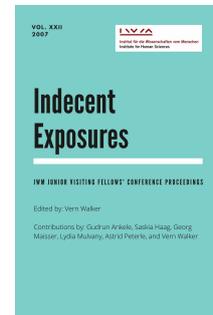


Terrorism. On the Perception and Justification of Violence.

Georg Maißer

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1. The beginning of systematic research on terrorism

When R. M. Hare decided to write his article “On Terrorism,” first published in 1979, he was by no means the first philosopher to write down his reflections on the subject of terrorism. But by the end of the 1970s, terrorism was once more in history a major subject in the media, and academic interest from philosophy scholars grew. Groups like the RAF, the IRA, the Black September, the Brigade Rosse and many others like them all over the world gave the impression of a universal rising of terrorism in the 1970s. Even though the historian, and one of the first academic specialists on terrorism, Walter Laqueur, believes in his famous book from 1977 that the world was about to witness a decline in terrorism[1], it was only at that moment in history that terrorism in itself was perceived as a worthy subject by philosophers.

The reason why I want to start my overview of the philosophical examination of terrorism in the end of the 1970s is not simply because of the text from R. M. Hare, but the tension this work holds in contrast to another study contemporaneously published in 1977 called *Just and Unjust Wars* by Michael Walzer. Both texts represent, at fairly the same historical moment, very different, yet nevertheless comparable, philosophical approaches on terrorism. However, before elaborating the relationship between those two texts, I would like to present some previous thoughts on the subject and the beginning of an academic examination of terrorism. The first systematic academic work on terrorism in the beginning of the 20 th century was done not by philosophers, but by scholars in law.

The initial interest of these law studies was an international definition of terrorism to react to the problem of mainly anarchist and leftist terrorists who committed acts of violence in one country and easily found a safe haven once they had crossed the next border. A well-done overview of the ongoing discussion before WWII can be found in *Le Terrorisme politique* by Jerzy Waciórski, published 1939. Waciórski claims that modern

terrorism was a rather random product of historical circumstances, rooted in the persecution of social revolutionary groups in Russia in the 1870s. Those groups started as an assassination campaign against tsarist officials and the Tsar himself, in order to get rid of the much hated functionaries who were personally involved in the persecution and execution of their comrades. If Waciórski considers this violence as an act of revenge or even self-defence, and not yet as terrorism, it is because the – in his opinion – major element of terrorism, the will to induce fear and thereby change the politics of the state, was not yet present. It became so only when revolutionaries learned that their, as Waciórski claims, rather hopeless and defensive position became powerful through the reaction of the public, the media and the tsarist system. “*Le Gouvernement fut terrorisé . Cet effet n’a pas échappé aux nihilistes. Les attentats, qui n’étaient au début qu’un moyen de défense désespéré, perdirent ce caractère et devinrent une tactique régulière d’offensive contre le gouvernement.*”[2]

After these first steps, historical and psychological interest on terrorism started with the new wave of social revolutionary and anti-colonial terrorism in the 1960s.

Some philosophers prepared the path with influential works, like Albert Camus or Hannah Arendt with her studies on totalitarianism and violence, or the much read, although mostly rejected book of Frantz Fanon with the famous introduction of Jean-Paul Sartre. I will consider the exceptional case of Albert Camus below, but one can say that before the 1970s, there was not much of a philosophical interest in terrorism, and the texts written by intellectuals on the subject were of a political rather than a theoretical interest. Walter Laqueur published many of them in his book *Voices of Terror*. [3]

I claim that Walzer’s *Just and Unjust Wars* was, on the one hand, the beginning of an intensified and more systematic work on terrorism; on the other hand, it somehow defined the topic of philosophical research on the subject. While before Walzer every philosopher had to ask himself in which regard philosophy could be linked to terrorism, after 1977 the subject was evident: Terrorism is a topic of moral philosophy, mainly defined by its intentional targeting of civilians, innocents or non-combatants. Even though it is for this reason obviously morally wrong, philosophy can ask the question under which circumstances eventually a valid justification could occur, like the – very limited – one we find in *Just and Unjust Wars* for the terror-bombing of German cities during World War II. [4]

Even though Walzer was clearly inspired by Albert Camus’ thoughts on the subject, especially the drama *Les Justes* [5] (one of the rare sources Walzer cites in his short chapter on terrorism), I think it would be wrong to consider Camus at the origin of systematic philosophical work on terrorism, not only because of the temporal discontinuity and Camus’ essayistic approach, but much more because of the only partial and very selective reception of his work. While Walzer was interested in the imaginary discussions of morality in *Les Justes*, he clearly didn’t pay attention to Camus’ negative attitude towards justifications of violence [6] and only partially to his thoughts about an inhomogeneous and subject-based morality. [7]

At first glance, terrorism is only a small chapter in Walzer's book, but Walzer considered it as a kind of extreme limit throughout his entire book. While the *jus in bello* is for Walzer mainly centred on the protection of the innocent and civilians, terrorism represents for him the conscious and planned opposite. I think with this systematic establishment of "terrorism" as the extreme *mal praxis* in political violence, we can speak of the beginning of a consistent philosophical discourse on terrorism, different from the former occasional and cursory considerations.

My point is that Walzer's influence was, even though many followed his judgements on various points, he was nevertheless one of the choice topics usually considered as necessary in a philosophical consideration of terrorism. This obviously does not mean that no new interests were brought up in the thirty years since the first publication of his book. I will give a brief summary of some approaches and the topics treated by philosophers.

2. The problem of definition

The question of definition was, from the very start of academic interest, considered pivotal. This is not surprising since the border-crossing mobility of terrorists created an urge to homogenize definitions of the crime of "terrorism." Some scholars, for example Michael Walzer, reject the problem of definition: "*What is [terrorism] ? It's not hard to recognize; we can safely avoid postmodernist arguments about knowledge and truth. Terrorism is the deliberate killing of innocent people, at random, in order to spread fear through a whole population and force the hand of its political leaders.*"[8] But Walzer's refusal to accept a real difficulty of definition is contradicted by a lot of literature, totally unsuspected of postmodernism, which considers the finding of a definition as one of only two valuable tasks for philosophers when it comes to terrorism: "*What is terrorism? And can it ever be morally justified?*"[9] Igor Primoratz, one of those philosophers, issued a definition of terrorism which is widely accepted or at least discussed by his colleagues. He claims that terrorism is "*... the deliberate use of violence, or threat of its use, against innocent people, with the aim of intimidating some other people into a course of action they otherwise would not take.*"[10] It is nearly identical to Walzer's definition, but this shouldn't make us believe that there would be anything near a consensus, even in the limited world of Anglo-Saxon moral philosophy. Every aspect of this definition, which could roughly be identified as 1) intention, 2) violence, 3) threat, 4) innocence and 5) intimidation is subject to controversial discussion. I will outline some of them in a few sentences.

