

I am inclined to say more than this. In the theory of war, as we have seen, considerations of *jus ad bellum* and *jus in bello* are logically independent, and the judgments we make in terms of one and the other are not necessarily the same. But here they come together. The war cannot be won, and it should not be won. It cannot be won, because the only available strategy involves a war against civilians; and it should not be won, because the degree of civilian support that rules out alternative strategies also makes the guerrillas the legitimate rulers of the country. The struggle against them is an unjust struggle as well as one that can only be carried on unjustly. Fought by foreigners, it is a war of aggression; if by a local regime alone, it is an act of tyranny. The position of the anti-guerrilla forces has become doubly untenable.

TERRORISM

THE POLITICAL CODE

The word "terrorism" is used most often to describe revolutionary violence. That is a small victory for the champions of order, among whom the uses of terror are by no means unknown. The systematic terrorizing of whole populations is a strategy of both conventional and guerrilla war, and of established governments as well as radical movements. Its purpose is to destroy the morale of a nation or a class, to undercut its solidarity; its method is the random murder of innocent people. Randomness is the crucial feature of terrorist activity. If one wishes fear to spread and intensify over time, it is not desirable to kill specific people identified in some particular way with a regime, a party, or a policy. Death must come by chance to individual Frenchmen, or Germans, to Irish Protestants, or Jews, simply because they are Frenchmen or Germans, Protestants or Jews, until they feel themselves fatally exposed and demand that their governments negotiate for their safety.

In war, terrorism is a way of avoiding engagement with the enemy army. It represents an extreme form of the strategy of the "indirect approach."²¹ It is so indirect that many soldiers have refused to call it war at all. This is a matter as much of professional pride as of moral judgment. Consider the statement of a British admiral in World War II, protesting the terror bombing of German cities: "We are a hopelessly unmilitary nation to imagine that we [can] win the war by bombing German women and children instead

of defeating their army and navy."² The key word here is unmilitary. The admiral rightly sees terrorism as a civilian strategy. One might say that it represents the continuation of war by political means. Terrorizing ordinary men and women is first of all the work of domestic tyranny, as Aristotle wrote: "The first aim and end [of tyrants] is to break the spirit of their subjects."³ The British described the "aim and end" of terror bombing in the same way: what they sought was the destruction of civilian morale.

Tyrants taught the method to soldiers, and soldiers to modern revolutionaries. That is a crude history; I offer it only in order to make a more precise historical point: that terrorism in the strict sense, the random murder of innocent people, emerged as a strategy of revolutionary struggle only in the period after World War II, that is, only after it had become a feature of conventional war. In both cases, in war and revolution, a kind of warrior honor stood in the way of this development, especially among professional officers and "professional revolutionaries." The increasing use of terror by far left and ultranationalist movements represents the breakdown of a political code first worked out in the second half of the nineteenth century and roughly analogous to the laws of war worked out at the same time. Adherence to this code did not prevent revolutionary militants from being called terrorists, but in fact the violence they committed bore little resemblance to contemporary terrorism. It was not random murder but assassination, and it involved the drawing of a line that we will have little difficulty recognizing as the political parallel of the line that marks off combatants from noncombatants.

The Russian Populists, the IRA, and the Stern Gang

I can best describe the revolutionary "code of honor" by giving some examples of so-called terrorists who acted or tried to act in accordance with its norms. I have chosen three historical cases. The first will be readily recognizable, for Albert Camus made it the basis of his play *The Just Assassins*.

