

CURRENT CONTROVERSIES



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Is Political Violence Ever Justified?

BY ROBIN COLLINS

George Orwell wrote in 1944 that the reason we know the name of the slave Spartacus is that he disobeyed the mantra to not resist evil, and instead he revolted: “I think there is a moral in this for pacifists.”

It is widely believed that democracies can avoid political violence and terrorism, at least internally, if they protect rights and freedoms. And democracies, it is said, very rarely go to war – at least against each other. In his book, *Disarming Conflict*, Ernie Regehr put it this way: “[T]he prevention of armed conflict depends on measures that address and mitigate the ways in which people and communities experience insecurity -- by meeting basic economic, social, and health needs; respecting fundamental rights and freedoms; controlling the instruments of violence and prohibiting the means of mass destruction; and honouring the dignity and worth of all people.”

This will resolve most conflicts but probably not all. For the others, many argue, we should look at legal responsive

measures to deter authoritarians or put down other spoilers.

CAN PEACE AND SECURITY COEXIST?

Regehr, reflecting on the early establishment of the peace group Project Ploughshares, said they understood that “pacifistic ideals and nation state practicalities could [both] be honoured and respected through advocacy of foreign and defence policies oriented toward violence reduction, the peaceful settlement of disputes, a basic wariness of the efficacy of military force in settling disputes and promoting security, and a recognition that in a heavily armed world, arms control and disarmament were essential ingredients of peace and stability.”

Cesar Jaramillo, Executive Director of Project Ploughshares, adds: “It is not only the justification of violence that demands scrutiny, but its foreseeability. The failure to confront systemic injustices and deep-seated grievances—whether at the individual or state level—allows resentment to fester, making violent eruptions less a question

of ‘if’ and more a question of ‘when.’ Understanding this is crucial—not to condone violence, but to prevent it by tackling the root causes before they spiral out of control.”

In terms of international law and weapons proliferation, but also the permissible resort to violence, there is some tension between Article 26 of the UN Charter (diminishing the diversion of armaments) and Article 51, (the right to self defence) that cannot be easily satisfied outside a “non-provocation” and non-aggression posture. In principle, responding with violence cannot be justified unless and until other protective measures are unavailable or fail. However, delaying violence, and trying everything else first, could also make the political goal (peace, democracy, justice or human rights) more difficult to achieve. An authoritarian state, for instance, might opportunistically use the negotiations process to undermine oppositional challenges. And as Virginia Held writes in her book *How Terrorism is Wrong*: “When nonviolent protest is met with

bloodshed and consistently fails to change the offending policies even when they are unjustifiable, it is hard to argue that nonviolence works, whereas terrorism does not.”

JUST WAR THEORY

The contemporary self-defence norm and just war theory can be traced to the humanist Dutch philosopher Hugo Grotius who claimed (in 1625) the preservation of the individual “self” and protection from injury were inherent natural human rights that could not be limited by law. This essentialist concept would be extended to states as collectives of individuals, and armed forces that could defend that collectivity. Because this idea is foundational in history, it

3. Based on a moral principle that can’t be achieved by other means.

The late historian Tony Judt in *When the Facts Change*, while agreeing that terrorism is the weapon of the weak, also believed its use is morally indefensible even if it has “characterized resistance movements of all colours for at least a century.”

VIOLENCE AS INEVITABLE RESPONSE

Justification for use of violence (force) isn’t only about the power to influence and retain or gain security, but it usually involves some kind of self-defence logic – as a response to other violence or evil. This presumes, therefore, the illegitimacy of violence outside that limiting boundary. The

unilaterally determined preemption. The latter was a transparent invention of the George W Bush administration in 2002 as part of his War on Terror and the invasion of Iraq, based on unproven stores of weapons of mass destruction. Absent a verified imminent threat, any such justification is considered illegal in international law.

In the case of Afghanistan, the UN Security Council agreed that harbouring or supporting the 9/11 Al-Qaeda terrorists could justify a collective self-defence response under international law. In retrospect there was also broad agreement (although not consensus) that international intervention was justified in Rwanda to stop a genocide. The NATO



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is found to flow also through Article 51 of the UN Charter, as an inherent right of nation states, and in turn to collective self-defence. And as Trevor Findlay wrote, “it has been clear since the advent of peacekeeping that states are unwilling to provide forces to the UN if they are not accorded the right of self-defence.”

Just war theory undergirds much of international law and makes certain responsive forms of violence acceptable, but thereby also more likely. Is there a similar argument for terrorism? Because she does not categorically distinguish war from terrorism, Held believes political violence might be justified if: 1. It doesn’t lead to worse violence; 2. Consequences are prompt and better than the alternatives; and are

source of this restraint is said to be either human nature by way of an evolutionary determinism, or justifications based on

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religious-cultural grounds and doctrine (‘eye [only] for an eye’, for instance).

The mission of self-defence predictably expanded into preventive or deterrence measures, and eventually also

intervention into Kosovo/Serbia was much more controversial, which is why the International Commission report concluded that it was “illegal but legitimate”, although not everyone agreed. The “responsibility to protect” (R2P) doctrine was subsequently devised to help clarify international practice when conflict within states risked slipping into gross atrocity. But after the Libya intervention, R2P lost some favour because the excesses of the self-interested or powerful intervening forces seemed to violate the terms of the UN resolution authorizing -- but also restraining -- use of force.

