before I could go further, I had to consider the possibility that terrorism can have enough features in common with war and therefore the two ethics can be viewed through the same lens.

The main question in the Ethics of Terrorism is whether terrorism is justifiable in some special circumstances or not. Hence if we are dealing with a war related argument, the Ethics of killing in war reasoning would guide us to the solution of the debate (or at best, if the morality of war does not overlap with the one of terrorism, but they result close enough one each other, the first one would give us a framework for the second one). Nevertheless, if we are dealing with a unique non-war related phenomenon the path to follow could also be different.

According to the traditional theory of the ethics of war, *jus in bello* and *jus ad bellum* are two distinct legal worlds, but according to McMahan this is not so. McMahan challenges these central tenets and makes room for what seems the only possibility for a terrorist attack to be considered morally acceptable in wars. In the understanding of the author, the independence of *jus in bello* and *jus ad bellum* is cast into doubt, and a combatant might do no wrong in attacking non-combatants bearing some kind of responsibility in order to make justice under the light of the noble cause behind the action.<sup>130</sup> It is argued, in fact, that the innocents' immunity right during hostilities is to be granted because of the person being harmless, and not to be understood as the absence of guilt whatsoever; hence, in this case a subordinate aim is pursued by wrongful

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<sup>130</sup> J. MCMAHAN, *The Ethics of Killing in War*, Ethics 114 (2004), The University of Chicago, pp. 693–733.

methods because they would represent the only way to reach a greater goal. Moreover, in McMahan's vision and in support of the linkage shared by the two domains of *jus in bello* and *jus ad bellum* (as supported by his theory), it is impossible not to consider the fundamentality of a just cause to exist so to make possible the calculation of proportionality when deploying force. If wrong, disproportionate, indiscriminate and excessive means are to be used because retained necessary in the context of the war, the advantage pursued in the light of just reasons must be enormous to morally and legally justify the act. And this is the second and only case whose applicability may, at fight sight, open a shortcut between the foundational principles governing wars.

On the other hand, if the question of whether terrorism is always wrong or not, has to be answered following a non-war related argument, the reasoning that strikes me as more convincing are the one by Smilansky. The only possibility considered by him as well as other authors was the one of terrorist campaigns to react to oppressive, totalitarian powers, or terrorism as a means for poor and desperate people in Third World's dimensions to attract the attention of wealthy people with the purpose to receive aid. These would all sound as good reasons to admit resort to extreme violence, being the sole, just escape from outrageous and disastrous situations. However, the author stresses that the only form of terrorism seen in the last decade is the one directed against Western beliefs, ideas, values, lifestyle and framework of rights and freedoms; against democracies and best regimes in place. The kind of terrorism that has been showing up lately is mostly driven by blind anger, intolerance, resentment, mad fanaticism, and dangerous, distorted perspectives of the reality rather than by the idealistic and maybe utopic goals previously suggested.

The two visions, that of McMahan following a war related scenario, and that of Smilansky, considering terrorism as a phenomenon distinct from acts of war, seem to converge towards a single conclusion: terrorism can be justifiable under some precise conditions. However, it has been empirically noted that when these are present they typically do not give rise to phenomena that can be called as terrorist.

In the third chapter of this thesis, I wanted to deepen the relationship between terrorism and the state. Rarely the fact that the state can also resort to the tactics of terrorism is underlined. In the first section of the thesis, I wanted to present a deepening on the question following the most valid arguments of Jackson and Stohl. The second part instead was the result of the on



field experience I had both during my studies and during working experience. This section was designed to dispel any doubts about the invalidity of the misleading concept of war on terrorism. In a way, this section highlights the fact that, despite the claims, not all the entities that are deploying measures against terrorism are engaging war related means, instead they are deploying strategies closer to those of the fight against crime. At the end of this chapter, I briefly evaluated morally both state terrorism and counter-terrorism measures.

The last chapter is a sort of view of the phenomenon with the eyes of the terrorists. In the first part, I present a psychological portrait of the terrorist, aided by Orsini's empirical research. In chapter one and two, I have presented the question from the side of mere analysis of the rightness and wrongness of the action on a moral point of view. But the moral assessment of terrorism shouldn't be limited only to deontological or consequentialist questions of right or wrong action. Understanding the intention and motivation of terrorists was the final aim of this thesis and can help us decide if, and in case how, they might be excused for their actions. In the last section, I examined the Islamic State Terrorism. I analyzed it separately from the general concept. It is within the *finis* of any definition provided (except the value-dependent ones), but having particular features that make it different from other examples that similarly fall under the same general definition, I decided to report the interesting peculiarity of such ambiguous case. By the end of this last chapter, I tried to test the Primorats definition in the light of the distinctive features of the modern Islamic terrorism.

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## Abstract

The main aim when dealing with terrorism, but in general with issues of global justice, is to maintain an impartial position in constructing a definition of a phenomenon that does not itself prejudge the outcome of any possible ethical investigation. Defining terrorism leaving any moral judgments out of the reasoning would result in an argumentation that is complete, impartial, but also tricky. To do so, a political philosopher should keep in mind the concepts of “value-neutrality”, “value-freeness” and “value-independence”. Ian Carter clearly pointed out the difference between the concepts in his “Value-freeness and Value-neutrality in the Analysis of Political Concepts” .

