

# **PDFlib PLOP: PDF Linearization, Optimization, Protection**

**Page inserted by evaluation version  
www.pdflib.com – sales@pdflib.com**

## Is Terrorism Morally Distinctive?

SAMUEL SCHEFFLER

*Philosophy, University of California, Berkeley*

THE term “terrorism” may by now have become too ideologically freighted to have any analytic value. If the term is to be an aid to understanding, two opposed but complementary ways of employing it will have to be resisted. On the one hand, there is the tendency, among the representatives and defenders of governments facing violent threats from non-state groups and organizations, to use the term to refer to all forms of political violence perpetrated by non-state actors. On the other hand, there is the tendency, among the representatives and defenders of non-state actors engaged in political violence, to insist that “the real terrorists” are the officials or the military forces of those states with which they are locked in conflict. Under the combined influence of these two tendencies, the word “terrorism” is in danger of becoming little more than a pejorative term used to refer to the tactics of one’s enemies.

In this paper, I will proceed on the assumption that the concept of terrorism retains more content than that, and that we recognize a use of the term in which it refers to a special kind of phenomenon or class of phenomena. My primary aim will not be to produce a definition of the term but rather to consider whether there is anything morally distinctive about the type of phenomenon to which it refers. Clearly, it will be impossible to do this without making some attempt to characterize the phenomenon. Still, my aim is not to produce a definition of the term “terrorism” or to identify necessary and sufficient conditions for its application.<sup>1</sup> What I will do instead is to describe a certain familiar pattern to which terrorist actions often conform, and to argue that instances of terrorism which fit this pattern do indeed have a morally distinctive character. There is no doubt that the term “terrorism” is frequently applied to conduct that does not fit this pattern. I will not insist that this is always inappropriate. I believe that the term is misapplied in some of these cases, but I do not mean to deny that there are cases in which its use is appropriate despite the absence of the morally distinctive features to which I will call attention.

Two other caveats are in order. First, I will assume that terrorism is a *prima facie* evil, and that the use of terrorist tactics is presumptively unjustified, but I

<sup>1</sup>Many different definitions have been proposed. For discussion, see C. A. J. Coady, “Terrorism and Innocence,” *Journal of Ethics*, 8 (2004), 37–58, and Jenny Teichman, “How to Define Terrorism,” *Philosophy*, 64 (1989), 505–517.

will remain agnostic on the question of whether there can ever be circumstances in which such tactics may nevertheless be justified, all things considered. Second, I take it to be obvious that, although terrorism is a *prima facie* evil and its use is presumptively unjustified, it may sometimes be a response to policies that are also unjustified and which may be as objectionable as the terrorist response itself. Furthermore, the fact that terrorism is unjustified does not mean that all of the measures used to oppose it are themselves justified. In short, I assume that terrorism is a *prima facie* evil and my concern is with the kind of evil it is. Terrorism may sometimes be a response to great wrongs, and great wrongs may be committed in opposing it. But I will not be concerned here with the nature of those other kinds of wrongs nor will I address the question of whether the presumption against engaging in terrorism can ever be defeated.

Some other recent writers have taken a different approach to this subject. Their primary focus, understandably enough, has been on questions about the justification of terrorism, and they have sought to arrive at a definition of the term that would cohere with their justificatory conclusions. This has led many of them to endorse a broad definition according to which terrorism is simply politically or ideologically motivated violence that is directed against civilians or noncombatants. In fact, this broad definition has become sufficiently widespread that Jeff McMahan refers to it as the “orthodox definition.”<sup>2</sup> Its popularity may reflect a concern about some of the apparent implications of relying on a more narrowly circumscribed definition. Since any narrower definition will presumably fail to classify certain types of political violence against civilians as forms of terrorism, any such definition may seem to imply that the types of violence it excludes deserve less severe condemnation. This implication is bound to seem troubling, especially if it is assumed that a narrow definition would single out forms of violence characteristically engaged in by non-state actors and exclude forms of violence characteristically engaged in by states. Given this assumption, it may seem that reliance on a narrow definition would unwittingly import an uncritical pro-state bias.

Although I understand this concern, I think it is a mistake to begin an inquiry into the morality of terrorism by endorsing a broad definition. Such a starting point may lead us to overlook relevant distinctions and to give an oversimplified description of the moral terrain. I prefer to begin, not by trying to settle on a definition, but rather by thinking about certain familiar forms of violence that most people would not hesitate, prior to analysis, to classify as instances of terrorism. I want to ask whether there is anything morally distinctive about these specific patterns of activity. As I hope will emerge from my discussion, this

<sup>2</sup>See Jeff McMahan, “The Ethics of Killing in War,” *Ethics*, 114 (2004), 693–733, at p. 729. Variants of the broad definition have been defended, for example, by C. A. J. Coady and David Rodin. See Coady, “The Morality of Terrorism,” *Philosophy*, 60 (1984), 47–69; Coady, “Terrorism and Innocence;” Coady, “Terrorism, Morality, and Supreme Emergency,” *Ethics*, 114 (2004), 772–789; Rodin, “Terrorism without Intention,” *Ethics*, 114 (2004), 752–571.

relatively narrow focus will serve to highlight some morally salient features and distinctions that might otherwise be easier to overlook. And, as I will try to make clear, such a focus need not import an uncritical pro-state bias, both because state activity can fall within the narrower sphere of activity on which I will concentrate and because many forms of violence that do not fall within that sphere nevertheless deserve severe condemnation, whether or not they are classified, in the end, as instances of terrorism.

