Terror and Terrorism: A History of Ideas and Philosophical-Ethical Reflections

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Introduction

The essay addresses the question of the moral legitimacy of terrorism within the framework of a brief history of ideas and a moral philosophical evaluation.

The article offers a terminological and epistemological grounding to the notions of terror and terrorism and provides an historical account of the phenomenon as it has evolved throughout the ages up to our present day. It highlights the significance of publicity and other socially relevant factors to terrorism and outlines both the mental and psychological characteristics of terrorist activity. The major part of the article is dedicated to delineating the nature of terrorist violence and its moral and legal implications. By way of a phenomenology of violence in the context of a concept of political justice, the fundamental ethical illegitimacy of terrorist violence is deduced. The article concludes with deliberations on the question of a universal set of ethics in both world religions and international law. It sheds light on the demanding dimension of combating terrorism for security affairs in this new century and particularly underscores the challenge to the democratic statutory state to fight the potentially inhumane without disclaiming the principles of humanity embodied in its own social order.

The essay takes into account the current social as well as political debate around the subject of terrorism in both the United States and Europe, characterized by confusion and disorientation particularly as regards a moral evaluation of the terrorist phenomenon. The approach undertaken in this article offers an argument rooted deeply in Western philosophy as well as political thought, thus providing urgently needed illumination for further ethical orientation in both academia and public discourse.

A History of Ideas and Philosophical-Ethical Reflections

The events of September 11, 2001 notwithstanding, neither the UN nor the international circles of scientists, scholars, and politicians were able to find a consensual definition of terror and terrorism, terms that are on everybody's mind ever since the massive terrorist attacks hit both

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Washington D.C. and New York. Moreover, it still seems to be a problem whether to specify terrorist activities as political manifestations or simply as illegitimate acts of criminals.

One of the more comprehensive definitions of terrorism was provided by the U.S. Department of Defense. Its definition describes terrorism as “the unlawful or threatened use of force or violence against individuals or property to coerce and intimidate governments or societies, often to achieve political, religious, or ideological objectives.”[1] As a point of departure for the analysis at hand which leaves room for unprejudiced consideration, the term ‘terrorism’ shall be defined as “a strategy whereby violence is used to produce certain effects in a group of people so as to attain some political end or ends.”[2] In any case, however, terrorism always refers to a minority of whatever kind intending to put through their political and social goals against established political structures by outright use of violent means.

Terminological Clarifications

While some authors and commentators use the terms ‘terror’ and ‘terrorism’ synonymously, others differentiate those terms in the sense that ‘terror’ refers to the use of terrorist means “from above,” so to say, deriving from the political power structures themselves, whereas the term ‘terrorism’ is related to politically motivated violence “from below.”

Following these etymological lines, *terror* can be defined as “the usage of the domain of intimidation by the powerful” while *terrorism* can be seen as “the counterfeiting and practice of methods of terror by those—for the time being still—“powerless, despised and desperate” who believe not to be taken seriously other than when resorting to terrorist violence.”[3]

Both terror and terrorism demonstrate pronounced indifference toward the value of human life, imitate each other in their methods, and—in many cases—are even mutually dependent upon each other. In the past, for example, dictatorial systems have repeatedly tried to sell violations of human rights and brutal suppression of individual freedom as inevitable measures to uphold internal security and national stability.

Terror (State Terrorism) as an Instrument “from Above”

As a historically institutionalized system, terror reached one of its early peaks with the Jacobin (Terror-) Regime in France near the end of the eighteenth century. The leader of the French Revolution, Maximilien Robespierre himself, designated the terror applied by the regime as “virtuous” and emphasized: “Terror is nothing else but justice, immediate, unrelenting und unbending justice; thus terror is a manifestation of virtue.”[4]

By the end of the revolutionary period, the “terror of revolution” is frequently found as a form of violence that, to quote Trotsky, “reduces all contradictions down to the sole alternative: Life or death.”[5] There are, therefore, justifiable reasons to understand and use the terms terror and terrorism synonymously—not the least of which is that the terrorism of the National Socialists during the Weimar Republic became a forerunner and, in fact, was the preparation for the terror of the Third Reich.

Terrorism as an Instrument “from below”

As already mentioned, the term terrorism refers to some kind of politically motivated threat and application of violence that leads repeatedly, especially in recent times, to severe disregard of the basic laws of humanity. It seems as though the arbitrary use of terrorist violence so prominent today does not discern the difference between protected persons or proscribed ammunitions. In the recent past, therefore, some prominent politicians have designated the fight against terrorism

literally as “war.” In this context, both scientists and security experts (of different national background) warn against the rise of new, ever more radical forms of terrorism.

Terrorists want to put pressure on the broad public by spreading fear and uncertainty until those in power—in the medium or long term—give in to the ideological and political claims of the perpetrators. Contemporary terrorism particularly fails to show any respect for age, sex, or descent of the indiscriminately picked victims of their attacks.

Anarchical terrorism as well as political regime terror utilizes the application of violence for the purpose of spreading fear and intimidation in pursuing either nationalist or revolutionary goals. Whereas, on the one hand, national terrorism is aiming at getting rid of heteronymous governance, or attaining national independence or autonomy by way of illegal use of force, revolutionary terrorism, on the other hand, intends either to bring down a certain regime or wants to bring about a radical change in the existing political and societal order.

