

## THE SENSES OF TERRORISM

MARK RIGSTAD, OAKLAND UNIVERSITY

### Introduction

There is far more agreement in ordinary discourse about the negative connotation of ‘terrorism’ than about the empirical denotation of the term. This fact is commonly thought to be a good reason for departing categorically from the ordinary appraisive meaning of ‘terrorism’ and attempting to construct a value-neutral definition. The truism that one person’s terrorist is another person’s freedom fighter is treated as a bad conclusion that can be avoided monologically by offloading moral signification.<sup>1</sup> To the contrary, I shall contend here that the problem of divergent moral judgments cannot be solved by means of conceptual reconstruction. It would be unreasonable to expect that one can discover or construct the precise definition of ‘terrorism’ that will finally put an end to all conceptual disputation. Instead, the more modest dialogical aim pursued here is to map the area of broadest conceptual overlap discoverable among competing senses of ‘terrorism’. After exposing the methodological errors involved in attempting to value-neutralize the concept, I defend an effects-based approach to the taxonomy of ‘terrorism’ that builds out from a central conceptual connection between the term’s negative connotation and a widely shared moral presumption against the killing of innocent non-combatants. Although this approach to the core meaning of ‘terrorism’ is far from value-neutral, it has a number of virtues to recommend it. First, it has the political virtue of even-handedness in the way it enables competing appraisals of asymmetric conflicts. Second, it has the ethical virtue of being flexible enough to accommodate nuanced appraisals of various modes and degrees of terrorist violence. And third, it has the empirical virtue of being useful for purposes of rigorous social scientific research.

---

<sup>1</sup> See, for example, Lionel K. McPherson, “Is Terrorism Distinctively Wrong?” *Ethics* 117 (April 2007): 526.

## Of the Methods of Defining Terrorism

It would be arrant folly to attempt to delineate a full conceptual profile of ‘terrorism’ by means of an analysis of ordinary language philosophy. Due to the concept’s heavy workload as a contentious term of political rhetoric, there is simply too little agreement about its proper usage to expect that conventional linguistic intuitions can disclose definitive conceptual boundaries. As a complex, ambiguous, and persistently vague term that speakers use aggressively and defensively in competing appraisals of political conduct, ‘terrorism’ bears all the hallmarks of an “essentially contested concept.”<sup>2</sup> Yet, as I shall argue here, it is also unwise, and perhaps equally so, to struggle at uprooting the ordinary core appraisive meaning of the term in an effort to trim back an excessive and tangled profusion of senses. Ordinary language cannot always have the last word in philosophical analytics, but it should at least get the first word in distinguishing essential root meanings from dispensable offshoots. Otherwise, if we abandon too early the search for shared meanings, we run the risk of merely supplementing the proliferation of divergent verbal constructs, which would only fuel the sense that terrorism is in the eye of the beholder.

The language games that give currency to the concept of ‘terrorism’ have less to do with efforts at careful sociological description than with the interplay of political name-calling. Although recent philosophical discourse has focussed on the concept of ‘terrorism,’ the ‘terrorist’ label dominates everyday discourse, and it is nearly always applied as a term of negative ethical appraisal. It is generally understood that, other things being equal, to call some person a ‘terrorist,’ or to call some group a ‘terrorist organization,’ is to condemn them for some serious ethical shortcoming or transgression. Ordinarily the application of the ‘terrorist’ label, and the implicit imputation of ethical fault, is made on the basis of some ‘terrorist act’ or series of ‘terrorist acts.’ The concept of ‘terrorism’ designates the class of phenomena associated with these acts and the agents who perform them, and it is therefore also at least presumptively condemnatory. Indeed, the negative ethical presumption against terrorism is strong enough that the phrase ‘ethical terrorist’ seems nearly oxymoronic.<sup>3</sup> In this respect, the

---

<sup>2</sup> Alex P. Schmid, “Root Causes of Terrorism: Some Conceptual Notes, a Set of Indicators, and a Model,” *Democracy and Security* 1 (2005), p. 127. The seminal account is W. B. Gallie, “Essentially Contested Concepts,” *Proceedings of the Aristotelian Society*, 56 (1956), pp. 167-98.

<sup>3</sup> Jeremy Waldron asserts that the phrase ‘ethical terrorist’ is straightforwardly oxymoronic, albeit only in relation to *his* ethical values, but not necessarily in

concept of ‘terrorism’ has more in common with other terms of ethical shortcoming, such as ‘scoundrelism,’ than with ethically neutral terms of mechanical or tactical behaviour, such as ‘flanking,’ ‘frontal assault,’ or the ‘Parthian shot.’ This observation should give us pause when we encounter definitions of terrorism that make it out to be, in essence, some particular kind of tactic.<sup>4</sup> Terms of negative appraisal such as ‘tyranny,’ ‘torture,’ and ‘terrorism’ certainly pick out phenomena that have tactical elements, but their core meanings reflect ethical concerns. It is therefore more methodologically sound to approach the task of conceptual mediation by grounding the usage of such concepts in broadly shared values than to attempt to render them value-neutral.

Attempts to articulate fully value-loaded conceptions of ‘terrorism’ are often thought to be wrongheaded, however, on grounds that it is more appropriate to produce a value-neutral or ‘operational’ definition.<sup>5</sup> Operationalist approaches are typically defended, rather quickly, with the charge that building substantive ethical content into the concept begs the question of whether terrorism is ever ethically justifiable.<sup>6</sup> Yet, this charge is arguably misplaced. Since the nature of the problem depends upon the kind of definition under critical scrutiny, it will be helpful to rough out some familiar heuristic distinctions that might clarify how best to construe the definitional task. Since this account provides considerable warrant for our value-laden approach to analyzing the senses of ‘terrorism,’ those who

---

relation to every value system that could be classified as ethical. See his “Terrorism and the Uses of Terror,” *The Journal of Ethics* 8 (2004) 5-35, p. 29.

<sup>4</sup> In “Terrorism and Innocence,” *The Journal of Ethics*, Volume 8, pp. 37–58, 2004, C. A. J. Coody presents what he characterizes as a “tactical” rather than a “status” definition of terrorism, though it clearly is firmly rooted in ethical concern for the protection of innocents from harm.

<sup>5</sup> ‘Operationalism’ is the theoretical effort to define terms of political understanding in precise terms that are neutral with respect to speakers who have conflicting values, preferences and sympathies. For a classic statement, see Felix Oppenheim, *Political Concepts: A Reconstruction* (Oxford: Basil Blackwell, 1981).

<sup>6</sup> Virginia Held, “Terrorism, Rights and Political Goals,” in R. G. Frey and Christopher W. Morris (ed.), *Violence, Terrorism, and Justice* (Cambridge: Cambridge University Press, 1991), pp. 65-72; Andrew Valls, “Can Terrorism Be Justified?,” in Andrew Valls (ed.), *Ethics in International Affairs: Theories and Case* (Lanham, MD: Rowman & Littlefield, 2000), pp. 65-79; Lowe, Scott C., “Terrorism and Just War Theory,” in Margaret Breen (ed.), *Understanding Evil: An Interdisciplinary Approach* (Amsterdam: Rodopi, 2003); Gabriel Palmer-Fernandez, “Terrorism, Innocence, and Justice,” *Philosophy and Public Policy Quarterly* 25, No. 3 (Summer 2005), p. 24.

wish to defend the operationalist approach would do well to show that I am mistaken about definitions.

A nominal definition is one that merely explicates the *definiendum* by describing or stipulating an equivalent linguistic expression or *definiens*. Whereas a descriptive nominal definition may be true or false as a representation of existing linguistic convention, a purely stipulative nominal definition is an act of will that prescribes a possible convention, the acceptance or rejection of which is governed by practical reasons. A positive definition (sometimes also called a real or true definition) is more ontologically ambitious. It differs from a nominal definition in that the *definiens* not only explicates the *definiendum* as a signifier, but it also purports to capture the nature of the object domain or phenomena that the *definiendum* signifies. Thus, only a positive definition of ‘terrorism’ may be said to succeed or fail to accurately describe or adequately explain the phenomena of terrorism.

