# Terrorism and Moral Distinctiveness

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**Abstract**
Most people believe that there is something particularly morally repugnant about terrorism. A number of philosophers have attempted to defend this widely held view by offering accounts of precisely what it is about terrorism that makes it morally distinctive. In this paper I raise some doubts about the accounts that have been defended by others, focusing in particular on Samuel Scheffler's view. In light of the doubts that I raise about existing accounts, I suggest what must be done in order to arrive at an adequate account, and offer an outline of a view that seems to me promising. On the view that I suggest, terrorist acts reveal something of distinctive moral significance about the agents who perpetrate them, even if they are not in themselves morally worse than otherwise similar acts.

## 1. Introduction

Most people believe that there is something particularly morally repugnant about terrorism. A number of philosophers have attempted to defend this widely (though not universally) held view by offering accounts of precisely what it is about terrorism that makes it morally distinctive.[1] In this paper I will raise some doubts about the accounts that have been defended by others, focusing in particular on Samuel Scheffler's view. In addition, in light of the doubts that I will raise about existing accounts, I will suggest what must be done in order to (attempt to) arrive at an adequate account of the moral distinctiveness of terrorism.[2] Importantly, pursuing both of my central aims requires reflecting on precisely what we are asking when we ask whether a category of action is morally distinctive.

[1] See, *e.g.*, Scheffler (2006); McPherson (2007); Smith (2008). Michael Walzer comments briefly on the 'peculiar evil of terrorism' (2004, p. 51). For the view that terrorism is not morally distinctive, see Held (1991, 2004); Rodin (2004).

[2] I do not assume that it is possible to develop an adequate view on this issue. It is compatible with my argument in this paper that terrorism is not morally distinctive, despite the widespread intuition that it is.

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## 2. What is Terrorism?

In order to consider what might be morally distinctive about terrorism, we need a rough account of what terrorism is. For the purposes of this paper, I will follow Scheffler in proceeding on the basis of a description of several features that are widely acknowledged to be present in paradigm instances of terrorism, without insisting either that all actions that possess these features are terrorist or that actions must possess all of the features in order to be terrorist.[3]

There are four key elements found in most philosophical definitions of 'terrorism'.[4] The first is what I will call the *Violence Requirement*, which limits terrorist acts to acts of violence.[5] The second is the *Target Criterion*, which states that terrorist acts target individuals within a particular category, typically civilians, noncombatants, or the innocent.[6] The third is the *Intention Requirement*, which has two parts. The first part requires that the violence inflicted on civilians, noncombatants, or the innocent be intentionally inflicted on them (rather than, for example, inflicted on them as an unintended side effect of an attack on combatants). The second part requires that the agent or agents inflicting the violence intend that their action cause fear or terror in others, in particular in those who identify in some way with the victims.[7] The fourth and final element of typical definitions is the *Ideological Goal Requirement*, which

[3] See Scheffler (2006, pp. 5–6). For the view that actions with all of the features typically included in definitions of 'terrorism' need not be terrorist, see Kamm, (2006, pp. 29 & 36). For proposed definitions of 'terrorism' see Wellman (1979); Teichman (1989); Primoratz (1990); Rodin (2004, pp. 755–65). Wellman's definition is extremely broad and so includes many actions that lack some of the features typically included in definitions of 'terrorism'.

[4] I ignore certain definitions endorsed by states, which tend to include an element stating that only non-state actors can commit terrorist acts. Philosophers have, with good reason, tended to reject this constraint. See, *e.g.*, Held (2004, pp. 62–4); Rodin (2004, pp. 754, 758–9); Scheffler (2006, pp. 2–3, 11–16). Scheffler distinguishes certain types of domestic state action that resemble terrorism from terrorism itself, but allows that states can commit acts of terrorism nonetheless.

[5] Some definitions allow threats of violence to count as terrorist as well (*e.g.* Primoratz (1990, p. 135)).

[6] For the rejection of this limitation, see Held (2004, pp. 64–8; 2005, p. 178).