The question of the role of intention in moral considerations is brought up by Thomas Scanlon in his article "Intention and Permissibility"[11] and adopted for the discussion on terrorism by David Rodin's article "Terrorism without Intention"[12]. Rodin considers it problematic to establish dependence from the intention of the violent actor when it comes to the killing of innocent people. He particularly evokes the fact that the American operation "Enduring Freedom" in Afghanistan has already killed more non-combatants than the attacks on the Pentagon and the World Trade Center.[13] Even though Rodin proposes nothing new when he speaks of terrorism out of negligence and recklessness –

we can find rather similar thoughts already in Walzer's *Just and Unjust Wars*[14] – and represents only one more voice criticizing the theory of double effect,[15] we should recall the discussion around the notion of intention when it comes to a definition of terrorism. [16]

Even the seemingly uncontroversial question about how far violence should be part of the definition of terrorism provokes some disagreement. The most important question is whether terrorism without violence is possible (if the threat is enough), and what kind of action has to be considered as violent. It is sometimes argued that the destruction of property cannot be seen as violence,[17] a point of view mostly rejected in philosophy.

The question of innocence and its fundamental importance for philosophical considerations of terrorism is, as far as I can see, a direct result of Walzer's reflections at the end of the 1970s. Before, depending on the context, terrorism was defined by the use of arms (dynamite), techniques (assassination), and its intended effects (fear and terror). The link to the innocence of victims of terrorism permitted on the one hand whole nations to be accused of terrorism, and on the other hand an ability to be more precise about how morally wrong it was. With the possibility of separating a probable just cause from a probable unjust and morally condemnable praxis, a satisfaction and a standpoint of constant moral superiority was attained. While the philosopher who justifies violence by arguing with, for example, historical necessity, can be proven wrong, Walzer's justification of war is always on the safe side, because he requires factual accuracy and only accepts "clean" violence, while abuses and misdemeanours have to be answered for by the actual agents, political and military.

Even without these critical considerations about the idealist position of the moral philosopher, the question of innocence is highly controversial. While Walzer adopts in *Just and Unjust Wars* the notion of the civilian and links it to the idea of innocence, in today's debate, the notion of the "non-combatant" turns out to be more popular. In any case, some philosophers, such as Virginia Held, criticize the absolute moral condemnation of attacks on civilians who are, after all, the voting and deciding public in democracies. [18] Held's intention is not to justify terrorism, but to point out that it is not necessarily worse than war.[19] She considers it unhelpful to use the notion of innocence or civilians in the definition of terrorism, as many acts of terrorism, as for example the attack on the US Marines in Beirut in 1983, on the USS Cole in 2000 and on the Pentagon in 2001 were directed against what were clearly military targets.[20]

Furthermore, the fact is rather contradictory that many soldiers are drafted or pushed by social misery to the armed forces are considered in some sense innocent, and yet democratic populations cannot be considered innocent of their governments' politics of war and violence.[21] Held does not want to exclude any praxis from the realm of the morally acceptable, because "Using violence to bring about change is not inherently worse from a moral point of view than using violence to prevent such change. No doubt stability has value, but its costs need to be assessed." [22] How innocence should be understood, and if it should be used at all in a definition of terrorism, seems to be much more difficult than Walzer initially wants to make us believe.

These reflections on the definition could go on about every single aspect of Terrorism, and it seems that not one can, even in rather similar philosophical traditions, be regarded as indisputable.

3. Justification and other interests

I will not go into further details of philosophical approaches to terrorism, but I will mention some other problems. The first one is the question of justification, which has been widely and controversially discussed. Can terrorism ever be morally justified? The answer to this question is obviously linked to the definition of terrorism, and often depends on a consequential or more de-ontological, moral position. The considerations of the causes for terrorism have to be, in the same way, considered as inseparable from the definition of terrorism. Obvious reasons for terrorism are injustice and poverty, even though some empirical work tries to show that there is no direct link between those factors.[23]

There are several authors who considered the topic of collective responsibility and terrorism, well presented in the book *Terrorism and Collective Responsibility*, by Burleigh Wilkins.[24] The urgency of this approach becomes apparent when one looks at accusations made by active terrorists, and I talked about some implications when I presented the discussion about innocence as definitional element of terrorism. Another topic that is often addressed, whether implicitly or explicitly, is the one concerning the rationality of terrorism. Can terrorism and terrorists be considered as cold and rational, [25] or as totally irrational and even insane?[26] The matter is important for an eventual consequential justification of some acts of terrorism.

Interestingly enough, we find in some contexts an entirely different stance toward terrorism, which is only partly linked to its obvious political or moral dimension. The famous exclamation of Laurent Talihade, “*Qu’important les victimes si le geste est beau*,”[27] is only one example of a concentration on the aesthetic qualities of terrorism. A more recent example is that of the German composer Karlheinz Stockhausen, who, shortly after September 11 th, described the event as the biggest work of art in history.[28] Jean Baudrillard understands the attacks on the World Trade Center as the expression of an “autodestruction” of our civilization, and is interested mainly in the symbolic and historical dimension of the *effondrement des Twin Towers*.[29]

4. The affirmation of moral authority

After this presentation of some widely varying philosophical approaches to the question of terrorism, I will now return to the text from R. M. Hare that I initially mentioned. Though the much read and appreciated moral philosopher published his text two years after *Just and Unjust Wars*, I would place him in the pre-Walzer period. First, he does not take up Walzer’s requirements as regards the content of what a philosopher should write when writing on terrorism. Innocence is not an issue for him. He builds his provisory definition on the two old definitional elements of the induction of terror plus the lack of immediate hope for victory.[30] But the main reason why we should take a look at Hare’s text is his

first, and, as it seems, main interest, which is the question about whether philosophers should be allowed to speak about political questions – and especially terrorism – at all. Hare dismisses several kinds of philosophers as useless or, even worse, counterproductive, when it comes to political matters. He insists on the necessity of a well-founded analysis, and criticizes philosophers like Rawls for their lack of an “Archimedean”[31] point in their systems:

Any philosopher who despises this kind of investigation is condemning himself to competing with politicians and journalists, lacking perhaps their skills and contributing nothing special of his own. I have therefore devoted most of my effort as a moral philosopher to conceptual studies, although my aim was always to do something for practical problems.[32]

A look back to Walzer seems to give a perfect answer and rejection to the understanding of philosophy we find in Hare’s text:

I am not going to expound morality from the ground up. Were I to begin with the foundations, I would probably never get beyond them; in any case, I am by no means sure what the foundations are. The substructure of the ethical world is a matter of deep and apparently unending controversy. Meanwhile, however, we are living in the superstructure. The building is large, its construction elaborate and confusing. But here I can offer some guidance: a tour of the rooms, so to speak, a discussion of architectural principles. This is a book about practical morality. The study of judgments and justifications in the real world moves us closer, perhaps, to the most profound questions of moral philosophy, but it does not require a direct engagement with those questions. Indeed, philosophers who seek such an engagement often miss the immediacies of political and moral controversy and provide little help to men and women faced with hard choices. For the moment, at least, practical morality is detached from its foundations, and we must act as if that separation were a possible (since it is an actual) condition of moral life.[33]

I think it is worth taking a closer look to this small controversy about the method of the philosopher. Hare’s concept implies the possibility of a special skill of the philosopher, acquired with much difficulty, and lying in an insight that is deeper than the usual, the telling of a truth about something that is not obvious. His confidence in the social role and authority of the philosopher, which he finds menaced only by the unprofessional behaviour of some of his colleagues, seems strangely out of fashion in the 21 st century. At the end of the 1970s when Hare wrote this, his belief in the possibility of philosophy as a technique of value production, founded in logical consistency from the start, was already being contested by a new philosophy that had given up the project which consumed most of Hare’s time, even though he always wanted to speak about practical problems: The discovery of a lasting foundation of moral judgments.

The ease with which Walzer dismisses Hare’s efforts, as evidenced above, testifies to the confidence he had in the coming dominance of his approach. But the question Hare immediately associates with the moral problems of terrorism is that of the problem of the speaker. When pronouncing moral judgments, he wants to know who is speaking, and how is he justified to do so. This is a problem that Walzer cannot make disappear easily by

simply dismissing the necessity of a systematic ontology. The insistence we find in Hare's text on the necessity of careful and qualified text-production and on the philosopher following strict rules for his speaking and writing, is obviously not random, but rather the result of the observation that it is extremely difficult to separate the acceptable from the unacceptable in moral questions. People are not only in need of text (or law, for that matter) to know what to do, but they also need a system of exclusion and privilege to know how to consider it, which means if they should simply ignore the words, or try interpret and follow them.

In this context, I propose to use the notion of authority. The question of authority can be answered in many ways. In a political sense, authority is, in our democratic system, linked to institutions and a law-abiding way of selecting decision makers. In my opinion, the reason why Hare and Walzer, at roughly the same historical moment, feel obliged to address the question of moral judgement and the authority of the speaker is because of the inherent link perceived between terrorism and morality. Like non-state terrorism compared to war, moral directive is lacking in comparison to law the institutional constituent.

As Michael Walzer tells us in the Preface of *Just and Unjust Wars*, the use of morality in conflicts was (but not for the first time in history) discovered to be a powerful counter-discourse against official war policy.[34] It worked so well precisely because anyone could speak out, and without institutional obligations or selection. Walzer formulates it polemically: *"For legal liability is a matter of definite rules, well-known procedures, and authoritative judges, while morality is nothing more than endless talk, where every talker has an equal right to his opinions."*[35] Without a doubt R. M. Hare was thinking of philosophers like Michael Walzer when he warned of the competition with journalists and politicians, as we saw above. But when we take a step back, the two positions are not so different. Against the presented egalitarian approach to morality, Walzer introduces, like Hare, a hierarchical conception:

Of course, morality is unimportant if all opinions are equal, because then no particular opinion has any force. Moral authority is no doubt different from legal authority; it is earned in different ways [...] It has to do with the capacity to evoke commonly accepted principles in persuasive ways and to apply them to particular cases. No one can argue about justice and war, as I have been doing, without striving for an authoritative voice and laying claim to a certain "weightiness."[36]

The controversy between the two philosophers is more about the best technique to establish a hierarchy of moral authority than about the conception of morality itself. But while both think of their moral judgements as superior because of their content, because of the text itself, surprisingly they spend quite some time on establishing the authority of the speaker.

To bring this back to the topic of terrorism: like Hare's incompetent philosopher, the terrorist does something he apparently lacks the qualification for, which is speaking and judging. Their incompetence, the philosopher's as well as the terrorist's, goes much further than being just an individual troublemaker or a criminal, because they both claim

to speak with an authority they have not earned by the necessary and accepted technique. [37] How can you tell easily and reliably who speaks the truth and who doesn't? Hare, as the righteous philosopher that he is, can do so only after thorough examination; but how can the uninformed public, how can politicians and journalists know the truth? One weak or untruthful philosopher can destroy the authority of the whole discipline, which explains the effort Hare spends on criticizing his colleagues. Walzer can also tell the truth about moral questions, because of his profound knowledge of the superstructure of the moral sphere, and he argues rather harshly against those who do not follow him in his principal assessments.

I want to argue that the concentration on the fortification of the validity of their own – and discarding that of their adversaries' – judgement does not appear randomly in those reflections on terrorism. The question of the validity of journalistic, political, but also intellectual and moral commentaries parallels the question of the validity of the texts of terrorists.