Now, if begging the question is understood in the classic monological sense as the attempt to prove a non-self-evident proposition by means of itself,<sup>7</sup> then there is good reason to think that purely *nominal* value-loaded definitions cannot, as a matter of propositional logic, beg substantive ethical questions. Here the charge of question-begging would suppose that a mere nominal definition can itself be a substantive ethical proposition. This supposition obviously must be considered false if we grant the anti-realist thesis that there is no such thing as a genuinely truth-valuational proposition with substantive ethical content. But what if we grant, as I do, the realist thesis according to which substantive ethical judgments about human conduct may indeed be treated as truth-valuational propositions? Even so, attempts to derive such propositions from descriptive or stipulated conventions about linguistic equivalents would not exactly constitute begging the question in the classical sense. Rather, the problem with such attempts is that they commit a version of the naturalistic fallacy.<sup>8</sup> Although we should avoid this error, we certainly do not commit it by leaving the appraisive meaning of ‘terrorism’ intact. Indeed, the nominal definitions of ‘terrorism’ that are most prone to this error are those which purport to be value-free.

To be sure, by defining ‘terrorism’ *nominally* as, say, ‘ethically unjustifiable political violence,’ one would be supplying a definitive response to the question of ‘whether terrorism is ever ethically justifiable.’ But this would not amount to *question begging* in the classical sense,

---

<sup>7</sup> Aristotle, *Prior Analytics* 64b37.

<sup>8</sup> R. M. Hare, *The Language of Morals* (Oxford: Clarendon Press, 1952), p. 91.

because it merely describes or stipulates a linguistic rule, but does not assert as true any proposition about the world of human conduct. Rather, it would be *question revising*, because it suggests that it is nonsense to ask whether terrorism is ever justifiable, and that we should ask some other question instead. We would do better, for example, by asking, ‘What kinds of political violence should we strictly proscribe as instances of terrorism?’ or ‘How should we distinguish between justifiable and unjustifiable forms of political violence?’ The point here is not to defend this absolutely proscriptive nominal definition, which is probably too strong, and clearly too broad and empirically thin to be complete. Rather, the point is that even a nominal definition as categorically and vehemently value-laden as this one would still leave open the real substantive ethical questions about political violence. We would do better to start by noting that terrorism is at least presumptively (and strongly so) condemnable political violence, and by proceeding to fill in the empirical details by means of ethical reasoning.

The uses of ‘terrorism’ and the issue of question-begging are not limited, of course, to the construction of deductively sound monological arguments. As a term of presumptive condemnation, ‘terrorism’ also has a pragmatic and performative dimension. Nominal definitions do not typically beg substantive ethical questions, because such questions are typically about proper conduct, not proper linguistic usage. Yet, this observation is subject to an important qualification, because the distinction between speaking and acting does not always hold up in the realm of political practice. Within the pragmatic-performative dimension of political speech, purely nominal definitions of ‘terrorism’ may have direct implications for human conduct, as Hobbes clearly understood.<sup>9</sup> Consider the fact that the ‘terrorist’ label, when employed by legislators or by heads of state, for example, often enunciates legal threats or declarations of war. In light of this fact, it is evident that a nominal definition of ‘terrorism’ that becomes incorporated into the grammar of legal conventions or official policies can have direct *practical* implications for political speech acts, and for the forceful and violent consequences of those acts. This qualification does not, however, lend support to the operationalists’ contention that the task of defining ‘terrorism’ should be free from the guidance of ethical values. Quite the contrary, since the concept of ‘terrorism’ is itself often an engine of political violence, it is appropriate, even crucial, to carry on the discussion of its proper grammar in terms that convey the true weight of relevant human values.

---

<sup>9</sup> Thomas Hobbes, *Leviathan*, Book I, chapter iv.

Insofar as arguments about the meaning of ‘terrorism’ can be understood as clashes over the pragmatic grammar that governs the performance of sometimes momentous political speech acts, nominal definitions of ‘terrorism’ that are merely *stipulated* without supporting practical reasons are indeed question-begging in a second, pragmatic and dialogical sense. In this sense, to beg the question at hand is to fail to advance the “probative” aim of argument, which is to overcome or reduce the reasonable doubts, reservations or objections of one’s interlocutor.<sup>10</sup> Naked stipulations clearly lack probative value in arguments concerning the question of what instances or modes of political violence ought to be labelled as ‘terrorism’ and treated as violations of relevant ethical standards. Suppose, for example, that the issue at hand concerns the ethically appropriate conditions for making declarations of counter-terrorism warfare. Public officials cannot expect to allay the doubts that reasonable dissenters have about the justice or humanity of some substantive counter-terrorism war policy by stipulating unilaterally that by ‘terrorism’ they mean ‘the greatest human evil on earth.’ The problem of question-begging here has nothing to do with the lack of value-neutrality achieved by the definition, however. The dissenter does no better by counter-stipulating that nominally ‘terrorism’ means nothing more than ‘tactics of the weak,’ which is a seemingly value-neutral phrase. Rather, the problem is that ethically unsupported stipulations of nominal linguistic equivalencies have no dialogical probative value. The probative value of a linguistic stipulation for the nominal meaning of ‘terrorism’ is a function of the substantive value-loaded ethical reasons that can be put forth in its defence. Stipulations about the grammar of ‘terrorism’ ought therefore to be conclusions, not basic premises, of ethical reasoning. Yet, to the extent that we follow this recommendation, our definition of terrorism will tend to be positive, not merely nominal and stipulative.

In contrast, *descriptive* nominal definitions of ‘terrorism’ may indeed be salient premises of ethical arguments if what counts as a good answer to the question of what modes of political violence merit strongly presumptive condemnation is determined by, and relative to, the linguistic consensus of one’s ethico-political community. If we all agree, say, that ‘terrorism’ means ‘political violence *deliberately* perpetrated against innocent non-combatants,’ and we all agree on the signification of the terms of this *definiendum*, then this political grammar is *de facto* accepted as authoritative for us. But if we represent only one community among others

---

<sup>10</sup> Douglas Walton, “Epistemic and Dialectical Models of Begging the Question,” *Synthese* (2006) 152: 237–284.

with whom we might disagree, then we have not overcome the problem of terrorism being in the eyes of its beholders. Hence, the probative value of descriptive nominal definitions of ‘terrorism’ is limited by the extent to which conventional meanings are ethically contested or unsettled. Descriptive nominal definitions of contested terms of political discourse are essentially parochial or partisan. The fact that a particular socio-linguistic convention can be found to govern the pronouncements of a reigning policy establishment does nothing to allay the indignation of dissenters who have grave doubts about the probity of those pronouncements, especially if the latter also have doubts about the legitimacy of the established regime. And the fact that oppositional social groups embrace different conventions has no greater probative value. Only a universally accepted linguistic convention would have universal probative value as a premise of ethical arguments about terrorism. Yet, no such convention currently exists. So, the philosophical task would appear to be the task of generating global linguistic consensus. And there is perhaps no better means of accomplishing this task than by appeals to values that are worthy of global consent.

In light of the probative limitations of merely nominal definitions, it is perhaps best to see the philosophical task as one of working towards a positive definition of terrorism.<sup>11</sup> On this approach, the task is not merely to define ‘terrorism’ as a signifier, but also to define terrorism as the signified class of phenomena. In order to avoid question-begging, a definition that is positive in this sense is also best defended as a conclusion of supporting ethical arguments, rather than intuited as a self-evident premise. The classic approach is to search for criteria that differentiate terrorism from other species of its genus. Here again, insofar as ‘terrorism’ ordinarily picks out phenomena of political violence that are at least presumptively condemnable, and are sometimes liable to legal threats and armed responses, it seems odd to suppose that criteria for its application should not reflect substantive and widely shared ethical values. Again, as with

---

<sup>11</sup> Aristotle is a traditional source for the notion that a definition is “a phrase signifying a thing's essence.” See *Topics and Sophistical Refutations*, Book I, chapter 5, 101b38, in *The Complete Works of Aristotle: The Revised Oxford Translation*, vol. 1, W. A. Pickard-Cambridge trans., J. Barnes ed. (Princeton: Princeton University Press, 1985). Although he was critical of Aristotle’s approach to the definitional task, preferring to define things (substances and modes) in terms of their causes, Baruch Spinoza also held that a true definition “involves nothing and expresses nothing but the nature of the thing defined.” See *Ethics*, G. H. R. Parkinson trans. (New York: Everyman Classics, 1989), Part I, proposition viii, note 2.

nominal definitions, the reasons that justify acceptance of a positive definition of terrorism must be rooted in ethical values if legitimate applications of the presumptively condemnatory meaning of the 'terrorist' label are to retain their conventional legal and political force.