Value-neutrality provides us with a shared starting point in terms of which to express genuine ethical disagreements. A concept is value-free if its definition is such that the definiens contains no evaluative terms. Value-neutrality instead, is when the use of a concept does not imply the superiority of any one of a set of contrasting substantive ethical points of view. “Value-independence is easily confused with value-freeness and value-neutrality, but the three features are analytically distinct. To affirm the value-independence of an ethical or political concept is to make a point about the justificatory grounds (ethical versus non-ethical) on which to prefer one definition of that concept over another. To affirm its value-freeness is to make a point not about the role of values in justifying a definition, but about the presence or absence of values in the definition itself. To affirm its value-neutrality is to claim that it can be used in given contexts without implying the speaker’s allegiance to one or another member of a set of substantive ethical points of view” . Political and ethical ideas are better clarified through the concepts of value-freeness and value-neutrality. Their centrality depends on the nature of our purposes while engaging in conceptual analysis. If our purpose is to build a coherent normative theory with practical implications, it is important to have some value-free concepts along with others. In this context, it is crucial to find a relation between the properties to which the concepts refer. By doing so we explain how and why we perceive the world in certain ways and how possibly change it. Value-free concepts, for example, are used because our ethical reason-giving must pass from the ethical sphere to the empirical one in order to influence and represent our view and participation in political and ethical events. If instead our purpose is simply engaging with a normative theory that includes disagreeing parties that try to converge then it is in our interest to deal with concepts that are value-neutral. Finally, metatheoretical value-neutral

concepts are used for clarifying ethical categories shared by advocates of contrasting positions or generally by all humans. These value-neutral concepts are abstractions and the concepts behind them might or might not be value-free. Neutral concepts are often used for assembling general theories that relate either to ethics and human nature or to broad ethical and/or political traditions. Moreover, we refer to the internal structure that characterizes neutral concepts to justify a specific normative disagreement. An example could be given with the disagreement between advocates of negative and positive freedom that attempt to show, in this case, different dimensions of an abstract.

As just ascertained, generally speaking, it is quite difficult to give a political concept a value-neutral definition, particularly with such a complex concept as terrorism. Including ethical implications would give us a range of possible definitions that may include different realities. To clarify this point, if we find a value-neutral and value-independent definition of terrorism, a group whose action fit that definition would be universally recognized as part of the phenomenon. Conversely, if the definition contains ethical influences, only those who share the same set of value with whoever provided the definition would recognize the group as part of the phenomenon.

To define a political phenomenon is to make a complex intertwining of behaviors, ideology and decisions, clear and distinct through the specification of a set of necessary and sufficient conditions for its existence in the world. The verb “to define” comes from the Latin word for bound, fines; the etymology shows that when we are defining something we are giving that something a boundary that makes it definite, distinct and clear. By assumption when a phenomenon is in evolution, the definition itself is evolving. In order to provide the most fitting, rigorous and precise definition the definer should have an inclusive and impartial approach in analyzing that phenomenon.

Defining terrorism is not an easy task. The phenomenon is constantly in evolution and since it deals either with religion, territorial rights or politics there is no room for universal consensus on its definition. As a matter of fact, there is not a single, all-encompassing, legally binding, definition of terrorism in criminal law. This might be due to the fact that when terrorism developed into the phenomenon we know today, the world was facing a shift from a colonial order toward a new order. Terrorism -or at least what former colonial powers defined as terrorism- was an instrument of self-determination, so it goes without saying that throughout



the past 50 years a sort of blurriness over a common line loomed. To clarify this point two examples might be helpful.

Hezbollah (الله بزع) is a Lebanese para-military organization that was born in 1982 and became a political party representing the Shia population in Lebanon by 1985. As a Party, Hezbollah promotes protectionist measures in the economy and social reforms to ensure protection of fundamental rights like health care and public education. On the one hand, Hezbollah is a legal entity, a ruling party in Lebanon holding several ministries in the last 30 years and a promoter of the anticolonial process. On the other hand, the party is considered as a terrorist group by many countries . Here lie the contradictions and the difficulties to define a terrorist entity through a scientific method. Since Israel suffered -and still suffers- several attacks because Hezbollah does not recognize its existence and because actually the two are in a de facto state of war. Israel considers Hezbollah as a terrorist organization. So do the United States, the Netherlands and Canada. The United Kingdom and Australia, on the other hand, consider a terrorist group only the armed branch of the so-called Army of God. Much differently, partner countries like Russia, Syria and Iran seems not to apply the same criteria in defining the Lebanese Party and group. The contradiction and the blurriness is made clear if we point out that the Netherlands and Canada have good diplomatic relations with Beirut, having embassies in a country where ministers might be part of what they define as a terrorist group. The situation would be even more conflicting if such countries make investments or have businesses in that part of the middle east. Hezbollah's example shows us how defining something dealing with geopolitics is not as easy as it may seem. The second case, however, is even more compelling.