[7] Rodin rejects both parts of this Requirement (2004, pp. 762–71).



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requires that the violence be inflicted, and the fear or terror created, in the hope of advancing a political, social, or ideological goal.[8]

Combining the four key elements yields the following rough definition of 'terrorism': *the intentional infliction of violence on civilians, noncombatants, or the innocent, in order to advance a political, social, or ideological goal through the creation of fear or terror in others*. While I am not ultimately inclined to favour this definition, it is best to begin an inquiry into what might make terrorism morally distinctive with a definition that includes all of the widely accepted elements in mind.[9] A definition that is any narrower would risk drawing too many distinctions among widely accepted instances of terrorism, which would in turn make it more difficult to focus on what might unite them. At the same time, a broader definition would risk, as Scheffler puts it, 'lead[ing] us to overlook relevant distinctions and to give an oversimplified description of the moral terrain' (2006, p. 2).

With the aim of avoiding these risks in mind, it is worth noting that the given definition clearly captures widely accepted instances of terrorism, such as the September 11th attack on the World Trade Center and the American nuclear attacks on Hiroshima and Nagasaki.[10] It is also narrow enough to exclude many types of action that are similar to terrorism in certain ways, but intuitively ought to be excluded. For example, it excludes serial rape/murder that is not politically or ideologically motivated, as well as mob hits aimed only at getting others to pay protection money.[11]

## 3. What is Moral Distinctiveness?

In order to be in a position to address the question whether terrorism is morally distinctive, we need, in addition to our rough definition

[8] Primoratz's definition does not include this element, and therefore seems to imply that much ordinary crime, such as kidnapping for ransom, is terrorist.

[9] I am most sceptical about the inclusion of the Violence Requirement and the Target Criterion in definitions of terrorism. A definition that rejects both would, however, depart from much ordinary usage in clearly recognizable ways.

[10] Some might be inclined to dispute the description of the nuclear attacks on Japan as terrorist, but many accept that they were, and they clearly fall under all of the plausible definitions that have been offered.

[11] For the view that rape can be a 'terrorist institution', and therefore that individual instances of rape can be terrorist acts, see Card (1991, 2007, pp. 12–17).



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of 'terrorism', an account of what it is for a category of action to be morally distinctive. Most obviously, in order for a category of action to be morally distinctive, it must be distinctive. That is, there must be something about actions that fall into the category that differentiates them from actions that do not. In addition, the feature or features that make the category of action distinctive must be morally significant. Actions performed in Berkeley, California are distinctive insofar as there is something, in this case their physical location, that differentiates them from actions that occur elsewhere, but there is nothing *morally* distinctive about the category 'actions that occur in Berkeley'.

Categories of action can be morally distinctive in virtue of possessing a positively valenced morally significant distinguishing feature or set of features, or a negatively valenced morally significant distinguishing feature or set of features.[12] So, just as we might think that terrorism or genocide is morally distinctive, we might think that, for example, democratic governance is as well (Kateb 1981). Since my central focus is terrorism, I will focus on the ways that categories of action might be morally distinctive in the negative sense.

One way to think about moral distinctiveness in the negative sense is to view it as consisting in a category of action's possessing a feature or set of features that both distinguishes acts within the category from otherwise similar acts falling outside of it, and that makes acts within the category morally worse than such otherwise similar acts. This seems to be roughly the model that several philosophers have employed in thinking about how best to explain and justify the view that terrorism is morally distinctive.[13] I will therefore begin by considering two proposals that both seem to employ this approach. After noting some important ways in which these views

[12] It is an interesting question whether a category of action that is defined by multiple features, some of which are positively valenced and some of which are negatively valenced, might be morally distinctive in both a positive and a negative sense. I see no obvious reason to deny this possibility, though I will not consider the question further in this paper.