Although terrorism is a political phenomenon, the resources of contemporary political philosophy are of limited assistance in trying to understand it. In recent years, a valuable new philosophical literature on terrorism has begun to emerge, and philosophical interest in the subject has, of course, intensified since the September, 2001 attacks on the World Trade Center and the Pentagon.<sup>3</sup> But, with one or two exceptions, the major political philosophies of the past several decades have been little concerned with the political uses of terror or with political violence more generally. On the whole, they have been philosophies of prosperity, preoccupied with the development of norms for regulating stable and affluent societies. To a great extent, for example, they have concerned themselves with issues of distributive justice, and they have implicitly addressed this topic from the perspective of a secure and well-established society with significant wealth to distribute among its citizens. Even when philosophers have looked beyond the boundaries of their own societies and have addressed issues of global justice, as they have increasingly begun to do, they have generally done so from the perspective of affluent, western societies whose responsibilities to the rest of the world are in question precisely because their own power and prosperity are so great. Contemporary political philosophers have not in general needed to concern themselves with threats to the survival or stability of their societies or with the conditions necessary for sustaining a viable social order at all. None of this is intended as criticism. It is entirely appropriate that political philosophers should address themselves to the questions that actually vex the societies in which they live. But it does suggest that the recent political philosophy of the affluent, liberal west may not afford the most useful point of entry for an investigation into problems of terror and terrorism.

A number of contemporary writers on terrorism have found it natural to situate their discussions in relation to the traditional theory of the just war.<sup>4</sup> For

<sup>3</sup>Two valuable early anthologies are R. G. Frey and C. W. Morris eds., *Violence, Terrorism, and Justice* (New York: Cambridge University Press, 1991), and M. Warner and R. Crisp eds., *Terrorism, Protest, and Power* (Aldershot: Edward Elgar, 1990). Two significant post-9/11 anthologies are V. Gehring ed., *War after September 11* (Lanham, MD: Rowman and Littlefield, 2003), and I. Primoratz ed., *Terrorism: The Philosophical Issues* (London: Palgrave Macmillan, 2004). See also the symposia on terrorism published in special issues of *Ethics* (Volume 114, Number 4) and *The Journal of Ethics* (Volume 8, Number 1) in 2004.

<sup>4</sup>See, for example, the writings by Coody and Rodin cited above. See also F. M. Kamm, "Failures of Just War Theory: Terror, Harm, and Justice," *Ethics*, 114 (2004), 650–92, and Noam Zohar, "Innocence and Complex Threats: Upholding the War Ethic and the Condemnation of Terrorism," *Ethics*, 114 (2004), 734–51. The pioneering contemporary revival of just war theory is, of course,

my purposes, it will be helpful to begin instead with the pre-eminent philosopher of fear in our tradition, Thomas Hobbes. It is striking that, in his famous catalogue of the “incommodities” of the state of nature, Hobbes describes fear as the worst incommmodity of all. The state of nature, he says, is characterized by a war of “every man against every man,” and such a war comprises not merely actual battles but an extended “tract of time” in which “the will to contend by battle is sufficiently known.”<sup>5</sup> This means that, in the war of every man against every man, a condition of general insecurity prevails for an extended period. “In such condition,” he says, “there is no place for industry, because the fruit thereof is uncertain; and consequently no culture of the earth; no navigation, nor use of the commodities that may be imported by sea; no commodious building; no instruments of moving and removing such things as require much force; no knowledge of the face of the earth; no account of time; no arts; no letters; no society; *and which is worst of all, continual fear, and danger of violent death.* And the life of man, solitary, poor, nasty, brutish, and short” (Ch. 13, para. 9, pp. 95–6, emphasis added).

Hobbes makes at least three points in this passage and the surrounding text that are relevant to our topic. First, there is his insistence on how bad a thing fear is. Continual fear—not momentary anxiety but the grinding, unrelenting fear of imminent violent death—is unspeakably awful. It is, he suggests, worse than ignorance. It is worse than the absence of arts, letters and social life. It is worse than being materially or culturally or intellectually impoverished. Fear dominates and reduces a person. A life of continual fear is scarcely a life at all. Someone who is in the grip of chronic terror is in a state of constant distress; he “hath his heart all the day long gnawed on by fear of death, poverty, or other calamity and has no repose, nor pause of his anxiety, but in sleep” (Ch. 12, para. 5, p. 82).

The second point is that fear is incompatible with social life. On the one hand, sustained fear undermines social relations, so that in addition to being worse than various forms of poverty and deprivation it also contributes to them, by destroying the conditions that make wealth and “commodious living” possible. Fearful people lead “solitary” lives. Alone with their fears, trusting no one, they cannot sustain rewarding forms of interpersonal exchange. On the other hand, the establishment of society offers relief from fear and, in Hobbes’ view, it is to escape from fear that people form societies. The fear of death, he says, is the

Michael Walzer’s *Just and Unjust Wars* (New York: Basic Books, 1977). Walzer devotes one chapter of that book to terrorism, and he also discusses terrorism in several of the essays included in *Arguing about War* (New Haven, CT: Yale University Press, 2004). The application of just war theory to terrorism is vigorously criticized by Robert Goodin in *What’s Wrong with Terrorism?* (Cambridge: Polity Press, forthcoming).