When Algeria obtained independence in 1962, the Front de Liberation Nationale, which was indeed considered as a terrorist entity by the French during the occupation, was in charge of ruling the provisional government. The provisional government remained in charge for more than 30 years and has been ruled by the only legal party, the FLN. When Chadli Benjedid came to power in 1978, he promoted reforms and started the democratization process which led to a new Algerian Constitution and to the first free election in 1991. The Islamic Salvation Front won the first round of election and, since the system foresaw a second round, FIS and FLN would have gone to the ballot; On January the 11th 1992 however, the army took power in order to prevent the FIS from winning the Election . This passage requires a precise contextualization:

the whole history of the independent Algeria develops within the Cold War framework. Both superpowers were in favor of maintaining the status quo of this non-aligned country , so throughout the years no international pressures for democratization materialized. The single party system lasted up until the cold war chess game ended in the period between November the 9th 1989 and the end of the Soviet Union in 1992. This period proved crucial to all of the non-aligned countries who had the chance of redefining their international status. In Algeria, the FLN was now under pressure for modernization and democratization. When the Army took power in between the two rounds of election, to prevent, as already mentioned, the Islamic Front from taking the power, a Civil war began. This civil war was between the Army, that was now illegitimately ruling the country after a coup, and the Islamic Armed Group, that reunited all the non-governmental forces.

Two outcomes are relevant in the light of our oncoming analysis: first of all, the Islamic Armed Group, despite the FIS winning the first ballot, has been treated and defined as a terrorist organization. This is quite emblematic of how defining terrorism from a political point of view is most of the times only circumstantial since there is no comprehensive and binding definition. Secondly, Amnesty international and many other international organizations denounced the systematic violation of human rights and the frequent use of torture by the “regular forces”. There might be some occasions in which terrorism is not distinctively wrong. This case seems to fit in this exception. A group that wins the election is prevented to take power through a coup, then during the subsequent fights, the same group suffered the violation of basic human rights from the rivals and they end up being labelled as a Terrorist Organization because they also violated human rights in the attempt to recover their legitimate power.

Not having a single, all-encompassing, legally binding, criminal law definition of terrorism does not imply that there is not any commonly shared definition at all. Actually, the lack thereof makes room for many different definitions. In fact, if on the one hand a commonly shared political definition has not been achieved so far, on the other hand philosophy carries out several solid reasonings.

Carl Wellman for instance, in his paper ‘On Terrorism itself’ defines terrorism as “the use or attempted use of terror as a means of coercion” . This is an early and general definition of the phenomenon, but it contains various interesting sparks, in spite of a weakness that is immediately clear: the use of the root terror to define the phenomenon terrorism.

The definition of terrorism stated by Virginia Held instead, can be reduced to an “action, usually sudden, predictably and coercively inflicting injury upon or damage harming a person” , which explicitly links and limits the violence and terrorism to the physical person. However, the damage resulted by a terrorist act can affect a property, which could harm consequently the well-being of a person. This harm is produced by making the assumption that the mere intention of executing the act of harming a property was made with the intention of damaging the person.

The definition proposed by C.A.J Coady instead seems to cover such a scenario: for him terrorism is “the organized use of violence to attack non-combatant (innocents in a special sense) or their propriety for political purposes” . According to this definition, damages to properties are included, but there are some elements that seem not to fit the analytical effort we have made up until now . Coady deliberately omits the threat of violence. “The threat to do x is generally not itself an instance of doing x, and in the present case the threat to do an act of violence is not itself an act of violence, no matter how disturbing it may be” . Coady leaves the fear component out intentionally from his definition because he is convinced that the aim of an act of terrorism is to coerce someone to do something and most of the times perpetrators have intended to spread anger rather than fear. An angry population would react faster than a scared population so he declares to “prefer a definition that left out the fear reference, though its incorporation would still catch a good deal that (he) would count as terrorism” . Even though one of the strategies of ISIS is to induce hatred of Muslims on the part of non-Muslim westerners, the choice is questionable and since as stated before the core policy of modern terrorism is to induce fear to achieve an objective, leaving the fear component out is a weakness of this definition.

A Clear example of a definition that instead includes the moral aspects is the one presented by Jenny Teichman: “Terrorism means any method of war which consists in intentionally attacking those who ought not to be attacked” . This definition is so general that it could be used basically for any intentional but unethical violent act and so interpretable that any government could be traced of terrorism. Even when the moral aspects are left out, identifying innocent, combatant or noncombatant persons is very tricky in this framework; using a definition that implies the concept of those ought not to be attacked makes the scenario so much more confused.

Igor Primoratz writes on moral, political and legal philosophy and his research mainly focuses on the ethics of war. The effort made in that branch of philosophy is reflected in the thoughts he expresses on terrorism. This thesis has been conceived reading his writings both on war and terrorism; while on the one hand his argumentations are more convincing than the ones of any other philosopher, on the other hand it would be very challenging to test some of them on particularly tricky issues. His definition seems to be the most reasonable and the most convincing. Terrorism is 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 they otherwise would not take .

In his definition, we can understand his reasoning behind the two targets. According to him, the fact that the direct target is innocent should convince more effectively the indirect but primary target to do something it wouldn't have done instead. Therefore, the aim of terrorism is to threaten someone in order to coerce him or those in charge of representing him to do something they otherwise would have not done. Primoratz in his definition does not include the moral aspect, which is an advantage in our analysis. If we consider terrorism as a tactic and not as a phenomenon and we are untied from the moral implications, we can carry out a very accurate definition of the phenomenon. The innocent people he refers to, are the secondary but direct target, those who, in the standard theory, have done nothing in the eyes of the Terrorist. It is interesting to note that also for Primoratz, "innocent" means innocent in the eyes of the terrorist.