Richard Price, author of *The Chemical Weapons Taboo*, found that because there is a “general feeling of abhorrence” against chemical weapons



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use, there were desperate efforts to find rationales to justify indiscriminate killing. This would range from dehumanizing the enemy to alleging that only soldiers were targeted, or retaliation arguments (“they used it first”). In the cases of aerial explosive and fire bombardment during wartime, either the military-industrial targets were ‘regrettably’ surrounded by civilians, or civilians were indeed targeted to convince leaders to end the war, and so save countless others (on either side of the conflict), a familiar argument made to justify the atomic bombings against Japan. While weapons of mass destruction taboos may not always hold, these norms notably still do not expand to prohibitions against the use of all violence. More positively, Price argues that the taboos that do constrain us may at least challenge realists’ claims that war is inevitable.

OCTOBER 7

When terrorism is not acknowledged as a form of national liberation available to an oppressed people, it is at least said to be predictable (i.e., it naturally can follow from prior events.) On

Terrorism can be a threat directed in a way to cause broad political change and horror...

October 7, last year, 695 Israeli civilians, including 36 children, as well as 373 security forces and 71 foreigners were killed -- a total of 1,139 killed. In the conversation about this Hamas violence the purported pretext is the ongoing occupation by Israel of Palestinian

lands, and the ugly conditions of the “world’s largest outdoor prison” in Gaza. A similar argument is made for Putin’s invasion of Ukraine (inspired by a combination of: NATO expansion, neo-Nazis, the Mайдan coup, Russia’s historical empire and non-existence of a unique Ukraine nationality, or in defence of the Russian minority that was being persecuted by Ukraine nationalists.)

Where the victims are civilian, there is no bright line separating the wars from the terrorism. Virginia Held argues that one also isn’t necessarily worse than the other. How does killing of children on school buses ethically differ from “shock and awe” warfare, she asks? There is some agreement also that terrorism isn’t only the tool of non-state actors. It can be state-sourced.

Terrorism is not necessarily only the deliberate killing of innocent civilians



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either (which is the much-quoted Michael Walzer's core definition of it). Yet, this may be the consensus as it pertains to international law (which tends to be state-centric). Terrorism can be a threat directed in a way to cause broad political change and horror but which is inflamed by narrower terror acts such as the assassination of a political or military leader (Israeli targeting of Hamas leaders, for instance.) In this distinction, soldiers and police killed on October 7 by Hamas and Islamic Jihad are classified as legitimate targets, while the civilian deaths are not, because the violence chosen was simply the 'sole' available method at hand. But in that sense, even Israeli civilians who were armed or who had undergone military training would thereby be similarly categorized as legitimate military targets. (Some do make this argument even though International Humanitarian Law is more prescriptive.)

Comparative casualty figures are sometimes offered in legitimating acts of terror where the purpose is to end an ongoing occupation or oppressive regime responsible for far more deaths over a prolonged period. And, there may be objection to the killing of civilians, but there is compounded revulsion towards the intentional (or unintended) killing of women, children and the elderly, who are seen to be particularly innocent, unlike military-age civilian males.

Separate from its status as terrorism, there is the efficacy of political assassination. Many will agree that the killing of Hitler during the war was justifiable as a measure to end the war. His murder in the crib might even be seen as acceptable, albeit impractical, given he was evil only in hindsight. Aside from the political blowback that should ensue from infanticide, is the killing of any

authoritarian leader that oppresses his people ethical, even if carried out by a foreign state?

NOT ACCEPTABLE

For Bill Bhaneja, "violence begets more violence, the cycle of hate and

"sufficient evidence exists to show that a global nonkilling society is thinkable"

retribution continues" and therefore instead, "the root cause of violence has

superiority of other moral approaches for much of human value." Care (which she defines as responsiveness to need, sensitivity, empathy and trust, a 'feminist' concept) alone can cut across the cycle of violence. This, she believes, may be the best we can do. Held admits that prioritizing an ethic of care will compete with "the model of morality that is based on impartial justice and liberal individualism", and therefore will be a tough but (in her view) a necessary path to take. We can, however, "deter and restrain rather than obliterate and destroy; to restrain with the least amount of necessary force so that reconciliation remains open; and, in preventing violence, to cause no more damage nor pain to all concerned, than are needed."

In the famous debate between Jean-Paul Sartre and Albert Camus in the 1940s and 50s, Sartre came to support violence as a Marxist "necessity" and as an obligation of worker solidarity, whereas Camus who (unlike Sartre) had been active in the French resistance, moved away from violence and towards championing freedom and liberty. He became an ardent defender of free speech as the most important tool to deal with disagreement and prevent conflict. He saw imposing limits on speech as isolating people and destroying their

potential for solidarity. Unlike Sartre, he was repelled by violence. Nevertheless, he believed insurrection would still occur and therefore should only be tolerated to build "institutions that limit violence, not... those which codify it." But violence, he wrote, "is both unavoidable and unjustifiable." ■

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Robin Collins writes about war and peace from Ottawa.



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to be addressed and dealt with." He believes there is no legitimacy to any violence, political or otherwise, and he points to Glenn Paige's work that suggests "sufficient evidence exists to show that a global nonkilling society is thinkable" and maybe possible.

This view is not that distant from that of Virginia Held who developed arguments for the duty and ethics of care. She argues that this "recognizes the gross limitations of law and the