<sup>5</sup>Thomas Hobbes, *Leviathan*, chapter 13, paragraph 8. Quotation taken from the edition edited by A. P. Martinich (Peterborough, Ont.: Broadview Press, 2002), p. 95. Subsequent references, including chapter, paragraph, and page number in the Martinich edition, will be given parenthetically in the text.

first of “the passions that incline men to peace” (Ch. 13, para. 14, p. 97). Indeed, and this is the third point, it is *only* within a stable political society that the miserable condition of unremitting fear can be kept at bay. In addition to being incompatible with social life, sustained fear is the inevitable fate of pre-social human beings.

Terrorists take these Hobbesian insights to heart. In a familiar range of cases, at least, they engage in violence against some people in order to induce fear or terror in others, with the aim of destabilizing or degrading (or threatening to destabilize or degrade) an existing social order. Without meaning to beg the very questions of definition that I said I would not be addressing, I will call these “the standard cases.” I do so in part on the boringly etymological ground that these cases preserve the link between the idea of terrorism and the root concept of terror. But I will also go on to argue—indeed, it is my primary thesis—that the etymology points us to something morally interesting which might otherwise be easier to overlook.

In “the standard cases,” terrorists undertake to kill or injure a more or less random group of civilians or noncombatants;<sup>6</sup> in so doing, they aim to produce fear within some much larger group of people, and they hope that this fear will in turn erode or threaten to erode the quality or stability of an existing social order. I do not mean that they aim to reduce the social order to a Hobbesian state of nature, but only that they seek to degrade or destabilize it, or to provide a credible threat of its degradation or destabilization, by using fear to compromise the institutional structures and disrupt the patterns of social activity that help to constitute and sustain that order. The fear that terrorism produces may, for example, erode confidence in the government, depress the economy, distort the political process, reduce associational activity and provoke destructive changes in the legal system. Its ability to achieve these effects derives in part from the fact that, in addition to being intrinsically unpleasant to experience, the fear that terrorism produces may inhibit individuals’ participation in a wide range of mundane activities on which a polity’s social and economic health depends. In some cases people may become mistrustful of the other participants in the activity (one of the other passengers may be a hijacker or suicide bomber), while in other cases they may fear that the activity will be targeted by terrorists who are not participants (someone may toss a hand grenade into the night club or movie theater). In the various ways I have mentioned and others that I will

<sup>6</sup>The relevance of civilian or noncombatant status to the definition of terrorism is contested, but since I am setting aside questions of definition I will not address the issue. For pertinent discussion, see Coady, “The Morality of Terrorism” and “Terrorism and Innocence;” Robert Fullinwider, “Terrorism, Innocence, and War,” in Gehring ed., *War After September 11*; Virginia Held, “Terrorism, Rights, and Political Goals,” in Frey and Morris eds., *Violence, Terrorism, and Justice*, pp. 59–85; Virginia Held, “Terrorism and War,” *Journal of Ethics*, 8 (2004), 59–75; Igor Primoratz, “The Morality of Terrorism,” *Journal of Applied Philosophy*, 14 (1997), 221–233; Noam Zohar, “Innocence and Complex Threats.” There is, of course, a large literature on the principle of noncombatant immunity in wartime.

describe, the fear that is generated by terrorism can lead to significant changes in the character of society and the quality of daily life, and at the extremes these changes can destabilize a government or even the social order as a whole. In the standard cases, then, terrorists use violence against some people to create fear in others, with the aim of degrading the social order and reducing its capacity to support a flourishing social life—or at least with the aim of credibly threatening to produce these effects.<sup>7</sup>

Terrorist violence may, of course, have many other aims as well, even in the standard cases.<sup>8</sup> The terrorists may hope that their violent acts will attract publicity for their cause, or promote their personal ambitions, or provoke a response that will widen the conflict, or enhance their prestige among those they claim to represent, or undermine their political rivals, or help them to achieve a kind of psychological or metaphysical liberation. Nor need they conceive of their actions exclusively in instrumental terms. They may also be seeking to express their rage. Or they may believe that their victims are not in the relevant sense innocent, despite being civilians or noncombatants, and they may think of themselves as administering forms of deserved punishment or retribution.

There are many other respects in which what I am calling standard cases of terrorism can differ from one another. But they all have the following minimum features: 1) the use of violence against civilians or noncombatants, 2) the intention that this use of violence should create fear in others, including other civilians and noncombatants, and 3) the further intention that this fear should destabilize or degrade an existing social order, or at any rate that it should raise the specter of such destabilization or degradation. The destabilization or degradation of the social order may itself have many different aims. Among other things, it may be intended a) as a prelude to the imposition of a different social order or the reconstitution of the existing order on different terms, b) as a way of effecting some change in the policy of an existing state or society, c) as a form of deserved punishment, and hence as an end in itself, or d) as some combination of these.

What makes terrorism of the standard kind possible is the corrosive power of fear. As Hobbes suggests, sustained or continual fear is a regressive force both individually and socially. It can induce the unraveling of an individual's personality and, as we have already seen, its cumulative effects on large numbers of people can degrade the social order and diminish the quality of social life. Its capacity to achieve these effects is enhanced by the infectiousness of fear, the fact that it can so easily be transmitted from one person to another, even when the second person is unaware of the reasons for the first person's fear. The latter case

<sup>7</sup>For a related discussion, see Jeremy Waldron, "Terrorism and the Uses of Terror," *Journal of Ethics*, 8 (2004), 5–35, at pp. 22–23.

