

## Is "One Man's Terrorist Another Man's Freedom Fighter"?

Written by Vilde Skorpen Wikan

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"Freedom fighters do not need to terrorize a population into submission," former U.S. President Ronald Reagan told the American people in a 1986 Radio Address to the Nation. By this, he tried to draw a clear line between the concepts 'freedom fighter' and 'terrorist'. This essay offers a critical exploration of his attempt, asking: can a terrorist *justifiably* and *objectively* be considered a freedom fighter? The essay begins with an overview of how to understand the slogan 'One man's terrorist is another man's freedom fighter', before outlining the basis for judging the legitimacy of political violence: Just War Theory. Part two discusses and defines terrorism as a concept, emphasising in particular how it differs from war – whether conventional or unconventional. It argues terrorism is distinct from these latter forms of political violence because it is primarily a form of communication aimed at terrorising non-combatants. In contrast, the violence or the threat of violence used in war seeks to dominate the enemy through force. One of the essay's key assumptions is that freedom fighting can be justified, provided it adheres to the Just War-criteria. For terrorism to be a legitimate form of freedom fighting, then, it too would have to be justifiable in certain situations. The essay's third part discusses if this can ever be the case, and finds that terrorism can be permissible in so-called 'extreme emergencies' (Walzer 1977:251-268). Thus, in sum, this essay does not share Reagan's position, arguing instead that terrorists can justifiably be considered freedom fighters, and – conversely – that freedom fighters can justifiably resort to terrorism. The extreme nature of situations where this would be permissible, however, makes it doubtful as to whether the threshold is ever reached in practice.

The 'One man's terrorist...' -cliché challenges the notion that 'terrorism' and 'freedom fighting' are mutually exclusive concepts where the former is always illegitimate. "The question of who is a terrorist," writes Ganor (2002:287), "depends entirely on the subjective outlook of the definer." By definition, the slogan will almost hold true by definition, if taken to its logical extremes. After all, it only takes 'one man' to consider the act freedom fighting for it to become such – and this 'man' can very well be the terrorist him or herself. The power of the slogan thus derives from its implicit invitation to assess a terrorist act from the perspective of the terrorist; emphasising the importance of critically reflecting on what factors influenced the choice of resorting to terrorism. But this subordinates a means or tactic – terrorism – to an end or strategic goal – fighting for freedom. As such, the slogan implicitly holds (paradoxically) that 'terrorism' is inherently bad while 'freedom fighting' is good, and that labelling an act freedom fighting precludes it from also being viewed as terrorism.

However, "a valuable end does not by itself justify the means used to achieve it," Nathanson (2010:18) writes, "[b]ecause some ways of pursuing valuable goals are morally wrong." This is a key aspect of Just War Theory, which consists of two main components: *Jus ad bellum* – the justness for entering war – and *Jus in bello* – the justness of how the war is fought. Though primarily intended for judging inter- or intrastate warfare, the theory has a long history of being applied to terrorism (Walzer 1977:197-206; 2006). As summarised by Evans (2005:12-3), *Jus ad bellum* consists of seven criteria: just cause; proportionality; probability of success; last resort; right intention; right authority; and a public declaration of war. *Jus in bello*, on the other hand, consists of four: only targeting people and infrastructure directly involved in the war; proportional use of force; just treatment of non-combatants (including prisoners of war); and adherence to national and international law. There are, however, two exemptions to the *Jus in bello* criteria. The first is the 'Doctrine of Double Effect', which permits harming non-combatants as long as they are not the primary target and "that the good achieved outweighs the possible negative consequences" (Bellamy

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2004:847-8). The second is the controversial 'Supreme Emergency Exemption' (Evans 2005:13). It completely suspends the prohibition of directly targeting non-combatants in situations where an "unusual and horrifying" type of danger is "imminent" (Walzer 1977:253, 255).

To assess, then, if a freedom fighter can justly resort to terrorism, it is necessary to provide a working definition of terrorism without *a priori* violating the Just War-criteria, while also distinguishing it from warfare. Yet there are many similarities between terrorism and war; the most important being that they are both "the continuation of policy with other means" (Clausewitz 1976:69) – namely violence or the threat of violence. In this view, non-violent terrorism or war would simply be normal politics, such as demonstrations or negotiations. This is the least controversial and most common elements included in definitions of terrorism (Ganor 2002:290). The emphasis on politics also separates war and terrorism from crime. However broadly, terror and war – unlike crime – seeks to influence the ordering of social life – whether it be economic, religious or otherwise (Ganor 2002:394; Nathanson 2010:25-6).

So, what distinguishes terrorism from 'normal' war – whether regular or irregular? Walzer (1977:197) argues that the key difference is that "terrorism is a way of avoiding engagement with the enemy army," labelling it an "indirect approach." Importantly, he does not exclude that terrorist tactics may be used during wartime. Instead the description permits terrorism to be seen as a tool that can be wielded by a variety of actors, in a variety of situations and for a variety of reasons. It also avoids the reliance on targets having to be 'innocent' or 'civilians', as this could arguably preclude labelling attacks on property, bureaucrats, members of parliament or non-operational military personnel or installations – such as in the attacks on the Pentagon or the USS Cole – as terrorism. A key defining feature of terrorism, then, is its targeting of non-combatant people or property (Finlay 2015:5).

