# Terrorism vs. Just War Theory

I was planning to write an original piece on this topic, but soon discovered that better work already existed.  Most notably, here's a summary of a talk Michael Walzer delivered in 2007.  It starts with some boilerplate:

> *Whether terrorism is wrong is a question that is often answered badly or at least inadequately, according to Walzer, who defines terrorism as the random killing of innocent people, in the hope of creating pervasive fear. "Randomness and innocence are the crucial elements in the definition," said Walzer. "The critique of this kind of killing hangs especially on the idea of innocence, which is borrowed from 'just war' theory."*
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> *By "innocence" Walzer means those noncombatants who are not materially engaged in the war effort. "These people are 'innocent' whatever their government and country are doing and whether or not they are in favor of what is being done," Walzer explained. "The opposite of 'innocent' is not 'guilty,' but 'engaged.' Disengaged civilians are innocent without regard to their personal morality or politics."*
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> *Terrorism attacks this notion of innocence and treats civilians as legitimate targets. The long-term purpose of the fear that terrorists inspire is the collective destruction, removal, or radical subordination of individuals as an associated group. "It is who you are, not what you are doing that makes you vulnerable; identity is liability," said Walzer. "And that's a connection that we are morally bound to resist."*
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> *Implicit in the theory of just war is a theory of just peace, Walzer said, meaning noncombatant immunity protects not only individual noncombatants but also the group to which they belong. "Just as the destruction of the group cannot be a legitimate purpose of war," observed Walzer, "so it cannot be a legitimate practice in war."*

But then it gets good:

> *Terrorism is a strategy that is chosen from a wide range of possible strategies, according to Walzer. "For many years, I have been insisting that when we think about terrorism we have to imagine a group of people sitting around a table, arguing about what ought to be done," said Walzer. "When terrorists tell us that they had no choice, there was nothing else to do, terror was their last resort, we have to remind ourselves that there were people around the table arguing against each of those propositions."*

More importantly, I would add, even the best minds just aren't very good at predicting outcomes controversial among experts. So as a practical matter, anyone claiming to know with confidence that terrorism *is* a last resort when many experts disagree is negligent at best.

> *Once terrorists choose terrorism, the answer as to how we should fight them, said Walzer, "is simple in principle, though often difficult in practice: not terroristically. That means, without targeting innocent men and women." The second answer, according to Walzer, is within the constraints of constitutional democracy. "Right-wing politicians often insist that it isn't possible to live with either of these limits: they sit around the table and argue for prison camps like Guantanamo or the use of 'harsh' interrogation methods," said Walzer. "We must be the people at the table who say 'no.'"*
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> *In particular, said Walzer, we must "insist at the outset that the people the terrorists claim to represent are not themselves complicit in the terror." Just as the "terrorists collectivize the guilt of the other side, insisting that every single person is implicated in the wrongful policies of the government," Walzer explained, "the anti-terrorists must collectivize in the opposite way, insisting on the innocence of the people generally." Likewise, where terrorists dismiss the notion of*

> *collateral or secondary damage, setting out instead to inflict as much primary damage as possible, anti-terrorists have to "distinguish themselves by insisting on the category of collateral damage, and doing as little of it as they can. The rules of jus in bello apply: soldiers must aim only at military targets and they must minimize the harm they do to civilians."*

Walzer then echoes one of my earlier pacifistic analogies between waging war and fighting crime:

> *Once governments learn to kill, according to Walzer, they are likely to kill too much and too often so moral and political limits must be imposed. "The hard question in war is what degree of risk we are willing to accept for our own soldiers in order to reduce the risks we impose on enemy civilians," said Walzer. "When the police are chasing criminals in a zone of peace, we rightly give them no latitude for collateral damage. In the strongest sense, they must intend not to injure civilians—even if that makes their operation more difficult and even if the criminals get away. That seems to me roughly the right rule for people planning targeted killings."*
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> *If terrorists use other people as shields, then anti-terrorists have to try to find their way around the shields, Walzer said, just as we would want the police to do.*

I severely doubt Walzer would buy my case for pacifism, but after reading this, I really wonder why.