The Ethics of war, and more specifically the Ethics of killing in war, is the issue of modern philosophy that inspired this thesis. To be concise: it is possible for a just war to be fought unjustly and for an unjust war to be fought justly. An unjust combatant would only do wrong if he violates *jus in bello*, assuming the moral equality of soldiers with an equal but limited right to kill. Indeed, combatants are allowed to kill only combatant on the other side, and this is the central requirement of *Jus in bello*: the principle of discrimination. McMahan, in his *The Ethics of Killing in War* tries to challenge three fundamental tenets of the traditional theory whose main exponent is Walzer: the independence of *Jus in bello* and *ad bellum*; the claim that unjust combatants can fight justly; the claim that combatants can be attacked whereas non-combatants cannot. According to the traditional theory, we are initially morally immune to attack, as we are innocents, we are not threatening, so in the context of war, we are those who do not

contribute to the prosecution of war. Someone is not innocent when he has done something to meet the criterion for liability to attack, which, according to the theory, is posing a threat. The theory therefore bid that the defensive war is among the few possible cases for a just war.

Some questions arise spontaneously comparing terrorism and war. Is a terroristic organization violating any moral rule? Are the moral rules the same for both Terrorism and War? Moreover, how far can the rules of just war theory help us in formulating the rules for Terrorism?

In the current language, also thanks to the journalistic dialectic, terrorism is perceived as war. This might be true, in fact as Virginia Held claims, terrorism is a tactic; so terrorism might be a tactic of an asymmetric war, where the terroristic group has only the possibility of using that kind of strategy to reach their political goals. As we just tested, terrorism is a powerful means to coerce someone, generally a government, to do something he wouldn't have done instead. And frequently this strategy is combined with others unconventional war strategies like guerrilla or chemical attacks. To answer this query, we should focus on the definition of war and solve the question whether unconventional war should be considered as war first. The main question in the Ethics of Terrorism is whether terrorism is justifiable in some special circumstances or not. Hence if we are dealing with a war related argument, the Ethics of killing in war reasoning would guide us to the solution of the debate (or at best, if the morality of war does not overlap with the one of terrorism, but they result close enough one each other, the first one would give us a framework for the second one). Nevertheless, if we are dealing with a unique non-war related phenomenon the path to follow could also be different. It goes without saying that to answer the question whether terrorism is distinctively wrong or not, the way we conceive of terrorism affects the way we structure our reasoning. If terrorism is considered strictly related to war, the issue could be couched in the same terms as standard arguments in the field of the "ethics of killing in war". This would imply to follow a well-structured path, making our task considerably easier. If terrorism is considered as a unique phenomenon, things might be more tricky and existing philosophical arguments might help us only partially.

If terrorism is considered a kind of war, or just like war in the relevant respects, as some terrorists themselves strongly believe, the all discussion could be reduced to standard discussion around the rules of *Jus in bello* and *Jus ad bellum*. The first rule for the principle of humanity in wars to be in place as an operating standard, is to be found in the imperative of distinction

between combatants and civilians, hence in the principle of discrimination. This concept is of crucial importance and undeniable relevance for the conduct of conflicts, which need and aim at keeping a minimum level of humanity, seeking to pose some key limits. The establishment and existence of these boundaries is at the foundation of the permissibility of wars to be fought, when strictly necessary, in the context of the highest standards of civilization characterizing our times. The conventional framework of rules known as the *jus in bello* allows for just one and only exception to the obligation to refrain from attacking non-military targets (civilians) : for the sake of military necessity, striving for the success of war operations, the law of armed conflicts permits the rule of proportionality to play the sensitive and critical role of unit of measurement for assessing when innocent lives can be sacrificed out of necessity. Therefore, any attack failing to meet the proportionality criteria, hence resorting to means and methods of warfare which ends up incidentally causing excessive damage to non-military targets (represented by non-combatants and civilian objects) in relation to the immediate military advantage likely to result from the action, is to be regarded as a grave violation of the law in wars. Therefore, notwithstanding the type of conflict, the kind of participant (state or non-state) and the original purpose behind an attack, the key provisions in wars must not be violated in order to consider it lawful and morally acceptable, and for its inner nature the terrorist action does not seem to be applicable not welcomed in regulated wars.

A denial to the application of key principles in wars, in our time and at the point the world has progressed through more and more modernization aimed at reaching the highest level of civilization and humanity, is impermissible, and so are terrorist attacks in wars' scenarios because of the evident violation of that same humanity reached with difficulty.

Therefore, in order to test the justifiability of the phenomenon let's consider the purse of the second path we mentioned at the beginning of the chapter, questioning the morality of terrorist actions, where the exclusion of the idea to consider terrorism as war, leads to the only possibility left: modern terrorism as a different, brand new phenomenon of our times.

In C. A. J. Coady's work on *Terrorism and Innocence*, the moral questioning is the main target and in the conclusions the author clearly states that yes, terrorism is always wrong and there should be no exception to the absolute prohibition to intentionally kill non-combatants.