Value-loaded positive definitions may also be necessary for purposes monological soundness in ethical arguments. If calling someone a 'terrorist' is to condemn them, then the positive definition of terrorism must be constructed in condemnatory terms. Positive definitions of terrorism in terms that are less than presumptively condemnatory are only appropriate if the presumptive condemnability of terrorism is a linguistically contingent matter. Yet, if norms presumptively condemning terrorism also enjoin us to speak about terrorism in condemnatory terms, then such terms are appropriate elements of an ethically acceptable positive definition.<sup>12</sup> Some support for this way of thinking about the grammar of 'terrorism' may be gleaned from ordinary linguistic practice. Precisely because we are inclined to use 'terrorism' as a term of presumptive condemnation, we are also inclined to look askance at anyone who proclaims that they 'approve of terrorism.'

In light of these considerations, it is worth noting that the two divergent options are available to those who would dissent from conventional condemnatory meanings of the 'terrorist' label. The first is to argue that, in reality, terrorism is not as malicious as the conventional conception suggests. Here, the discursive strategy of off-loading condemnatory content from conventional usage makes sense. This strategy is pragmatically problematic, however. It is exceedingly difficult to overcome by means of sociological explanation and linguistic reconstruction the very powerful conventional link that exists between the condemnatory connotation of 'terrorism' and its institutional use as a device of political mobilization. Yet, an alternative strategy that is available to reasonable dissenters involves leaving the core condemnatory connotation of 'terrorism' intact while offering a critique of conventional senses of the term, and drawing attention to neglected senses. In response, proponents of conventionally or officially accepted conceptions of terrorism may respond with value-loaded arguments of their own for why the dissenters' cherished senses of terrorism are justifiably neglected. Once again, the availability of these discursive strategies reveals that the probative value of a positive definition of terrorism is not diminished merely by virtue of the fact that it has been fleshed out in value-loaded terms. The problem with these

---

<sup>12</sup> Robert M. Gordon, "Socratic Definitions and 'Moral Neutrality'," *The Journal of Philosophy*, Vol. 61, No. 15. (Aug. 6, 1964), p. 449.

discursive strategies is, of course, that the probative value of dialectical value-loaded arguments depends upon the peculiar values, sensibilities, concerns, priorities and passions of one's audience, including one's rhetorical opponent. Yet, this problem is not necessarily intractable, because the appeal to shared values is precisely the plane of equivalence upon which the possibility of dialogical mediation resides. We should therefore look to such values as the building blocks of a reasonable and impartial approach to defining terrorism.

Given the plenitude of political circumstances and exigencies, to begin an analysis of terrorism by noting that it is 'presumptively condemnable political violence' is to leave open the question of whether it is ever justifiable. If it is reasonable to leave this question open, then *ceteris paribus* it is just as question begging in the construction of a positive definition of terrorism to take ethical content *out* of the ordinary meaning of the concept as it is to build such content *in*. Indeed, the only non-question-begging approach to conceptual analysis is to start with the pre-theoretical meaning of the concept. Hence, the problem with theories that seek to construct putatively operational definitions of pre-theoretically value-loaded concepts must ultimately trade upon the ordinary meanings that they seek to revise. Otherwise their idiosyncratic constructions would not appear to be about the phenomena in question at all.<sup>13</sup> Given that the concept of 'terrorism' clearly has a value-loaded pre-theoretical meaning, it is actually *more* question begging to take an operationalist approach to its analysis than to construct a fully normative meaning rooted in theoretical reflection on relevant ethical values. A mere "persuasive definition," after all, is one that alters the ordinary meaning of a value-loaded concept.<sup>14</sup> Similarly, we could hardly strive for meaningful value-neutrality by constructing operational definitions of 'evil,' 'corruption,' 'tyranny,' 'rogue state,' 'genocide,' 'torture,' and the like. Better to accept the linguistic fact that these concepts are at least presumptively condemnatory in their core expressive meanings, and thereupon to proceed in the search for intuitive, widely shared, and reasonably impartial ethical considerations that might ground their application in particular cases.

The question of whether any given value-loaded positive definition of terrorism begs the question of the conceptual limits of its justifiability hinges upon two issues. The first issue, as we have already noted, concerns

---

<sup>13</sup> For a like-minded observation about the linguistic constructions of philosophical scepticism, see Stanley Cavell, *Must We Mean What We Say* (Cambridge: Cambridge University Press, 1976), p. 60.

<sup>14</sup> Stevenson, C. L. (1938) "Persuasive Definitions" *Mind* 47: 331-350

whether the conceivable justifiability of terrorism is a contingent matter. If so, then it should be conceivable that a terrorist act might be justifiable under some conceivable circumstances, however unlikely. If not, then it seems reasonable to suppose, given the plenitude of conceivable circumstances, that a definition according to which terrorism is necessarily unjustifiable is a poor candidate for being a positive definition. Any conception of terrorism that implies the absolute unjustifiability of the corresponding phenomena is almost certain to be a mere nominal definition (like the one mentioned above). Here, it seems that a reasonable conceptual limit of any non-question-begging positive definition of terrorism would be that it should allow an act of terrorism to be ethically justifiable if its performance is almost certain to bring an end to all further ethically unjustifiable acts of political violence. As far as I know, no deliberately value-loaded definitions of terrorism offered in the relevant theoretical literature exceed this limit. So, there is no reason to suppose that placing this reasonable conceptual limitation on positive definitions of terrorism should demand that the concept be given a purely value-neutral or non-moral sense. The second issue regarding the probative value of value-loaded positive definitions of terrorism concerns whether the empirical criteria for applying ‘terrorism’ to its proper object-domain can be adequately specified without the guidance of ethical reasoning. On this point, I have serious doubts, which I shall elucidate in the next section.

Lionel McPherson raises two slightly different objections to value-loaded analyses of terrorism. His first worry is that building “unqualified wrongness” into the definition entails that terrorism is categorically evil, and therefore necessarily more evil than conventional warfare, which is at most conditionally evil. To the contrary, he wishes to make good sense of the judgment that conventional warfare may be just as evil as terrorism in terms of “the harm it does to ordinary non-combatants.”<sup>15</sup> In response to this objection, it is sufficient to note that the accounts to which McPherson demurs do not actually conceive of terrorism as an absolute evil.<sup>16</sup> Moreover, for purposes of proportionality in the condemnation of both conventional and unconventional modes of political violence, it is not necessary to adopt a “non-morally descriptive” definition of terrorism. As we shall see in the next section, a fully value-loaded analysis of terrorism can do a better job of supporting the intuition that conventional warfare is

---

<sup>15</sup> McPherson, *op. cit.*, p. 546.

<sup>16</sup> He mentions David Rodin, “Terrorism without Intention,” *Ethics* 114 (July 2004), pp. 752-771; and Michael Walzer, “Terrorism: A Critique of Excuses,” in *Arguing about War* (New Haven, CT: Yale University Press, 2004), pp. 51-66.

sometimes just as condemnable as the unconventional insurgency tactics that are often associated with terrorism. As preliminary support for this point, it is worth noting here how McPherson describes the moral equivalence between certain acts of conventional warfare and ‘terrorism’ as he defines it. According to his definition, terrorism is “the deliberate use of force against ordinary noncombatants, which can be expected to cause wider fear among them, for political ends.”<sup>17</sup> This definition is then supposed to allow us to distinguish between acts of terrorism and acts of conventional warfare in a way that does not imply any “deep moral difference” between them.

For example, the September 11, 2001, attacks on the World Trade Center unambiguously count as terrorism, whereas the U.S. firebombing of Tokyo during World War II might count as, say, ‘quasi-terrorism’ in its heavy and foreseeable, if technically collateral, infliction of noncombatant casualties.<sup>18</sup>

It is, of course, highly controversial whether the firebombing of Tokyo (and many other Japanese cities) should be viewed as involving mere ‘collateral damage,’ or whether it should be viewed as ‘terror bombing.’ Whereas the latter description is presumptively condemnatory, the former suggests that the fire-bombing of Tokyo was a presumptively justifiable act of war that satisfied the traditional principle of double-effect. This traditional principle is, of course, philosophically controversial. And the notion of ‘collateral damage’ is sometimes with good reason derided as an overworked political euphemism.<sup>19</sup> McPherson’s implicit reliance upon this controversial ethical principle makes it difficult for his definition of terrorism to adequately express the moral equivalence that he seeks in theory to support.