1) In the early twentieth century, a group of Russian revolutionaries decided to kill a Tsarist official, the Grand Duke Sergei, a man personally involved in the repression of radical activity. They planned to blow him up in his carriage, and on the appointed day one of their number was in place along the Grand Duke's usual route. As the carriage drew near, the young revolutionary, a bomb hidden under his coat, noticed that his

victim was not alone; on his lap he held two small children. The would-be assassin looked, hesitated, then walked quickly away. He would wait for another occasion. Camus has one of his comrades say, accepting this decision: "Even in destruction, there's a right way and a wrong way—and there are limits."⁴

2) During the years 1938–39, the Irish Republican Army waged a bombing campaign in Britain. In the course of this campaign, a republican militant was ordered to carry a pre-set time bomb to a Coventry power station. He traveled by bicycle, the bomb in his basket, took a wrong turn, and got lost in a maze of streets. As the time for the explosion drew near, he panicked, dropped his bike, and ran off. The bomb exploded, killing five passers-by. No one in the IRA (as it was then) thought this a victory for the cause; the men immediately involved were horrified. The campaign had been carefully planned, according to a recent historian, so as to avoid the killing of innocent bystanders.⁵

3) In November 1944, Lord Moyne, British Minister of State in the Middle East, was assassinated in Cairo by two members of the Stern Gang, a right-wing Zionist group. The two assassins were caught, minutes later, by an Egyptian policeman. One of them described the capture at his trial: "We were being followed by the constable on his motorcycle. My comrade was behind me. I saw the constable approach him. . . . I would have been able to kill the constable easily, but I contented myself with . . . shooting several times into the air. I saw my comrade fall off his bicycle. The constable was almost upon him. Again, I could have eliminated the constable with a single bullet, but I did not. Then I was caught."⁶

What is common to these cases is a moral distinction, drawn by the "terrorists," between people who can and people who cannot be killed. The first category is not composed of men and women bearing arms, immediately threatening by virtue of their military training and commitment. It is composed instead of officials, the political agents of regimes thought to be oppressive. Such people, of course, are protected by the war convention and by positive international law. Characteristically (and not foolishly), lawyers have frowned on assassination, and political officials have been assigned to the class of nonmilitary persons, who are never the legitimate objects of attack.⁷ But this assignment only partially represents our common moral judgments. For we judge the assassin by his victim, and when the victim is Hitler-like in character, we are likely to praise the assassin's work, though we still do not call him a soldier. The second category is less

problematic: ordinary citizens, not engaged in political harming—that is, in administering or enforcing laws thought to be unjust—are immune from attack whether or not they support those laws. Thus the aristocratic children, the Coventry pedestrians, even the Egyptian policeman (who had nothing to do with British imperialism in Palestine)—these people are like civilians in wartime. They are innocent politically as civilians are innocent militarily. It is precisely these people, however, that contemporary terrorists try to kill.

The war convention and the political code are structurally similar, and the distinction between officials and citizens parallels that between soldiers and civilians (though the two are not the same). What lies behind them both, I think, and lends them plausibility, is the moral difference between aiming and not aiming—or, more accurately, between aiming at particular people because of things they have done or are doing, and aiming at whole groups of people, indiscriminately, because of who they are. The first kind of aiming is appropriate to a limited struggle directed against regimes and policies. The second reaches beyond all limits; it is infinitely threatening to whole peoples, whose individual members are systematically exposed to violent death at any and every moment in the course of their (largely innocuous) lives. A bomb planted on a street-corner, hidden in a bus station, thrown into a café or pub—this is aimless killing, except that the victims are likely to share what they cannot avoid, a collective identity. Since some of these victims must be immune from attack (unless liability follows from original sin), any code that directs and controls the fire of political militants is going to be at least minimally appealing. It is so much of an advance over the willful randomness of terrorist attacks. One might even feel easier about killing officials than about killing soldiers, since the state rarely conscripts its political, as it does its military, agents; they have chosen officialdom as a career.