5. Individual judgment

To clarify this statement, I have to explain my specific interest and some aspects of my research. Hundreds of definitions of terrorism have been made, and none of them could claim anything like general acceptance. I could not hope to come up with a better one, and I was more interested in the circumstances of this conflict than in another hopeless attempt to find an acceptable definition. As I tried to show above, many competent philosophers have paid special attention to the assurance of certitude in their judgements when it came to reflecting on terrorism. My thought was that I couldn't add to their certitude, which is why I turned to the certitude of the individuals that were involved in these conflicts. The philosopher Jeremy Waldron has put it this way:

Now, everyone acknowledges that it is difficult to agree on a definition of "terrorism," and it may be thought that we should not waste time worrying about definitional issues (someone might say, "Who cares how terrorism is defined? We know it when we see it, and we saw it on September 11th"). [38]

Even though Waldron rejects this view and believes in the worthiness of continued work on a definition, while putting little hope in the possibility of its general acceptance, I think that, from a philosophical point of view, one should turn to Waldron's "someone." [39]

This brings us back to one of the first questions of western philosophy: What is the difference between someone's certitude, and the philosopher's knowledge? What is it especially in the case of terrorism, when the philosopher's knowledge is so much discussed, criticised, dismissed, and has so little influence on those concerned? But more important than the factual heterogeneity of philosophical judgement and its lack of impact, I think it is especially important to consider the certitudes of those who actually act. Or to put in the terms of Foucault, "*Qu'importe qui parle?*" [40] And how is truth produced?

Obviously, we cannot hope to find a thoroughly reflected use of words, universal concepts and widely accepted moral laws, but then this is not what we have to find in a philosophical examination of conflict. Apparently we should bypass philosophical scepticism toward speech acts enounced in a non-academic context, lacking procedural guidance, institutional control and a definition and tradition of truth criteria and reliability. One can respond to this scepticism from within the philosophical tradition, but I prefer first to evoke an example from psychology. American psychiatrists William Isaac and Dorothy Swaine Thomas stated in their classic book from 1929, *The Child in America*, “If men define situations as real, they are real in their consequences.”[41] They considered situations in which, for example, a paranoid person would kill somebody on the street when thought to have been insulted.[42] In some ways this quote is problematic, in so far as it seems to imply a kind of metaphysical link between the definition of a situation and its consequences. But what I am interested in is the thought that the actual and factual world is the product of situations, individually defined and experienced as true. The apparently incoherent babble of the mentally ill describes a world we can choose to disregard, but which can produce consequences that we cannot ignore.

It is precisely those consequences in the factual world, the murdered individuals, the destroyed houses, the texts produced in the process of the conflict, that represent what we are interested in. Even if we can show within a moral, a political, a military or a linguistic context that the use of the notion of terrorism is wrong in this special case, or even if we can show that innocence or guilt is used in the wrong way, it seems to be more interesting to look at the actual use of the notion and its consequences. Even if we can show that the pamphlets of the late suicide terrorist does not correspond with our perception of reality, we can understand them as an expression of their certitude and the basis of their action, and we can believe that the described world was perceived as reality.

I think a short reflection on the nature of conflict can help us to understand the utility of this approach. There are conflicts that can be resolved by opening a book, by looking in the sky, by throwing a coin or by better understanding the needs of a human being. There are a lot of conflicts that can be resolved by deliberating, by arguing, by just ignoring the adversary or by talking about something different. Some conflicts tend to escalate, to attract greater attention because of the destruction, caused by involved agents, in property or life. Carl Schmitt, who had a very profound understanding for the nature of conflict, though not so much for the politics of his time, pointed out that we cannot isolate and define special topics which could become critical, cause significant conflict, or, as he put it, become political.[43] Despite many flaws in Schmitt’s philosophy, we should not reject his insight to the topic, which becomes especially pervasive in his late text on the partisan,[44] offering a reinterpretation of his former theory on sovereignty as the possibility of each individual to decide who should be the enemy. Schmitt’s theory, like that of Hobbes, was thought to bring stability, and he therefore rejects moral discourse because of its much-praised revolutionary potential. In his book *Theorie des Partisanen*, [45] he treats the revolutionary phenomenon of partisan warfare and he sympathizes with it as long as it can be interpreted in the tradition of his land-focused theory of sovereignty, but becomes sceptical when it comes to universal motivations, as we find in communism

as well as in human rights based liberalism. Also, we find a similar distinction in R. M. Hare when he describes terrorism as national or fanatical (Hare evokes “liberation” as fanatical motivation[46]) engagement.[47]

Schmitt often tried to keep the disputed actual-issues, i.e. social, economical or racial, out of a theoretical analysis of politics and was much criticised for shifting his attention from the question of justice to the question of engagement. While I can share to some extent the criticism of Schmitt, when it comes to terrorism, we cannot deny finding ourselves in the middle of a struggle; and it is only the – probably misled, erratic and counterproductive – engagement of few, which led to the problem in the first place.

What could help us specifically with terrorism is Schmitt’s thought that when it comes to political antagonism, it is often more dangerous to condemn the enemy rationally than to accept him as an adversary. A ‘rational’ hostility can easily fall into an exclusion from humanity, as we have seen so often lately. It deepens the conflict and makes both the dedication stronger and the fight bloodier.

Even more important is the shift of our attention in conflicts from the contested topic and the preoccupation with truth to the question of authority and individual commitment. This leads us back to the importance of individual speech acts. By following the path of individual certitude as a foundation for the methodological decisions of my work, I am not competing with the project of a definition of terrorism in a philosophical, political or moral context. I am simply choosing a different direction, an alternative philosophical question that explores the implications of a specific decision, namely, the kind of philosophical questions that arise when we consider perceived and described acts as the consequences of individual truth. I consider this approach not as random, but as a logical consequence from the situation of terrorism as conflict, which is not only armed struggle, but also controversial stories, perceptions and realities.

The fact that every single individual has to decide against a more or less hegemonic consensus, often with important negative consequences for herself and her social environment, is the individual component of terrorism. It permits us to perceive precisely the breaks and turns in their narrations. Hannah Arendt explained in her book, *The Human Condition*,[48] that the importance of a story is the only way of giving importance to men’s lives. Without the story told, men’s lives would fall back into the realm of beastlike existence. In the above-mentioned text by Michel Foucault, *Il faut defendre la société*,[49] we can see an acknowledgement of the role of storytelling when Foucault describes how the revolutionary discourse tries to convince individuals to be part of an ongoing struggle, to understand themselves in a war of the oppressed against the oppressors. We can understand the role of stories and certain discourses as giving sense to seemingly contingent events, as a possibility to read and to understand life and society.

“Mon père, c’est les capitalistes qui l’ont assassiné ! ajoute solennellement Henri.

– Il a été emprisonné en Pologne ?

– Non !

– Il est mort sur les barricades en 34 ?

– Non !

– Alors de quoi il est mort, ton père `

– D’un cancer !

– ? ! ? !...”