McPherson’s second worry about value-loaded conceptions of terrorism is that they open the door to subjectivity and relativism. He contends that since negative emotional reactions to “core instances of terrorism” vary from one person to the next, and from one community to the next, it is a good idea to avoid relying on such reactions in analyzing the concept.<sup>20</sup> He is certainly right to point out the pitfalls of basing one’s conceptual analysis upon too narrow and one-sided a diet of examples of

---

<sup>17</sup> McPherson, p. 527.

<sup>18</sup> Ibid.

<sup>19</sup> See, for example, Peter S. Temes, *The Just War: An American Reflection on the Morality of War in Our Time* (Chicago: Evan R. Dee, 2003).

<sup>20</sup> Lionel K. McPherson, “Is Terrorism Distinctively Wrong?” *Ethics* 117 (April 2007) 524-546, p. 526.

what gets labelled as ‘terrorism’. The danger, of course, is that one’s paradigmatic terrorist will likely be another’s just warrior. Yet, there is no reason to suppose that this problem is essentially one of linguistic variance that can be solved by definitional fiat. People have divergent emotional responses to particular instances of political violence, not because they lack a shared linguistic convention, but typically because they have divergent political sympathies. Hence, the method of discursive mediation that we shall pursue here, which involves searching for underlying values that are shared even among political enemies, is preferable to the methodology of operationalism.

Operationalism is born of the wish that the terms of political understanding should somehow transcend the domain of human values. Yet, for terms as ordinarily value-loaded as ‘terrorism,’ this methodology seems misplaced. It is notoriously impracticable to operationalize even the simple notion of ‘power.’<sup>21</sup> Far less hopeful is the prospect of constructing a meaningful conception of ‘terrorism’ from which all ethical content has been expunged. Alex Schmid’s well-known study of social-scientific conceptions of ‘terrorism,’ published nearly twenty years ago, canvassed 109 different definitions of the term.<sup>22</sup> A similar study conducted today would no doubt discover an even greater variety of definitions. Accordingly, Schmid has more recently concluded that, “terrorism is an essentially contested concept in political discourse.”<sup>23</sup> In response to this difficulty, Jeremy Waldron complains that, “except for legal purposes,” the task of defining terrorism is “probably not an enterprise worth undertaking... particularly so if a proposed definition is supposed to be answerable to ordinary language, because ordinary language is of course permeated and distorted by the effects of the emotive or value-loading of the word.”<sup>24</sup> Yet, this complaint is not warranted. The task of ethical theory could hardly get off the ground if we were to shy away from attempting to define value-loaded concepts. One would have to overcome a burden of proof as weighty as the dominant traditions of modern philosophy to show, for example, that Kant and Bentham were simply misguided in attempting to provide theoretical definitions of such value-loaded concepts as the

---

<sup>21</sup> Stephen Lukes, *Power: A Radical View*, second ed. (New York: Palgrave Macmillan, 2005).

<sup>22</sup> Alex P. Schmid and Albert J. Jongman, *Political Terrorism: A New Guide to Actors, Authors, Concepts, Data Bases, Theories and Literature* (Amsterdam: North-Holland Publishing Company, 1988).

<sup>23</sup> Alex P. Schmid, “Root Causes of Terrorism: Some Conceptual Notes, a Set of Indicators, and a Model,” *Democracy and Security* 1 (2005), p. 127.

<sup>24</sup> Waldron, “Terrorism and the Uses of Terror,” p. 33.

‘right’ and the ‘good.’ Rather than throw our hands up in despair or attempt to drain the concept of ‘terrorism’ of its ordinary ethical meaning, we should instead conclude, as David Rodin suggests, that the important task is to explain why terrorism is at least presumptively wrong.<sup>25</sup> Theoretical attempts to value-neutralize concepts of political understanding in general are also often defended on grounds that this method is the best way to ensure consensus among reasonable thinkers who are not bent upon hijacking theoretical discourse as a medium for the political promotion of their personal preferences.<sup>26</sup> In the case of explicitly normative concepts, however, the best way to achieve a substantial degree of impartiality is by appealing to widely accepted cosmopolitan values. Moreover, given that we are faced with the pragmatic task of defining ‘terrorism’ for purposes of both domestic and international law, as Waldron notes, it would be a mistake to divorce our efforts from considerations of ethical theory. Even legal positivists embrace the proposition that legislative efforts should be guided by ethical considerations. Again, a theory of terrorism that fails to ground the condemnatory rhetorical force of the term can hardly be expected to provide reasonable guidance for the corresponding applications of legal or military force. Finally, it is also worth noting that a value-loaded political theory of terrorism is also better equipped to address impartially the substantive ethical debate that typically enlivens the international public sphere; for this debate is not primarily about distinguishing between ethically acceptable and unacceptable forms terrorism, but about showing who are the real terrorists, or about showing who among the terrorist candidates are the most condemnable, the most terroristic.

### **The Core Cosmopolitan Sense of Terrorism**

For the foregoing reasons, we should perhaps begin, not by asking whether and under what circumstances terrorism is ever justifiable, but by asking, ‘How ought we to distinguish between presumptively justifiable and presumptively condemnatory modes of political violence?’ This is not a question of semantics, but is instead one of the basic substantive questions at the heart of just war theory, broadly speaking.<sup>27</sup> It focuses our

---

<sup>25</sup> David Rodin, “Terrorism without Intention,” p. 753.

<sup>26</sup> Felix Oppenheim, *Political Concepts: A Reconstruction*, Oxford: Basil Blackwell, 1981).

<sup>27</sup> By “just war theory” I do not mean a particular, traditionally accepted body of doctrine, but the general theoretical project of attempting to distinguish between justifiable and unjustifiable uses of organized armed forces.

attention on the most ethically condemnable class of phenomena that we ordinarily associate with terrorism.

Like most terms of negative ethical appraisal, the 'terrorist' label is a double-edged sword. Consider the case of South Africa under the Apartheid regime. The National Party (NP) government labeled the African National Congress (ANC) as a "terrorist" organization. It argued that the ANC was "prepared to flout all the principles of the just war tradition" and, more specifically, that they "did not adhere to the distinction between soldiers and citizens."<sup>28</sup> In response, the ANC said that the NP government "used the methods of terror to back up its unjust rule," which methods included "murder" of innocent people.<sup>29</sup> We now see a similar pattern of mutual condemnation between the U.S. government and its declared enemies. Again, it is important to see that both sides make ethically inflected arguments. When the U.S. government and mainstream American media call Osama bin Laden a "terrorist," they do not mean merely to indicate that their orientation towards him is one of political enmity. They also make an implicit ethical judgment condemning bin Laden's brand of lethal political violence. Accordingly, in response to the violence of American counter-terrorism, both hardened enemies and dissenting critics of the U.S. often respond by turning the 'terrorist' label back against the George W. Bush administration. For example, al-Zarqawi called Bush a "terrorist," and even some American dissidents have been known to wear t-shirts bearing their President's image accompanied by the label "international terrorist."<sup>30</sup> This kind of rhetorical back-and-forth shows the expressive flexibility of the concept. The ordinary condemnatory meaning of 'terrorism' is open-ended enough to be applied not only to those who are most commonly said to be terrorists, but also to those who are the most vocal self-proclaimed representatives of global counter-terrorism.

Far from making the task of normative definition intractable, however, these cases involving reciprocal accusations of 'terrorist' violence provide the key to theoretical consensus and conceptual mediation. In these cases, and in many others too numerous to mention, each side of the political conflict in question invokes the same basic ethical value in condemning the

---

<sup>28</sup> Frost, Mervyn, "Ethics and War: Beyond Just War Theory," European Consortium for Political Research, Standing Group on International Relations (The Hague: Taylor & Francis, 2004), p. 10.

<sup>29</sup> Ibid.

<sup>30</sup> "Judge Rules in Favor of Michigan Student's Right to Wear Anti-War T-Shirt to School," *American Civil Liberties Union* press release, October 1, 2003. Last retrieved from <http://www.aclu.org/freespeech/youth/11405prs20031001.html> on July 14, 2006.

other side for victimizing innocent non-combatants. Here we find an ethical common denominator that unifies competing accusations of ‘terrorism.’ Terrorism in this shared core sense of the term is *indiscriminate* political violence of a sort that is at typically lethal and frightful. Thus, the ordinary connotation of ‘terrorism’ expresses recognition of the cosmopolitan principle of discrimination commonly associated with just war theory. In light of this principle we may therefore define paradigmatic ‘terrorists’ as *individuals or groups that indiscriminately inflict lethal and frightful political violence on innocent non-combatants*. According to this definition, terrorism is presumptively condemnable as a violation of a cosmopolitan standard of basic ethical decency. If innocent non-violent lives ought to be respected and protected, then terrorism ought to be condemned, other things being equal.