Soldiers and officials are, however, different in another respect. The threatening character of the soldier's activities is a matter of fact; the unjust or oppressive character of the official's activities is a matter of political judgment. For this reason, the political code has never attained to the same status as the war convention. Nor can assassins claim any rights, even on the basis of the strictest adherence to its principles. In the eyes of those of us whose judgments of oppression and injustice differ from their own, political assassins are simply murderers, exactly like the killers of ordinary citizens. The case is not the same with soldiers, who are not

judged politically at all and who are called murderers only when they kill noncombatants. Political killing imposes risks quite unlike those of combat, risks whose character is best revealed by the fact that there is no such thing as benevolent quarantine for the duration of the political struggle. Thus the young Russian revolutionary, who eventually killed the Grand Duke, was tried and executed for murder, as were the Stern Gang assassins of Lord Moyne. All three were treated exactly like the IRA militants, also captured, who were held responsible for the deaths of ordinary citizens. That treatment seems to me appropriate, even if we share the political judgments of the men involved and defend their resort to violence. On the other hand, even if we do not share their judgments, these men are entitled to a kind of moral respect not due to terrorists, because they set limits to their actions.

The Vietcong Assassination Campaign

The precise limits are hard to define, as in the case of noncombatant immunity. But we can perhaps move toward a definition by looking at a guerrilla war in which officials were attacked on a large scale. Beginning at some point in the late 1950s, the NLF waged a campaign aimed at destroying the governmental structure of the South Vietnamese countryside. Between 1960 and 1965, some 7,500 village and district officials were assassinated by Vietcong militants. An American student of the Vietcong, describing these officials as the "natural leaders" of Vietnamese society, argues that "by any definition this NLF action . . . amounts to genocide."⁸ This assumes that all Vietnam's natural leaders were government officials (but then, who was leading the NLF?) and hence that government officials were literally indispensable to national existence. Since these assumptions are not remotely plausible, it has to be said that "by any definition" the killing of leaders is not the same as the destruction of entire peoples. Terrorism may foreshadow genocide, but assassination does not.

On the other hand, the NLF campaign did press against the limits of the notion of officialdom as I have been using it. The Front tended to include among officials anyone who was paid by the government, even if the work he was doing—as a public health officer, for example—had nothing to do with the particular policies the NLF opposed.⁹ And it tended to assimilate into officialdom people like priests and landowners who used their nongovernmental authority in specific ways on behalf of the

government. They did not kill anyone, apparently, just because he was a priest or a landowner; the assassination campaign was planned with considerable attention to the details of individual action, and a concerted effort was made "to ensure that there were no unexplained killings."¹⁰ Still, the range of vulnerability was widened in disturbing ways.

One might argue, I suppose, that any official is by definition engaged in the political efforts of the (putatively) unjust regime, just as any soldier, whether he is actually fighting or not, is engaged in the war effort. But the variety of activities sponsored and paid for by the modern state is extraordinary, and it seems intemperate and extravagant to make all such activities into occasions for assassination. Assuming that the regime is in fact oppressive, one should look for agents of oppression and not simply for government agents. As for private persons, they seem to me immune entirely. They are subject, of course, to the conventional forms of social and political pressure (which are conventionally intensified in guerrilla wars) but not to political violence. Here the case is the same with citizens as with civilians: if their support for the government or the war were allowable as a reason for killing them, the line that marks off immune from vulnerable persons would quickly disappear. It is worth stressing that political assassins generally don't want that line to disappear; they have reasons for taking careful aim and avoiding indiscriminate murder. "We were told," a Vietcong guerrilla reported to his American captors, "that in Singapore the rebels on certain days would dynamite every 67th streetcar . . . the next day it might be every 30th, and so on; but that this hardened the hearts of the people against the rebels because so many people died needlessly."¹¹

