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Thinking about the War on Terrorism

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What Is Distinctive about Terrorism, and What Are the Philosophical Implications?

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On September 11, 2001, Americans were painfully reminded of a truth that for years had been easy to overlook, namely, that terrorism can affect every person in the world—regardless of location, nationality, political conviction, or occupation—and that, in principle, nobody is beyond terrorism's reach. However, our renewed awareness of the ubiquity of the terrorist threat has been accompanied by wide disagreement and confusion about the moral status of terrorism and how terrorism ought to be confronted. Much of the disagreement and confusion, I contend, is rooted in an inadequate understanding of just what it is that constitutes terrorism. In this paper, I offer the beginnings of a response to the challenge of terrorism by providing an account of what terrorism is and of some of the philosophical issues involved.

My account is divided into two sections. In the first section I examine some of the difficulties involved in defining terrorism, and show that some of the most common "ordinary" understandings of terrorism are inadequate. In the second section I offer a working definition of terrorism that overcomes many of the difficulties outlined in the first section. I argue that terrorism consists in the use of "systematically unsystematic" violence (whether directed at combatants or noncombatants), and that the random or indiscriminate character of terroristic violence points us in the direction of seeing what is distinctively wrong with it. The fundamental problem is that terrorism is not committed to any rules of armed conflict or any principles that would facilitate the eventual containment or termination of the conflict.

I. The Difficulty of Defining Terrorism

All terrorism involves violence or the threat of violence, and yet not all forms of violence are terroristic. What, then, is distinctive about the violence that characterizes terrorism? In seeking to answer this question, theorists have typically focused on issues such as the political or ideological goals pursued by the terrorist; the illegality or immorality of the terrorist's method of pursuing those goals; or the innocent or noncombatant status of those who are harmed by terroristic violence. The focus on such features, however, typically leads to definitions that are underinclusive, overinclusive, or simply question-begging. My aim in this section of the paper is to examine some of the difficulties of defining terrorism. Once we have analyzed some of the problems involved, we might be in a better position to see our way out of the difficulties.

Let us begin with one of the most obvious difficulties. A definition of terrorism is *under*-inclusive if it would fail to include within its scope instances of violent activity that are, in fact, genuinely terroristic, even if they may not seem so at first glance. For example, one common understanding of terrorism tends to focus on the revolutionary or subversive intent of the terrorist's actions. However, it is plain that not all terroristic activity has to be directed against existing systems or subversive of existing political orders. Terrorists can also be functionaries or heads of governments (we might call them "proestablishment terrorists") who seek to maintain the existing political order or status quo through their terrorism. Indeed, some of the earliest innovators of modern terrorism—those who carried out the Reign of Terror during the French revolution, and from whom we in fact derive the word "terrorism"—were government officials; and their goal was not to undermine any existing government (for the *ancien regime* had already fallen), but rather to maintain and ensure the stability of the newly established government. Since the time of those first modern terrorists, the world has seen many instantiations of proestablishment terrorism, represented by figures such as Hitler, Stalin, Mussolini, Pol Pot, Idi Amin, certain military leaders of Central and South America, the government officials of Taliban-controlled Afghanistan, and—last but not least—Iraq's Saddam Hussein and sons.

Another way in which a definition of terrorism can be underinclusive is if it would focus primarily on the "neutral" or "noncombatant" status of the terrorist's victims. Such a definition would be underinclusive, since the victims of terrorism can be combatants as

well as noncombatants. For example, a proestablishment terrorist can terrorize not only his own citizens (who are noncombatants), but also his own government underlings and even personnel within his own military. Furthermore, a terrorist can perpetrate terroristic activity even against the military personnel of an opposing regime or power. Consider, for example, the attack on the U.S.S. Cole in Yemen's Aden Harbor on October 12, 2000, in which seventeen American soldiers were killed, and another thirty-nine wounded. Even though all the intended and actual victims of that attack were combatants, it is still the case that that attack can accurately be described as terroristic in nature. If one focuses primarily on the noncombatant status of the terrorist's victims, however, then such an attack could not be regarded as genuinely terroristic.

The point can be illustrated by reference to even more recent events. Consider the suicide bombings that took the lives of American soldiers in March and April of 2003, near the conclusion of the combat phase of Operation Iraqi Freedom. In one such attack (on March 29), a suicide bomber killed four U.S. 3rd Infantry Division soldiers at a road checkpoint near the city of Najaf in central Iraq. In a second attack (on April 4), two Iraqi women (one of them pregnant) killed five people, including three U.S. soldiers, when their vehicle exploded shortly after one of the women appeared to scream for help, at a checkpoint southwest of the Haditha Dam, northwest of Baghdad. At the time of these attacks, the U.S. Central Command, as well as independent commentators and the news media, referred to these as terrorist actions, and not regular military operations.[1] But if one seeks to define terrorism by focusing on the noncombatant status of the victims, then these attacks would not be terroristic in nature. Later in this paper, I shall offer a definition of terrorism that might help explain just why such attacks can be considered terroristic in nature, even though the victims were combatants. As I shall suggest, what makes these actions terroristic is not just the use of disguises or deception by the perpetrators (for disguise and deception can also be legitimate techniques employed in regular military operations), but rather the specific *nature* of the deception used in these attacks.