However, terrorist groups can also go for both goals at the same time, as is being proven by the example of the Bask terrorist organization “Euzkadi Ta Askatasuna/ ETA” (Bask Homeland and Freedom), whose political arm is represented by the left-wing extremist party, “Herri Batsuna.”

Terrorism and Guerilla Warfare

What has been mentioned so far makes it quite conceivable that there is some similarity between terrorism and guerilla warfare, although the line of demarcation between them is somewhat blurred. The term ‘guerilla’ (in Spanish: small war) denotes, on the one hand, the fight of small (irregular) forces against a hostile armed force, occupational power, or its own government. On the other hand, the term is also used to designate those forces themselves. The border between terrorism and guerilla warfare, therefore, is especially blurred when terrorist groups are fighting for national goals. Thus in the case of revolutionary terrorism the terms frequently flow back and forth. The “Irish Republican Army (IRA),” for instance, describes its struggle against the British Forces literally as a guerilla war.[6]

Terrorism and Publicity

In order to confront the broad public with their political goals and ideologies, terrorist groups and organizations demand a level of renown. It is, therefore, primarily for the reason of gaining publicity that terrorists do not refrain from the most supreme sacrifices and cruelties, as they are well aware that the success of their intentions and beliefs is dependent on their impact on the public.

This is why all conceivable moral or political motives and motivations that could possibly legitimize—thus, confine and constrain—a terrorist act of violence fall short against the publicist-aesthetical impact they need to attain in order to succeed. In other words, one could say that—irrespective of results, costs, and sacrifices—the drama justifies itself simply because of its exhibitionism. It is therefore primary “disgust and wrath,” which make foremost certain, rather than overt or covert admiration and sympathy, that “the news of terrorist acts and threats disseminates rapidly and widely.”[7]

From this, a striking difference to regime terror becomes visible, as the terrorist never intends to draw the public’s (national as well as international) attention to its own activities. Very much to the contrary, this type of terrorism profoundly endeavors to conceal its violation of human rights.

By the refusal of terror regimes to let their own political actions become public, such regimes prove impressively the immorality of what they do. As Immanuel Kant has made clear in the

supplemental part of his work entitled “Perpetual Peace,” if one abstracts from all the material of public law (from the various empirically given relationships of men in the state, or of states to each other)

“there remains only the *form* of publicity, the possibility of which is implied by every legal claim, since without it there can be no justice (which can only be conceived as publicly known) and thus no right, since it can be conferred only in accordance with justice.”[8]

Thus, it is this “harmony which the transcendental concept of public right establishes between morality and politics” that seems to be the fundamental gauge for the moral worth of social and political actions.

Most interestingly, with terrorism this phenomenon presents itself from the other side, as it were. Whilst terrorism is not bothered about either morality (moral law) or the public law that rests upon it, terrorism does not hesitate to go public with claims that are devoid of any moral or legal claim.

Certainly, there is considerable difference between the measure of violence that the terrorists of our time are ready to apply and the terrorist violence of earlier epochs. Whereas the terrorist anarchists of the past were technically limited—provided they did not constrain themselves by self-imposed limitations—today’s terror activists appear to be bereft of any ethical considerations regarding the means and methods they are using. Due to this fact, and also because of the constantly growing destructive capacity of modern weapons and war materials, the threat of terrorism becomes ever more severe.

Extensions of the Term Terrorism

In the early 1990s, the term terrorism became extended by two new terms, namely “drug-terrorism” and “gray-zone phenomenon.” Drug terrorism refers to the targeted use of drug trafficking by governments or terrorist organizations to reach political goals. The term gray-zone phenomenon is used to describe the threat against the stability of nation-states emanating from non-state actors as well as the destabilizing developments and impacts resulting from external non-governmental actors. These dimensions throw a light on the dynamically altering character of sub-national conflict as it arose to an ever increasing degree after the end of the Cold War.

Tackling the phenomenon of terrorism must not leave aside another significant aspect that plays—or at least can play—a decisive role in the attempt to grasp the threat in its entirety. This aspect relates to the fact that terrorism has to be considered in many cases as a psychopathological phenomenon. It is not in a few cases that rational deliberations are missing; what is in the foreground as a driving motive is simply the urge, the passion to kill. In his book “The New Terrorism—Fanaticism and the Arms of Mass Destruction,” Walter Laqueur portrays the long ignored fact that has already been described in Wordsworth’s famous commentary on a Shakespeare play about the “motive hunting of a motiveless malignity,” with these words:

“Some creed is usually needed—even blind rage has to find a focus—but how often could a terrorist of the extreme left, but for some biographical accident, say, the influence of a friend or some charismatic figure he encountered, have turned to the extreme right or some sectarian group, and vice versa?”[9]

This makes more than clear that ideological motivation of whatever political or religious nature does not necessarily have to be the driving force behind terrorism.