This last statement, closing Coady's reasoning, finds support not only in the predicaments of just war theory but also in its tactical definition. By coining the phrase, he wanted to refer to the terrorist action as grounded on a specific tactic which is the one of targeting civilians and innocents, in war-dimensions as well in the everyday life situations and scenarios. In his idea, it is fundamental to stress this concept and highlight this key characteristic of terrorism to reach a fully satisfactory definition of the phenomenon, which in its terms is: "The organised use of violence to attack non-combatants ("innocents" in a special sense) or their property for political purposes." By embracing this definition of tactical terrorism, Coady has as main purpose to take the distances from a politically grounded definition. Obviously, this choice is determined to have some important consequences. The first one outlined is that terrorist interventions so understood can be performed not just by sub-state actors but by also by nation-states, internally but mostly externally when fighting international armed conflicts. This idea refuses to see terrorism as a tactic exclusively belonging to the range of methods used by non-state actors and raises the controversial debate on State terrorism. Citing Kavka's words on the issue, in *Moral Paradoxes of Nuclear Deterrence*, being amongst the supporters of this theory, Coady explains that behind this idea there is the concept of moral responsibility and notion of collective responsibility. An individual can then be considered a legitimate target of attack because he is supposed to share some kind of responsibility with the *modus operandi* of his national government being a citizen, or his religious institution in the role of worshipper, or any other group acting wrongly, where any omission, negligent behaviour, lack of interest or failure to exercise the political influence and power each one of us possesses, is to blame. This blame leads to the partial innocence of the single person, which opens to the moral admissibility to use extreme violence against them. However, thinking of the mere membership to a large group, as for the citizenship to a nation-state, as a sufficient reason for resorting to violence leaves anyone strongly hesitant about stretching a concept up to this point. Also, the misinformation or disinformation is so widespread that judging and accusing individuals for other's actions they are probably ignorant of, is clearly wrong and it is demanding too much. "Yet, unless we suppose that there is an actual super-agent, the nation, with a will and intention that somehow absorbs the individual wills and intentions of citizens, even those who do not yet exist or who reject the policies and deeds attributed to the nation, these feelings can seem absurd (...) For these reasons, I think that resort to 'collective responsibility' as a way of widening the scope of legitimate lethal targeting is a bad idea."

In the search for at least one case of justified terrorism, we must not exclude anything from the examination. The findings of other authors on the topic are worthy of attention in this point. Let's focus now on K. Nielsen's *On the Moral Justifiability of Terrorism (State and Otherwise)* whose supreme goal is to resolve the dilemma on whether, if ever, terrorism can be both morally and tactically allowed starting from the strong statement that the State-terrorism is the most prevalent form of terrorism: even if phenomena of individual and sub-state terrorism manifest themselves with increasing frequency, State-terrorism is identified by the author as the source from which the other species follow.

In agreement with other authors and schools of thought previously mentioned, even Nielsen refuses the politically infused definitions, thus politicized perception of terrorism as an exclusively non-state type of resort to violence and all the following claims acquitting States such as the US in face of accusations about the use of terrorist means. He rejects as absurd the concept of collective complicity applying indistinctly to individuals sharing same social bonds, such as those of nationality; he strongly supports the inapplicability of the double effect doctrine to justify the intentional killing of innocent civilians as the only effective alternative to break the resistance of the enemy or pushing him to surrender. Nielsen finds in several historical past events the proofs for stating that the often reference made to all these principles and definitions are to be regarded as excuses and weak foundations for justifying the targeting of innocents from both a moral and technical standpoint: the first result is that even States are to be called terrorists and cases such as the bombings of Dresden, Hiroshima and Nagasaki are not justifiable.

Another line of thought on the morality of terrorism, departing from the analysis of every single feature defining the phenomenon, is the one followed by D. Rodin who tries to logically elaborate a moral concept that frames the issue of terrorism the best way possible. The presence of intentions and will to pursue harming activities, have been considered by many the substantial and crucial reasons for stating their intimate moral wrongfulness. In its *Terrorism without intention*, Rodin focuses on the fact that even the action causing unintentional harm can be linked to terrorism, which means not only that defining features of terrorism must be found in other distinctive characters (rather than in the intention) and that even tactics used in wars by States can be of terrorist nature, even if they pretend to be just because falling under the governance of rules and principles of law which they respect. In fact, in the author's reasoning,



the moral essential of terrorism and crucial element causing our common repulsion and condemnation towards this category of use of force is the object of the attack, hence the victim of violence who does not deserve or must not be harmed. Therefore, the first logical moral definition to which gets is expressed as follows: “terrorism is the deliberate, negligent, or reckless use of force against non-combatants, by state or non-state actors for ideological ends and in the absence of a substantively just legal process.”

Ultimately, R. E. Goodin arguing on What’s wrong with terrorism? (His its book on the question of terrorism is entitled) is another confirmation of the grave crime that this violent manifestation represents in the guise of a tactic for the achievement of socio-political goals. With ironic spirit the author gives this name to its work, where his argumentations give relevance to the fact that terrorism, compared to common crimes of murder, is surely morally worse: it must be criticized for its outstanding cruelty, since it is aimed to multiple killings and differs also from mass murder whose international, manifested perturbation led to the condemnation of this acts under the label of war crimes and crimes against humanity. In this view, terrorists are unjustifiable since their targeting randomly, or even worse the murder with the intention of killing innocent people, is itself a tactic, not the collateral damage of wars nor the admissible action in the context of the just war theory. In this case, and respectful to the jus in bello rules, the direct targets of this strategy would be primarily military objectives or persons, buildings or structures involving civilians but not that alone. Goodin reasoning basically arrives to the same conclusions showed by his colleagues on the ethics of terrorism, findings over which the critical analysis here pursued has led to the final affirmation that there are no circumstances for terrorism to be morally justified. The following below, last references to S. Smilansky work going under the name of Terrorism, Justification, and Illusion will serve as the ultimate, most reasonable evidences of what has been finally stated.

the key fact noticed and stressed by Smilansky is that even if taken into consideration, these last circumstances hardly (we better say never) manifested over the mankind modern history. But, really, it is rather the opposite case, thus unjustified resort to terrorism often occurring. This would immediately suggest that there is no terrorism liable of justification and that the closer reality is the admissible and reasonable use of force lacking the crucial essentials of terrorism, defined in its narrower sense by the author as: “practiced by members of small or weak groups that lack the capacity to field an army and engage in warfare.”