I have avoided noticing until now that most political militants don't regard themselves as assassins at all but rather as executioners. They are engaged, or so they regularly claim, in a revolutionary version of vigilante justice. This suggests another reason for killing only some officials and not others, but it is entirely a self-description. Vigilantes in the usual sense apply conventional conceptions of criminality, though in a rough and ready way. Revolutionaries champion a new conception, about which there is unlikely to be wide agreement. They hold that officials are vulnerable because or insofar as they are actually guilty of "crimes against the people." The more impersonal truth is that they are vulnerable, or more vulnerable than ordinary citizens, simply because their activities are open to such descriptions. The exercise of political power is a dangerous

business. Saying this, I do not mean to defend assassination. It is most often a vile politics, as vigilante justice is most often a bad kind of law enforcement; its agents are usually gangsters, and sometimes madmen, in political dress. And yet "just assassinations" are at least possible, and men and women who aim at that kind of killing and renounce every other kind need to be marked off from those who kill at random—not as doers of justice, necessarily, for one can disagree about that, but as revolutionaries with honor. They do not want the revolution, as one of Camus' characters says, "to be loathed by the whole human race."

However the political code is specified, terrorism is the deliberate violation of its norms. For ordinary citizens are killed and no defense is offered—none could be offered—in terms of their individual activities. The names and occupations of the dead are not known in advance; they are killed simply to deliver a message of fear to others like themselves. What is the content of the message? I suppose it could be anything at all; but in practice terrorism, because it is directed against entire peoples or classes, tends to communicate the most extreme and brutal intentions—above all, the tyrannical repression, removal, or mass murder of the population under attack. Hence contemporary terrorist campaigns are most often focused on people whose national existence has been radically devalued: the Protestants of Northern Ireland, the Jews of Israel, and so on. The campaign announces the devaluation. That is why the people under attack are so unlikely to believe that compromise is possible with their enemies. In war, terrorism is associated with the demand for unconditional surrender and, in similar fashion, tends to rule out any sort of compromise settlement.

In its modern manifestations, terror is the totalitarian form of war and politics. It shatters the war convention and the political code. It breaks across moral limits beyond which no further limitation seems possible, for within the categories of civilian and citizen, there isn't any smaller group for which immunity might be claimed (except children; but I don't think children can be called "immune" if their parents are attacked and killed). Terrorists anyway make no such claim; they kill anybody. Despite this, terrorism has been defended, not only by the terrorists themselves, but also by philosophical apologists writing on their behalf. The political defenses mostly parallel those that are offered whenever soldiers attack civilians. They represent one or another version of the argument from military

necessity.* It is said, for example, that there is no alternative to terrorist activity if oppressed peoples are to be liberated. And it is said, further, that this has always been so: terrorism is the only means and so it is the ordinary means of destroying oppressive regimes and founding new nations.¹² The cases I have already worked through suggest the falsity of these assertions. Those who make them, I think, have lost their grip on the historical past; they suffer from a malign forgetfulness, erasing all moral distinctions along with the men and women who painfully worked them out.

VIOLENCE AND LIBERATION

Jean-Paul Sartre and the Battle of Algiers

But there is another argument which, because of the currency it has gained, must be taken up here, even though it has no immediate analogue in wartime debates. It has been put forward in its starkest form by Sartre in a justification of FLN terrorism in Algeria, published as a preface to Franz Fanon's *The Wretched of the Earth*. The summary lines of Sartre's argument are these:¹³

To shoot down a European is to kill two birds with one stone, to destroy an oppressor and the man he oppresses at the same time: there remains a dead man and a free man.

In his usual fashion, with a certain zest for Hegelian melodrama, Sartre is here describing what he takes to be an act of psychological liberation. Only when the slave turns on his master, physically confronts him and

* Among revolutionaries as among government officials, this argument often slides from an analysis of particular cases of duress and necessity (which are rarely convincing) to the general claim that war is hell and anything goes. General Sherman's view is upheld, for example, by the Italian leftist Franco Solinas, who wrote the screenplay for Pontecorvo's *The Battle of Algiers* and defended the terrorism of the Algerian FLN: "For centuries they've tried to prove that war is fair play, like duels, but war isn't and therefore any method used to fight it is good. . . . It's not a question of ethics or fair play. What we must attack is war itself and the situations that lead to it." (*The Battle of Algiers*, edited and translated by PierNico Solinas, New York, 1973, pp. 195-96.) Compare the same argument made by American officials in defense of the bombing of Hiroshima, chapter 16.