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[1] Consider the statement from Brig. Gen. Vincent Brooks, Central Command Deputy Director of Operations: "These are not military actions. These are terrorist actions." "Vehicle Explosion at Military Checkpoint Kills Five," Online NewsHour, pbs.org, April 4, 2003, http://www.pbs.org/newshour/updates/checkpoint_04-04-03.html.

Yet another way in which some of the traditional definitions of terrorism can be underinclusive is if they focus exclusively on the use or the threat of violence done to persons, and thus overlook the use or threat of violence that can be done to the property or other vital interests of persons. Accordingly, some traditional definitions of terrorism would exclude increasingly important subsets of terrorism such as "industrial terrorism," "electronic terrorism," "digital terrorism," "information terrorism," and "cyberterrorism" (these types of terrorism can target urban power grids, natural gas and oil pipelines, governmental records, stock markets and bank accounts, air traffic control centers, etc.). One of my aims in this paper will be to offer an account of terrorism that would not be underinclusive in this, or in any, of the above-mentioned ways.

Let us now turn to the opposite problem that can arise when one tries to define terrorism: a definition of terrorism is *over*-inclusive if it would include within its scope instances of violent activity that are not genuinely terroristic, even if they might resemble terroristic activities in certain respects. One of the ways in which a definition of terrorism can be overinclusive, ironically enough, is if it focuses inordinately on one of the characteristics that can also render the definition underinclusive. We saw above that a misguided focus on the noncombatant status of the terrorist's victims can render a definition underinclusive; but focusing inordinately on the noncombatant status of the terrorist's victims can also render a definition of terrorism overinclusive as well. For as we know all too well, even regular and nonterroristic military operations can have noncombatants or innocent persons as their victims.

Of course, one can make the further argument that terroristic actions *deliberately* target noncombatants, while nonterroristic military actions do not. But there is a threefold problem with this approach to defining terrorism. First of all, it is often very difficult (especially during times of conflict, when information, resources, and patience may be more or less in short supply) to distinguish meaningfully between deliberate and nondeliberate attacks upon noncombatants. Second, it is becoming increasingly difficult to distinguish meaningfully between combatants and noncombatants. Consider the case of computer engineers at the IBM research lab in upstate New York, whose job is to produce the world's largest supercomputer, which will be used to model and thereby to "test" nuclear weapons; or consider the case of civilian oil engineers who were called upon during Operation Iraqi Freedom to provide crucial informational and logistical support in the securing of Iraqi oil fields; or consider even the case of average American citizens, whose tax dollars are used to feed a growing military budget, and thus—indirectly—to help underwrite American military operations overseas. Because of the ever-tightening networks of social and economic interdependence in our modern societies, those who play an indirect role in supporting military endeavors can no longer be so easily distinguished from those who play a more direct role. Third, it is quite possible for regular military actions deliberately to target noncombatants, yet without necessarily being qualified as terroristic in nature. For example, some military actions might involve the deliberate targeting of urban areas, where it is known that noncombatants may suffer and die; and such areas are targeted, not so much because of their immediate military value, but because such targeting carries greater "shock value" and can help demoralize and break the will of the noncombatant citizens who might otherwise support a dying regime. Consider Hiroshima in 1945, or Baghdad in 2003, as examples of such deliberate targeting. Such targeting of civilian centers may be immoral or unjustified for a wide variety of reasons, but it is not obvious that such actions are terroristic in nature.

With the above observations, I am certainly not saying that it is altogether impossible to draw a valid distinction between combatants and noncombatants, or between deliberate and nondeliberate attacks upon certain persons or certain areas. Rather, my point is simply that—all things considered—a more helpful and less contentious definition of terrorism would be one whose content did not *depend* on the making and justifying of these very difficult distinctions. Besides, a definition of terrorism that did not necessarily depend for its content on the making and justifying of these distinctions would also be harder to dismiss by terrorists or terrorist-sympathizers as being "question-begging." After all, when terrorists are condemned for their deliberate targeting of noncombatants, their infuriatingly plausible response (a response that one cannot simply dismiss without appearing hypocritical) is to point out that: (a) even those who appear to be the noncombatant victims of terrorism are not entirely neutral or innocent, since they do, in fact, provide indirect and necessary support to those who are directly involved in combat; and (b) even regular military actions undertaken by counterterrorist agencies involve attacks upon noncombatants, and such attacks do at times seem to be deliberate (or at least avoidable, if just a bit more care had been taken).