Observations on the History of Ideas and the Origins of Modern Terrorism

Already in antiquity we find organized terrorist groups who tried to spread terror systematically. Terrorism as an attempt—by way of criminal violence—to generate fear on a broad scale to attain political goals, can thus look back on an ancient and long tradition. In the history of terrorist violence we find the members of an Islamic secret society who perpetrated their terror attacks between the eleventh and thirteenth century in the Middle East. This society, later called the Assassins (from the French 'assassin'—murderer), was created by the Persian Hasan-I Sabbah. Subsequent to his conquest of the northern Persian fortification of Alamut in the year 1090, he and his followers threatened the Crusaders as well as Muslim sovereigns with murderous attacks carried out by his fanatic assassins. Although these ceased to be a major force, "their main contribution was perhaps originating the strategy of the terrorist disguised—*taqfir*, or deception—as a devout emissary but in fact on a suicide mission, in exchange for which he was guaranteed the joys of paradise."[10]

Terrorism in the narrower, modern understanding goes back to the assaults and violent acts of the anarchists in the nineteenth century. One of the most prominent forerunners of modern-age terrorism is the Italian (Republican) extremist Carlo Pisacane. Initially belonging to the Italian high aristocracy, Pisacane turned away from his class, relinquished his related societal position and dedicated himself to a year-long fight against the Bourbons, until he finally, in 1857, lost his life in a failed revolt. To him is ascribed the apparition of the notion of "Propaganda of Action."[11] The Italian extremist clearly articulated that the people have to be shaken up, and simultaneously fear among the enemies to the revolution has to be spread.

Such ideas were particularly attractive to the revolutionary forces in Tsarist Russia. In the spirit of Pisacane, Michael Bakunin became another influential theoretician of terrorism in the nineteenth century. He was active not only in Russia, but also in Germany during the revolution of 1848-49; in France; and in Switzerland. In his *Principles of Revolution*, published in 1869, Bakunin made it clear that he and his friends would never accept any other method than destruction. The final goal is revolution because evil can only be terminated through violence; and Russian soil will only be cleansed by fire and sword. Furthermore, Bakunin wrote and published a *Revolutionary Catechism* in which he gave rules of conduct for terrorists. He coined the term, "anonymous terrorist," referring to one who was supposed to radically break with society and deny all its laws, customs, and conventions. He advised the terrorists of his time to dispose of the most dangerous enemies (all those who were conspicuous because of their intelligence or particular talents) at the beginning. This was to terrify both the government and the people alike. Literally futuristic was his advice to cooperate closely with criminals and criminal organizations.[12]

Revolutionary Terrorism in Tsarist Russia

Prior to World War I, it was the Russian terrorists who dominated the scene and were also the most successful. The first organization to put the theories of Pisacane and Bakunin into practice was the Russian "Naradnaja Wolja" (People's Will, sometimes also translated as People's Freedom) founded in 1878. This consisted of a small group of Russian constitutionalists who stood in direct opposition to the Tsar's reign. In the face of the "Apathy and Estrangement of the Russian masses" the members of the group attempted—by way of absolutely courageous deeds—to draw the public's attention to the goals and ideals of the organization. However, in stark contrast to the terror organizations of the late twentieth and the beginning of the twenty-first century that distinguish themselves by bloodshed and carnage on a large, indiscriminate scale, the Naradnaja Wolja took a particularly discriminating stance on the violence it applied. The Russian terrorists of those days transformed the "propaganda of violence" into assaults that were exclusively directed against individuals who were deemed to be "embodiments of the autocratic regime of repression."[13]

Nationalist Terrorism on the Balkans and in Ireland

Terrorism was also believed by its early proponents to be able to determine the course of history. After the Austrians had taken power in the region, a group of Bosnian-Serb intellectuals, including university students and even high school pupils (later becoming known as the Mlada Bosnia or Young Bosnians), formed against the Hapsburg reign. One of their members, Gavrilo Princip, eventually triggered, through his assassination of the successor to the Austrian throne, Archduke Franz Ferdinand, on June 28, 1914, the chain of events that led to the outbreak of the First World War and the ensuing totally new political order in Europe. Behind the Young Bosnians stood the secret society "Narodna Odbrana" (Defense of the People), which was originally founded in 1908, to foster the Serbian cultural and national activities. However, it soon assumed a more pronounced political and subversive orientation and gained notoriety for terrorist activities against the Hapsburg Austro-Hungarian Monarchy. The Narodna Odbrana was able to recruit new members, especially among the young Bosnians and Herzegovinans, and it was not long until the terrorism of this group achieved ever higher levels of brutality. In 1911, the even more radical group "Crna Ruka" (Black Hand) split off from the Narodna Odbrana. Although there were originally close ties among the Serb military leadership, the Crna Ruka and the Young Bosnians, the relationship between these elements was not one of direct control or total manipulation. Rather, we have to assume a situation of mutual influence and interrelation. However, there is some indication that the Black Hand attempted to force Austria into measures against Serbia in order to drive both countries into war by assassinating the Archduke and successor to the Austrian throne.[14] But, irrespective of the correctness of this assumption, the events that led to the outbreak of World War I demonstrate how immense the impact of this "privatized" nationalist violence of terrorism can be at the highest level of global politics.