[13] In describing how we should begin thinking about the question 'what is the *distinctive* wrong of terrorism', Robert Goodin points out that '[t]he offense of 'killing people' is already on the moral statute books. So too are those of 'kidnapping', 'maiming' and 'destroying property not belonging to you'. In order to understand the distinctive wrong of terrorism, Goodin suggests, we must ask '[w]hat makes terrorists different from, and morally *even worse* than, ordinary murderers, kidnappers and so on? What is the



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seem inadequate, I will consider Scheffler's alternative account of terrorism's moral distinctiveness, which, importantly, relies on a slightly different understanding of moral distinctiveness itself.

## 4. Terrorism and Moral Distinctiveness

Lionel McPherson argues that terrorism, which he defines as 'the deliberate use of force against ordinary noncombatants, which can be expected to cause wider fear among them, for political ends', shares a range of morally relevant features with certain acts of conventional war (2007, pp. 525, 528–39). In particular, he claims that both terrorism and acts of conventional war result in 'likely, foreseeable, avoidable, and extensive' harm to noncombatants (2007, p. 537). He adds that, at least with respect to acts that result in such harm, whether the agent or agents who perform these acts intend the harm or merely foresee it seems not to be particularly morally relevant.[14] Terrorism, on McPherson's view, is not morally worse than certain acts of conventional war simply because terrorists intend the harm done to noncombatants. Rather, according to McPherson, terrorism, and in particular non-state terrorism, is morally distinctive in virtue of the fact that those who commit it tend to lack representative authority – that is, they do not act in accordance with the collective will of the people whom they claim to represent. As he puts it, 'terrorism's distinctive wrongness does not lie in the terrorism but rather in the resort to political violence without adequate license from a people on whose behalf the violence is purportedly undertaken' (2007, p. 542).

Despite the fact that McPherson puts this view forward as a view about the distinctive wrongness of terrorism, it seems to me that it is best interpreted as a rejection of the view that terrorism is morally distinctive. The definition of terrorism that McPherson himself accepts, recall, includes (despite minor differences in formulation) all four of the elements of typical definitions that I noted and used to construct the rough definition above, but contains no mention of the lack of representative authority. Recall, in addition,

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moral disvalue of 'terrorism', over and above the moral disvalue of the particular acts (of murder, kidnapping, and so on) through which it is carried out?' (2006, p. 1, italics in original).

[14] The fact that the harm to noncombatants is 'likely, foreseeable, avoidable, and extensive', McPherson says, 'would appear largely to overshadow the relevance of the combatants' intentions to permissibility' (2007, p. 537).



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that McPherson denies that the fact that terrorist violence is intentionally inflicted on noncombatants distinguishes terrorism, morally speaking, from non-terrorist violence that foreseeably and avoidably causes extensive harm to noncombatants. None of the defining features of terrorism, according to McPherson, make it distinctively wrong as compared with otherwise similar acts that do not amount to terrorism. Rather, his thought seems to be that typical acts of terrorism are morally worse than otherwise similar acts that do not amount to terrorism because, in addition to all of the shared negative features common to terrorism and such similar acts, typical acts of terrorism possess an additional negative feature, namely lack of representative authority.[15]

It is not, however, a defining feature of terrorism, either intuitively or according to McPherson's own definition, that those who commit terrorist acts lack representative authority. Terrorists can, in fact, have representative authority among the people on whose behalf they claim to be acting.[16] In addition, those who employ non-terrorist violence can lack representative authority (consider, for example, a tyrannical regime that fights an unjust war within the constraints of the traditional *jus in bello* restrictions and against the will of the nation's people). The lack of representative authority, then, is neither a feature of all terrorist acts, nor a feature that distinguishes terrorist acts from otherwise similar acts that do not amount to terrorism. At best, McPherson has identified a feature (lack of representative authority) that terrorist acts tend to possess more often than otherwise similar acts that do not amount to terrorism. But this is a contingent fact (if it is a fact at all), and such an empirical correlation cannot tell us anything about what is morally distinctive about terrorism *per se*.[17]

[15] It might be suggested that McPherson should simply amend his definition to include the lack of representative authority. This would, however, render the definition implausible, since it would imply that so long as representative authority is present, any violence committed against noncombatants for political purposes cannot constitute terrorism. Thanks to Daniela Dover for encouraging me to discuss this suggestion.

