

LEGITIMATE AUTHORITY

War is often defined as large-scale organised violence between two or more warring parties. This definition is supported by the principle that the decision to go to war is taken by a legitimate authority. Traditionally, legitimate authority refers to the leadership of the state — that is, the ruler or other ruling body of the state is responsible for initiating war. This distinguishes actual wars from other violent conflicts, which are less organised, asymmetric, chaotic or internal, national conflicts

To be legitimate, an authority must enjoy the support of its people and represent the common or greater good of its subjects. In dictatorships and weak democracies, the legitimacy of authority in this sense is weak. The question arises: when the condition of legitimate authority is not met, can, for example, totalitarian states ever wage a justified war?

On the other hand, according to the traditional interpretation of legitimate authority, civil war and civil uprisings can never be seen as justified wars — or as any kind of wars. The condition of legitimate authority echoes that of the rulers of yesteryear who, from their thrones, controlled their armour-clad armies in order to undermine the position of a neighbouring state on the world political stage. Yet it seems that it is precisely when talking about moral legitimacy that the claim to legitimate authority is misleading. For might not a people in certain situations have a moral justification to rebel — even violently — against their ruler, if they are subjected to unacceptable injustice, such as slavery or genocide, by the very people in power?

A more favourable, modern interpretation of the requirement of legitimate authority is that its purpose is primarily to ensure that the rights of citizens and the common good are fought for, and to prevent the fighting for some private good or for the interests of an elite. Fighting for such causes could be justified regardless of whether the party declaring war is the ruler of the citizens or the citizens themselves. Thus, what makes an authority 'legitimate' is that it has the majority of the people on its side and/or is actually fighting for the common good. This would also give civil rebellions and civil wars the moral legitimacy to fight against injustices committed by their own or another state, even without the support of their state administration.

However, it is difficult for non-state actors to wage a war. When civilians are forced to fight, they often lack both tactical and strategic know-how and adequate equipment, as well as weapons, even when the aims of their struggle are ethical. Civilian combatants, who are mixedly armed and organised to varying degrees, are less likely to be able to carry out successful and effective

strikes against their opponents' military targets. In the absence of the capacity and resources for organised, effective action limited to military targets, the only realistic course of action for a civilian combatant fighting for a legitimate cause is often to resort to tactics that are generally considered terrorist. While strikes against military targets may be outside the range of options due to lack of know-how, technology and resources, the effectiveness of force can be achieved by directing it against the civilian population and civilian infrastructure of the adversary.

There is as yet no single, uniform definition of terrorism or terrorist means, but it often includes the idea that attacks are directed against civilians with the aim of instilling terror, and the consequent idea that terrorist tactics are by nature morally wrong and totally prohibited. Moreover, it is often assumed that only non-state paramilitary organisations or individuals can be guilty of terrorist acts. However, such a definition is overly narrow, since isn't it logical to think that also states can be guilty of terrorist acts, if they, with their armies or security organizations, attack civilian population? The legitimacy of authority in this sense cannot therefore save the perpetrator from charges of terrorism if the means used sow death, suffering and terror among the civilian population. On the other hand, the morally reprehensible connotation of the concept of terrorism may also be too strict.

When a paramilitary NGO fights a morally justified war against injustice and for the common good, for example by attacking civilian infrastructure supporting military activities, such as certain roads or factories, you can call it terrorism — but also see that it is acceptable and justified too.

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28.3.2023

(Edited and translated by Teemu Mäki, 19.8.2024.)

Sources / additional reading:

Allhoff, Fritz (2012). *Terrorism, Ticking Time-Bombs, and Torture*. Chicago: University of Chicago Press.

Coady, C. A. J. (2004). "Terrorism, Morality and Supreme Emergency". *Ethics*, 114, s. 772–789.

Coates, A. J. (2016). "Defining Terrorism" ja "Terrorism: Some Moral Aspects and Variables". In the book *The Ethics of War*. Manchester UP.