This now brings me to my final topic in this section, namely the topic of how a definition of terrorism can fail by being question-begging. A definition of terrorism is question-begging if it depends for its content on a particular distinguishing feature that is supposed to illuminate the nature or essence of terrorism, but instead only postpones a satisfactory determination of what terrorism really is. For example, there is a common tendency to think about the nature of terrorism by linking it with particular persons or groups who are now famous for being terroristic, such as Osama bin Laden, Al Qaeda, Islamic Jihad, Hamas, Hezbollah, Saddam Hussein, the Red Army Faction, the Ku Klux Klan, Unabomber Theodore Kaczynski, and Oklahoma City bomber Timothy McVeigh. But if it is only the identity of certain persons or groups that makes particular types of activity terroristic, then we are left with an important, unanswered question: why is it that these people or these groups are terroristic, and not others? And more importantly, is it the case that the actions are called terroristic because of the people that perpetrate them; or is it rather the case that such people are called terrorists because there is something distinctive about the actions that they perpetrate? If the latter is the case, then we have to focus once again on what is distinctive about terroristic actions as such, and no longer think of terrorism just in terms of the persons or groups that we associate with it. This point may seem painfully obvious, but it is worthy of mention here, since it has become all too common (especially since September 11) for even the best commentators and analysts to identify terrorism simply by referring to the people who perpetrate it, and not by referring to some intrinsic feature that distinguishes it as such.

Another way in which a definition of terrorism can be question-begging is if it seeks to illustrate what is distinctive about terrorism by relying on the claim that terrorism consists essentially in the "unjustified" or "immoral" use of violence. Even if this is a true claim (and I believe that it is), it is not the kind of claim that can underwrite an illuminating definition of terrorism. First of all, such a definition would be overinclusive, since there are many unjustified or immoral uses of violence that nevertheless do not qualify as terroristic in nature. Secondly, and most importantly, a definition that focuses on the immoral or unjustified character of terroristic violence would be question-begging. For we can once again ask—following the question suggested above—whether the violence at issue is said to be terroristic because it is unjustified, or whether it is unjustified because it is terroristic. The former option (that it is terroristic because it is unjustified) would yield an overly inclusive definition of terrorism; therefore, we must accept the latter option (that it is unjustified because it is terroristic). However, the latter option leaves us with an important, unanswered question. If terroristic violence is said to be unjustified because it is terroristic, then what is *distinctive* about terroristic violence that makes it unjustified (for surely not all forms of violence are unjustified)? In order to answer this question adequately, we must identify some additional characteristic or characteristics (something different from the fact that it is immoral or unjustified) that will tell us just what terrorism is. So, what is it that makes terroristic violence specifically terroristic? Once we have answered that question, we can then go on to ask whether and why specifically terroristic violence—unlike other forms of violence—is unjustified or immoral.

With this framing of the issues, we have begun to see why the topic of terrorism as such is ripe for philosophical analysis. When confronted with a similar set of problems regarding the definition of terms, Plato asked (in the *Euthyphro*) whether pious activity is said to be pious because it is pleasing to the gods; or conversely, whether it is pleasing to the gods because it is pious, in which case it would possess some intrinsic characteristic that makes it pious, and that also happens to make it (derivatively) pleasing to the gods. In a similar vein, we have asked whether terroristic activity is said to be terroristic simply because it is immoral or unjustified; or whether it is immoral or unjustified because it is terroristic, in which case it would possess some intrinsic characteristic that makes it terroristic, and that also happens to make it (derivatively) immoral or unjustified as well. But what is this distinguishing characteristic (or set of characteristics) that qualifies terroristic violence as specifically terroristic?

Plato tells us that there must be some intrinsic characteristic about pious activity that makes it pious, apart from the further question of whether or why that activity is pleasing to the gods. In a similar vein, I want to suggest that there is some intrinsic characteristic about terroristic activity that makes it terroristic, apart from the further question of whether or why that activity is immoral or unjustified. But this way of approaching the issue leads us to yet another difficulty, a difficulty that Plato also saw. In the *Meno*, Plato asks with characteristic incisiveness: "How can you begin searching for the defining characteristic of a thing, if you do not already know what you are looking for and thus if you do not *already* possess the definition being sought (for if you don't already know what you're looking for,

you'll be unable to recognize it when you find it)? Furthermore, if you already *do* possess the definition being sought, then isn't the search unnecessary and superfluous?" In short, it would seem that any search for the defining characteristics of a thing is either impossible or superfluous.