Three key examples extrapolated by the author from the post-Second World War period, when modern history pullulates of waves of terrorism support this thesis: the Irish Republican Army (IRA), Palestinians and Al-Qaida are the terror practitioners identified by Smilansky. Although going through the deep analysis made by the author for each one of these cases is not feasible here nor necessary, we still can mention in synthesis the results found.

- As regarding the first case of IRA, the living conditions of resented by Northern Ireland Catholics have not been so bad as requiring that kind of resort to violence, so that their terrorist methods were missing the support of a just cause;

- in this second case, thus the fight of Palestinians against Israel, it is evident for any person informed about historical events and aware of the past relationship between the two parts that Palestinians had been offered different, convenient and peaceful solutions to their reasonable claims, possibilities that they have been rejecting over the years, from time to time. In this case, where both parties are citing crucial needs and have just causes in support of their demands, a compromise or agreement leaving both sufficiently satisfied must be achieved, but Palestinians kept on refusing, denying the existence of the State of Israel and reinforcing their violent incursions, terror campaigns and murderous attacks towards civilians in Israelis' territories. Surely both parties are to blame for resorting to terrorism and counter-terrorism actions, but Palestinians, notwithstanding the existing alternatives, have used terrorism and became the first to be blamed for their actual conditions;

- the ultimate, extreme case of Al-Qaida, is in the author's opinion self-evident in its total unjustifiability: "I trust that little needs to be said on why there is nothing here that can morally justify the most violent terrorist operations staged by Al-Qaida, which purposefully and typically discount noncombat immunity and moral innocence. Primarily, there is, in terms of just war theory, simply no just cause."

These conclusions must be followed by the question on which are the circumstances then, where terrorism might be justified if not in the cases addressed because occurring in our reality. The only possibility considered by Smilansky as well as other authors was the one of terrorist campaigns to react to oppressive, totalitarian powers, or terrorism as a means for poor and

desperate people in Third World's dimensions to attract the attention of wealthy people with the purpose to receive aid. These would all sound as good reasons to admit resort to extreme violence, being the sole, just escape from outrageous and disastrous situations. However, the author stresses again, that the only form of terrorism seen in the last decade is the one directed against Western beliefs, ideas, values, lifestyle and framework of rights and freedoms; against democracies and best regimes in place. The kind of terrorism that has been showing up lately is mostly driven by blind anger, intolerance, resentment, mad fanaticism, and dangerous, distorted perspectives of the reality rather than by the idealistic and maybe utopic goals previously suggested.

Hence, Smilansky speaks about the illusion we cultivated about the hope of terrorism as being supported by justified, moral aims: cautious and sceptical must be anyone willing to find a justification for terrorism, where the sick and perverse consequences of embracing pro-terroristic campaigns makes excessively risky.

“In fact, one of the particularly nasty features of terrorism is its “parasitic” nature: as in our three test cases, the terrorist infringement of PNI occurs just because the terrorists know that they can rely on their enemies not to react in a similar, ruthless manner. Sometimes terrorism aims to provoke reaction, but its perpetrators also know that such reaction is typically constrained by PNI and other limitations.”

Discussions over terrorism and its definition, the assessment of its morality and public opinion perception made clear that for a long time the majority has looked at terrorism as the resort to violence of the weak, the one whose claims are not heard, the one who is the targeted and suffers oppression and whose only alternative is to embrace terrorism. However, many analysis and debating over the phenomenon under discussion, and in accordance to what has been highlighted through the references made here in this very chapter, stressed that States have been using terrorism as much as sub-state actors and insurgent groups have been doing, at least relatively to the common image. Academics and researchers in the field of terrorism have mostly ignored this subject in their works of research, and a first line of criticism should be drawn under the fact of State-terrorism not being represented in the academic literature notwithstanding the crucial implications this indifference implies, in terms of definition of power relationships and hegemony, in the studies over the terrorist phenomenon.

State-terrorism can thus be included within this definition, since the principal factor is to be found in the aim to influence the reaction of the indirect victim that has experiences terror and will act accordingly. States will be prone to use terrorism for several reasons: they would want to repress the insurgency of some sub-state organization or movement; to light the fire of a civil war as an excuse to eliminate some political opponents; to attack enemies abroad so to push a determinate reaction in the international scenario for geopolitical interests. These are just some examples of different type of motives for violent methods used by States that have all the features for falling into the determination of terrorism given above.

At this point, it is interesting to evaluate from an ethical point of view both the State terrorism and the responses that the states implement to combat the phenomenon.