After World War I, the Irish Republican Army (IRA) was founded in 1919 as a Catholic underground organization, which was at the same time to represent the "armed arm" of the nationalist Irish Party Sinn Fein. Although a part of the IRA dissolved itself into the newly founded state of Ireland in 1921, the militant wing fought on until 1923 in order to achieve a total disconnection from Great Britain and the annexation of Northern Ireland. In the late 1920s, the IRA existed as a small armed group—forbidden in England as well as in Ireland—before sinking into oblivion for many years, until the second half of the twentieth century, when it gained new significance again. Ever since 1967, it has been involved in violent clashes close to civil war. The forceful confrontation with London eventually resulted in a split within the IRA. While the Marxist "Officials" were striving for a political solution to the Northern Ireland question, the Nationalist "Provisionals" continued to resort to terrorism. Subsequent to the declaration of a cease fire in 1993 among Sinn Féin, the moderate Northern Ireland Catholics, and Great Britain, as well as subsequent to the launch of another peace process, the IRA joined in a cease fire agreement in August of 1994. Nevertheless, the year 1996 brought back new terrorist attacks and, in spite of another peace agreement between London and Sinn Féin in 1998, terrorism by IRA extremists remains an imminent threat.

"Werwolf"

Both terrorism and guerilla warfare joined hands during World War II. But it was not only to fight the troops of the German Wehrmacht; it was also the National Socialist leadership—particularly in the phase of the collapse of the Reich—that considered terrorist actions to be an appropriate means of fighting the war. Consequently, toward the end of the war, under the codename Werwolf, it commenced underground activities against the allied forces that can by all means, from today's view, be called terrorism. The codename itself might have been taken from the novel by Hermann Löns titled *Der Werwolf*, published in 1910, which portrayed the "guerilla" war farmers and peasants from lower Saxony fought against regular armies during the Thirty-Years War.

Terrorism for National Independence after 1945

In the late 1940s and 1950s, terrorism re-emerged in connection with violent insurgencies against European Colonial powers. In fact, such different states as for example Algeria, Israel or Kenya owe their independency, to a not insignificant degree, to nationalist political movements using terrorism as a weapon against the colonial powers. Not to anyone's surprise against this backdrop of violent de-colonization, the term terrorist was thrust aside by the "politically correct" term of "freedom fighter." The new terminology somehow mirrored the recognition most of the liberation movements received by a large part of the international community.[15] In the course of this development we find the founding in 1964 of the Palestine Liberation Organization (PLO) under Egyptian influence as a loose cover for several Palestine resistance groups. The goal was to establish an independent Arab state on the soil of the former British Mandate of Palestine, while terminating the state of Israel. It was the PLO president, Yassir Arafat, who expressed in a speech before the UN Assembly in 1974, what distinguished, in his opinion, a freedom fighter from a revolutionary or terrorist: "The difference between a revolutionary and a terrorist … lies in the reason for which he is fighting. Because the one who fights for a just cause and for the freedom and liberation of his own land in order to set it free from intruders and colonialists, can never be called a terrorist…."[16]

What strikes one's attention with this and similar positions of the past and present is the exclusive fixation on the question "Why." In other words, what is significant is that the focus is being laid upon the aim and goal of revolutionary violence. The complex sphere of what in the broadest sense of the word can be understood as the "*jus in bello*"—i.e., the question about what means and methods are permitted and prohibited when it comes to the politically motivated use of violence—is neglected and entirely left out of the picture.

Left Wing Terrorism in the Twentieth Century

During the 1960s and 1970s, terrorism was almost exclusively represented by revolutionary terrorist organizations ideologically motivated from the left side of the political spectrum. As terrorist groups normally do, these groups tried to draw the world's attention to their political goals. The Italian Red Brigades (Brigate Rosse) attempted to overthrow the existing societal order by brutal acts of terror among which assaults and kidnapping were most prominent. In the early seventies, it was the "Rote Armee Fraktion" (RAF), as the Baader-Meinhof-Gruppe called itself, which released a kind of mob-war against the then West German political establishment. When the major proponents of the RAF were incarcerated by 1972, several successor groups and sympathizing elements continued the fight by committing further terror attacks. The links between the social-revolutionary left wing terrorism and the Arab-nationalist terrorism were proven not least by the kidnapping of the Lufthansa airplane by Arab terrorists in 1977. Subsequent to the spectacular liberation of the hostages by the German Special Forces of "GSG 9" in Mogadishu/Somalia, several alleged RAF-terrorists committed suicide in the correction facility at Stammheim.

Religious Terrorism as a New Threat

In the 1990s a new generation of terrorists emerged, committing ever more dangerous violent acts inspired by religious motives. Islamic extremists, "bible-prone" right wingers, and "Judgment Day" sectarians pursue irrational goals through irrational means. The Japanese sect under its then leader Socko Azaharah used chemical weapons in its assault on the Tokyo underground in 1995. This terrorist chemical attack resulted in twelve deaths and five thousand-five-hundred injured people. Die Aum Sekt dedicated itself to a "theology of destruction," aiming at the creation of a new "race of superior man" (quite naturally built by the members of this movement) who were to re-generate the remnants of a post-apocalyptical world. The "global reign" the Aum had in mind may serve as an example for possible followers in the future.

The radical Islamic (Shiite) organization “Hisbollah” (Party of God), on the other hand, fights for the termination of the state of Israel, as well as for the foundation of an Islamic divine state following the image of Iran. The terrorist organization “Hamas” (Devotion), also wants to demolish the state of Israel and erect the Islamic state of Palestine. What is common to the internationally operating Islamic terrorist organizations is their shared goal of fighting and bringing down the “big Satan,” the United States.[17]

On the Mental Foundation and Psychic Manifestation of Terrorism

At the bottom of the various forms of terrorism—as it is the case with any political, social or religious movement that stipulates a totalitarian claim—lies a physically as well as psychically constructed struggle against plurality. It seems to be essential, however, to distinguish a “mental fundamentalism” from an “operating fundamentalism.” In the permanent mental dispute between culturally, religiously and politically motivated ideas and values, we have to distinguish the one who is convinced by his attitudes, but who is nevertheless tolerant toward those holding different values, from the one who attempts to enforce his convictions upon others by political and social realization.