Plato's answer to the dilemma of defining was to hold that the search for the defining characteristics of a thing was not impossible, since we do, in a sense, already know what it is that we are seeking when we try to define things. On the other hand, the search is also not superfluous, since our knowledge of what we are looking for is not fully clear, comprehensive, or well developed in the first instance. For Plato, the whole purpose of defining is not really to arrive at altogether new and different information, but rather to expand, clarify, and deepen our "ordinary" understanding of things. In a similar vein, I offer in the second section of this paper a definition of terrorism that will resound with some of our ordinary intuitions about terrorism. But as I've suggested above, some of our ordinary intuitions about terrorism are not entirely adequate, and—if left unexamined—are apt to mislead us when we are called upon to make difficult judgments and implement important decisions on how to deal with it. In everyday discourse, it might well be sufficient to say of terrorism that "we know it when we see it." But in a world that has been made infinitely more complicated and confusing with the onset of globalized terror, we cannot just claim to "know it when we see it." Instead, it is necessary to supplement our ordinary understandings of terrorism with a more careful and rigorous conceptual analysis, one that will withstand critical scrutiny and begin to illuminate the many difficult issues that are raised by the threat of terrorism.

II. A Working Definition of Terrorism

One recent philosopher who has dedicated significant mental energy to the issue of terrorism, Haig Khatchadourian, argues that terrorism is essentially "bifocal," insofar as it is aimed at two different foci or targets.[2] First of all, terrorism is aimed at its "direct" victims or targets (those who directly or immediately suffer the violence done by the terrorist); these are the victims who are killed, wounded, and maimed in terrorists attacks, and/or whose vital interests are directly harmed by other forms of terrorism such as industrial terrorism, electronic terrorism, or cyberterrorism. Secondly, terrorism is also aimed at a set of "indirect" victims or targets. These indirect victims of terrorism do not suffer the terrorist's violence directly, but instead are observers of the violence done to the terrorist's direct targets. As a result, they are the recipients of a generalized threat or "message of fear" conveyed by the terrorist's violent actions.

[2] Haig Khatchadourian, *The Morality of Terrorism* (New York: Peter Lang, 1998), 6.

The bifocal character of terrorism points to a crucial distinguishing characteristic of terroristic violence. The aim of terroristic violence is not only to achieve ends directly through the use of force or violence (e.g., the direct killing of certain persons, or the direct destruction of particular material assets or infrastructural goods). Above and beyond achieving its direct ends (death and destruction), terroristic violence also aims at sending an accompanying message, a message of fear, or intimidation, or—as the name itself suggests—a message of terror. This description of what is distinctive about terroristic violence is not only etymologically sound (for the word "terrorism" is etymologically derived from the notion of terror), but also agrees with our common understandings of what terrorism is. In cases where the violence or the threat of violence terminates entirely with a particular act of violence, it is not accurate to refer to the particular act of violence as terroristic in nature. In order for a particular act of violence to be specifically terroristic, it is not enough that the violence be done; in order to be terroristic, the violence also has to be accompanied by a message of fear or intimidation, no matter how oblique or implicit that message may be.

The preceding consideration points us to yet another feature of terroristic violence: in order to be effective, terrorism needs an audience, and this audience is what we have called the terrorist's "indirect target" group. If members of the terrorist's indirect target group did not observe the terrorist's acts of violence or if they had no sense that they were members of the indirect target group, then the terrorist will not have succeeded in causing fear or terror among his indirect target group, in which case he will have failed as a terrorist. The terrorist's need for an audience points us to the role that publicity plays in the terrorist enterprise, and suggests that modern media outlets may themselves be the unwitting—though perhaps inevitable—instruments of the terrorist. This fact about terrorism points to a fundamental irony: because the terrorist needs publicity, it is often the case that "antitechnology" terrorists such as the Unabomber must rely on modern media technologies in order to be fully effective; or similarly, "antidemocracy" terrorists such as Islamic fundamentalists rely on

modern journalistic coverage and the free exchange of information in order to be fully effective. In some respects, then, the terrorist can be most effective by working precisely within the modern, technologically advanced, free-market society that he or she might aim to destroy. In other words, the terrorist's effectiveness as a terrorist is often parasitic upon the very features that characterize the host society being terrorized; one of the terrorist's strategies may be to use certain features of modern society in order to turn modern society against itself and make it a party to its own destruction.

As we have seen, the terrorist uses violence, not only to cause actual harm to the individual persons or vital interests that are directly targeted, but also to cause wider fear and panic among members of the terrorist's indirect target group. Because of this, terroristic violence can yield more "bang for the buck" in comparison with other, nonterroristic uses of violence, whose aim is restricted to what is immediately or directly achieved by the violence itself. For example, a regular computer hacker might aim to hack into a target system and bring that system down; but the effect of terroristic computer hacking is to bring about fear and anxiety that goes well beyond the direct target of the hacking. Terroristic violence aims to make effective use of limited resources, and thus—not surprisingly—has been called the "poor man's answer" to modern warfare. Thus it took only one computer hacker in the Philippines to devise the "I love you" virus and cause panic among hundreds of institutions and businesses (the virus was first encountered at the University of Oregon on May 4, 2000). It took only two individuals (perhaps with a few yet-unknown accomplices) to bomb the Murrah Federal Building in Oklahoma City (April 19, 1995) and terrorize an entire country. And finally, it took only nineteen hijackers and a fairly tight circle of financial and logistical support to bring down the twin towers on September 11 and spread terror throughout the entire world.[3] In the terrorist's hands, even a single act of violence—if sufficiently spectacular and well publicized—can go a long way in spreading fear.