[16] McPherson himself acknowledges this point, citing certain periods in the histories of the African National Congress in South Africa, the National Liberation Front in Algeria, and Palestine Liberation Organization (2007, pp. 542 & 545). For a more detailed argument for this claim, see Held (2005).

[17] If we were concerned not with the question of what might make terrorism *per se* morally distinctive, but instead with the question why most



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Matthew Noah Smith defends an alternative account of what he calls the 'special objectionableness of terrorism' (2008, p. 201). On his view, what distinguishes terrorism from other kinds of acts, such as assassination, serial killing, and isolated war crimes committed by soldiers, is that 'terrorist acts threaten … valuable shared rules of war and valuable trusting relationships between both international allies and nations at war' (2008, p. 202). It is important to note that Smith adopts what he calls a 'stipulative definition' of terrorism as 'spectacular acts of violence that transgress shared rules of war' (2008, p. 202). It is therefore built into his rough account of what terrorism is that it involves the violation of shared rules of war. This has the implication, which he acknowledges, that 'in the absence of shared rules of war, there cannot be terrorism' (2008, p. 213). Because of this, his definition excludes a range of cases that intuitively seem to involve terrorism, including all domestic acts that are not part of a civil or revolutionary war, as well as acts committed by states or state agents against their own citizens. Any feature accounting for the 'special objectionableness' of terrorism on this restricted definition, then, will be a feature that is not present in the excluded range of cases.

The feature that Smith identifies, namely 'threaten[ing] to destroy … shared rules of war and the trusting relationships that sustain and are sustained by those shared rules' (2008, p. 212), is indeed absent in cases falling in the excluded range. Shared rules of war, after all, do not apply to the acts of disgruntled citizens against their own government (for example Timothy McVeigh's bombing of the Federal Building in Oklahoma City in 1995), or to the acts of states or state agents against their own citizens (for example the 'disappearing' of political dissidents in Argentina in the late 1970's through the early 1980's).

Smith's view, then, is roughly that terrorism involves all of the negative features of non-terrorist 'spectacular acts of violence', as well as the negative features associated with violating shared rules of war that he identifies. It is the latter features, of course, that make

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people intuitively view acts of terrorism as particularly evil in comparison with otherwise similar non-terrorist acts, then noting a strong empirical correlation between acts of terrorism and a feature that is widely condemned may be helpful. I have significant doubts, however, about whether the common view that terrorism is particularly evil could plausibly be explained by the correlation suggested by McPherson. If asked why terrorism is so morally objectionable, very few people, I suspect, would cite the fact that terrorists tend to lack representative authority.



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terrorism morally distinctive, because only they distinguish terrorist acts from otherwise similar acts that do not amount to terrorism. Because terrorist acts possess these latter features, they are, all else equal, morally worse than such otherwise similar acts.[18]

There are several problems with Smith's account of the moral distinctiveness of terrorism. First, like McPherson's account, it identifies as the feature that makes terrorism morally distinctive something that is neither unique to terrorist acts nor present in all terrorist acts. In a world in which there exist shared rules of war, it is clear that acts other than spectacular acts of violence that violate such rules can threaten the shared rules and the associated trusting relationships. For example, the political rhetoric of national officials can do so when it expresses a commitment to pursue the nation's interests, military or otherwise, at nearly any cost to others. Violations of shared rules other than rules of war can lead to scepticism about the offending nation's commitment to all shared rules, including rules of war, and such scepticism can undermine international trusting relationships. Smith implicitly recognizes that terrorist acts are not alone in threatening international trusting relationships when he says that '[t]errorism is specially objectionable because it is *uniquely likely* to threaten to destroy … shared rules of war and … trusting relationships' (2008, p. 212, italics added). But the fact (if it is indeed a fact) that terrorist acts are more likely than other sorts of acts to have this effect cannot be what makes terrorism morally distinctive.