This leads to two further (but interrelated) differences between war and terror, which is the nature of the violence and nature of their communicative elements. For whatever political aim, terrorism uses violence against a limited number of non-combatants or infrastructure to send a message to wider society and exploit fear of further violence (Goodin 2006:45). Nathanson (2010:33), however, argues, "War, like terrorism, employs violence for a communicative purpose." He points out that warfare rarely aims for the total destruction of the enemy, but rather, as Clausewitz (1976:92) claims, "to impress our greater strength upon him, and to give him doubts about his future." But Clausewitz also holds the key to distinguishing how the communication and violence of war differs from the communication and violence of terrorism. "War is nothing but a duel on a larger scale," he states (*Ibid.*:75). In essence, war contains a promise of potential military defeat. Terrorism, on the other hand, does not aim for material domination of the enemy through brute force – which is why it is often labelled the 'Weapon of the Weak' (Shoemaker 2014). War thus threatens the existence of a community, while terrorism threatens a small number of its members. As such, war may be viewed as a top-down instrument, while terrorism works bottom-up.

Hence, the potential destructive force of war far outweighs that of terrorism and while the 9/11-attacks – arguably highly effective and deadly – killed around 3 000 people, the death toll of war can tally millions. (In addition comes the long-term effects of the destruction of institutions, communities and infrastructure). Achieving political change through terroristic violence, then, might intuitively seem like a less horrendous option than resorting to war. Yet the idea that terrorism can ever be just is challenged. Walzer (2004:52), for example, states, "I take the principle for granted: that every act of terrorism is a wrongful act." The reason for this rebuttal of terrorism's legitimacy primarily lies in the concepts' inherent violation of *Jus in bello*. This follows the classification of terrorism as a tactic that may be resorted to for a variety of reasons. Because these reasons might be the same as those justifying conventional or unconventional warfare, terrorism too should arguably be able to adhere to the *Jus ad bellum*-criteria.

The centre of controversy is rather *Jus in bello*'s prohibition of exerting violence or threatening violence against non-combatants, and, conversely, failing to treat non-combatants justly and violating international humanitarian law. Even if the terrorists were to target infrastructure and issue bomb-warnings, for example, the violence of terrorism contains an implicit threat of further violence targeted at non-combatants. In theory, terrorism can arguably adhere to the final *Jus in bello*-criterion, however, by refraining from using excessive violence necessary to achieve the tactical objective – whatever that may be. However, though seemingly categorically opposed to terrorism, Walzer himself concedes that the deliberate targeting of non-combatants can be legitimate in a 'Supreme Emergency', "where one might well be required to override the rights of innocent people and shatter the war convention" (Walzer 1977:258).

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As an example, he argues the British 'Terror Bombings' of German cities during World War II – aimed specifically at civilians – were justified because they were the only way to prevent a defeat that would be a "disaster to the political community" (*Ibid.*:268). Yet, Walzer holds that in practice, terrorism is never justified because it is never the last available option. "Terror is a strategy that has to be chosen from a fairly wide range of possible strategies. It is always a choice," he states (2006:7). Nevertheless, he concedes that it is possible to imagine a hypothetical scenario where terrorism might be justified (*Ibid.*).

Numerous authors have noted the inconsistencies in Walzer's position and challenged the legitimacy of the 'Terror Bombings' (Bellamy 2004; Coady 2004; Orend 2005). All of them, however, maintain that terrorism can theoretically be justified in exceptional circumstances. Schwenkenbecher (2009:117), for example, concludes, "there is no convincing reason why supreme emergency should not be applicable to terrorist violence." Bellamy (2004), however, thinks otherwise. He argues that terrorism can be justified through the 'Doctrine of Double Effect' – and that the 'Supreme Emergency'-criterion is both superfluous and wrong. His argument, however, rests on the premise that the primary aim of the violence cannot be the purely innocent (*Ibid.*:849). But it is nevertheless possible to imagine a scenario where the complete oppression of the state would prevent access to legitimate targets and whose total control over everyday life would hinder any non-violent resistance from being successful. The dystopian nightmares depicted in Margaret Atwood's *The Handmaids Tale* and George Orwell's *Nineteen Eighty-Four* could be examples where terrorism might be justified. However, short of being conducted in a situation of utter tyranny, one man's terrorist would not justifiably be another man's freedom fighter, at least not according to the criteria of Just War Theory.

One should thus be weary of accepting the slogan 'one man's terrorist is another man's freedom fighter'. Terrorism is a form of political violence that inherently violates *Jus in bello*. Even if it is able to adhere to the *Jus ad bellum*-criteria, it would still thus be illegitimate. According to Just War Theory, the end does not justify the means. Nevertheless, in theory, terrorism may be acceptable in a 'Supreme Emergency'. In practice, however, it would be difficult to assess when this threshold is reached. This highlights a weakness not just of this essay, but also in the overall academic literature on justice, war and terrorism: the challenge of operationalising abstract theoretical concepts for real-world application. However, though clear demarcations and classifications might prove illusive, it provides a starting point for the critical reflection on how people ought to behave in times of war and conflict. And, as President Reagan said in his 1986 Address to the Nation, this does not include "terroriz[ing] a population into submission" – at least not in anything but exceptional circumstances.

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