

Phil 108, March 13, 2014
Terrorism

A moral definition:

The aim is a “moral definition” of “terrorism”: which

- captures at least recognized core cases of terrorism and
- explains why we feel that it is specially wrong.

Four kinds of features invoked in definitions of terrorism:

1. *Tactical*: how acts of terrorism are performed. E.g., the attack seems random from the point of view of the victims.
2. *Teleological*: what aims terrorists have. E.g., that the ultimate aims are political, ideological, religious; that the act is coercive, or aims to create terror.
3. *Agent-focused*: who the terrorists are. E.g., non-state actors.
4. *Object-focused*: who the victims are. E.g., innocent, civilian, noncombatant.

Rodin’s definition:

Terrorism is the:

- (i) deliberate, negligent, or reckless use of force against noncombatants (4),
- (ii) whether by state or non-state actors (3),
- (iii) for ideological ends (2), “a systematic scheme of ideas, usually relating to politics or society, or to the conduct of a class or group, and regarded as justifying actions,” not e.g., anger, lust, personal gain,
- (iv) in the absence of a substantively just legal process (1? 3? 4?).

The morally important element is (i). What makes terrorism distinctively wrong is that it involves the use of force against *impermissible targets*.

We need (iv) to distinguish terrorism from *mere enforcement of the law*.

We need (iii) to distinguish terrorism from *domestic crime*, such as murder, rape, robbery. But it is not as important for our moral judgments. Terrorism is just “the political or ideological species of common violent crime.”

Impermissible targets=noncombatants?

- Perhaps not permissible to kill combatants?
- Perhaps permissible to kill noncombatants? (McMahan)

If we accept that what is wrong with terrorism is the use of force against impermissible targets, then...

- No exclusion of *state* actors. E.g., bombing of Rainbow Warrior by French agents.
- No requirement that the actor *aim* at terror. “Perhaps the terrorist is just confused about what the effects are likely to be, or perhaps his moral compass is so distorted that he believes himself to be benefiting his victims and their community, as is apparently the case with members of the Aum Shinrikyo cult.”
- No requirement that harm be *intended*. Negligence or recklessness is enough.

The basic moral requirement is “to observe a reasonable standard of care in one’s actions and not to undertake unreasonable risks.” One may fail to do this,

- “by possessing a direct intention to cause harm,
- by possessing an oblique intention to cause harm, or
- by possessing no intentional attitude toward the harm at all, as when one fails to foresee a

harmful consequence of one's action that one could have been reasonably expected to foresee and avoid."

The standard of care is higher when the activity:

- is more dangerous,
- is more closely causally related to the harm,
- is carried out by highly trained professionals.

So, the standard of care required of bombers is very high. So, unintended noncombatant fatalities are very likely to be the result of negligence or recklessness.

"[T]he unintentional killing of some noncombatants in the course of military operations is morally culpable to the same degree and for the same reasons that typical acts of terrorism are culpable."

Scheffler's approach:

- It is understandable why theorists are drawn to a broad definition along the lines of Rodin's. Narrower definitions may seem to suggest that the activities that they leave out are somehow less wrong. And this may seem to be a double standard, which favors the violence of established states.
- Nevertheless, the broad definition may obscure the distinctive way in which terrorism is wrong. Terrorism may be wrong *in a different way* from other kinds of violence against noncombatants, without the latter being *less* wrong.

Scheffler's definition:

In "the standard cases," terrorism

- deliberately harms a random group of noncombatants,
- with the aim "to produce fear within some much larger group of people,"
- in the "hope that this fear will in turn erode or threaten to erode the quality or stability of an existing social order," either (i) to replace it with a different social order, (ii) to effect some change of policy, or (iii) to punish or take revenge.

Terrorism thus exploits Hobbes's insight that constant fear of imminent violent death precludes the instrumental and noninstrumental benefits of social life.

This explains why it is important that terrorism inflicts, or is made to seem to inflict, harm randomly. If the attacks don't discriminate between people who are and are not such-and-such, then one can't say, "It won't happen to me, because I'm such-and-such." So randomness increases the number of people who feel fear, and so does more to undermine the social order.

In terrorism, the "primary victims" are used—their deaths and injuries are used—to terrify others, and these "secondary victims" are used—their fear and terror are used—to degrade and destabilize the social order. In other cases of deliberately harming civilians for some military or political end, there is mere *disregard* for the effect on the secondary victims. "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."

Terrorism by states vs. state terror:

States can commit acts of terrorism, so defined. E.g., "terror bombing." Also domestic attacks "in order to create a limited degree of instability, with the aim of discrediting its opponents or generating increased support for repressive policies."

However, “state terror” is different from terrorism perpetrated by states. State terror is a state’s harming members of its own population,

- in order to spread fear that will undermine social life—*like* terrorism,
- in order to prevent the emergence opposing social forces, so as to *preserve* the established order—*unlike* terrorism. “People are kept chronically fearful and mistrustful of one another so that... 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.”

Here, as with terrorism, *randomness* is a powerful tool. “Networks of secret agents and informers may denounce people for any reason or none... People may be imprisoned, ... or be tortured or killed, without ever knowing why. 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.”

Review Questions:

1. Recall from our discussion of the Doctrine of Double Effect the pair of cases, Terror Bomber and Strategic Bomber. Would Rodin think that there is any morally relevant difference between these? Why or why not?
2. Give an example of what Scheffler would call “terrorism” by states. Just as there can be terrorism by states, can there be what Scheffler calls “state terror” by *non*-states? That is, can non-state groups use fear to stabilize an existing order? What might an example be?