We do not have a well-defined criterion or set of criteria for moral distinctiveness, but it is clear that those who claim that terrorism is morally distinctive believe that a category of action's being morally distinctive is something of considerable moral significance. Indeed, those who argue for the view that terrorism is morally distinctive tend to take themselves to be providing a justification of the depth of most people's intuitive revulsion to terrorism, which seems to be significantly greater than their revulsion to otherwise similar but

[18] Smith is careful to point out that there can be non-terrorist violence committed in the absence of shared rules of war that is 'far more morally objectionable than most terrorist acts' (2008, p. 212). A massive massacre of civilians in a world in which there were no shared rules of war would, for example, surely be morally worse than a suicide bombing of a café that causes no more than a handful of non-lethal injuries but violates existing shared rules of war.



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non-terrorist acts.[19] A statistical fact, such as that terrorist acts are more likely than other sorts of acts to have certain bad effects, seems insufficient to justify the depth of most people's revulsion to terrorism, and so seems insufficient to justify the view that terrorism is morally distinctive. If this sort of fact about a category of action were sufficient to make that category of action morally distinctive, then moral distinctiveness itself would seem not to be particularly morally interesting.[20] Surely a justification of our intuitive thought that terrorism is morally distinctive requires identifying something about terrorist acts that is of greater moral significance than the fact that they are more likely than other sorts of acts to have certain bad effects.[21]

Given the failure of McPherson and Smith's attempts to account for the moral distinctiveness of terrorism by identifying a feature that both distinguishes terrorist acts from otherwise similar acts that do not amount to terrorism, and that makes them morally worse than such otherwise similar acts, there is reason to consider alternative ways of understanding what might make a category of action morally distinctive. Scheffler, for example, rejects the view that the only way to understand moral distinctiveness is in terms of a feature or set of features that makes actions within the morally distinctive category worse than otherwise similar acts that fall outside of the

[19] This is not to say, of course, that most people's revulsion to, for example, kidnapping for ransom or ordinary murder is not rather intense; surely it is. But it does seem to be the case that terrorism generates both particularly strong negative moral judgments and particularly deep resentment and indignation as compared with non-terrorist violence.

[20] If the moral distinctiveness of a category of action could consist in nothing more than the fact that actions falling within the category are substantially more likely than other sorts of action to have certain bad effects, then the number of categories of action that are morally distinctive would be extremely large, and would include, among other dubious candidates for moral distinctiveness, many gerrymandered categories of action, such as 'actions that are particularly likely to have bad effect $X$'.

[21] In addition, it is not clear that the fact that, in general, terrorist acts are more likely to have certain bad effects could actually distinguish terrorism itself from other categories of action. After all, even if terrorist acts in general are more likely to have such effects than other sorts of acts, it may be that some individual acts of terrorism are very *unlikely* to have those effects. If this is the case, then Smith's account could not possibly tell us what is morally distinctive about terrorism *per se*, since the feature that is supposed to explain its moral distinctiveness would be absent from some terrorist acts.



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category. He claims that terrorism is in fact morally distinctive; it 'differs from other kinds of violence directed against civilians and noncombatants' (2006, p. 9). He continues by saying that

> [b]y this I do not mean that it is worse, but rather that it has a different moral anatomy … One can investigate the moral anatomy of…evils without taking a position on where [they] stand in an overall ranking of evils. (Scheffler, 2006, p. 9)

Scheffler characterizes what he calls the 'standard cases of terrorism' by citing three features that all such cases share (2006, p. 6). These features are:

1. The use of violence against civilians or noncombatants.
2. The intention that this use of violence should create fear in others, including other civilians and noncombatants.
3. The further intention that this fear should destablize or degrade an existing social order, or at any rate that it should reaise the spectre of such destablisation or degradation Scheffler, 2006, p. 6).