It is for this reason that several commentators have introduced the distinction between “fundamentalism” and “integralism” in order to suggest these differences in thinking and acting. In the German-speaking realm, the foremost philosopher to emphasize this differentiation is Robert Spaemann.[18] In Spaemann’s view, “fundamentalism” represents an ideology based on a solid and hierarchical system of values, which tries to persuade by dialogue while basically being tolerant toward other value systems. “Integralism,” in contrast, encompasses all ideological orientations that attempt to achieve their beliefs and convictions by use of physical or psychical violence in the here and now.

Thus, generally speaking, we may comprehend more or less all collectivistic-totalitarian systems as integralisms. The French philosopher Andre Glucksmann is of the opinion that what happened during the twentieth century and what is continuing into the twenty-first, has to be viewed as part of the permanent struggle between the various forms of integralism—as the violent manifestation of fundamentalist thinking—against the open Western societies. “The goal of integralism is always de-structuralization, aiming at the destruction of Western society.”[19] Glucksmann not only mentions the Islamist integralism but also the totalitarian ideologies of National Socialism and Marxism-Leninism. In this “mental chaos,” Glucksmann observes a basic struggle between the various kinds of Integralism, on the one hand, and the democratic-pluralistic societies of the West, on the other. Collectivistic-ideological groups and parties set up the breeding ground for mental as well as physical forms of terrorism. The radical Left of the West, to name but one example, has ever since 1968 sworn itself to an equalizing Marxist dogmatism that aspires toward a revolution of values that paves the way for spiritual totalitarianism. The value-arbitrary society is consequently not an open but rather a deeply inhuman society based upon the might of the powerful.

Moral-Philosophical Reflections and Ethical and Legal Implications of Terrorist Violence

Among the most controversial problems of the political world today we detect the justification of the principles and actions of political justice. The chance for conflict—politically speaking, the chance for war—simultaneously determines the problem of peace. This challenge has to be seen in the diverse claims for freedom of individuals, interest-groups, and of social, political and religious nations, states, and state-coalitions, indeed, entire cultures, which have to be reconciled and, if feasible, peacefully arranged.

Terrorist deeds ground themselves without exception in a “pre-juridical” or, to speak with Kant, “moral-juridical” realm. Only a moral philosophical reflection on terrorism and the incentives and goals of terrorist actions, therefore, may enable us to finally answer the decisive question: “Are terrorism and terrorist actions morally and ethically justifiable?”

The instrument of terrorism, the path along which terrorism walks to attain to its goals, is unlimited application of violence, a *direct physical* (in an indirect way frequently also *psychic*) form of violence, tendentiously devoid of any self-imposed limitations and confinements. (Compare Graphic Annex 1, “Structure of Violence”). Hence, the question about the moral vindication of terrorist actions can be equated with the essential question for the legitimate use of violence and force to put through political and ideological goals.

Morality and Violence

The notion of violence in the physical meaning of “violentia” explicitly refers to the application of physical power and strength to an individual or his material property against his will. Long ago, already Aristotle reflected on violence as a force imposed upon a victim without this individual directly contributing to this effect or being able to withdraw from it. The one who has to suffer this impact of this force has no choice except to endure this misery. Such an act of violence thus represents a deed that runs counter to the victim’s inclinations and wellbeing.[20] This aspect is especially in the foreground of terrorist action, as terrorism does not forebear to risk the lives and physical wellbeing of innocent people who are not the least related to the violence and force used against them.

In the abstract, *violence* can be defined as the forceful encroachment upon the sphere of one individual’s legitimate development of his free will. This makes it to conceive why the question of right and wrong is determined from the perspective of the victim who has to sustain a restraining and debilitating effect on his organism and thus its free self-development. This direct idea of violence comprises a clear relation between a perpetrator and a victim, with the perpetrator directly inflicting damage on the victim. This damage primarily violates the victim’s organism or its free self-determination.

Physical force finds its most profound manifestation in armed conflict and war. Criminal violence certainly comes closest to it. Nevertheless, terrorist violence—not only because of the self-awareness of the terrorist that he is “at war,” but also because of the extent of damage inflicted by terrorist actions—should be categorized as war-like violence. It is, therefore, for this part of the investigation, reasonable to define terrorist violence as a form of crime or as an act similar to war.

Normatively speaking, *injustice* is the confinement of one’s development of freedom without the existence of an external necessity. In this philosophical sense, external necessity can only be thought as a morally justifiable reason simply because in a possible moral and ethical framework of actions where the application of violence and force comes into play, just by rational conclusion, only actions are conceivable in which force appears either together with (moral) injustice, with (moral) justice or—as sanctioning and punishing power—in connection with positive, statutory national or international law.

If we leave aside the latter point insofar as terrorism positions itself *extra legem* anyway, what is left for closer examination is the question if terrorist violence can be morally justified at all and, under what conditions and criteria, if any, it can claim morality and moral legitimacy.