We have considered the bifocal character of terrorism and some of the immediate implications, but what exactly is the message that the terrorist seeks to convey to his or her indirect victims or to the target audience? It is clear, of course, that different terrorists have different motivations, and so different terrorists seek to convey different types

[3] Four flights were hijacked on September 11: there were five hijackers on each of three flights, and four hijackers on a fourth flight.

of messages. One message might have to do with the dangers of modern technology (consider the Unabomber). Another message might have to do with the evils of modern secularism (consider Islamic fundamentalist groups). Still another message might have to do with the supremacy of a particular race or of a particular ruling authority (consider the Ku Klux Klan, the Nazi party in Germany under Hitler, or the Baathist party in Iraq under Hussein). Finally, the terrorist's message might be temporally localized or territorially specific; for example, the message might have to do with the undesirability of the Russian presence in Chechnya, the Spanish presence in the Basque region, or the Israeli presence in Palestine. Terrorists can have widely divergent goals and ideological commitments: religious, secularist, rightist, leftist, proestablishment, antiestablishment, and so forth.

If we look to the explicit beliefs or aims of the terrorist, then it is not likely that we will arrive at any common ideological denominator or any fundamental ground of agreement. But there is indeed something common to the message that the terrorist seeks to convey. This message has nothing to do with the terrorist's explicit aims or beliefs, but is connected rather to the terrorist's *modus operandi*, that is, to the *manner* in which the terrorist pursues his or her particular aims. The terrorist may have any number of possible messages about politics, religion, territory, and so forth; but the message that belongs generically to terroristic violence as such has to do with the random or indiscriminate character of the violence being done. Even if not deliberately formulated or self-consciously acknowledged by the terrorist, the message conveyed by the terrorist—regardless of the terrorist's particular aims—is that the direct victims of terroristic violence are to be targeted in a manner characterized by randomness and indiscriminateness. As I shall show later, this message of randomness or indiscriminateness entails yet a further, more far-reaching message about terrorism.

Before going further, it would be helpful now to formulate a basic working definition of terrorism, one that incorporates various elements touched upon thus far. Terrorism is (1) the systematic use (2) of actual or threatened violence (3) against persons or against the vital interests of persons (i.e., against the terrorist's direct target) (4) in the pursuit of political, ideological, religious, social, economic, financial, and/or territorial objectives, (5) whereby the violence is sufficiently random or indiscriminate (6) so as to cause fear among members of the terrorist's indirect target group, (7) thus creating a generalized climate of fear, distrust, or instability within certain sec-

tors of society or within society at large, (8) the ultimate aim of which is to influence popular opinion or governmental policy in a manner that serves the terrorist's objectives.

According to this definition, terrorism is akin to extortion or hostage-taking, since these two types of criminal activity create and exploit fear and intimidation for the purpose of causing another party to act or forbear from acting. However, terrorism is unlike simple extortion or hostage-taking, since the terrorist's actual or threatened use of violence is sufficiently random (i.e., indiscriminate, uncontained, unpredictable, or nonindividualized), so as to cause fear not only in a particular person or family, but in broader sectors of society or in society as a whole. In a sense, then, terrorism is a form of extortive hostage-taking, where the general, indeterminate, nonindividualized "hostage" of the terrorist is some sector of society or society at large.

It is worth pausing for a moment to reflect further on two essential features of terroristic violence, namely that it is randomized or indiscriminate, and yet also systematic. Because terroristic violence is indiscriminate, random, unpredictable, or nonindividualized, it causes fear in certain sectors of society or in society as a whole. This is because such violence conveys to observers (i.e., to the terrorist's indirect target group) that there is in principle nothing preventing such violence from being visited upon them as well. But while random and indiscriminate, terroristic violence is different from "ordinary" uses of random violence. This is because terrorism involves a systematic policy, and does not achieve its goal immediately and directly through the individual and randomized acts of violence themselves. Rather, terrorism achieves its goal precisely through the subsequent fear engendered by the target audience's awareness that such acts of violence—while randomized—are part of a systematic policy and not merely accidental. Thus a petty thief who achieves his goal immediately and directly by robbing people—even if such acts of robbery are indiscriminate and random—is an ordinary criminal and not a terrorist. By contrast, a local gang leader is acting as a terrorist if he achieves his aim (e.g., preventing people from reporting to the police) by intimidating inhabitants in an entire neighborhood through a systematic policy of randomized violence. We can thus say, paradoxically, that terrorism involves the "systematically random" or "systematically unsystematic" use of violence for the purpose of creating and exploiting a climate of fear in certain sectors of society or in society as a whole.