By focussing narrowly on political violence of the sort that is typically *lethal*, the definition of ‘terrorism’ offered here excludes many elements of political action that are sometimes associated with terrorism and are included in many definitions set forth in the theoretical literature. Instead of lethal violence, many definitions focus on ‘force’ and ‘harm.’<sup>31</sup> The latter concepts are too broad, however, to guide the application of a concept with a presumptively condemnatory meaning as strong as what we usually associate with ‘terrorism.’ Active frustration of any genuine interest qualifies as the imposition of harm, and just about any form of opposition can qualify as the exercise of force, including the rhetorical force of argument. Even violence *simpliciter* would be too broad a term to define ‘terrorism,’ given that it is present in activities as innocuous as boxing and football.<sup>32</sup> Since some conceptions of violence are so broad as to include landlordism, it is necessary to focus on modes of political violence that are at least typically lethal in order to keep the condemnatory force of the ‘terrorist’ label in due proportion with the corresponding phenomena. Given the emphasis on modes of political violence that are at least *typically* lethal, it will also make sense to speak of victims who survive terrorist attacks having only suffered non-lethal injuries. Some may object that the focus on typically lethal violence is too narrow inasmuch as it may exclude

---

<sup>31</sup> For accounts of terrorism that focus on “force,” see Rodin “Terrorism without Intention,” p. 756; & Weinberg, Pedahzur & Hirsch-Hoefler, “The Challenges of Conceptualizing Terrorism,” p. 786. For accounts that focus on “harm,” see Robin Blackburn, “The Imperial Presidency, the War on Terrorism, and the Revolutions of Modernity,” *Constellations* 9, No. 1 (2002); & Jaggard, “What is Terrorism, Why is it Wrong, and Could It Ever Be Morally Permissible?”

<sup>32</sup> Tom Rockmore, “On the So-Called War on Terrorism,” *Metaphilosophy* 35, No. 3 (April 2004), p. 398.

many instances of political rape, torture, property damage, or the disruption of computer systems. Yet, we already have suitable terms for these phenomena that convey their own appropriate forms of condemnation. To suppose that we would insufficiently condemn political tactics of systematic rape by not including them under the condemnatory umbrella of 'terrorism' would be to fail to take seriously the independent condemnatory meaning of 'rape.' The same can be said of 'torture.' In contrast, to designate every politically motivated act of property damage or sabotage as a 'terrorist' act is to apply disproportionate rhetorical force.<sup>33</sup> Similarly, but to a greater extent, the concept of 'cyber-terrorism' as a label for political hacking is a recent linguistic innovation that trivializes what we ordinarily mean by condemning someone as a 'terrorist.' Thus, the proliferation of peripheral forms of 'terrorist' activities either creates redundant terms of condemnation, as in the case of rape and torture, or disproportionate condemnation, as in the case of sabotage and hacking.

Also notably absent from the effects-based definition of terrorism offered here are any subjective, agent-centered qualifications. Many ethical and political theorists stipulate that 'terrorism' should apply only to political acts in which agents *deliberately* intend to produce whatever negative effects are included in the definition.<sup>34</sup> Critics of this way of conceiving of terrorism sometimes object, however, that it privileges powers with military advantage in asymmetric conflicts. As McPherson and Virginia Held have argued, the lethal violence that conventional war powers inflict upon innocent non-combatants may sometimes be as ethically condemnable as the deliberate terrorism of their political enemies.<sup>35</sup> More pointedly, Ted Honderich complains that conceptions of 'terrorism' that apply only to clearly deliberate attacks on innocent non-combatants tend to be employed as a "contrivance against the Palestinians and in support of neo-Zionism."<sup>36</sup> Accordingly, counting as terrorism all

---

<sup>33</sup> On this point, I disagree with C. A. J. Coady, "Terrorism and Innocence," *Journal of Ethics* 8 (2004), p. 41; Coady, "Terrorism, Morality, and Supreme Emergency," *Ethics* 114 (2004), p. 772; Palmer-Fernandez (2005), p. 24; and Jaggard, "What is Terrorism, Why is it Wrong, and Could It Ever Be Morally Permissible?," p. 210.

<sup>34</sup> Coady, "Terrorism and Innocence"; Jaggard, "What is Terrorism, Why is it Wrong, and Could It Ever Be Morally Permissible?"; & Igor Primoratz, "Civilian Immunity in War," *Philosophical Forum* 36, No. 1 (Spring 2005), pp. 41-58;

<sup>35</sup> McPherson, *op cit.*; Virginia Held, "Terrorism and War," *The Journal of Ethics* 8 (2004), pp. 59-75.

<sup>36</sup> This phrase is quoted from personal correspondence, to which I am indebted. Note that by "neo-Zionism" Honderich means a political policy that denies

indiscriminate lethal and frightful political violence (ILFPV), regardless of the kind of mental state that produces it, may have the virtue of building a modicum of political neutrality into the definition of terrorism. Such a definition may still be employed in critical and harsh judgments of either side. It will remain possible to distinguish between different degrees of condemnation appropriate to the various ways in which ILFPV may be qualified by different subjective and objective conditions. But this ethically flexible effects-based definition will tend to support more nuanced and balanced assessments of the evils on both sides of the world's most complicated and intractable conflicts.

It is a mistake to suppose that ILFPV must be *deliberately* inflicted on innocent non-combatants (INCs) in order for it to merit condemnation as 'terrorism.'<sup>37</sup> Although calm deliberation clearly suffices to render ILFPV more condemnable other things being equal, it is not necessary for making it condemnable as 'terrorism' all things considered. Following standard usage, we may say that in 'deliberate' offences harmful effects are both foreseen and intended, in 'reckless' offences harmful effects are not intended but are foreseen, and in 'negligent' offences harmful effects are neither intended nor foreseen though they would have been foreseen and avoided by a reasonable person. When these relevant states of mind are readily open to view, it is more condemnable, other things being equal, to inflict ILFPV deliberately than to do so recklessly, and more condemnable to do so recklessly than to do so negligently. Other things are often not equal, however. Even when the relevant mental state of a perpetrator of ILFPV is open to view, it may be less important for purposes of ethical assessment than other objective and value-loaded considerations, such as the number of innocent non-combatants killed, the degree of innocence and harmlessness of those victims, and the effect that their deaths will have on the protection of other INCs.

For the sake of argument, consider two hypothetical cases. Suppose that  $\Phi$  actually manages to provide effective protection for a very large group of paradigmatic INCs (5000 infants) by *deliberately* inflicting ILFPV on a very small number of relatively marginal INCs (3 aerospace industry executives). Suppose further that  $\Psi$  effectively protects a similar small group of relatively marginal INCs (3 aerospace industry executives) by

---

Palestinians the right to a sovereign homeland territorially coterminous with pre-1967 borders. For further elaboration of his views, see *After the Terror* (Edinburgh: Edinburgh University Press, 2002).

<sup>37</sup> On this point, I agree with T. M. Scanlon, "Intention and Permissibility," *The Aristotelian Society Supplementary Volume* 74, No. 1 (2000), p. 303; and Rodin, "Terrorism without Intention."

*negligently* inflicting ILFPV on a similar large group of paradigmatic INCs (5000 infants). From an impartial point of view, it makes intuitive ethical sense to say that  $\Psi$  is the more condemnable of the two terrorists, even though  $\Psi$ 's terrorism was merely negligent whereas  $\Phi$ 's terrorism was deliberate. Although the task is beyond the scope of this essay, it may be possible in principle to develop a reasonably workable matrix of equivalences between different combinations of subjective and objective conditions of ILFPV. The important point here is that the discernable mental states of perpetrators only constitute one class of extrinsic conditions that may appropriately enter into ethical assessments of discrete instances of ILFPV as being *terroristic* by degrees.