<sup>8</sup>Waldron has a good discussion of many of these aims in "Terrorism and the Uses of Terror," Section 6.

is the one that Hobbes called “panic terror,” and which he described as “fear without the apprehension of why or what.” In such cases, he added, “there is always in him that so feareth, first, some apprehension of the cause, though the rest run away by example, every one supposing his fellow to know why. And therefore this passion happens to none but in a throng, or multitude of people” (Ch. 6, para. 37, p. 45). The fear induced by terrorism does not ordinarily fit the description of panic terror, since those who are subject to it normally know the reasons for their fear. But terrorism still benefits from the infectiousness of fear, because the fact that something has frightened one person may itself frighten another person, and the fearful attitudes of different people can exert mutually reinforcing and intensifying effects. In this age of instant communication, moreover, the capacity of terrorist acts to cause fear, and to exploit the phenomena of mutual reinforcement and intensification, is greatly increased. The news media can be counted on to provide graphic coverage of each terrorist outrage, so that a bomb blast anywhere can generate fear and insecurity everywhere. These attitudes in turn become newsworthy and are dutifully reported by the media, thus contributing to the syndrome of mutual reinforcement.

I said earlier that, in the standard cases, terrorist violence is usually directed against a “more or less random” group of civilians or noncombatants. It is difficult to be more precise. Sometimes virtually any civilians will do. At other times, terrorists will select a particular population group, defined by occupation or ethnicity or religion or social class, and will target people indiscriminately within that group. Or they will select a symbolic target (the World Trade Center), and those who are killed or injured will be those who happen to be in the chosen location at the wrong time. Even when the target class is maximally wide, the victimization is random in the sense that it is indiscriminate within that class but not in the sense that it is pointless or irrational. And even when the target class is relatively narrow, there is an advantage in preserving some degree of indiscriminateness within that class. In both cases, the randomness or indiscriminateness has the same point. It is to maximize (within the relevant parameters) the numbers of people who identify with the victims, thus subverting the defensive ingenuity with which people seize on any feature that distinguishes them from the victims of misfortune to preserve their own sense of invulnerability. In this way, the appearance of randomness is used to exploit the psychic economy of identification in such a way as to maximize the spread of fear.

This is not to say that it is always easy to achieve one’s aims using terrorist tactics. In fact, it is usually difficult for terrorist acts to destabilize an otherwise stable social order. This is not merely because such acts can backfire, and reduce support for the terrorists’ goals. Nor is it merely because of the large armies, police forces and intelligence services that stable societies normally have available to fight those who employ terrorism. Just as important is the fact that stable

societies, and individuals raised in such societies, have substantial social and psychological resources with which to resist the destructive effects of fear. People can be remarkably tenacious in their determination to preserve the lives they have made for themselves in society, and if fear can be infectious so too can courage and the determination to persevere in the face of great danger. These too have mutually reinforcing and intensifying effects.

But terrorism does not need to destabilize a social order altogether in order to transform and degrade it and, as we have seen, often such transformation and degradation will suffice to enable those who employ terrorist tactics to achieve some or all of their aims. The problem is that living with fear can have corrosive effects even for those who are courageous and determined to persevere. One might put the point provocatively and say that courage itself—or the need to sustain it over long periods of time—can be corrosive. Living each day with the vivid awareness that one's children may be killed whenever they leave home, or that a decision to meet one's friends at a restaurant or café may result in violent death, or that an ordinary bus ride on a sunny day may end with lumps of flesh raining down on a previously peaceful neighborhood, exacts a cost. Nor is this true only if one yields to one's fears and keeps one's children at home, gives up socializing and avoids public transportation. It is also true if one grits one's teeth and resolves to carry on as normal. People often say, in explaining their determination to maintain a normal routine in the face of terrorist activities or threats, that to do otherwise would be to "give the terrorists what they want." This is not wrong, but it understates the problem. Maintaining one's normal routine does not suffice to preserve normalcy. Terrorism undermines normalcy almost by definition. One cannot, simply through an act of will, immunize oneself against the effects of continual fear and danger on one's state of mind or on the quality of one's life. These effects are distressingly easy for groups that use terrorist tactics to achieve and distressingly difficult for the members of targeted populations to avoid.

This is one reason why terrorism is so popular, even if it is not always ultimately successful. Apologists for terror often claim that it is the weapon of the weak, who have no other tools available for fighting back against their oppressors. This may be true in some circumstances. As far as I can see, however, those who engage in terrorism rarely invest much time in exploring the availability of other tools. All too often terrorism is the tool of choice simply because the perceived advantages it offers are so great. It costs relatively little in money and manpower. It has immediate effects and generates extensive and highly sensationalized publicity for one's cause. It affords an emotionally satisfying outlet for feelings of rage and the desire for vengeance. It induces an acute sense of vulnerability in all those who identify with its immediate victims. And insofar as those victims are chosen randomly from among some very large group, the class of people who identify with them is maximized, so that an

extraordinary number of people are given a vivid sense of the potential costs of resisting one's demands. Figuratively and often literally, terrorism offers the biggest bang for one's buck.