This characterization has much in common with my rough definition, although it differs in at least one way that is important to note. Scheffler's version of what I earlier referred to as the *Ideological Goal Requirement* limits the range of goals associated with terrorism to those that either consist in or can be advanced by destabilizing or degrading an existing social order. His reason for endorsing this limitation is that he wants to distinguish terrorism from what he calls 'state terror' (2006, p. 11) and 'sub-state terror' (2006, p. 16). State terror occurs 'when a government uses terror internally – and is willing to be seen as doing so – in order to stifle dissent and opposition, to maintain its grip on power and to preserve the established order' (2006, p. 11), while sub-state terror occurs when 'non-state groups … use violence to terrorize an oppressed or subordinated population, with the aim of reinforcing an established system of caste or hierarchy or defeating attempts to dismantle such a system' (2006, p. 16).

The feature that distinguishes terrorism from state and sub-state terror, on Scheffler's account, is that in cases of terrorism the aim is to destabilize or degrade an existing social order, whereas in cases of state and sub-state terror the aim is to stabilize or reinforce the existing order. Embracing this distinction, however, makes any argument for the view that terrorism is morally distinctive depend on the claim that the difference between attempting to destabilize an existing social order and attempting to reinforce such an order is



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in itself morally significant.[22] Accepting this claim would require us to think that, for example, there is a factor that, morally speaking, counts against attempts to destabilize a seriously unjust social order through violence that generates widespread fear, and that is not present in, and therefore cannot count against, attempts to reinforce the very same seriously unjust social order through violence that generates widespread fear. It is difficult to see how this could be the case unless there were a morally relevant factor that counts against *all* attempts to destabilize an existing social order, no matter how unjust it is, and that is not present in attempts to reinforce an existing order. And it is, it seems to me, very difficult to believe that there is any such factor. In light of this, I will put Scheffler's distinction between terrorism and state/sub-state terror to the side, and examine his account of the moral distinctiveness of terrorism within the context of the rough definition of 'terrorism' that I offered in Section 2.

I noted earlier Scheffler's suggestion that a category of action might be morally distinctive in virtue of having a distinctive 'moral anatomy'. He describes part of the moral anatomy of the 'standard cases' of terrorism in the following way:

> The initial act of violence sets off a kind of moral cascade: death or injury to some, anxiety and fear for many more, the degradation or destabilization [or stabilization or reinforcement] of the social order for all (Scheffler, 2006, p. 9).

It is essential to understanding the *distinctive* moral anatomy of terrorism, however, that we recognize that the moral cascade is not

> simply a cascade of harms. It is, instead, a chain of intentional abuse, for those who employ terrorist tactics do not merely produce these harms, they intentionally aim to produce them. The primary victims are used – their deaths and injuries are used – to terrify others, and those others are used – their fear and terror are used – to degrade and destabilize [or reinforce or stabilize] the social order (Scheffler, 2006, p. 9).

The fact that fear and terror are created intentionally and used for political purposes, according to Scheffler, distinguishes terrorism

[22] This difference is, after all, the only thing that, on Scheffler's account, distinguishes terrorism from state and sub-state terror. And, as I noted earlier, a category of action cannot be morally distinctive unless there is a morally relevant feature that distinguishes acts that fall within the category from other sorts of acts.



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from non-terrorist violence against civilians. The agents of non-terrorist violence are often indifferent to the deaths and injuries that they cause to civilians, and to the fear and terror that their actions generate in others, but only in the case of terrorist acts are civilians killed or injured '*precisely in order* to elicit … fear, horror, and grief' (2006, p. 9, italics in original). Terrorists, then, use those against whom they direct violence 'not just as means to an end but as means to a means: that is, they are treated as means to the end of treating [those in whom fear and terror are generated] as means to an end' (2006, p. 9). Terrorism's distinctive moral anatomy, then, consists in the fact that terrorist acts involve treating people as means to a means. And the fact that terrorism has this distinctive moral anatomy is what, according to Scheffler, makes it morally distinctive.[23]