The randomness or indiscriminateness that characterizes terroristic violence applies not only to the selection of those who become the victims of terrorism. It applies also to the choice of venue in which the terroristic violence occurs, and to the self-presentations or guises used by those who perpetrate the violence. In other words, to say that terroristic violence is characteristically random or indiscriminate is to say not only that all persons within society or within a particular sector of society might be targeted as the random or indiscriminate victims of violence. It is to say, furthermore, that the violence can occur at any random time, place, or context, and can be perpetrated by those who might effect the appearance of being neutral, innocent civilians or random strangers. In short, terroristic violence can be random or indiscriminate in at least three significant ways: with respect to the selection of the victims; with respect to the venue (time, place, or context) of the violence; and with respect to the self-presentation or ostensible identity of those who perpetrate the violence.

What is crucial here is not just that terroristic violence occurs in a way that involves three possible kinds of randomness or indiscriminateness. For it is obvious that the world as we know it is full of unexpected and random occurrences; violence often does befall certain people in random fashion, and can take place in unexpected contexts, and can be perpetrated by those who might at first appear to be random strangers. But what is crucial and unique about the randomness characterizing terroristic violence is that the terrorist employs such randomness in a systematic fashion. The terrorist makes systematic use of this threefold potential for randomness precisely in order to maximize the effectiveness and fearfulness of his or her violence. Because of such randomness, the terrorist can gain easy access to victims in unexpected contexts (e.g., busses, trains, airplanes, roadways, and shopping malls) and can sow seeds of fear across very broad sectors of society.

If we focus on this threefold potential for randomness, we can begin to see just why it is that terrorism can be perpetrated not only by antiestablishment revolutionaries, but also by proestablishment operatives. Consider, for example, Nazi thugs or Baathist party operatives whose reign of terror in Germany and Iraq depended in large measure on the doings of randomly placed informants in civilian dress, and on the infliction of indiscriminate, arbitrary punishments. By focusing on this threefold potential for randomness, we can also begin to see why terrorism can be perpetrated not only against noncombatants within civilian settings, but also against military person-

nel in the midst of military operations. Consider, for example, the terroristic tactics of the Iraqi soldiers who waved white flags of surrender during Operation Iraqi Freedom, only to open fire when their American counterparts moved to accept their surrender. That is a form of terrorism, even though the victims were combatants. Furthermore, this focus on the threefold potential for randomness allows us to understand what is distinctive about terrorism, yet without reliance on the problematic distinction between combatant and noncombatant, or on the question-begging distinction between justified and unjustified uses of violence. Finally, this account of terrorism allows us to explain in an illuminating and non-question-begging way just why it is that terroristic violence is immoral and unjustified. For the operative claim I want to make is not just that the terrorist makes use of this threefold potential for randomness; I also want to suggest that it is the systematic use of randomness or indiscriminateness that, in turn, makes terroristic violence immoral or unjustified.

What is crucial here is what is implied by the threefold potential for randomness: it implies that the terrorist in principle does not recognize any rules of armed conflict. But is this really distinctive about terrorism? Doesn't this way of characterizing terrorism run the risk of being overinclusive? After all, it would seem that any conflict—especially any conflict involving violence—between human beings involves disagreement about which rules or laws are to be recognized. And so by focusing on the terrorist's refusal to recognize rules of armed conflict, do we not run the risk of defining terrorism in terms that might legitimately characterize other, nonterroristic instances of conflict? Even if it is true that other conflicts—especially armed conflicts—involve the refusal of one party to recognize rules or laws whose recognition is insisted on by the other party, there is still something distinctive about the terrorist's refusal to recognize any rules of armed conflict.

On the most obvious level, the terrorist's refusal to recognize any rules of armed conflict means that for the terrorist there are in principle no contexts, no conditions, no times or places, and no persons that fall under the basic rules of armed conflict. Accordingly, the terrorist may target anyone at any time (in bus stations, shopping malls, office buildings, or even hospitals), and may do so under the guise of being anyone at all (an ambulance driver, a security guard, a police officer, or a simply a nondescript stranger). But the terrorist's refusal to recognize any rules of armed conflict also means something deeper than this. It means that the terrorist in principle refuses to recognize any

rule that—in spite of the parties' obvious disagreement—governs the parties' conduct during the time of conflict. This means, in turn, that the terrorist in principle recognizes no rules that effectively remain "above the conflict," and that can govern the terms of an eventual transition by the parties from a state of conflict to a state of peace.