If what I have said to this point is on the right track, then it does seem that terrorism is morally distinctive, at least insofar as it conforms to the pattern of what I have been calling "the standard cases." In these cases, at least, it differs from other kinds of violence directed against civilians and noncombatants. By this I do not mean that it is worse, but rather that it has a different moral anatomy. By analogy: humiliation is morally distinctive, and so too are torture, slavery, political oppression and genocide. One can investigate the moral anatomy of any of these evils without taking a position on where it stands in an overall ranking of evils. Many people are pluralists about the good. We can be pluralists about the bad as well.

In the "standard cases," some people are killed or injured (the primary victims), in order to create fear in a larger number of people (the secondary victims), with the aim of destabilizing or degrading the existing social order for everyone. The initial act of violence sets off a kind of moral cascade: death or injury to some, anxiety and fear for many more, the degradation or destabilization of the social order for all. Nor is this simply a cascade of harms. It is, instead, a chain of intentional abuse, for those who employ terrorist tactics do not merely produce these harms, they intentionally aim to produce them. The primary victims are used—their deaths and injuries are used—to terrify others, and those others are used—their fear and terror are used—to degrade and destabilize the social order.

The fact that the secondary victims' fear and terror are used in this way is one thing that distinguishes the standard cases from other cases in which civilians are deliberately harmed in order to achieve some military or political objective. In other cases of deliberate, politically-motivated violence against civilians, the perpetrators display a callous disregard not only for the lives of their victims but also for the misery and suffering of the people who care about or identify with them. Since those who commit such acts are willing to kill or injure their victims, it is hardly surprising that they should be indifferent to the intensely painful human reactions—fear, horror and grief—that their acts are liable to produce in others. In the "standard cases," however, the primary victims are killed or injured *precisely in order* to elicit such reactions—precisely in order to elicit fear, horror and grief—so that those reactions can in turn be exploited to promote the perpetrators' ultimate, destabilizing objectives. Using Kantian terminology, we might say that the primary victims are treated not just as means to an end but as means to a means: that is, they are treated as means to the end of treating the secondary victims as means to an end. Those who engage in this kind of terrorism do not merely display callous indifference to the grief, fear and misery of the secondary victims; instead, they deliberately use violence to cultivate and prey

on these reactions. This helps to explain why there is something distinctively repellent about terrorism, both morally and humanly.<sup>9</sup>

As I have said, not all instances of terrorism fit the description of the “standard cases.” Sometimes, for example, terrorist tactics may be employed not to destabilize or degrade an entire social order but rather to make the place of a particular social group or class within that order insecure, as in cases where the ambition is to drive the members of the targeted group into another country or territory (“ethnic cleansing”). In cases like this, the description of the “moral cascade” will differ somewhat, but the moral anatomy of these cases will still bear a clear and recognizable relation to that of the standard cases. Other instances in which the term “terrorism” is likely to be employed may differ more substantially from the standard cases. An example might be a situation in which violence is directed against civilians solely for the purpose of provoking a response and thereby producing an escalation in the level of a conflict; the fact that the violence also generates fear, although predictable and not unwelcome, is no part of the perpetrators’ aim. In a similar vein, insurgents might take civilian hostages simply as a way of pressuring a government to release some of their imprisoned comrades, and not for the purpose of spreading fear, although fear may be one predictable effect of their actions. Still other examples, meanwhile, may seem sufficiently different from the standard cases that the propriety of the term “terrorism” becomes doubtful, even if it is often applied to them. This may be true, for example, of targeted political assassinations or acts of sabotage.

In general, we should be sensitive to the wide variety of actual cases we are likely to encounter, and we should avoid theory-driven oversimplifications of the phenomena. My own aim, as I have already said, is not to produce a definition of the term “terrorism” or to provide a set of necessary and sufficient conditions for its application. Accordingly, I will take no position on the question of how far an act can depart from the standard cases while remaining an instance of terrorism. In any event, the fact that some form of conduct is not best thought of as amounting to terrorism does not mean that there is no objection to it. As the doctrine of the pluralism of the bad reminds us, there are many different kinds of atrocities and many different forms of horrific behavior, and we learn more by attending to the differences among them than by assimilating them all to a single category. One of the many unsettling features of the Bush

<sup>9</sup>There are three misunderstandings to be avoided. First, in saying that there is “something distinctively repellent” about terrorism, I am not saying that it is *more* repellent than any other type of atrocity. I am saying only that some of the reasons why it is repellent are distinctive. Second, I am not saying that *all* of the reasons why terrorism is repellent are distinctive; obviously, it is also repellent for some of the same reasons that other types of unjustified violence are. Finally, I am not claiming that what is distinctively repellent about terrorism is also what is *morally worst* about it. What is distinctively repellent about terrorism is, roughly, that it treats the primary victims as means to a means, but what is morally worst about it may simply be that it involves (for example) the unjustified killing of the innocent.

administration's post-9/11 moral discourse, with its frequent references to "evildoers" and "bad guys," is that it uses moral categories to inhibit rather than to promote moral understanding. It relies on simplifying dichotomies that appeal to psychologically primitive sources of moral motivation and, in so doing, it encourages a dangerously reductive conception of the moral domain.