We should note that this formulation of the view is incomplete in one important way. Many non-terrorist yet violent acts can involve treating individuals as means to a means, and some involve generating fear in others as a means of achieving the agent's ultimate goal. Consider, for example, a businessman who kidnaps the child of his fiercest competitor and informs her that he will return the child only if she shuts down her business. The kidnapper uses the child as a means of causing fear in his rival, which is itself a means of eliminating his competition. Treating those against whom violence is directed as means to a means, then, does not distinguish terrorist acts from all non-terrorist acts of criminal violence, and so cannot be what makes terrorism morally distinctive. If we recall, however, the *Ideological Goal Requirement*, we can see how the view can be amended. Terrorism involves generating fear as a means of pursuing *political aims* – it is, as Scheffler himself puts it, a 'political phenomenon' (2006, p. 3). Terrorism's moral distinctiveness, then, on the amended version of Scheffler's view, consists in the fact that terrorist acts involve the use of those against whom violence is directed as means to a means *to a political end*.

This view is plausible. Unlike the accounts of McPherson and Smith, the feature of terrorist acts that, on Scheffler's account, explains terrorism's moral distinctiveness is in fact a feature possessed by all terrorist acts. In addition, it does seem particularly morally repugnant to violently use people as means to a means

[23] As he puts it: 'What is distinctively repellant about terrorism is, roughly, that it treats the primary victims [that is, those against whom violence is directed] as means to a means' (2006, p. 10, fn. 9).



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to a political end. The fact that terrorist acts possess this feature is a plausible explanation of most people's intuitive revulsion to terrorism.

We might wonder, however, whether the feature identified in the account is too narrowly defined. That is, we might wonder whether acts other than terrorist acts possess the distinctive moral anatomy outlined by Scheffler, despite lacking one or more of the elements of our rough definition of 'terrorism'. In particular, it seems clear that agents can use other people as means to a means to a political end without employing any violence. This can, and sometimes does, involve generating fear as a means of advancing a political objective. Consider, for example, a group of agents that successfully convinces the population of a country that they have killed certain specific citizens and demands a change in a certain government policy that they dislike in exchange for refraining from killing anyone else. If the group in fact never had any contact with the citizens, and if they actually died of natural causes, or are not dead at all but merely missing, does the group's act lack the feature that makes terrorism morally distinctive?[24]

I find it difficult to believe that it does; after all, the citizens, despite not being the victims of violence at the hands of the group, are used as means to a means to a political end. If I am right, then we seem to have two options. First, we might conclude that terrorism is not, after all, morally distinctive, since non-terrorist acts can have the feature, the 'distinctive moral anatomy', that we had thought might make terrorism morally distinctive. A better option, however, may be to rethink our rough definition of terrorism. In particular, we may want to rethink the *Violence Requirement*. We might think, after all, that despite not involving violence, the group's act in the case that I have described *is* an instance of terrorism.[25]

[24] Of course the group's action lacks a feature, namely violence, that makes terrorist acts, on our rough definition, worse than similar acts that do not involve violence. In a morally important way, the group's act is less morally bad than it would have been had they actually killed the citizens. It is important to remember, however, that on Scheffler's account moral distinctiveness does not require that the feature accounting for it makes acts that possess it morally worse than otherwise similar acts. There is no obvious reason to think, then, that violence must play any role in explaining terrorism's moral distinctiveness, even if it is often the morally worst feature of terrorist acts.

[25] I am inclined to accept this view, although for reasons of s*pace* I will not argue for it here. I am also inclined to think that acts that do not involve



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## 5. Intention, Moral Relevance, and Moral Distinctiveness

A final point that is worth noting about the account on which the moral distinctiveness of terrorism consists in its use of those directly targeted as means to a means to a political end is that the features that are supposed to explain its moral distinctiveness (in Scheffler's terms, the features that account for its distinctive moral anatomy) are features of terrorist agents' intentions. Given the extent to which terrorism tends to be defined in terms of the intentions of the agents who carry it out, this seems a natural place to look in attempting to determine what might make terrorism morally distinctive. But locating terrorism's moral distinctiveness in the intentions of the agents who carry it out also raises important questions about the sort of moral significance that we should attribute to this kind of moral distinctiveness.