Henri se rend compte de mon étonnement, il ajoute aussitôt :

“Tu comprends, si les capitalistes consacraient leurs bénéfices à la recherche médicale au lieu de jouer à la roulette, ou d’accaparer l’argent inutilement, mon père aurait pu être sauvé !

– Évidemment ! ... ”[50]

Those stories of life, of history, have to be understood, interpreted, and one has to act accordingly. To give another example:

Thus, it was not so surprising to hear Father Emerson Negreiros tell his poor and exploited parishioners of Santa Cruz, in Brazil’s northeastern province of Rio Grande do Norte: “You should raise a goat to give milk to your children. If the landlord comes to kill your goat, he is threatening the lives of your children. Do not let him kill your goat: kill him first.”[51]

This is the kind of story I mean: one that makes sense to the lives of the listeners, describing them, their kin, and telling about causality and guilt. When I say that I do not want to judge such stories as right or wrong, I mean that I would not want to know if the killing of the (probably not yet existing goat) would really kill the children of the listeners. I would not want to reflect on whether in this circumstance the killing of the landlord would be according to some universal principles that permit the defence of a goat’s life by killing a human being. This would be the approach of traditional philosophy, and it has been used in the case of terrorism many times, with different results.

My interest lies in the correlation between individually perceived causality and resulting action, which shows up in the different perspectives of multiple storytellers. In the situation of terrorism, we will find both an accumulation of similarly sounding stories about causalities and responsibility, as well as an accumulation of violence. Obviously, the exact reasons why an individual killed this specific person will not be discovered. Ulrike Meinhof tells a story of fascist oppression in post-war Germany in which she fights and she dies, but in reality, she only has a brain tumour that handicaps her in her normal thinking and feeling.[52] Which story is true? Or should we ask: how is truth in the concurring contexts produced, and what are its consequences?

The question “What is terrorism?” slides in the background. It becomes more interesting to understand exactly who and what is meant by the concrete notion, which demands are linked to it, and what kind of praxis results from it.

Without any doubt, this direction of my research cannot be the shortest way, if the target of historical and phenomenological analysis of terrorism is to produce the most effective use of the description of “terrorism” in today’s political context. But it is not the political utility that is my main interest, but rather the philosophical change of perspectives, understanding the philosophical implications of conflict and the implications of a description of an individual as a terrorist. Terrorism, because of its implicitly controversial nature, because of the individual engagement that can last until death, as well as the special mediaattention and thus description and justification, offers the possibility to follow political reflection to its extreme ends and measure normality by the exception. [53]

Individuals, without any authorization, legality and, in the beginning, legitimacy, start to speak and write, and their texts get attention because of what they do. But the texts go further; they also change their meaning. Psychopaths, threats and fantasies of violence have always existed, but the question of whether one should take those texts seriously or not cannot be understood by words alone. We need an interpretation, we need the deed to understand it.[54]

6. Habermas’ critique of Walzer

Up to this point, I tried to explain the utility of an examination of individual, non-academic, non-philosophical texts, and the status I want to give those descriptions and the individual *perceptions* I would like to deduce from them. But it seems to be important to think about the philosophical tradition of the consideration of individual speech acts, which could legitimate my undertaking.

Like many philosophers since 2001, Jürgen Habermas published some commentaries on terrorism. At one point, he criticizes Michael Walzer with the following words:

Aus der Perspektive von Bush gelten “unsere” Werte als universal gültigen Werte, die alle anderen Nationen zu ihrem eigenen Besten akzeptieren sollten. Der falsche Universalismus ist ein ins Allgemeine erweiterter Ethnozentrismus. Und dem hat eine Theorie des gerechten Krieges, die sich von theologischen und naturrechtlichen Traditionen herleitet, nichts entgegenzusetzen, auch wenn sie heute im kommunitaristischen Gewand auftritt. Ich sage nicht, dass die offiziellen Begründungen der amerikanischen Regierung für den Irakkrieg oder gar die amtlich geäußerten religiösen Überzeugungen des amerikanischen Präsidenten über “die Guten” und “das Böse” den von Walzer entwickelten Kriterien eines “gerechten Krieges” genügen. Der Publizist Walzer hat darüber auch niemanden im Unklaren gelassen. Aber der Philosoph Walzer gewinnt seine Kriterien, so vernünftig sie sein mögen, allein aus moralischen Grundsätzen und ethischen Überlegungen, nicht im Rahmen einer Rechtslehre, die die Beurteilung von Krieg und Frieden an inklusive und unparteiliche Verfahren der Erzeugung und Anwendung von zwingenden Normen knüpft.[55]

This critique is directly referring to the initially mentioned imagined debate between R. M. Hare and Michael Walzer. Habermas, joining Hare, criticizes the philosopher for joining the realm of journalists and politicians with their lack of a truth-producing and truth-guaranteeing system. It’s not the content of the judgement itself, which Habermas

cannot express any better, but the way it was produced. Now, a closer look at Habermas' philosophy reveals that his insistence on institutionalized law is the result of a pragmatic withdrawal from his initially much more idealistic aspirations. Habermas' view of truth, as a product of qualified and – at least practically – exclusive praxis[56], is less in opposition to Walzer's than to my approach. They, like Hare, differ only in what kind of praxis should be adopted, and how many people, and, in this special, pragmatic case, which institutions should be involved. But Habermas' work can be reinterpreted in order to attribute value also to the potentially irrational speaker – the opposite of Habermas' qualification of the rational person[57]– because of his obvious intention to defend, against all odds, Kantian rationality. If we abandon this project, we can take different decisions and thus adopt Habermas' understanding of language to reflect on the situation of conflict and terrorism.

A clear distinction between valid and invalid speech acts is not as easy to achieve as it is often assumed in philosophy, and the escape by the construction of an ideal has lost much of its appeal. Neither can we, in the real world, independently describe and judge an action, resort to the content of the text, nor reliably know the intention of those involved. It becomes even more complicated if we renounce the imagination of a humanity “genotypically” determined to rationality, and only “phenotypically” failing in its inherent possibilities. I propose to abandon this underlying assumption of an unifying human rationality and try to take the actual and experienced difference, for example in the analytical prism of terrorism, in order to understand homogeneity and equality not as initial point, but on the contrary as a product of speech, politics and individuality.