In effect, the terrorist's refusal to recognize any rules of armed conflict is an implicit commitment to a state of perpetual conflict or war, for it is only through some basic rules of armed conflict that the conflicting parties can have at their disposal some protocols for reaching an eventual truce. Because of this, the terrorist is implicitly committed to a perpetual state of war (either an antiestablishment or a proestablishment state of war). This does not mean, of course, that the terrorist can never be led to forsake violence and opt for peace. But it does mean that the terrorist—insofar as he or she remains a terrorist and refuses to recognize any rules of armed conflict—systematically refuses to recognize what conflicting parties need in order to move together from a state of conflict to a state of peace. Even if individual terrorists themselves might be led to choose peace, the terrorist *qua* terrorist is committed to a *modus operandi* that implicitly denies that any rules remain "above the conflict"; and thus the terrorist's *modus operandi* involves an implicit refusal to recognize those rules that are needed for reaching an eventual truce.

We can better understand what is at issue here if we take a brief look at how the rules of armed conflict are meant to function during times of actual conflict. The rules of armed conflict are certainly not intended to give military advantage to one side or another; otherwise, no disadvantaged party could ever be expected to recognize rules of armed conflict. Nor are rules of armed conflict intended to make any claims about which party to a conflict is in the right; if the rules of armed conflict were content-specific in this way, then only one party could be expected to recognize rules of armed conflict. Rather, one of the fundamental—and content-neutral—purposes of rules of armed conflict is to ensure that the warring parties will recognize and be bound by certain norms throughout the conflict, so that a truce can be agreed to and relied upon by both parties at the end of the conflict. Without such rules of armed conflict already in place and already accepted by both warring parties, it is systematically impossible for the warring parties ever to agree to a principled truce or state of peaceful coexistence.

Let us flesh this out by reference to the often overlooked "principle of chivalry" within the law of armed conflict. Among other things,

the principle of chivalry prohibits the use of treachery during times of armed conflict; for example, it prohibits the misuse of enemy flags or flags of truce or surrender (e.g., the traditional white flag). Without such a principle, a conflict between two parties could, in principle, go on forever. For without such a principle in place, any expression of surrender or truce could be used, not in order to signal the conflict's end, but for the purpose of deceiving and gaining a military advantage over one's adversary. Instead of aiming to bring the conflict to a close, the showing of a white flag could be used precisely in order to perpetuate the conflict. Without some principle of chivalry at work, no expression of surrender could ever be trusted, and so no principled truce could ever be reached. As Aristotle rightly says, the purpose of war is to secure the peace. But the terrorist's activities (whether aimed at combatant or noncombatant victims) make such a transition from a state of war to a state of principled peace systematically impossible. In refusing to recognize any rules of armed conflict, the terrorist refuses to recognize any rules or protocols by means of which the conflicting parties might trust each other and agree together to end the state of conflict.

This, then, is what is fundamentally wrong with the terrorist's refusal to recognize any rules of armed conflict: this refusal amounts to a refusal to conduct armed conflict in a way that aims at and allows for the deliberate and principled termination of the conflict. And with this, we have arrived at what we have been looking for in our attempt to define terrorism. The animating spirit of terrorism is the spirit of systematically unsystematic violence, which—as we have seen—involves a threefold potential for randomness. And such randomness, in turn, betokens the terrorist's refusal in principle to recognize any rules of armed conflict. And this refusal, in turn, reveals that the terrorist *qua* terrorist is implicitly committed to the principle of uncontained and perpetual war, that is, to the kind of war that can never end through mutual recognition or a negotiated truce, but only through the ongoing suppression or complete obliteration of the adversary. And this, in a word, is what is distinctively wrong with terrorism.

An important elaboration might be in order here. On one level, it might seem that some groups that are traditionally labeled "terroristic" are not really committed to perpetual or uncontained war, since such groups have rather limited and well-defined objectives. Because of the limited or circumscribed character of their objectives (e.g., the

expulsion of a particular group from a particular region), it might seem that some terrorist groups are not really committed to perpetual war, after all. But it is important to be mindful of two crucial distinctions. First of all, there is a difference between (i) a particular group's stated objectives, and (ii) the means by which the group pursues those objectives. Even if a particular group claims to have rather limited objectives and thus denies that it is committed to the principle of perpetual war, it might nevertheless be the case that the group's *means* or *methods* of pursuing those objectives actually contradict the stated objectives themselves. So even if a particular group claims to desire only territorial autonomy and peaceful coexistence with its neighbor(s), that group undermines its own message when it refuses to recognize rules of armed conflict and thus when it shows that it cannot be trusted to be bound by rules (including those contained in its own promises) that are supposed to transcend particular conflicts or disagreements as they arise. Even if a particular group claims to have only limited objectives, its terroristic *modus operandi* shows that it really cannot be trusted to recognize any limits if there is actual (or future) disagreement or conflict.