It may even be a mistake to define 'terrorism' as ILFPV that is necessarily "*deliberate, negligent, or reckless*."<sup>38</sup> One reason to avoid building even this disjunctive class of mental elements into the definition of the concept is that doing so makes the intuitive notion of 'state terrorism' particularly problematic.<sup>39</sup> The question of whether states exhibit intentions, properly speaking, is a subject of considerable philosophical controversy. And it is commonly held that states are not "reasonable persons."<sup>40</sup> For these reasons, the principle of "right intention" especially associated with Augustinian versions of just war theory is a highly problematic guide to the ethical assessment of the ILFPV enacted through the policies of modern state systems.<sup>41</sup> The mental states of key actors are often concealed by the way their actions are embedded within complex state bureaucracies. Bureaucratic state structures create responsibility-free zones in part because they obscure and discount the role of individual

---

<sup>38</sup> This disjunctive list of mental states is included in the definition of terrorism offered by Rodin "Terrorism without Intention," p. 756.

<sup>39</sup> The idea of restricting the concept of terrorism such that it applies only to sub-state actors or organizations is so widely repudiated in the philosophical literature that it does not merit special critical attention here. An exception is Joseph Boyle, "Just War Doctrine and the Military Response to Terrorism," *The Journal of Political Philosophy* 11, No. 2 (2003). Boyle departs from the consensus view only "for simplicity," which is not generally a compelling reason for prejudicing the question of political violence against sub-state actors.

<sup>40</sup> John Rawls attributes reasonableness to peoples, but not to states, in *The Law of Peoples* (Cambridge, Mass.: Harvard University Press, 1999).

<sup>41</sup> On the principle of right intention in this tradition, see R. A. McCormick, "Morality of War," *The New Catholic Encyclopedia*, Volume 14 (New York: McGraw-Hill, 1967), p. 803. This principle is repudiated by T. M. Scanlon, "Intention and Permissibility," p. 303; & Rodin, "Terrorism without Intention."

mental states.<sup>42</sup> The same may also be said of complex sub-state organizations. States, sub-state organizations, complex networks of economic activity and legal systems may sometimes be agents of what literally amounts to *mindless* violence.<sup>43</sup> Even those who subscribe to the Hegelian notion of the personified state must at least admit that the mental states of relevant agents embedded within complex state bureaucracies or systems of exchange may sometimes be unknown or unknowable.<sup>44</sup>

We may often be in a position to make justifiable conjectures about the deliberateness, recklessness or negligence of agents who are responsible for state terrorism. And when we are in such a position, these mental states are clearly significant for purposes of ethical assessment and political response. Yet, many acts of terrorism are the work of unknown actors because no one takes public credit for them. Moreover, conjectures about responsibility are also highly susceptible to the false certitudes of the scapegoating urge, and they are often rendered uncertain by divisions of labor in the social production of ILFPV. Consider the case of Argentina. The terrorist killings of right wing death squads associated with the Argentine Anticommunist Alliance from 1973 to 1975 were widely considered to be the handiwork of “The Witch,” José Lopez Rega. In contrast, the far more murderous and widespread state terrorism of Argentina’s subsequent “Dirty War” is commonly understood to have involved a more complex web of private persons and public agencies within provincial, national and transnational networks of military, intelligence, and commercial operations. In this context, subjective responsibility became highly fragmented, diffuse and dispersed within a wider culture of clandestine lethal violence.<sup>45</sup> This is not

---

<sup>42</sup> Hannah Arendt, *The Human Condition* (Chicago: University of Chicago Press, 1958), pp. 40-41; & Elizabeth Wolgast, *Ethics of an Artificial Person: Lost Responsibility in Professions and Organizations* (Palo Alto: Stanford University Press, 1992).

<sup>43</sup> For an illustrative example of how politics as usual produces mindless patterns of harsh treatment in legal systems, see G. Robert Blakey, “Mandatory Minimums: Fine in Principle, Inexcusable When Mindless,” *Notre Dame Journal of Law, Ethics & Public Policy*, Volume 18, Number 2, 2004, pp. 329-341.

<sup>44</sup> More than this, faithful Hegelians might also consider that “mechanical memory” may yield retaliatory violence that “no longer has a meaning.” See Hegel’s *Philosophy of Subjective Spirit*, §463-464, and Willem A. deVries, *Hegel’s Theory of Mental Activity* (Ithaca, NY: Cornell University Press, 1988), pp. 157-163.

<sup>45</sup> Robert Cox, “Total Terrorism: Argentina, 1969-1979,” in Martha Crenshaw (ed.), *Terrorism, Legitimacy, and Power: The Consequences of Political Violence* (Middletown, CT: Wesleyan University Press 1983), pp. 124-142; & Paul H.

to say that no one can be blamed or condemned for the many thousands who “disappeared” in Argentina from 1976 to 1983. Jorge Videla and many others have been justifiably prosecuted, though not nearly to the full extent of proportional justice. This predictable shortfall in Argentine transitional justice illustrates the separation and disproportion that is sometimes found between the *objective enormity* of ILFPV and discoverable conditions of subjective culpability. Some cases of widespread terrorism may be more condemnable than other relatively limited cases despite the fact that they involve forms of shared agency that erode or occlude ethically relevant mental states. Condemnation of such diffusely systematic instances of state terrorism need not await proof of the guilty mind. Public statements condemning the silent terrorism of clandestine sub-state militias and unknown contract killers may help to cut through the silence and mobilize the search for responsible parties. In such cases, the first aim of invoking the condemnatory rhetorical force of ‘terrorism’ may simply be to call for a cessation of ongoing ILFPV.

My argument against including mental states in the definition of ‘terrorism’ is not meant to deny that the task of gathering evidence of subjective culpability is often important for purposes of holding terrorists accountable for their actions, especially when available instruments of legal response include *mens rea* components. The mental states of powerful officials responsible for state terrorism are relevant as conditions that may call for forms of redress more serious than mere loss of power. But such conditions are not necessary for the judgment that those INCs who suffer ILFPV are victims of terrorism. Those in positions of power are too often able to evade accountability for state terrorism by hiding behind declarations of ignorance or good intentions. Thus, as a matter of ethical theory, and for the limited purpose of guiding condemnatory political speech, it seems reasonable to hold those in positions of supreme state power to a standard of *strict liability* when it comes to systematic and widespread violations of the rights of innocent non-violent citizens to be free from ILFPV. In tort accident law, whereas standard forms of negligence liability hold people accountable for harms resulting from their *culpable* agency, strict liability holds people accountable for certain accidental harms resulting from their agency *simpliciter*. Strict liability may be an especially fair principle of accountability when it comes to collective responsibility for the protection of the most important shared needs, such as the need for security from ILFPV. It makes particularly

good sense to adopt this standard of political accountability because, as Gregory Keating points out, “negligence liability leaves the costs of non-negligent accidents on the victims of those accidents, whereas strict liability shifts the costs of those accidents onto injurers.”<sup>46</sup>

The inclusion of mental states in the definition of ‘terrorism’ is also sometimes problematic even when there are clearly identifiable individual actors. We cannot safely assume that those who walk onto public buses or trains strapped with explosives always do so deliberately in the morally relevant sense. Some suicide bombers are of unsound mind, and others act under duress. Even in such cases, however, the discrete acts in question may still be said to execute ‘terrorist’ violence inasmuch as they are products of social organizations or structural features of the actor’s social environment that systematically engender widespread ILFPV. The most sophisticated causal theories of terrorism attempt to understand the phenomena by integrating individual, organizational, structural, environmental and cultural levels of analysis.<sup>47</sup> Building mental states into the definition of ‘terrorism’ clearly privileges individual human agency. Yet, appreciable bodies of research suggest that this level of analysis is not always the most significant for purposes of empirical explanation and informed ethical judgment. It is therefore best to exclude subjective conditions altogether from the defining features of terrorism, and to treat them instead as *extrinsic variables*. It makes perfectly good sense to speak of ‘deliberate terrorism,’ ‘negligent terrorism,’ ‘reckless terrorism,’ and even the ‘terrorism of unknown agents.’ We certainly ought to search for relevant elements of the guilty mind as guides to the assignment of responsibility, culpability and individual liability to punishment; but we ought to do so because ILFPV is in itself always presumptively condemnable prior to, and independent of knowing who is ethically responsible for it. We may sometimes condemn terrorism without knowing

---

<sup>46</sup> Gregory C. Keating, “Strict Liability and the Mitigation of Moral Luck,” *Journal of Ethics and Social Philosophy*, Volume 2, Number 1, August 2006.