The philosophical problem is not that controversial descriptions lead to logical inconsistencies, but that their result is actual conflict and violence. We have to separate the understanding and description of conflict from the normative necessity of homogeneity. Obviously, we would like to have analytical tools to measure sentences like this:

“Your democratically elected governments continuously perpetuate atrocities against my people all over the world. And your support of them makes you directly responsible, just as I am directly responsible for protecting and avenging my Muslim brothers and sisters.”[58]

This statement was enounced by the leader of the suicide mission against the London Underground, Mohammad Sidique Khan, and we want to be able to prove its invalidity. But Habermas observes correctly:

Die assertorische Kraft bedeutet, daß S gegenüber H einen Wahrheitsanspruch für ‘p’ stellt und damit die Gewähr dafür übernimmt, daß die Wahrheitsbedingungen von ‘p’ erfüllt sind – oder eben: daß der Aussagesatz zu den Tatsachen paßt.[59]

Validity is not guaranteed by reality, but by the speaker. Habermas makes, in order to save his Kantian project, assumptions that can hardly be accepted,[60] and he furthermore interprets the claim for truth only within the limited borders of his praxis of justification. But we can still keep the thought that the validity of a speech act has to be linked to the speaker. A statement which is valid for democrats as well as for “terrorists.”

The usual consequence of an observation like the one I've just presented is relativism, the affirmation of the "Gleich-Gültigkeit"[61] of every individual position. In my opinion this step is not necessary in a philosophical attitude, and much less so in a practical, political approach. The philosophical examination as I proposed does not have to judge validity, correctness or truth. The relevance of a text emanates from the actual interest in research, and can be given or not, depending on the circumstances. The political judgement does not need any metaphysical grounding: Even if it is influenced and modified by reflection, meditation, deliberation, experience and education, it is as an actual political claim independent from those ways of generation and does not need any explanation for its existence. One has neither to be a universalist, nor rationalist, nor has one to claim God as a guarantor, to stand in for human rights and against cultural and traditional cruelties.

The examination of the texts of individuals involved in a situation of conflict, without a philosophical, but an essential, political interest in their positions, has to my knowledge no real tradition in philosophy, because taking those people seriously leads to systematic and aesthetic trouble. The aspired homogeneity, the convincing causality, the consistent strategy of individuals, none of these can be found when we consider those texts. Controversy, irrationality, omission and lack of knowledge cannot be a base for philosophical insight.

7. The question of truth

In the writings of the French philosopher Michel Foucault, particularly in his speech "L'ordre du discours," we find reflections on the inclusion and exclusion of speakers and their text. He shows the special status of a text, depending on who has enounced it. "*Il est curieux de constater que pendant des siècles en Europe, la parole du fou ou bien n'était pas entendue, ou bien, si elle l'était, était écoutée comme une parole de vérité.*"[62] The insane man produces text, he speaks, but he misses the link to reality, and what he says makes no sense. But this missing link to reality can sometimes change, and he can have a much more direct link than normal people, and thus he can speak the truth in a way they cannot. These are two extreme possibilities of language: as just a futile alignment of words, or as the ultimate expression of truth. Between those two poles, language happens.

Foucault's assumption is that it is not the text but its production and reception that guarantees or prevents the truth. This leads him to reflect on those mechanisms in society which exclude texts from the public. "*Des trois grands systèmes d'exclusion qui frappent le discours, la parole interdite, le partage de la folie et la volonté de vérité, c'est du troisième que j'ai parlé le plus longuement.*"[63] The first is taboo, the second insanity, and the third is the will to truth. One could understand with the help of Foucault why so few texts of 'terrorists' were actually used in the research on terrorism: the exclusion of those texts takes place on different levels. First of all, there is the taboo. For example, the claim of the responsibility of citizens for the violent politics of their democratically elected governments is rejected, even though in the sterile and protected environment of academic philosophy, those questions are discussed from time to time.

A second system of exclusion is the declaration of insanity. A proof for this system at work is the comparatively early and extensive psychological literature on terrorism. But when the mental normality[64] of ‘terrorists’ became increasingly obvious, the assumption of a pathological mental illness was replaced by the notion of “fanaticism” and “brain-washing.” Having in mind the thesis of Foucault, I think it is safe to assume that those notions fulfil the same function as the one from the “insane” did formerly, which is to exclude the text from serious consideration.

However, even Foucault himself considers it somehow problematic to regard the third system of exclusion, which consists in the difference between true and false, on the same level as the two already presented. [65]

I will not explain the details of Foucault’s project at length, but come immediately to the point and adopt the question of truth to modern moral philosophy and its obsession with justification. Foucault understands the discourse of truth from the beginning as an effort against an anti-authoritarian discourse against the imposed truth of the sovereign.[66] The idea of truth as a powerful weapon against the powerful is, even today, considered essential in moral philosophy. Walzer speaks of morals as an external measure, either that of god or of other human beings. That is the reason why morality is essentially critical. Every thought about new moral rules would be vain if it were not for being critical in the beginning.[67] This functional, political interpretation of (moral) truth is apparently coherent in the project of Foucault, but, as we have seen before, it leads to different results.

While Foucault is interested in the function of truth, Walzer operates with a much more material conception. As mentioned above, Walzer sees no problem in replacing the external measure of god by the external measures of other human beings. One should think that the change from a hierarchical relation between men and god, to an egalitarian relation and truth production between only men could produce at least some difficulties. By claiming a special relationship to god, a controversial position could claim truth and acceptance. But if we replace the measure of god by other men, the special acceptance of the single speaker is very much in danger, or at least in a need of justification. At this point, we return to our reflections on the question of authority and the necessary praxis for qualified moral judgements. Walzer takes his authority from his self-understanding as expert, without considering the difference between expert, political activist, judge, priest or lawmaker. His ideal philosopher, because of his knowledge, can incorporate all these figures, and, even better, he can do so without ever being responsible for any result in any significant way.

8. Conclusion

I could not explain every detail of my research in this limited article, but I still hope that the sense of my endeavour is obvious: Philosophical judgement was originally founded in order to provide a deeper insight into the world, which could be considered as a secular parallel to a greater proximity to god. The philosophical text was distinguished by its status of expressing the truth, and could thereby claim authority and obedience. Today,

philosophically, we cannot believe anymore in this special, miracle-like quality of text. We know of different ways and strategies to produce truth, or to deny it. In moral philosophy, the question of truth becomes especially urgent, as we do not only need people to obey, but eventually, we need to justify our own violence.