Force and (Political) Justice

Let me emphasize again: Injustice emerges when the development of the freedom of an individual or group of individuals is being constrained by another or others, without the existence of a morally justifiable necessity. The borderline at which *right* passes over into *wrong* exactly marks the line of demarcation at which we encounter the normative idea of justice. From the viewpoint of a merely rational deduction, the notion of (individual, social, political, intrastate, interstate …) justice becomes the normative, cardinal aspect of ethics, transforming into "the inevitable criterion for any claim that wishes to correspond with the idea of morality."[21]

The category of justice, therefore, embodies the only parameter that can be reconciled with the rights of the subject, the predominance of the individual including his claim for self-determination, and also with the guiding image of modern philosophy and ethics, freedom.

A violation of the guiding principle of ethics, *justice*—practically, the commitment of injustice—must, therefore, stem from exaggerated egotism, an over-emphasized affirmation of one's own will, which negates the sphere of right of another individual, in the sense of not taking into account the legitimate development of another's free will.

According to this depiction, which introduces right and wrong as moral categories and relates them to "man as man," we are being offered a perspective which, bare of any statutory or societal superstructure, allows us to approach the subject matter in a culture-invariant and truly universal way.

It is precisely on this level that we can easily define human rights: Everybody has the right of not being constrained in the development of his or her own free will (the affirmation of his body and life). Nobody has the right to hamper others in the development of their freedom. The freedom of any one person finds its natural limit at the point where it constrains the freedom of any other person. These normative principles of justice find their most succinct formulation in Immanuel Kant's definition of (moral) right:

"The whole of conditions under which the voluntary actions of any one person can be harmonized in reality with the voluntary actions of every other person, according to the universal law of freedom."[22]

This moral-philosophical fixing of the cardinal ethical gauge also establishes the borderline up to which an individual (a community, a society, a state …) may carry on with its development of freedom without negating the legitimate self-determination of another individual entity. Simultaneously, the actions are being defined which, in transgression of this borderline, have to be designated as unjust and morally illegitimate and whose rejection and warding off can be morally justified.

In almost everything they do, humans find themselves in a social, political and societal framework of interaction. Thus every ethically relevant decision stands in an interactive context, and pertains to an external result that is invariably linked to the weal and woe of other human beings or a community in the narrower or wider sense of the word. Although the result of a deed—in the case of an unjust act the suffering of injustice—is of importance, we must nevertheless accept that it is primarily the incentive and motivation, the intrinsic meaning of an action, that decides the ethical value of an action and determines the right and wrong inherent in it.

At this level of abstraction we can easily grasp that a violent act can only be morally justified when it bears a reactive character, in the sense of the warding off a positive act of injustice in the normative meaning described above. A mere rational deliberation a priori gives proof that the warding off of such an action—very much in contrast to this action itself—may claim moral legitimacy. This rational law is: "Causa causae est causa effectus."[23] This principle tells us nothing else than whatever the one who is exposed to injustice undertakes to ward off injustice

and to re-establish just conditions, the one who commits the unjust act must ascribe to himself what happens to him as a result.

It is exactly within this ethical pattern of the relation between right and wrong where terrorism finds itself; for the terrorist always tries to legitimize his use of violence as inevitably necessary to alter the unjust social or political conditions as he perceives them.

As shown above, a course of conduct provoked by an aggressor in reaction to an assault in order to protect oneself has to be considered as being legitimate, inasmuch as this course of action would not have taken place without the positive act of aggression. It is for this reason that the defense and warding off must bear different moral quality than the aggression itself because it is exactly following from it. Consequently, a major feature of the legitimate application of physical force must have to be seen in the factor of *inevitability* and *unavoidability*. In this context, however, there is a danger that the amount of physical force necessary to ward off the aggression may be exaggerated. Therefore, the moral legitimacy of the use of force is closely linked to another ethical principle, the principle of *proportionality*.

Short of a more or less direct relation between perpetrator and victim, the principle of appropriate and proportionate usage of means is at the core of moral and ethical consideration when it comes to the legitimization of forceful actions.

The Ethical Illegitimacy of Terrorist Violence

It is not only that the terrorist disregards the inevitable principle of the immediacy of perpetrator-victim relation, and the issues of inevitability and unavoidability, as well as the proportionality of means, but he bases his actions upon a pattern of causal rectification that can never be ethically justified, and thus has to be classified as morally illegitimate. To finally clarify the conditions of factual or presumed injustice against which forceful means might be used—and why terrorist violence never meets these criteria and thus embodies moral wrong in every case—makes it inevitable to analyze the sphere of wrong and injustice in greater detail.

When it comes to decisions relevant to human actions, man finds himself always in a dilemma in the sense of conflicting interests, which can be resolved only by a consideration of interests according to ethical principles. Related to the question of an order of priority between possible goods and values that have a bearing on a morally relevant decision, it is Franz Böckle who introduces a helpful differentiation by distinguishing the principle of "*Fundamentality*" from the principle of "*Dignity.*"[24] The principle of fundamentality, on the one hand, favors that good which is a necessary precondition for the realization of another one. The principle of dignity, on the other hand, structures the values according to their meaningfulness, and brings the fundamental goods in a moral and ethical context of meaningful priorities. *Goods* are physical entities existing independently of our individual intentions, however, goods are given to us as indispensable factors for our responsible actions. These factors include our physical integrity, mental or physical property, in addition, also institutional dimensions of life, such as matrimony, family, and state. *Values*, in contrast, are certain stereotyped attitudes or virtues, which can only be considered real inasmuch as they are qualities of human volition; for example the subjective understanding of justice, faith, or solidarity. Consequently, whenever a morally relevant deed is demanded, the acting individual finds himself in a situation of choice. He has to choose between values and goods that are in a permanent constellation of competition among each other. The human being, thus, finds himself always in a dilemma as to which option he should choose in the constantly conflicting set of alternatives. Viewed negatively, an ethical choice inevitably means to choose the lesser of two evils.