I noted earlier that McPherson believes that the fact that terrorists intend harm to noncombatants is largely irrelevant to the moral status of their acts.[26] Many philosophers accept the even stronger claim

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so much as the claim to have committed violence oneself can possess the morally distinctive features that I have described, and may even be properly described as terrorism. For instance, significant exaggerations of the threat of violence from others, when intended to create fear in some in order to affect them (and perhaps others) in a way that advances one's political aims, seems to involve using people as means to a means to one's political ends. And in at least some cases, it may not be an exaggeration to call this terrorism. Scheffler seems to open the door to this extension of his view in the conclusion of his paper. In an alternate formulation of his position, he says that '[t]errorism is morally distinctive insofar as it seeks to exploit the nexus of violence and fear in such a way as to degrade or destabilize an existing social order' (2006, p. 16). It would be difficult to deny that one can seek to exploit the nexus of violence and fear for political ends without committing, claiming to have committed, or threatening to commit any violence oneself.

[26] Rodin also believes that the intention to harm noncombatants does not make an act morally worse than it would have been had the harm been merely recklessly or negligently caused. He concludes that we should include reckless and negligent harming of noncombatants in the category of terrorist acts (2004, pp. 755, 762–70). Despite certain appealing features of this view, it seems to me that we cannot eliminate the *Intention Requirement* from our definition altogether, as Rodin suggests. At the very least, the intention to cause fear and to use that fear as a means to a political end is, it seems to me, a necessary condition of an act being an act of terrorism.



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that the intentions of an agent are always irrelevant to the moral status of an act.[27] Though I cannot argue for it here, I find the view that intentions are never relevant to the moral status of an act quite plausible. If this view is correct, however, then we will need a way to understand terrorism's moral distinctiveness that does not require that the features that account for it are relevant to the moral status of terrorist acts.

I want to conclude by outlining a potential way of doing this. First, we should recognize, following Scanlon, that even if intentions are not relevant to the moral status of acts, they are surely relevant to other types of moral assessment.[28] In particular, the fact that an agent intentionally uses some people as means to a means to a political end, or the fact that he intentionally exploits the susceptibility to fear of some people in order to further his political aims, surely says something about how he views other human beings, how he is likely to act in the future, and about the quality of his character. Terrorist acts, then, seem to reveal something of substantial moral significance about the agents who perpetrate them, something that cannot be inferred from the fact that an agent commits an otherwise similar act that is not an act of terrorism. This is true even if intentions are not relevant to the moral status of acts, that is, even if terrorist acts are not in themselves morally worse than otherwise similar acts that do not amount to terrorism.

On this view, then, we might say that terrorist *acts* are not morally distinctive, but that terrorist *agents* are. This seems to me to be a promising approach to thinking about the moral distinctiveness of terrorism. It also seems to provide the basis for a plausible explanation of our particular revulsion to terrorism, which may be best understood as a particular revulsion to *terrorists*.[29] After all, on reflection many of us will accept that terrorist acts are, in many

[27] See, *e.g.*, Thomson (1991); Scanlon (2008, Chs. 1–2). For a defense of the view that intentions are relevant to the moral status of an act that focuses on terrorism in particular, see McMahan (2009).

[28] Scanlon thinks, in particular, that they are relevant to assessing what he calls the 'meaning' of actions (2008, Ch. 2).

[29] It is important to note that the view that I have suggested does not justify a particular revulsion to those who are most often referred to as 'terrorists' in media coverage and public discussion, in comparison with those who commit acts of terrorism, or, importantly, sub-state terror, but tend not to be referred to in the same way. In addition, it does not justify any of the responses that are often sought by those who selectively apply the term 'terrorist' (*e.g.*, to members of particular racial or ethnic groups) –



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morally important respects, no worse than otherwise similar but non-terrorist acts. But I suspect that nearly all of us will want to hold on to the view that terrorist agents are, in at least one morally important way, worse than non-terrorist agents who engage in similar acts.[30]

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such as greater tolerance for targeted killings of certain suspected terrorists, substantial 'collateral damage' deaths and other harms caused in efforts to kill suspected terrorists, the limiting of due process rights for suspected terrorists (*e.g.* long-term incarceration without formal charges).

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