One of the most widely reported cases of state terrorism was that perpetrated by the United States at the end of the Second World War. Near the end of hostilities, with a country like Japan almost defeated, President Truman decided to drop two atomic bombs that killed more than two hundred thousand people, most of them non-combatants. It was the first and last time that a bomb of this magnitude was used for war purposes. Was it a measure of extreme necessity? Many scholars believe that it was not, and indeed the country in 1945 was basically on its knees. If this act is universally recognized as terrorism, it is interesting to reason from an ethical point of view. In fact, already from the fact that it was not a measure of extreme necessity, it is clear that the action cannot be justified in any way. Scholars agree in decreeing that the direct target was innocent Japanese citizens. Regarding the indirect target, but primary, there are still discussions. Some argue that it was, in addition to the Japanese hierarchy, the Soviet nomenklatura. In any case, there seems to be no room for a possible justification in light of the ultimate usefulness of the purpose. The killing of thousands of innocent people could never be justified either with the intent to defeat an enemy country, nor in order to intimidate a nation that would soon become THE enemy. Probably also in the situation in which the dead had all been combatants during a direct confrontation, the act would not have been justifiable for an evident disproportionality of the action. Even if the achievement of a higher objective had been present, the act would probably not have been justifiable. As many scholars say, in this case this goal was not even that fundamental. Considering also other examples of State Terrorism, like the actions of the Philippine president dictated to counteract the crime and the oppositions, or the action of the democratic Republic of Korea against Japanese citizens in

1987, none of them seems to find any justification in any of the traditional theories from the ethical point of view.

On the other hand, even some actions that fall under the “war on terrorism” label do not seem to find any justifying grounds. Just think of the situation in Guantanamo. It is undisputed that torture against detainees is used within the base . The intent is on one hand to dissuade potential new terrorists and on the other to gather valuable information in light of the war on terrorism. Here too the final aim does not seem to be proportionate with the lack of humanity of the methods used.

What is interesting to note is that those that are labeled as defensive and offensive counter-terrorism measures, besides being more effective, are also more justifiable from an ethical point of view. It is therefore not just a question of definition, but also of merit of the measures to combat the phenomenon.

So far, we have presented the question from the side of mere analysis of the rightness and wrongness of the action on a moral point of view. But the moral assessment of terrorism shouldn't be limited only to deontological or consequentialist questions of right or wrong action. Understanding the intention and motivation of terrorists is the final aim of this thesis and can help us decide if and in case how they might be excused for their actions.

Alessandro Orsini, an international expert on the subject, identifies in the ideological component of terrorism the key element to understand what pushes individuals from different social backgrounds to join terrorist organizations, to cut all ties from their ordinary life and kill as well as face death. In fact, according to Orsini, this deep-rooted ideology flows into fanaticism and, by underpinning the persuasion of being the holder of an absolute truth, it legitimizes the imposition by force. Orsini defines this category of individuals as “terrorists by vocation”, “the terrorist in his incandescent state” .

The main finding that can be drawn by the sociological analysis of the profiles of terrorists, by using left-wing extremists as case studies, is that terrorists are not mentally ill, or ignorant, nor even brave. Even if their mind-set may convey the impression of being almost pathological, it is essential to keep in mind that we are dealing with men and their actions, as for what drives them and the way they are carried out, have a meaning. As reiterated by Dr.

Daanish Mustafa, since terrorism “is innately human in its causes and consequences”, learning about terrorists’ motivations, intentions and pattern of behavior will allow for the implementation of a human-centered approach to terrorism, to reinforce the effectiveness of the current nation-state approach in the global response to terrorism.

Not only is the debate over the most widely accepted definition of terrorism still ongoing, but it becomes even more heated when it involves Islam. In fact, “Islamic Terrorism” has become a trending topic in global politics since the beginning of the new millennium and the two-word expression has been widely discussed within the global arena and, even though it is still quite an ambiguous concept and the very use of the expression "Islamic terrorism" is challenged. Indeed, it seems improper to couple a notion as heinous as “terrorism” with such a noble concept as “Islam”. In fact, while the term "Islam" itself refers to the religious, historical, cultural and social aspects of the Islamic religion from the seventh century to the present, labels like “Islamism”, "fundamentalism", "radicalism", "Islamic extremism" have been used, especially after 9/11, in the public arena in an undifferentiated way, with disregard for the differences within the Muslim community. In addition to this, labels are generally presented in a binary opposition. Notably, the term ‘Islamic world’, for example, is used in contraposition to ‘the culture of West’. The same applies to other concepts such as extremist in contraposition to moderate, totalitarian and democratic, secular versus religious. This narrative within the Western political discourse has been often branded as "counter-productive", "highly politicized, intellectually contestable" and "damaging to community relations" .

ISIS has completely changed the standard conception of terrorist organization. When al-Baghdadi proclaimed himself the caliph, it represented a bold claim to religious authority. This reveals a lot about the behavior of the organization: in fact, it points out that ISIS’ core is about raw power and conquer, not ideology and legitimacy. This mindset has repercussions on recruitment strategies. In fact, ISIS has been able to attract a staggering number of fighters. About 30,000 fighters from at least 85 countries have joined the Islamic State of Iraq and Syria (ISIS) as of December 2015 . Even though the great majority of ISIS recruits come from the Arab world, several foreign fighters also come from Western states, as the European Union, as well as the United States, Canada and Australia and from Russia, Indonesia and Tajikistan. The recruitment of foreign fighters by ISIS has indeed become a global phenomenon. This represents a significant departure not only from al-Qaeda and, more in general, Islamic