kills him, does he create himself as a free human being. The master dies; the slave is reborn. Even if this were a believable picture of the terrorist act, the argument is not persuasive; it is open to two obvious and crippling questions. First, is the one-to-one relation necessary? Did it take one dead European to make one free Algerian? If so, there were not enough Europeans living in Algeria; more would have had to be brought over if the Algerian people were to free themselves by Sartrean means. If not, it must follow that someone else besides the man-who-kills can be liberated. . . . How? By watching? By reading about the murder in the newspaper? It is hard to see how vicarious experience can play an important part in a process of personal liberation (as described by an existentialist philosopher).

The second question raises more familiar issues: will any European do? Unless Sartre thinks all Europeans, including children, are oppressors, he cannot believe that. But if it is only liberating to attack and kill an agent of oppression, we are back with the political code. From Sartre's perspective, that cannot be right, since the men and women he is defending had explicitly rejected that code. They killed Europeans at random, as in the well-known scene from the (historically accurate) film *The Battle of Algiers*, in which a bomb is set off in a milk bar where French teenagers are drinking and dancing.¹⁴

MILK BAR. EXPLOSION. OUTSIDE. DAY.

The jukebox is flung into the middle of the street. There is blood, strips of flesh, material . . . the white smoke and shouts, weeping, hysterical girls' screams. One of them no longer has an arm and runs around howling despairingly; it is impossible to control her. . . . The sound of sirens is heard. . . . The ambulances arrive . . .

Such an event is not easily reconstructed as an existentialist encounter between masters and slaves.

Certainly, there are historical moments when armed struggle is necessary for the sake of human freedom. But if dignity and self-respect are to be the outcomes of that struggle, it cannot consist of terrorist attacks upon children. One can argue that such attacks are the inevitable products of oppression, and in a sense, I suppose, that is right. Hatred, fear, and the lust for domination are the psychological marks of oppressed and oppressor alike, and their acting out, on either side, can be said to be radically determined. The mark of a revolutionary struggle against

oppression, however, is not this incapacitating rage and random violence, but restraint and self-control. The revolutionary reveals his freedom in the same way as he earns it, by directly confronting his enemies and refraining from attacks on anyone else. It was not only to save the innocent that revolutionary militants worked out the distinction between officials and ordinary citizens, but also to save themselves from killing the innocent. Whatever its strategic value, the political code is intrinsically connected to psychological liberation. Among men and women trapped in a bloody struggle, it is the key to self-respect. The same thing can be said of the war convention: in the context of a terrible coerciveness, soldiers most clearly assert their freedom when they obey the moral law.

REPRISALS

DETERRENCE WITHOUT RETRIBUTION

When the British imposed their blockade of Germany in 1916, they called it a reprisal; when the Germans began the systematic bombing of London in 1940, they defended themselves in the same way. No part of the war convention is so open to abuse, is so openly abused, as the doctrine of reprisals. For the doctrine is, or once was thought to be, permissive with regard to all the rest of the convention. It legitimates actions otherwise criminal, if these actions are undertaken in response to crimes previously committed by the enemy. "Reprisals," writes a pacifist critic of the rules of war, "mean doing what you think wrong on the plea that someone else did it first."¹ And, he goes on, someone else will always do it first. Hence reprisals create a chain of wrongdoing at the end of which every responsible actor can point to some other actor and say "*tu quoque*."

It is the explicit purpose of reprisals, however, to break off the chain, to stop the wrongdoing *here*, with this final act. Sometimes—though it has to be said, not often—that purpose is realized. I want to begin with a case in which it was realized, so that we can at least make sense of what was for many years the conventional opinion—as stated, for example, by a nineteenth-century French lawyer: "Reprisals are a means of preventing war from becoming entirely barbarous."²