<sup>47</sup> Martha Crenshaw, “The Causes of Terrorism,” *Comparative Politics* 13, No. 4 (July 1981), pp. 379-99; Jeffrey Ian Ross, “structural Causes of Oppositional Political Terrorism: Towards a Causal Model,” *Journal of Peace Research* 30, No. 3 (Aug., 1993), pp. 317-329; Jerrold M. Post, Keven G. Ruby, and Eric D. Shaw, “The Radical Group in Context: 1. An Integrated Framework for the Analysis of Group Risk for Terrorism,” & “The Radical Group in Context: 2. Identification of Critical Elements in the Analysis of Risk for Terrorism by Radical Group Type,” *Studies in Conflict and Terrorism* 25, No. 2 (March-April 2002), pp. 73-100 & 101-126; & Schmid, “Root Causes of Terrorism: Some Conceptual Notes, a Set of Indicators, and a Model.”

whom we are condemning. It is enough that we know *what* we are condemning, regardless of how the ILFPV in question was produced.

Including some notion of the *political* in the definition of terrorism is clearly necessary for excluding from the extension of the concept such deadly phenomena as killer bees and earthquakes.<sup>48</sup> This essential qualification clearly requires at a bare minimum that the ILFPV of terrorism must be a product of human agency. But this requirement, although necessary, is not quite sufficient for the purpose of defining terrorism. The bare element of human agency is not quite definitive enough because it is involved, for example, in the natural spread of deadly infectious diseases. In order to distinguish between bioterrorism and the natural spread of human pathogens, it will be necessary to invoke a criterion that can distinguish between political and non-political modes of human agency. According to an empirically cautious or minimalist approach, *political* human agency may be conceived as that which involves hostility towards some identifiable group or other.<sup>49</sup> In this minimal sense of the political, we may very well wish to condemn as 'terroristic' by degrees certain hostile actions that effectively promote the spread of even presumptively 'natural' diseases among innocent targeted populations.

Note that the political criterion of hostility is neutral with respect to the extrinsic subjective variables of deliberateness, negligence and recklessness. This is an empirical virtue. It is simply not the case that we are only able to identify and understand hostile political agency through the lens of our standard juridical categories of individual subjective culpability. Despite the obvious importance of these categories, it would be a mistake to insist by definitional fiat that every instance of individual or collective political agency must be shoehorned into them. Subconscious motives may suffice, in some cases, to constitute hostilities. People may laugh at racist jokes, and thereby reveal attitudes of hostility towards the targeted groups, even though they do not laugh deliberately, recklessly or negligently. Expressive behavior of this sort is sometimes politically significant because it can reveal hidden recesses of character that are beyond cognitive or rational control. Again, the realm of human experience is rich enough to admit of instances of mindless yet politically significant lethal violence. Consider the hypothetical example of Meursault, Camus' troubled protagonist in *The Stranger*. It is politically significant that he kills an Arab "adversary." Yet, the narrative, if it makes sense, belies any characterization of the act as

---

<sup>48</sup> I'm grateful to Alex Tuckness for raising this issue.

<sup>49</sup> Carl Schmitt, *The Concept of the Political*, George Schwab trans. (Chicago: University of Chicago Press, 1996).

being performed deliberately, recklessly, or negligently.<sup>50</sup> By insisting that standard conditions of mental culpability have an empirically contingent connection to the phenomena of terrorist violence, rather than a necessary conceptual connection, we avoid begging any causal questions against systems-theoretic or psychoanalytic explanations. A reasonable definition of terrorism should leave open the possibility that such theoretical frameworks might offer insightful explanations of certain instances of terrorist violence.

Also conspicuously absent from the definition of ‘terrorism’ offered here is any reference to the goal of producing *fear* in a target population as a means of political coercion. Contrary to many other accounts, it is best to see the etymologically significant element of frightfulness as an essential effect, rather than as an essential aim of terrorism.<sup>51</sup> Given that the deliberate production of fear is often understood to be an essential means of legitimate government, it would appear to be of marginal importance for distinguishing between terrorism and ethically acceptable forms of political practice. The enactment of ILFPV is what marks the key ethical difference. Hence, it is better to define terrorism as political agency that has this effect than to define it in terms of a particular form of strategic rationality. We would not, after all, refrain from condemning ILFPV merely because it was enacted for strategic purposes for which the resulting fear was merely incidental.

Although the element of fear may often be empirically important for understanding the motives and strategies of terrorists, it is too often emphasized at the expense of other empirical considerations that may be equally or perhaps even more significant. The idea of terrorism as “propaganda of the deed” suggests that the aim of frightening an antipathetic audience may be less important for many terrorists than the

---

<sup>50</sup> Albert Camus, *The Stranger* (New York: Random House, 1988).

<sup>51</sup> Carl Wellman, “On Terrorism Itself,” *Journal of Value Inquiry* 13 (1979), pp. 250-258; Maryann Cusimano Love, “Globalization, Ethics, and the War on Terrorism,” *Notre Dame Journal of Law, Ethics & Public Policy* 16, No. 1 (2002); Waldron, “Terrorism and the Uses of Terror”; Virginia Held, “Terrorism and War,” *The Journal of Ethics* 8 (2004), pp. 59-75; Jaggard, “What is Terrorism, Why is it Wrong, and Could It Ever Be Morally Permissible?”; Samuel Scheffler, “Is Terrorism Morally Distinctive?,” *The Journal of Political Philosophy*, Volume 14, Number 1, 2006, p. 1-17; & Brian Orend, *The Morality of War* (Peterborough, ON: Broadview Press, 2006), p. 69.

aim of emboldening a sympathetic audience.<sup>52</sup> This is especially true when terrorism is enacted as a strategy of resistance to dominant political orders. Whereas the silent terrorism that plagued Argentina in the 1970's was at least largely a covert strategy of governance by means of fear, it was arguably more important for those who designed the al-Qaeda attacks of 9/11 that their highly publicized success might serve to "strengthen resolve" among sympathetic parties.<sup>53</sup> To further elaborate this point, it is illuminating to recall the insights of Petr Kropotkin. On his account, the violence of political resistance enacted against hegemonic regimes is best designed as a means of demonstrating publicly to sympathetic parties that "the monster is not so terrible." The terrorism of resistance is intended more as a political violence of hope – "the hope of victory, which makes revolutions" – than as a political means of inducing fear. It is a form of communicative action that seeks to "embody the thought it represents," and this thought is typically that the dominant power is itself the greater terrorist. Hence, the targeted dominant regime that is "savage in its repressions" plays into the hands of its terroristic opponents by making their argument for them.<sup>54</sup> The effect of producing "panic terror" in a target population may contribute to the irrationality and indiscriminateness of their government's response and thereby erode that government's claim to be engaged in genuine 'counter-terrorism.' Thus, it may sometimes be misleading to say, following Samuel Scheffler, that the point of the indiscriminateness of terrorist violence is "to maximize (within the relevant parameters) the numbers of people who identify with the victims," and thereby to spread fear as widely as possible.<sup>55</sup> Panic episodes tend to be short-lived.<sup>56</sup> Producing such episodes in a target population can therefore

---

<sup>52</sup> Robin Blackburn, "The Imperial Presidency, the War on Terrorism, and the Revolutions of Modernity," *Constellations*, Volume 9, Number 1, 2002, p. 3; Waldron, "Terrorism and the Uses of Terror," p. 26.

<sup>53</sup> Bruce Hoffman, "The Use of the Internet By Islamic Extremists," The Rand Corporation, Testimony Presented to the House Permanent Select Committee on Intelligence, May 4, 2006. Last retrieved from [http://www.rand.org/pubs/testimonies/2006/RAND\\_CT262-1.pdf](http://www.rand.org/pubs/testimonies/2006/RAND_CT262-1.pdf) on July 14, 2006.

<sup>54</sup> "The Spirit of Revolt," *Kropotkin's Revolutionary Pamphlets*, Roger N. Baldwin ed., (Seattle, WA: Vanguard Press, 1927).

<sup>55</sup> Scheffler "Is Terrorism Morally Distinctive?," p. 10.

<sup>56</sup> Rodin, "Terrorism without Intention," p. 761, similarly argues that the goal of producing "terror" is justifiably excluded from the definition of terrorism on grounds that "shocking as the attacks may be, ordinary people generally get on with their lives." He adds that the official aim of Japan's Aum Shinrikyo cult is not to terrorize but to awaken the target population.

at best be a short-term, intermediate aim of strategically rational terrorism. As Kropotkin's more sagacious account suggests, insofar as counter-hegemonic terrorists can be understood as acting on the basis of strategic rationality, they are more likely to aim in the long run at maximizing the numbers of people who identify with their efforts and who see their ILFPV as "chickens coming home to roost."<sup>57</sup> In this respect, it may be less important to many terrorists that their ILFPV produces immediate fear than that it may enliven and embolden settled resentments.