terrorism, but also from standard terrorist organizations, as the Red Brigades, which were characterized by a complex ideological framework deeply rooted in the militants. As Alessandro Orsini argues, the members of the Red Brigades were driven by a deep faith that acted as a filter in their perception of the world . Conversely, an increasing number of research has established that the belief in extreme ideologies plays a secondary role in the decision to join a terrorist group and that material rewards, as economic and financial compensation, are to be considered more relevant factors in recent times. As a matter of fact, the Islamic State can attract followers from very different backgrounds, since, unlike other terrorist organizations, “[who] rarely promise foreign fighters material incentives, ISIS propaganda does not exclude material reward, which has always been an important part of its attempt to motivate youth to join it in Syria” . In particular, a study for the United Nations Office of Counter-Terrorism found that a large number of fighters in the ranks of the Islamic State were “novices” in their religion and that economic factors have represented for them a more significant reason to join the organization, since ISIS promised wages, homes and even wives . In fact, it should be noted that most of the sample analyzed by the study comes from disadvantaged economic and educational backgrounds, with poor job prospects. For example, when asked about the role of ‘jihad’ in taking their decision to travel to Syria, only 35 percent of the interviewed sample answered that it was ‘extremely important’ . Furthermore, when directly asked about the relevance of ideology over their decision join ISIS, only 23 percent stated that it was ‘extremely important’ .

It is therefore clear that the Islamic State, by attracting attention using brutal violence, can assert their dominance and appeal to people by offering some sort of primitive gratification. The recruitment does not rely on factors that can be countered by addressing ideological determinants, but by leveraging on one’s desire for power and material rewards, coupling them with the promise of better prospects for economic and social advancement, particularly common among young and disadvantaged individuals. From a moral point of view, these motivations to join the terrorist cause seem to vitiate every possible search for justification of the phenomenon. The reasons mentioned above seem to offer almost no point of support for justifying reasoning. In the light of what is expressed in this thesis, if the premises are correct, the terrorism of the Islamic State does not seem to be ethically justifiable in any way.

In the view of the forgoing, can we apply the definition of terrorism to this new organization? As seen, the modern Islamic terrorism seems to be a different phenomenon compared with the terrorism witnessed so far. The Islamic State has so many distinctive features that, in my opinion, is difficult to label it as traditional terrorism. By traditional terrorism, I refer to the phenomenon falling under the fines of the definition by Primoratz.

Terrorism is 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 they otherwise would not take.

The first point I would like to discuss is the meaning of “innocent”. As Primoratz intended, innocent means innocent in the eyes of the terrorists. If this conception is true in general, in the specific case of the Islamic State, this might not be true. The whole terroristic strategy was based, so far, in targeting innocent people to create a certain type of outrage and anger in both the public opinion and the decision makers. The more these sentiments were triggered, the more the strategy was successful. This principle is still valid, except for the fact that, as I see their ideology, the people targeted are not innocent in their eyes and the distinction between primary and secondary target (which is the second point I will discuss) is not as important as before. On the one hand, the Kuffar (infidels) are guilty of being non-Muslim. On the other, they are the one to blame for their conditions, as highlighted in the previous chapters, due to a misinterpretation of the National Responsibility principle. If we take for granted the fact that the direct target is not innocent, then also the fact that there is a primary target and a secondary target, could be tested. In fact, as Primoratz claims, people are targeted randomly only as long as they are part of the directly targeted group. There are two basic targets in the terrorism strategy, the direct but secondary target and the indirect but primary target. Given that direct and indirect target may coincide, the people who are designated as secondary target are considered innocent, while those who represent the primary but indirect target may or may not be innocent in the eyes of the terrorists. This distinction is essential to understand the phenomenon’s dynamics. There might be the case in which an attack is carried out targeting an innocent group with the final aim of putting pressure on the indirect and non-innocent target. What is the sense in which the direct victims are innocent? They have done nothing to cause the suffering, injustice or deprivation that forced terrorists to use that criminal methodology. But as highlighted in many occasions, the Islamic State challenged this concept attacking using terrorist-like strategies, groups of people they consider guilty of apostasy or guilty of being part



of an enemy entity. Without a doubt, ISIS is a terrorist group, but its features are so distinctive to challenge the fines of the traditional definition of terrorism.

Some might object that the Islamic State do also attack following the regular strategy of randomly hit innocent people with the aim of intimidating them, public opinion or governments into a course they otherwise would not take. This is the case of the attacks in Belgium where also Muslims were targeted as part of the random strike strategy. Nevertheless, it is not the case of the Charlie Hebdo attack. In this case, the direct target is guilty of lampooning Islam and the Prophet Mohammed. Is there any indirect target? It is not clear at all. Some might suggest western societies were the indirect targets and the aim was to make them aware of the fact that the Ummah, was tired of enduring religious satire. Some others might suggest that the indirect target was the Ummah itself and the aim was to make them aware of the presence of an Islamic State to join. In any case, the direct target was for sure guilty in the eyes of the terrorist. This, together with the reasoning in chapter 1.1 on Wellman's concept of violence, would result in an adjustment of the Primorats definition as follows: Terrorism is the deliberate use of violence, or threat of its use, directly or indirectly against people, with the aim of intimidating them, or other people, into a course they otherwise would not take.

This small adjustment provides a definition that includes the modern concept of Islamic Terrorism as I see it, also embodying the possibility of using violence against facilities with the aim of harming people and not falling into an over-inclusive definition. In order to test this definition I analyzed all the events and organizations commonly labeled as terrorism. In my opinion, of course, all the examples of terrorism outside of modern Islamic terrorism, falling within the limits of the definition of Primoratz, are also included in the slightly larger ones of this new definition: Both political terrorism of the second half of the last century, as well as terrorism of state, but also the first Islamic fundamentalist terrorism.