As I noted at the outset, the term "terrorism" is sometimes used, by representatives and defenders of governments facing violent threats from non-state groups and organizations, to refer to all forms of political violence perpetrated by non-state actors. This makes it impossible by definition for states to engage in terrorism. Although I have not endorsed this—or any other—definition, my narrow focus on the standard cases and my emphasis on terrorism's destabilizing aims may seem to imply that it can only be the tactic of insurgents or other non-state actors. But this is not in fact a consequence of my view. States can certainly employ terrorist tactics in the manner I have described as a way of destabilizing other societies. They can do this in wartime, through the use of such tactics as "terror bombing," or in peacetime, through covert operations targeting another country's civilian population. And domestically, a government might use such tactics in order to create a limited degree of instability, with the aim of discrediting its opponents or generating increased support for repressive policies. Of course, it is crucial in such cases that the government should not appear to be the perpetrator of the terrorist acts, since its aim is precisely to ascribe those acts to others. Still, the fact remains that governments can engage in terrorism both against other societies and, with the qualification just mentioned, domestically as well.

Governments may also use terror as an instrument of policy without this amounting to terrorism of the "standard" type. Indeed, here I am prepared to engage in at least partial, stipulative definition, and to say that governments may use terror as an instrument of policy without this amounting to terrorism at all. This will be true, in my view, when a government uses terror internally—and is willing to be seen as doing so—in order to stifle dissent and opposition, to maintain its grip on power and to preserve the established order. I will use the term "state terror" to describe this phenomenon, and in the usage I have stipulated there is an important contrast between state terror and terrorism, even terrorism that is perpetrated by states. The point of the stipulation is not to suggest that one of these phenomena is better or worse than the other, but rather to highlight what I take to be a significant distinction between two different political uses to which terror may be put. Terrorism, as I understand it, standardly involves the use of violence to generate fear with the aim of destabilizing or degrading an existing social order. State terror, as I understand it, standardly involves the use or threat of violence to generate fear with the aim of stabilizing or preserving an existing social order. Of course, other people may use the terms "terrorism" and "state terror" in different ways, but the point is not merely terminological, and anyone whose use of the relevant terminology

differs from mine needs to find some other way of expressing the contrast I have described.

It is an interesting fact that fear and terror can be used either to undermine an existing social order or to preserve one. They can be made to serve not only revolutionary but also conservative purposes. How is this possible? How, in particular, is it possible that fear and terror can be used to preserve a social order if, as I said earlier, they undermine social life? Hobbes, who certainly understood the second of these points, also emphasized the first. He wrote: “Of all passions, that which inclineth men least to break the laws is fear. Nay, excepting some generous natures, it is the only thing (when there is appearance of profit or pleasure by breaking the laws) that makes men keep them” (Ch. 27, para. 19, p. 222). For Hobbes, fear can be used to preserve order because it is a passion “that relate[s] to power” (Ch. 31, para. 9, p. 269). In the state of nature—in the war of all against all—each person has sufficient power to pose a threat to every other person. Hence each person has reason to fear every other person, and this undermines the conditions of social life. But the concentration of power in a sovereign produces a redistribution of the capacity to inspire fear, and this makes social life possible. On the one hand, people’s attitudes toward one another need no longer be dominated by fear and mistrust, and so the development of social relations is no longer inhibited. On the other hand, everyone has reason to fear the sovereign’s power, and hence to obey the sovereign’s laws, and so the social order is stabilized.

But this suggests that fear does not, after all, undermine social life, at least not in all cases. It undermines social life only when, in the absence of a common authority, fear is radically decentralized, and each person has reason to fear every other person. There is something to this, but as stated it overlooks the differences between ordinary political authority and a regime of state terror. In a decent society that is governed by the rule of law, crimes are punished and the fear of punishment can be said to provide individuals with a reason for obeying the laws. Here the phrase “fear of punishment” functions as a way of characterizing a certain kind of reason for action; people’s presumed desire to avoid punishment is a consideration that counts in favor of obedience. But this does not mean that people are actually afraid or that they lead lives full of fear.<sup>10</sup> On the contrary, one of the primary advantages of the rule of law, and of a predictable, publicly promulgated and impartially administered system of punishments and sanctions, is that it enables people to avoid fear. By structuring their lives in accordance with what the law allows, they can predictably avoid the punishments and sanctions attached to violations. Of course, people who break the law, or are accused or suspected of doing so, may find themselves genuinely fearing punishment. But, leaving aside false accusations and unwarranted suspicions,

<sup>10</sup>This is related to Jeremy Waldron’s distinction between “Jack Benny-style coercion” and “Arendtian terrorization.” See Waldron, “Terrorism and the Uses of Terror,” pp. 15–16.

law-abiding citizens need not actually experience any fear of the state, even if we can truly say that the fear of punishment gives them a reason to obey. In a well-functioning state, the “fear of punishment” is not normally a condition of fear at all. For this reason, it provides no obstacle to the development of rich social relations, and indeed helps to facilitate them. For the very same reason, however, it also provides no counterexample to the thesis that a state of continual fear undermines social life.