These helpful considerations can now, through the insights of Wolfgang Kersting, be placed into the context of the philosophy of international relations, within which terrorism is acting. Kersting

introduces a distinction between *programmatic* and *transcendental* rights (claims for freedom). Transcendental rights—following Kant's definition of 'transcendental' as being the condition of experience at all—are immediate human rights such as the right to live and enjoy physical integrity, which are the conditions necessary for the possibility to experience other rights and freedoms anyway. Beside these transcendental primary rights, we find then the programmatic rights. These are, so to say, secondary rights, such as political self-determination, democratic living conditions, just distribution of goods etc.[25] It is precisely here, where terrorism does not take these rights into account (or intentionally or unintentionally disregards these normative principles), that terrorism becomes devoid of any serious ethics. Terrorism does not hesitate to make secondary rights, such as political self-determination, or the implementation of a desired political or social order, absolute—at the cost of ignoring and neglecting primary (transcendental) rights. In doing so terrorism not only turns the logical principle of the predominance of transcendental rights upside down, it also negates the predominant fundamental right to live, as this plays no role in terrorist rationales—neither in the sense of being a physical cause or motive to reflect its own maxim.

We have to ascribe, therefore, the utmost moral quality to the statement made by the General Secretary of the United Nations, Kofi Annan, when he said, in the light of the September 11, 2001, incident: "No just cause can be advanced by terrorism." Politically offensive use of force to achieve national interests, revolutionary fanaticism, or the attempt to rectify war as a legitimate means to disseminate religious or political ideologies in the sense of a "Holy War," can, from a higher normative position of moral philosophy, never be justified.[26] Attempts to vindicate these strategies inevitably end up in dogmatism, which can never live up to the scrutiny of an ethics that is based upon an adequate, humanistic image of man. Terrorist activity violates the essential norms of ethical thinking and acting and thus must, by all means, be designated as the sheer ideal type of the "manifestation of moral injustice" in the social and political realms.

Universal Ethics in World Religions and International Law

A significant number of religious leaders, scholars and theologians have arrived at the conclusion that the ethical doctrines of all great religious systems are in accordance regarding the major issues of ethics. "They all forbid, like the Mosaic Decalogue, to kill, to lie, to steal or to commit adultery, as these stipulations are the prerequisite to any orderly social life."[27] It is a characteristic of the ethics of all high religions that they connect moral claims with religious doctrines and rituals. Once again it is Kant who considers moral ingredients to be the most important of these three components to any religion and brings all religions back to morality as their true foundation.[28]

In the field of humanity—especially in its concrete formations in humanitarian law and the human rights codes of international law—we find ourselves on common ground, at least between the three monotheistic religious denominations. With regard to human rights, to mention but one example, (even it still seems to exist on paper only), there is a surprising consensus to be found. The Council of the Arab League, on September 15, 1994, passed a resolution that proclaimed the Arab Charter of Human Rights. This catalogue of norms—although hitherto not in effect—comprises all of the fundamental and basic rights that are found in the UN Charter or in the Human Rights Convention of the European Council, such as the prohibition of discrimination, the right for living, freedom and security, the prohibition of torture, the right to enjoy freedom of faith, speech and religion, etc. The Arab Charter of Human Rights thus signals the basic readiness of the Arab world to acknowledge all those basic values and liberties that emerged especially in the Western world as a result of the rational movement of enlightenment. Naturally, this formal coherence should not deceive us about the fact that this Christian-Occidental ethics is based upon a specific image of man and a specific understanding of human rights that still awaits its realization in the social and political practice of the Islam world and other regions on this planet.

Prospects and Perspectives

Everything suggests that terrorism and combating terrorism will represent a major dimension in security affairs of this new century. A specific challenge to the democratic statutory state arises from the fact that the potentially inhumane will have to be fought without disclaiming the principles of humanity embodied in the own social order.