Those who define terrorism as a strategy of fear sometimes see it essentially as a means of political *coercion*.<sup>58</sup> Yet, there is no reason to suppose that ethically condemnable ILFPV must aim to coerce. Waldron notes, in an offhand way, that the violence involved in terrorism is difficult to understand as coercion "because it imposes the costs that it threatens."<sup>59</sup> The thought seems to be that *threats* of terrorist violence may count as coercion, but not the enactment of such violence without prior warning. This is clearly too simple. To be sure, terrorism cannot coerce those who directly suffer its ILFPV, but it may be designed to coerce others in the target population or their government. As we have already seen, however, inasmuch as terrorism may instead aim merely to provoke a repressive response, the aim of coercion is far from being definitive.

Perhaps more problematic for including the aim of coercion in the definition of 'terrorism' is the distinctive normative logic to which moral and legal claims about coercion typically adhere. Alan Wertheimer's detailed study of such claims reveals that they belong to a discursive practice of simultaneously condemning those who coerce and justifying or excusing the actions of the coerced: "Whether A coerces B is equivalent to whether A has made an immoral proposal to which B is entitled to succumb."<sup>60</sup> According to this analysis, terrorism as a form of coercion could never be understood as a means of advancing otherwise just proposals, nor of getting others illegitimately to forsake their obligations. This would make the presumptively condemnable nature of terrorism to rest not upon its ILFPV but upon the moral badness of the course of action

---

<sup>57</sup> Such was the judgment of 9/11 notoriously (and I think wrongly) expressed by Ward Churchill, *On The Justice of Roosting Chickens: Consequences of American Conquest and Carnage* (Oakland, CA: AK Press, 2003).

<sup>58</sup> Walzer, *Arguing about War* (New Haven: Yale University Press, 2004), p. 130; Jaggard, "What is Terrorism, Why is it Wrong, and Could It Ever Be Morally Permissible?," p. 210.

<sup>59</sup> Waldron, "Terrorism and the Uses of Terror," p. 9.

<sup>60</sup> Alan Wertheimer, *Coercion* (Princeton: Princeton University Press, 1987), p. 310.

that it induces others to follow. 'Coercion' in this normative sense does not mesh well with our intuitions about terrorism, which we ordinarily consider to be presumptively condemnable in itself, quite apart from considerations about the ethical badness of what actions or policies it proposes for others.

Even if one attempts to operationalize the concept of coercion by divorcing it from its standard employments in legal and ethical discourse, it would still be an overly restrictive element to include in the definition of 'terrorism.' Suppose that 'coercion' is understood simply as *using force to compel compliance with a specific desired policy or course of action*, regardless of its ethical quality. In this sense, the terrorist bombings of the Provisional Irish Republican Army (PIRA) and the National Liberation Front (FLN) could be understood as policy-specific acts of coercion for the purpose of achieving the withdrawal of British rule from Northern Ireland and the withdrawal of French rule from Algeria. But other instances of ILFPV are difficult to understand as forms of policy-specific 'coercion' in this sense. It is especially difficult to understand the 2006 suicide bombing of a home for elderly women in Basra, for example, as an act designed to compel any specific policy or course of action.<sup>61</sup> It may have been designed more broadly to delegitimize the new local and federal governments, perhaps with the aim of re-establishing national Baathist dominance, or even regional Sunni Islamist dominance. Similarly, it may be the case that the al-Qaeda attack of 9/11 had less to do with coercing the U.S. government's policy choices than with spurring on the rise Islamic rule in the Middle East, or perhaps (though less likely) even a more ambitious project of global "Islamic imperialism."<sup>62</sup> Here again this instance of terrorist violence might be better understood as an effort to embolden the rise of Islamist rule from Saudi Arabia to Somalia than as an attempt to force the hand of the U.S. government in any particular way. The point here is not to defend any of these interpretations of al-Qaeda. Rather, the point is that their conceivability shows that the specific policy preferences of the target nation may sometimes be of incidental or secondary concern to perpetrators of terrorist violence.

The inclusion of such broader, non-policy-specific aims could make the attacks in question acts of intended 'coercion' only in a third, even

---

<sup>61</sup> *The International Herald Tribune*, June 20, 2006. Last retrieved from <http://www.ihf.com/articles/2006/06/20/news/basra.php> on July 14, 2006.

<sup>62</sup> Efraim Karsh, *Islamic Imperialism: A History* (New Haven: Yale University Press, 2006), p. 234: "Arab and Muslim anti-Americanism, have little to do with U.S. international behaviour or its Middle Eastern policy. Osama bin Laden's ... war is not against America per se, but is rather the most recent manifestation of the millenarian jihad for a universal Islamic empire (or umma)."

wider sense of *using force to achieve dominance*. Yet, if we suppose that this wider sense of ‘coercion’ is necessary for ILFPV to count as terrorism, we would have to exclude the cases of the PIRA and the FLN, whose bombings can hardly be understood as attempts to achieve a general dominance over the British and the French respectively. One could attempt to define terrorism in terms of *both* the narrow and the wide non-normative senses of ‘coercion’; but even this kind of construction would unduly limit our empirical understanding of terrorist violence. In some instances, terrorist attacks may be best understood, not as strategic means of political coercion, but as inter-group reprisals in which the killing is seen as retribution that is desirable for its own sake. In general, attempts to understand political violence in terms of strategies of coercion fail to understand the non-instrumental nature of many instances of political violence. To illustrate this point it is worth recalling the following exchange between torturer and tortured from George Orwell’s *1984*: “How does one man assert his power over another, Winston?” Winston thought. ‘By making him suffer’, he said. ‘Exactly. By making him suffer. Obedience is not enough.’”<sup>63</sup> The same may be said, of course, of ILFPV. In many cases it is inflicted as part of a strategy to coerce target populations or the governments that represent them, but it need not always take this kind of aim. Terrorist violence may sometimes fail to conform to any recognizable form of strategic, instrumental rationality. Again, the indiscriminateness of terrorism may sometimes be an effect of the irrationality or mindlessness of the agency behind it.

Naturally, certain difficulties will also arise for a definition of ‘terrorism’ that focuses simply on the core phenomena of ILFPV. Foremost among these is the difficulty of distinguishing between INCs and those who are legitimate targets of political violence. One of the noteworthy points of nearly universal agreement among just war theorists is Michael Walzer’s dictum that the problem is not to identify conditions under which people *gain* the right not to be victims of political violence, but to identify conditions under which people may lose or forsake this right.<sup>64</sup> We should therefore proceed by way of negation and provide a sketch of *non-innocent combatants* (NICs) capable of grounding the notion of liability to justifiable (ethically necessary, proportional and discriminating) political violence. This mode of recursive definition would be badly circular if we

---

<sup>63</sup> George Orwell, *Nineteen Eighty-Four* (New York: Harcourt & Brace, 1949), p. 269; quoted by Michael Hardt and Antonio Negri, *Multitude: War and Democracy in the Age of Empire* (New York, NY: Penguin Press, 2005), p. 19.

<sup>64</sup> Michael Walzer, *Just and Unjust Wars: A Moral Argument with Historical Illustrations*, third ed., (New York: Basic Books, 2001), pp. 30 & 146.

were simply to *define* NICs as those who are ethically liable to attack, and then to use this definition to define the INCs who are immune from attack. Instead, the task is to render conditional ethical judgments about paradigmatic NICs, and then to move cautiously from such central cases to more borderline cases without attempting to provide necessary and sufficient conditions for INC status. The extreme cautiousness of this procedure is warranted by the fact that the principle of discrimination is presumed to be the cosmopolitan ground for condemning terrorism and, by implication, approving the fully justifiable violence of counter-terrorism. In order to avoid circularity, this process of recursive definition must in principle be able to reach termination points beyond which ethical justifications for legitimate targeting will be intuitively unconvincing. It is, of course, a complex and value-loaded task to devise a theory of the liabilities of NICs; but for purposes of working towards a reasonably impartial positive definition of terrorism it is the essential task. The philosophical burden rests upon showing that NICs who are liable to be killed can be identified from a reasonably impartial and cosmopolitan point of view. Every other instance of lethal and frightful political violence, however conventional or unconventional, may be deemed indiscriminate and condemned as terrorism by such degrees of negative ethical appraisal as are proportional to the objective enormity of the case.