Things are very different under a regime of state terror. Here the state deliberately keeps people afraid as a way of maintaining its grip on power and preserving the established system. In order to do this, it deliberately eliminates the features of impartiality and predictability associated with the rule of law. Power is exercised and laws are administered arbitrarily. Although there may be forms of conduct that can reliably be expected to result in arrest and punishment, there are few if any reliable ways of avoiding such outcomes. Networks of secret agents and informers may denounce people for any reason or none, and there is no independent judiciary or regime of rights to protect those who are accused. People may be imprisoned, or lose their jobs, or have their property confiscated, or be tortured or killed, without ever knowing why. Since citizens have no basis for confidence in their ability to avoid such calamities, they are kept perpetually fearful, uncertain, anxious. And since they have no way of knowing who may be an informer or an agent of the state, they are kept perpetually wary and mistrustful of one another. The point of inducing this Hobbesian condition of ongoing mutual mistrust is precisely to restrict the development of social relations and to inhibit the cooperative and solidaristic attitudes that accompany them. A regime that rules by terror recognizes these relations and attitudes as potential threats. By using fear to constrict and impoverish social life, it confirms both that fear undermines social relations and that a free social life is the antidote to fear. Thus, the fact that genuine terror can be used to preserve an established order does not falsify the observation that fear undermines social life, for social relations are indeed inhibited under a regime of terror. Notwithstanding the existence of centralized rule and a set of rigidly constrained social and economic institutions, such a regime has as much in common with the Hobbesian state of nature as it does with a political society that is subject to the rule of law.<sup>11</sup>

I have drawn the contrast between a regime of terror and the rule of law starkly, but I do not mean to deny that there can be intermediate cases. On the one hand, even the most brutal totalitarian states may need to provide selective relief from terror for certain groups of people in order to achieve their aims.<sup>12</sup>

<sup>11</sup>My discussion in this paragraph is indebted to Waldron, “Terrorism and the Uses of Terror,” pp. 18–20.

<sup>12</sup>Indeed, just as terrorist tactics are sometimes used, not to destabilize the entire social order but rather to make the place of a particular group within that order insecure, so too the apparatus of state terror is sometimes used against a subset of the population rather than against the population as a whole. Of course, such limitations tend to be unstable. Once terror is put to political use, it is hard to keep it within bounds.

On the other hand, even relatively decent governments may find it irresistible at times to use fear as a way of deflecting criticism or deflating political opposition. A judiciously administered dose of alarm can do wonders in inducing a compliant frame of mind and encouraging people to rally round their leaders. Ironically, the fear of terrorism—which is in part to say the fear of fear—seems to be a particularly effective tool for this purpose. This is one reason why governments are so eager to label their enemies as terrorists; in addition to discrediting them, the very use of the label may help to induce a state of timid docility in an otherwise restive population. But none of this undermines the argument I have been developing.

The upshot of that argument is that there are two different ways in which fear might be said to be capable of contributing to the preservation of order. Although Hobbes, to the detriment of his political theory, did not distinguish between them, neither of them falsifies the claim that fear undermines social life. It is true that, when the rule of law prevails, the fear of punishment gives people a reason to obey, yet social life is not inhibited. But since the “fear of punishment” is not, in these circumstances, a condition of actual fear, the idea that fear undermines social life remains intact. Under a regime of terror, by contrast, genuine fear is indeed used to preserve order, but since social relations are severely restricted under such a regime, the tendency of fear to compromise social life is confirmed rather than disconfirmed.

This argument may seem to prove too much for my purposes, however. If, as I have insisted, a regime of state terror does indeed undermine social life, then it may seem that such a regime cannot, after all, be said to aim at stabilizing or preserving the existing social order. Surely undermining social life is incompatible with preserving the social order. What my analysis really shows, it may be suggested, is that both terrorism and state terror use fear to destabilize or degrade the social order. The difference between them is just that terrorism hopes thereby to destabilize the existing *political* configuration, whereas state terror hopes to reinforce or consolidate that configuration. I resist this interpretation because I believe that state terror typically aims to stabilize more than just the existing political configuration. It also seeks to preserve a set of tightly controlled social and economic institutions, and in this sense it aims to stabilize an entire social order—albeit a severely constrained one—and not merely a government. Despite the fact that it uses fear to inhibit certain kinds of social relations and thus to restrict social life, in other words, it does nevertheless seek to preserve a rigidly constrained social order, in the sense just specified. To be sure, the fact that social life is so severely compromised under such a regime means that the social order that is preserved is bound to be a grim and dystopian one. Still, I think it would be a mistake to deny that it is a social order at all or to ignore the fact that the regime aims to stabilize and preserve it.<sup>13</sup>

<sup>13</sup>I am grateful to Jay Wallace and to an anonymous referee for prompting me to clarify these points.

If this is correct, then it is possible to reaffirm and to expand upon my earlier observations about the relationship between terrorism and state terror. In the standard cases, I have said, terrorism involves the use or threat of violence to generate fear, with the aim of degrading or destabilizing an existing social order. State terror, on the other hand, standardly involves the use or threat of violence to generate fear, with the aim of stabilizing or preserving an existing social order—albeit a grim and tightly controlled one. There is, accordingly, a significant difference between terrorism—even terrorism perpetrated by a state—and state terror. They represent different ways of using terror for political purposes. But they exploit a common mechanism: the capacity of fear to undermine social life. As I have argued, terrorism of the standard kind uses this mechanism to degrade the institutional structures and patterns of activity that help to constitute and sustain an existing social order. State terror, by contrast, uses the same mechanism to subvert or prevent the emergence of cooperative social relationships that might pose a threat to the power of the state or to the character of the prevailing social and economic arrangements. People are kept chronically fearful and mistrustful of one another so that, even if they have the resources and opportunities to do so, they will be unwilling or unable to form the kinds of groups, associations and social networks that might become independent centers of influence, facilitate the emergence of critical voices and perspectives, or in other ways challenge the status quo. Under a regime of state terror, fear is used by the state to keep social relations impoverished so that a rigidly constrained social and economic order can be preserved and protected from challenge.