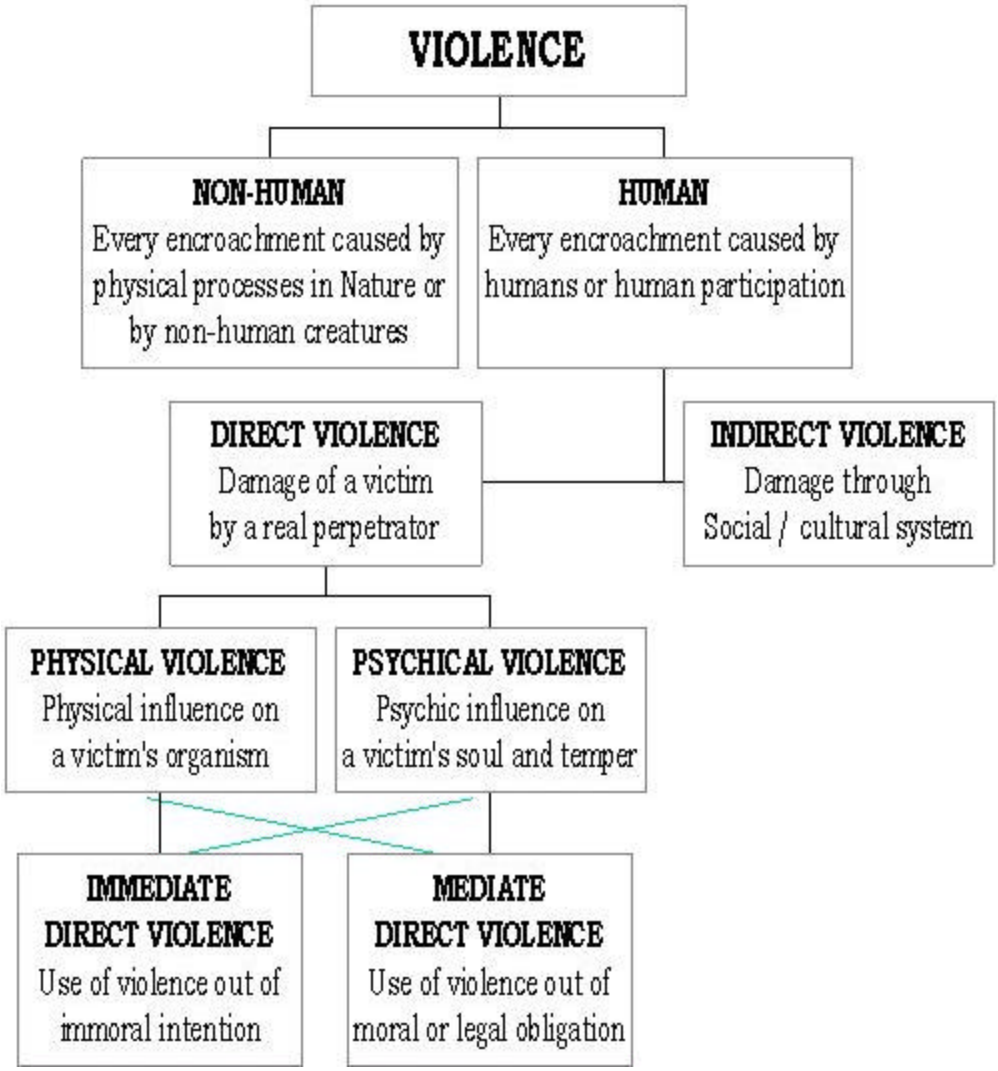
The guiding image of Western philosophical as well as political thought, the idea of the human being as an individualized person and the human rights principles resting upon it, may not be relinquished for a hysteria triggered by diverse ideologies and ideologists of conspiracy. Nevertheless, the postulate of abiding by humanity must stand on equal terms with the requirement to wage an efficient and effective war against international terrorism.

In pursuing this course, the international community needs to find some kind of unity in terms of thinking and acting in the first place. At the center of an effective fight against terrorism is the following challenge that will have to be met: How can the inter-cultural relativism of fundamental values be overcome without destroying intra-cultural diversity and independency? The fact is that such a relativism of values is not only intellectually and morally untenable, but furthermore politically problematic to the extent that it seems unbearable, if not impossible for mankind, to exist with its consequences in the long haul.

I can see no other way to overcome this ethical relativism than to find a consensus on fundamental values that is based upon the leading values of the European-Western culture. If the major forces join in, a process could be launched at the end of which there stands a moral, supranational (supra-cultural, supra-religious) social contract, providing for an internationally acknowledged, minimal institution for ethical orientation. In respect to the subject matter discussed here, this basic global ethical norm would primarily serve to define the moral criteria for the use of political and non-political force.

Thus it could even be said that a “Globalization” of the most profound ethical norms—binding for humanity across all boundaries of culture, politics and religion—seems to be an inevitable claim for future international arrangements.

Figure 1: Structure of Violence



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7. Hacker, *Op. Cit.,* 26.

8. Immanuel Kant, "Perpetual Peace," in: *On History* (Englewood Cliffs: Macmillan Publishing Company, 1963), Appendix II, 129 [381].

9. Walter Laqueur, *The New Terrorism—Fanaticism and the Arms of Mass Destruction* (Oxford: Oxford University Press, 1999), 274.

10. *Ibid.,* 11.

11. Hoffman, *Op. Cit.,* 19.

12. Laqueur, *Op. Cit.,* 21.

13. Hoffman, *Op. Cit.,* 19. The principle to carry out attacks against only “the guilty” was still observed by the terrorists of the early twentieth century. An example is the assault on the Russian Sovereign Prince Sergej Alexandrowitsch, perpetrated by a successor organization to the Narodnaja Wolja in 1905. Once the terrorist tasked to carry out the deed observed that children of the prince were traveling with their father in the carriage, he immediately broke off the attack in order not to impose any damage on the family of the sovereign.

14. *Ibid.,* 26.

15. This attitude entered into humanitarian international law regulations in 1977 in the First Amendment Protocol to the Geneva Convention of 1949.

16. Cited from Hoffmann, "*Op. Cit.,* 30-31.

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