The concept of rational truth, which gained so much merit during its anti-authoritarian use in history, is today widely interpreted as a tool for justification of violence. My examination of the situation of terrorism shows serious flaws in the basic assumptions of such a praxis of justification, especially when it comes to understand the possible hegemony of “truth”. This being not a moral, but an analytical statement about a philosophical theory, I want to finish this article with moral reflections on the justification of violence. Its difficulties are well described by Albert Camus:

Je crois que la violence est inévitable, les années d'occupation me l'ont appris. Pour tout dire, il y a eu, en ce temps-là, de terribles violences qui ne m'ont posé aucun problème. Je ne dirai donc point qu'il faut supprimer toute violence, ce qui serait souhaitable, mais utopique, en effet . [...]. La violence est à la fois inévitable et injustifiable. [...] J'ai horreur de la violence confortable. J'ai horreur de ceux dont les paroles vont plus loin que les actes.

[68]

Thinking of violence as necessary, but still inexcusable, seems to me to manifest not only a moral, but also a political witness; it holds a deeper insight into the problem than every systematic and normative moral philosophy. Camus' tendency towards particularism, as Michael Walzer detects and criticizes in *The Company of Critics. Social Criticism and Political Commitment in the Twentieth Century*[69], is not to be understood as weakness, but on the contrary as an understanding of the moral sphere as heterogeneous and incoherent. Moral accusations are enounced by individuals, and the question of truth and justification can only be brought back to these particular individuals. Obviously, we can think of any deed as wrong, but if we do not achieve a consensus, we have to live with the conflict. I write this without thinking about any metaphysics or psychology. It can be easy to live with moral accusations. Many people still eat meat, all by knowing the position of radical vegetarians and their historical associations.[70] The same is true for anti-abortion, sometimes for anti-war arguments: We can live with the accusation of wrongdoing, we can still stick to our standpoint, but we can not refute it simply by quoting universal principles, consistency, tradition, the moral superstructure or substructure, and we can not do it by pointing to an ideal or less ideal council or tribunal.

Notes:

1. Walter Laqueur, *Le Terrorisme*, Paris 1979, p. 5

2. Jerzy Waciórski, *Le Terrorisme politique*, Paris 1939, p. 43

3. Walter Lacquer, *Voices of Terror*, New York 2004

4. Michael Walzer, *Just and Unjust Wars*, New York 2000, p. 260s

5. Albert Camus, *Les Justes*, Paris 1973

6. *“Je crois que la violence est inévitable, les années d’occupation me l’ont appris. Pour tout dire, il y a eu, en ce temps-là, de terribles violences qui ne m’ont posé aucun problème. Je ne dirai donc point qu’il faut supprimer toute violence, ce qui serait souhaitable, mais utopique, en effet. Je dis seulement qu’il faut refuser toute légitimation de la violence, que cette légitimation lui vienne d’une raison d’État absolue, ou d’une philosophie totalitaire. La violence est à la fois inévitable et injustifiable. Je crois qu’il faut lui garder son caractère exceptionnel et la reserrer dans les limites qu’on peut. Je ne prêche donc ni la non-violence, j’en sais malheureusement l’impossibilité, ni, comme disent les farceurs, la sainteté : je me connais trop pour croire à la vertu toute pure. Mais dans un monde où l’on s’emploie à justifier la terreur avec des arguments opposés, je pense qu’il faut apporter une limitation à la violence, la cantonner dans certains secteurs quand elle est inévitable, amortir ses effets terrifiants en l’empêchant d’aller jusqu’au bout de sa fureur. J’ai horreur de la violence confortable. J’ai horreur de ceux dont les paroles vont plus loin que les actes. C’est en cela que je me sépare de quelques-uns de nos grands esprits, dont je m’arrêterai de mépriser les appels au meurtre quand ils tiendront eux-mêmes les fusils de l’exécution.”*, Albert Camus, *Essais*, Paris 1965, p. 355s

7. *“J’ai toujours condamné la terreur. Je dois condamner aussi un terrorisme qui s’exerce aveuglément dans les rues d’Alger par exemple, et qui peut un jour frapper ma mère ou ma famille. Je crois à la justice, mais je défendrai ma mère avant la justice.”*, *Le Monde*, December 14th 1957

8. Michael Walzer, *Arguing about war*, New Haven 2004, p. 130

9. Igor Primoratz, “Introduction”, in *Terrorism. The Philosophical Issue*, Houndmills 2004, p. x

10. Igor Primoratz, “What is Terrorism?”, in *Terrorism. The Philosophical Issue*, Houndmills 2004, p. 24

11. Thomas Scanlon, “Intention and Permissibility”, in *The Aristotelian Society Supplementary Volume* 74, no. 1, 2000

12. David Rodin, “Terrorism without Intention”, in *Ethics* 114, 2004

13. *Ibid*, p. 762

14. *“Not merely to apply the proportionality rule and kill no more civilians than is militarily necessary – that rule applies to soldiers as well; no one can be killed for trivial purposes. Civilians have a right to something more. And if saving civilian lives means risking soldier’s lives, the risk must be accepted.”* Michael Walzer, *Just and Unjust Wars*, New York 2000, p. 156

15. David Rodin, “Terrorism without Intention”, in *Ethics* 114, 2004, p. 765

16. Obviously, the question of intention plays a huge role in the history of law. While rather early systems of law preferred to ignore the worsening or appeasing power of intention, today's differentiated judiciary systems give great attention to the accused's intention. One could argue that only the rather homogenous society, where in principle everyone can or could understand the others' motivation, as well as the sophisticated procedural law with experts inquiring the accused's mind make such considerations possible. If this is so, the central status of intention in philosophical thoughts on terrorism becomes less convincing, as the equality of those evil minds is in fact often questioned, and violent political struggle is not subject to procedural obligations.