I think that this contrast helps to explain why terrorist violence is so often calculated to attract maximum publicity, whereas so much of the violence associated with state terror is carried out in secret. Terrorists aim to promote chaos and disarray as a way of subverting the social fabric. They want people running for cover. The perpetrators of state terror want to promote order and regimentation. They want people marching in step. Spectacular acts of public violence are designed to produce disruption and panic. The shadowy operations of secret police and paramilitary groups are designed to produce silence, conformity and the desire to make oneself inconspicuous, to attract no notice.<sup>14</sup>

One additional complication should be noted. I have been distinguishing between terrorism and state terror: between the use of fear to degrade or destabilize an existing order and the use of fear to stabilize or preserve an existing order. But I have emphasized that states can engage in both forms of activity. It is natural to wonder whether the reverse is also true. Can non-state groups use fear to stabilize an existing order? Although the label “state terror” is obviously

<sup>14</sup>Of course, show trials and public executions can also help to produce these effects, and they too are familiar devices of state terror. But silence and conformity are not normally achieved by setting off bombs in public places or by using other standard terrorist tactics.

not appropriate to such cases, I believe that the answer is yes. For example, non-state groups may use violence to terrorize an oppressed or subordinated population, with the aim of reinforcing an established system of caste or hierarchy or defeating attempts to dismantle such a system. (Think, for example, of the Ku Klux Klan.) We can think of these as cases of “sub-state terror,” in which fear is used to police the boundaries of a social hierarchy, to block the development of new social movements, or to inhibit social change. The use of fear to stabilize an existing order is no more the exclusive province of the state than the use of fear to destabilize such an order is the exclusive province of non-state actors. The reason for distinguishing between terrorism, on the one hand, and state or sub-state terror, on the other, is to highlight the distinction between these two different uses of fear, and not to suggest a distinction between two different categories of agents.

### CONCLUSION

The title of this paper poses a question. The answer that has emerged from my discussion is as follows. Terrorism is morally distinctive insofar as it seeks to exploit the nexus of violence and fear in such a way as to degrade or destabilize an existing social order. Terrorist acts may have many functions other than the degradation of the social order, and the degradation of the social order may itself be intended to serve different purposes. But insofar as it conforms to the “standard” pattern I have described, terrorism has a morally distinctive character, whatever other functions and purposes individual instances of it may also serve. If, as is often the case, the term is applied more widely, then one consequence may be that terrorism so understood is not always morally distinctive. For example, we saw earlier that many philosophers now believe the term should be taken to refer to any politically motivated violence that is directed against civilians or noncombatants. If we accept this usage, then some acts of terrorism may turn out not to differ much in their moral character from murders and assaults that do not qualify for the “terrorist” label. David Rodin, who advocates a definition of this sort, concludes that terrorism is just “the political or ideological species of common violent crime.”<sup>15</sup> This usage makes the distinctive character of the “standard cases” easier to overlook. And the distinctiveness of those cases will certainly be easier to overlook if terrorism is defined instead as political violence that is perpetrated by non-state actors. If we rely on this kind of definition, then some of what I have been calling “the standard cases” will turn out to be instances of terrorism while others will not.

I do not take these considerations as reasons for insisting on a definition of terrorism that limits it to the standard cases. But I do think that the word “terrorism” is morally suggestive precisely because “terror” is its linguistic root,

<sup>15</sup>See David Rodin, “Terrorism without Intention,” p. 757.

and that if we define the term in a way that effaces or even breaks the connection between terrorism and terror, as the definitions just mentioned do, then we are liable to miss some of the moral saliences toward which the word “terrorism” gestures.<sup>16</sup> The currency of that particular word, which adds to the already rich vocabulary we have for describing violence of various kinds, testifies to the power of fear and to the peculiar moral reactions evoked by its deliberate use for political ends. It is perfectly possible that, under the pressure of ideology or confusion or convenience, our usage of the term may evolve in such a way that it applies in some cases where fear plays no role and does not apply in some of what I have been calling the standard cases. Indeed, this may already have happened. But then we will need to find other ways of reminding ourselves of how bad a thing fear is, of the diabolical ways in which it can be provoked and exploited for political purposes, and of the specific character of our moral reactions when that happens.<sup>17</sup>

<sup>16</sup>Many other writers have insisted on the importance of fear for an understanding of the morality of terrorism. See, for example, Robert Goodin, *What's Wrong with Terrorism?*, Jeremy Waldron, “Terrorism and the Uses of Terror,” and Carl Wellman, “On Terrorism Itself,” *Journal of Value Inquiry*, 13 (1979), 250–258.

<sup>17</sup>This paper was originally written for a conference on terrorism organized by Joseph Raz at the Columbia Law School in December, 2004. A later version was presented as a lecture at the Mershon Center at Ohio State University in May, 2005. I am indebted to both audiences for valuable discussion. I also received helpful written comments from Julie Tannenbaum, Jay Wallace, Robert Goodin and three anonymous referees for this journal.