This brings us to the second crucial distinction, which is a distinction between the two ways in which open hostilities between conflicting parties might be suspended. The suspension of open hostilities might amount to (i) a genuine state of peace based on mutual agreement or recognition between the parties; or (ii) a mere state of stability based on the morally arbitrary fact that circumstances have led to a stalemate or impasse in the conflict between the parties. While the former condition constitutes a state of genuine peace, the latter condition is perfectly consistent with the persistence of a state of war. If a shift in circumstances (such as a shift in the relative balance of power between two warring parties) happens to lead to the suspension of open hostilities, it does not automatically follow that a state of peace has been achieved. In the absence of any mutual recognition or agreement, the mere suspension of open hostilities between conflicting parties is arbitrary from a moral point of view; and the open hostilities will reignite just as soon as a new (and also morally arbitrary) shift occurs in the prevailing circumstances (e.g., a shift in the relative balance of power between the parties). The point here is that a genuine state of peace cannot arise simply through morally arbitrary changes in circumstance or shifts in the balance of power between parties. Rather, as Kant argues, genuine peace can

only be the result of mutual recognition or agreement.[4] But meaningful agreement—in turn—is possible only if the two parties can be trusted to be bound by rules (including those contained in their own agreements) that are supposed to transcend particular (future) conflicts or disagreements that might arise. By adopting a terroristic *modus operandi* (and thus by refusing to be bound by rules which remain "above the conflict"), terror groups show that they cannot, in fact, be trusted in the requisite way. And a state in which the suspension of open hostilities always depends on morally arbitrary circumstances and balances of power (rather than on mutual recognition or agreement) is nothing other than a state of perpetual war.

By way of conclusion, I would like to formulate two final theses about terrorism and why it is apt to become an increasingly difficult problem for liberal democracies in the years to come. These two theses are meant to be more suggestive than conclusive:

1) *Terrorism systematically undermines trust in a context of increasing mutual dependence.* As systematically unsystematic violence, terrorism undermines trust on two levels: (a) it undermines the citizens' trust in their government's ability or will to protect them, and (b) it undermines the citizens' trust in one another as individuals. Terrorism thus has the effect of delegitimizing and destabilizing social institutions and relationships that are based on trust, and supplanting such institutions and relationships with ones that are based on fear or coercion. Thus in a civil society facing the threat of terrorism, citizens find it harder to trust that their government will protect them and to trust that strangers with whom they come in contact (e.g., in shared public spaces, on roads, in the skies, and on the information superhighway) will not cause them harm or harassment. In effect, terrorism makes it more difficult to trust in the effectiveness of government and in the good will of strangers, precisely at a time when our modern economies and technologies are engendering increasingly wide networks of mutual dependence, thereby making such trust all the more necessary.

2) *The ultimate effect of terrorism is to put modern, liberal society into conflict with itself.* To the extent that the terrorism tends to undermine trust and lawfulness and replace it with fear, it marks a serious challenge to civil society's fundamental commitment to the

[4] See Immanuel Kant, "To Perpetual Peace: A Philosophical Sketch," in *Perpetual Peace and Other Essays*, trans. Ted Humphrey (Indianapolis: Hackett Publishing Company), 111.

view that justice is something more than just the will of the strongest or the will of the most intimidating. The recent trend in suicide bombings indicates just how difficult the problem is. For suicide bombing is not just a more effective way of delivering explosives. More importantly, suicide bombing embodies a terrifying new message, namely the message that there may be persons among us who—in principle—cannot be trusted to care about our lives, since they cannot be trusted to care about their own lives, and thus whose terroristic actions cannot be deterred even by the threat of force or death. But if one cannot deter the terrorist by appealing to his or her self-interest, then terrorism seems altogether unstoppable, unless the "war on terrorism" aims at the complete eradication—and not just the deterrence—of the terrorist. But this fact, finally, shows just why the problem of terrorism is so intractable. Terrorism is a challenge to modern liberal civil society not only "from the outside," but also "from the inside." This is because civil society's attempt at preserving itself through the "war on terrorism" requires the increasing surveillance of possibly innocent transactions, and the use of overwhelming force against the perceived perpetrators and sponsors of terrorism (consider, for example, the recent privacy concerns raised in the United States, and the sometimes indiscriminate bulldozing of Palestinian houses in the West Bank). But such methods in the war on terrorism are precisely the kinds of methods that can cause widespread intimidation and destroy trust. Thus the more we execute the war on terror (a war that we cannot fail to engage in some fashion), the more we run the risk of using means that are difficult to distinguish from those used by the terrorists themselves. And this, I contend, is precisely the terrorist's purpose. Terrorism puts civil society in a difficult bind: terrorism challenges civil society to defend itself; but since the modern terrorist cannot be deterred by more traditional, less extreme methods, civil society's war on terror must at times resort to invasions of privacy and to preemptive and excessive force—precisely the kinds of techniques that cause intimidation and undermine trust—and that is just what the terrorist also aims at doing.