17. i. e. Steven Best, Anthony Nocella, "Behind the Mask: Uncovering the Animal Liberation Front" in *Terrorists or Freedom Fighters*, New York 2004, p. 47

18. Virginia Held, "Terrorism and War", in *The Journal of Ethics* 8, 2004, p. 60

19. Ibid, p. 62

20. Ibid, p. 64

21. Ibid, p. 67

22. Ibid, p. 68

23. Alan B. Krueger; Jitka Maleckova, "Education, Poverty and Terrorism: Is There a Causal Connection?" in *The Journal of Economic Perspectives*, Vol. 17, No. 4. (Autumn, 2003)

24. Burleigh Wilkins, *Terrorism and Collective Responsibility*, London 1992

25. Jean-Pierre Derriennic, "Violence instrumentale et violence mimétique: L'estimation des effets politiques des actions terroristes" in *Enjeux philosophiques de la guerre, de la paix et du terrorisme*, Sainte-Foy 2003

26. Jean-Pierre Dupuy, "Anatomie du 11 septembre 2001. Violence, religion et éthique" in *Enjeux philosophiques de la guerre, de la paix et du terrorisme*, Sainte-Foy 2003

27. Isabelle Sommier, *Terrorisme*, Paris 2000

28. Jean-François Mattéi, "La barbarie de l'intelligence ou le Ground Zero de la pensée" in Jean-François Mattéi, Denis Rosenfield (ed.), *Civilisation et barbarie*, Paris 2002, p. 9s

29. Jean Baudriillard, *L'esprit du terrorisme*, Paris 2002

30. R. M. Hare, "On Terrorism", in R. M. Hare *Essays on Political Morality*, 1989, p. 38

31. Ibid, p. 35

32. Ibid, p. 35

33. Michael Walzer, *Just and Unjust Wars*, New York 2000, p. xxi

34. Ibid, p. xviis

35. Ibid, p. 288

36. Ibid, p. 288

37. For the terrorist, obviously this learning process should be one of gaining his political voice by passing through established political institutions and being chosen or elected for representation.

38. Jeremy Waldron, "Terrorism and the Uses of Terror", in *The Journal of Ethics* 8, 2004, p. 6

39. The "someone" of Waldron is obviously some non-academic, uninvolved observer.

40. Michael Foucault, "Qu'est-ce qu'un auteur ?" in *Dits et Ecrits I*, Paris 2001, p. 817

41. William Isaac und Dorothy Swaine Thomas, *The Child in America*, New York 1928, S. 572

42. Ibid.

43. Carl Schmitt, *Der Begriff des Politischen*, Berlin 1996

44. Carl Schmitt, *Theorie des Partisanen*, Berlin 1995

45. Carl Schmitt, *Theorie des Partisanen*, Berlin 1995

46. R. M. Hare, On terrorism, in *Essays on political morality*, Oxford 1989, p. 39

47. Ibid, p. 37

48. Hannah Arendt, *The Human Condition*, Chicago 1958

49. Michel Foucault, *Il faut defendre la société*, Paris 1997

50. Gilbert Brustlein, *Le chant d'amour d'un terrorist à la retraite*, Paris 1989, p. 38

51. John Gerassi, "Introduction" in Camilo Torres, *Revolutionary Priest*, London 1971, p. 8

52. Jürgen Dahlkamp, "Das Gehirn des Terrors" in *SPIEGEL ONLINE*, 08. November 2002

53. Sören Kierkegaard, "Die Wiederholung" in *Die Krankheit zum Tode und anderes*, München 1976, p.435f

54. In his book *Why Terrorism Works*, Alan M. Dershowitz poses the question if the reaction of the US to 9/11 was probably exaggerated. He evokes Arendt's thoughts about Nazism and concludes: If the world had known that Hitler really wanted to do what he had said in the 1930's, a reaction would have been necessary: " Many statements similar to those quoted above have ended up in the waste bin of history, but we cannot be certain,

now, whether the statements made by radical Islamic leaders fall into the ‘Hitler’ or the ‘waste bin’ category.” (Alain Dershowitz, *Why Terrorism Works*, New Haven and London 2002, p. 225)

55. Jürgen Habermas, *Der gespaltene Westen*, Frankfurt a. M. 2004, p. 102

56. Obviously, ideally it is inclusive, but the necessities of an ideal or at least near-to-ideal speech situation demand very much exclusion.

57. *“Die Rationalität einer Person bemißt sich daran, daß diese sich rational äußert und für ihre Äußerungen in reflexiver Einstellung Rechenschaft ablegen kann. Eine Person äußert sich rational, soweit sie sich performativ an Geltungsansprüchen orientiert; wir sagen, daß sie sich nicht nur rational verhält, sondern selber rational ist, wenn sie für ihre Orientierung an Geltungsansprüchen Rede und Antwort stehen kann. Diese Art von Rationalität nennen wir auch Zurechnungsfähigkeit.”* (Jürgen Habermas, *Wahrheit und Rechtfertigung*, Frankfurt a. M. 2004, p. 105)

58. “Mohammad Sidique Khan’s text in full of the videotape” in *The Muslim News*, September 2. 2005

59. Jürgen Habermas, *Nachmetaphysisches Denken*, Frankfurt a. M. 1992, p. 122

60. see Stanley Fish, “Truth but No Consequences: Why Philosophy Doesn’t Matter”, in *Critical Inquiry* 29, 2003. Fish objects to Habermas: individuals speak, and that’s all. To see in the simple speaking a claim of potential justification, as Habermas does, is just plain wrong.

61. As well “of equal value” as “of no value.”

62. Michel Foucault, *L’ordre du discours*, Paris 1979, p. 13

63. *Ibid*, p. 21

64. “I have been studying terrorists and terrorism for more than twenty years. Yet I am still always struck by how disturbingly ‘normal’ most terrorists seem when one actually sits down and talks to them.” (Bruce Hoffman, *Inside Terrorism*, New York 1998, p. 7)

65. Michel Foucault, *L’ordre du discours*, Paris 1979, p. 15s

66. *Ibid*, p. 16-22

67. Michael Walzer, *Kritik und Gemeinsinn*, Berlin 1990, p. 58

68. Albert Camus, *Réflexions sur le Terrorism*, Paris 2002, p. 74

69. Michael Walzer, *The Company of Critics. Social Criticism and Political Commitment in the Twentieth Century*, New York 1988

70. *“If one is looking for groups with which to compare the ALF, the proper choice is not Al Qaeda or Saddam Hussein’s republican Guard, but rather the Jewish anti-Nazi resistance movement and the Underground Railroad. the men and women of the ALF pattern themselves after the freedom fighters in Nazi Germany who liberated war prisoners and Holocaust victims and destroyed equipment – such as weapons, railways, and gas ovens – that the Nazis used to torture and kill their victims.”* Steven Best; Anthony J. Nocella, “Behind the Mask: Uncovering the Animal Liberation Front” in Steven Best; Anthony J. Nocella, *Terrorists or Freedom Fighters?*, 2004

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