

TERRORISM, MORAL CONCEPTIONS, AND MORAL INNOCENCE*

THOMAS J. DONAHUE

Since September 11, a new conception of terrorism has soared to prominence among philosophers and politicians. It holds that terrorism is gravely and distinctively wrong because it directly targets persons who are not responsible for, or morally innocent of, the terrorists' grievance.¹ Moreover, it holds that those properties capture and explain the conventional moral judgment that terrorism is almost always wrong. On this against-moral-innocents conception, to which I henceforth refer as "the AMI," genuine terrorism cannot target people who are morally responsible for the alleged terrorists' grievance: For an act to count as an instance of terrorism, it must target those who are not responsible for, or are morally innocent of, the grievance. Consider, for example, Hezbollah's 1983 truck bombing of the U.S. and French barracks in Beirut. According to the AMI conception, whether the bombing counts as terrorism depends on whether the soldiers killed were responsible for Hezbollah's grievance: If they were responsible, it cannot be terrorism; only if they were innocent could the act count as terrorism. *Pari passu*, if uprisen slaves captured a town and then, as a warning, massacred those civilian slave-owners who had vigorously and publicly supported slavery, that would not count as an act of terrorism, for the victims were deeply morally complicit in the slaves' grievance.

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¹ Chief among the philosophers holding this conception are Igor Primoratz, *Terrorism: A Philosophical Investigation* (Cambridge: Polity, 2013) 15–21, 24–25; Stephen Nathanson, *Terrorism and the Ethics of War* (Cambridge: Cambridge UP, 2010) 24, 33–34, 51–52; C. A. J. Coady, *Morality and Political Violence* (Oxford: Oxford UP, 2008) 158–61; Uwe Steinhoff, *On the Ethics of War and Terrorism* (Oxford: Oxford UP, 2007) 121–22; Jeff McMahan, "The Ethics of Killing in War," *Ethics* 114 (2004): 693–733, 729; and McMahan, *Killing in War* (Oxford: Oxford UP, 2009) 232.

explain the outrages of Abu Ghraib, the systematic complicity in them of high-ranking U.S. officials, and the lack of sanctions for those officials;⁵⁰ they could help explain how the Bush Administration's military tribunals, as first conducted, allowed detainees to be tried and convicted on evidence they were not allowed to examine and challenge;⁵¹ and they could help explain the 266 waterboardings inflicted on Abu Zubaydah and Khalid Sheikh Mohammed.⁵² Also, these incentives could help explain why so many people have claimed after memorable events of apparent AMI terrorism that the terrorists recognize only odious values and goals. Thus it was said after September 11 that Al-Qaeda has "abandon[ed] every value except the will to power," that it aims to kill all Americans, and that it hates freedom of assembly.⁵³ Thus it was that Benzion Netanyahu said in the 1980s that the terrorist is "[d]ivested of any moral principle, [has] no moral controls . . . [and] is the perfect nihilist."⁵⁴ And thus it was said by one prominent AMI theorist that:

Al-Qaeda . . . is utterly uncompromising. It sees itself as at war with all Christians and Jews. Its vision is of a world united under the banner of Islam . . . Bin Laden's campaign recognizes no limits on the methods to be employed in bringing that Islamic world about.⁵⁵

These agents and writers seem to have been pulled into judging terrorists like Al-Qaeda and its allies before fully assessing their reasons for doing what they did. So they imputed to the terrorists motives that I have not been able to find in the public statements of Bin Laden or Al-Zawahiri. These men claim to hold dear many values; they say they believe in popular sovereignty and holding rulers accountable to the people;⁵⁶ they do offer justifications for their actions; they say that their killings of civilians are reprisals for Western forces' killing of Muslim civilians;⁵⁷ that their killings of innocent children are tragic collateral damage of attacks on culpable citizens; and while they say they desire the state of Israel's destruction, it is not clear that they want to annihilate or remove or radically

⁵⁰ See on this Mark Danner, *Torture and Truth: America, Abu Ghraib, and the War on Terror* (New York: New York Review of Books, 2004). Also see Jane Mayer, *The Dark Side: The Inside Story of How the War on Terror Turned into a War on American Ideals* (New York: Anchor, 2008).

⁵¹ See David Cole and Julius Lobel, *Less Safe, Less Free: Why America Is Losing the War on Terror* (New York: New Press, 2007) 44.

⁵² See Scott Shane, "Waterboarding Used 266 Times on Two Suspects," *The New York Times* April 19, 2009.

⁵³ See George W. Bush, "Text: Bush Address to Congress [September 21, 2001]," *BBC News*, September 17, 2013 <<http://news.bbc.co.uk/2/hi/americas/1555641.stm>>.

⁵⁴ Netanyahu, "Terrorists and Freedom Fighters," *Terrorism: How the West Can Win*, ed. Benjamin Netanyahu (New York: Farrar, Straus & Giroux, 1986) 25–30, 29–30.

⁵⁵ Leiser (2004): 206–07.

⁵⁶ See Bin Laden, *Messages to the World: The Statements of Osama Bin Laden*, ed. Bruce Lawrence (London: Verso, 2005) 273.

⁵⁷ *Ibid.*: 119, 239–40.