

Non-Institutional Political Terrorism: A Conceptual Proposal

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0. In the early 1990s, in a paper on international terrorism Thomas C. Schelling could still write:

“It isn’t even clear that terrorist activity is very significant in the fear and anxiety that it produces. Anger and frustration, yes; drama and entertainment, certainly; but seldom panic and little observable behavior motivated by fear, anxiety, or prudential considerations.”¹

Tragically, with the events of 9/11, this assertion has been proven wrong. Few historical facts of the past half century had as shocking an effect on a global scale and provoked reactions as severe and of long-term consequences as the destruction of the Twin Towers in New York and the attack on the Pentagon in Washington, D. C. The condemnation of these acts as a criminal expression of international terrorism has also been global.

The nearly unanimous reaction of shock and awe² has not been accompanied, however, by a similarly unanimous interpretation of the causes that led to the events, nor of the best strategy to prevent their recurrence. There isn’t even agreement on how to define terrorism – but that is nothing new, considering that twenty years ago, 109 different definitions of political terrorism had already been counted in the pertinent scholarship.³

1 Thomas C. Schelling, “What purposes can ‘international terrorism’ serve?”, in R. G. Frey and Christopher W. Morris (eds.), *Violence, terrorism and justice*, Cambridge: Cambridge University Press 1991, 18-32, p. 19 f.

2 In 1987 Eric Morris and Alan Hoe (*Terrorism. Threat and Response*, Londres: Macmillan, p. 28), formulated a tragic prophecy: “There are probably Islamic extremists, ‘sleepers’, in the United States, awaiting the clarion call to take their holy war, through acts of terrorism.” What they could not imagine then was the magnitude of the tragedy.’

3 Cf. Alex P. Schmidt, Albert I. Jongman et al., *Political Terrorism*, SWIDOC, Amsterdam and Transaction Books 1988, p. 5, quoted from Boaz Ganor, “Defining Terrorism” (The International Policy Institute for Counterterrorism: www.ict.org.il).

The number today is likely to be much larger still. Hence, one might think that any new attempt to define political terrorism can at best only be a useless repetition of what is already known and in the worst case an equally useless theoretical exercise that adds to the confusion.⁴ On that account, the best thing to do would be not to say another word about the issue. But I believe that this would be the wrong approach. After all, we are talking about the definition of a crime, that is, about the precise specification of the conditions that must obtain in order for a certain kind of act to be liable to prosecution and punishment. Thus, rather than being a purely theoretical matter, practical consequences of great significance are at stake. Besides, it is not true that repetition is always useless. Insistence on a better account of the core meaning of a word denoting activities with strong emotional connotations may help to clarify the boundaries of its meaning; and when the context changes, what was thought to be known may also be seen from new perspectives.

In what follows, motivated by the desire to contribute without excessive repetitiveness to the discussion of a political phenomenon that will probably have an impact on our daily lives for a long time to come, I will propose and defend a definition of non-institutional political terrorism.

1. In a first approach, the following definition of terrorism in a wide sense may serve as a plausible starting point:

D₁:

Terrorism is a *method*, a way of conduct intended to provoke generalized fear in some social group or in a society at large, in order to pursue some further objective of whatever kind.⁵

4 That is the opinion, for instance, of Walter Laqueur (*Terrorismus*, Kronberg/Ts.: Athenäum 1977, p. 78): “It is very likely that the controversy about a wide and precise definition of terrorism will go on for a long time, that it will not lead to a consensus, and that it will not contribute anything worth taking into account for understanding terrorism.”

5 In this wide sense of terrorism, one can even speak of “domestic terrorism”, when, for example, a father indiscriminately imposes “punishments” on the members of his family in order to increase his power by making his family fear him. Some years ago in a dinner conversation, the wife of a colleague at the Free University of Berlin told me that she and her two daughters always asked themselves “Whose turn will it be today?”, referring to unfounded recriminations by which the *pater familiae* tried to enhance his domestic power. Or one may also think of the “office terrorism” of a boss who “punishes” his employees for no other reason than his changing moods and the need to compensate frustration (cf. on this Grant Wardlaw, *Political Terrorism. Theory, tactics, and counter-measures*, Cambridge: Cambridge University Press, 2nd ed. 1989, p. 9). Such fathers or bosses may find a confirmation of their terror strategies for enhancing power at home or at work in reading Machiavelli (*Discorsi sulla prima deca di Tito Livio*, III, I).

It must be emphasized that terrorism is a method, an instrumental way of conduct. It consists in the performance of acts or activities intended to provoke a mental state of generalized fear. Indeed, there seems to exist an intrinsic, *logical* relationship between terrorism and the provocation of such a mental state; where the latter doesn't occur, it would be odd to speak of terrorism. The objectives or motives underlying the use of that method, by contrast, are extrinsic and at most *causally* related to terrorism. Besides, the objectives can be of very different kinds: political, religious, economic, social ... Whether or not one agrees with the objectives, or whether or not they are successfully pursued makes no difference whatsoever when it comes to qualifying a way of conduct as terrorist. The ends are relevant only insofar as the terrorist method is employed as a means of obtaining them. Terrorist acts or activities are, or are intended to be, instrumental with respect to these ends. *Vice versa*, the ends are often invoked to explain and sometimes even to justify terrorism. In that case, what is usually alleged is that the method is effective and that there are circumstances and objectives of such relevance that they "sanctify" the means. I will come back to the instrumental dimension of terrorism below.

According to the proposed broad definition, all persons or collectives using such a method are terrorists. When the method is employed for political purposes, we can speak of "political terrorism". And when it is used for political purposes by state agencies, we are dealing with so-called "state terrorism".⁶ The kind of terrorism used by non-state, private individuals or groups I will call "non-institutional terrorism".

2. If terrorism is defined by the intention of provoking generalized fear, the corresponding conduct must be of a nature that is at least in principle capable of actually generating such fear. As we fear only what can harm us, some kind of harm is implied. Nobody "fears" to receive a benefit. A harm is the violent destruction or deprivation of some good against the will of its possessor. Many actions and omissions are motivated by the fear that if one does not perform them one will suffer a harm. All social rules attempt to reduce social disorder by constraining, justly or unjustly, people's conduct, defining the line between what is permitted and what is prohibited. The preferred way of regulating social conduct is by way of threatening the *conditional* imposition of a harm;⁷ and perhaps here

6 On this, cf. Ernesto Garzón Valdés, "El terrorismo de estado: el problema de su legitimación e ilegitimidad", in: id., *Derecho, ética y política*, Madrid: Centro de Estudios Constitucionales 1993, 841-871.

7 A threat of harm engenders fear whenever the threatener is known to be capable of carrying it out. This applies both to the threat of sanctions and to terrorist threats.

too we can speak of a generalized fear: a fear of the imposition of sanctions. But that is a kind of harm that can be avoided, and those who do avoid sanctions by complying with the rules (regardless of whether these are just or not) know that they do not belong to the category of those at risk of being harmed by those sanctions. Terrorist threats, by contrast, are *unconditional*. For the potential victims of terrorist acts there are no rules compliance with which might guarantee their security. Terrorists adopt the posture of an inscrutable sovereign who, by meting out violence with studied arbitrariness, fosters an attitude of shared alarm and mutual mistrust in society which is of little help in dealing with terrorist aggression. Fear is thus transformed into a mental state that cannot rationally be overcome and which “undermines people’s judgement”.⁸ The decisive difference between the generalized fear of regulated sanctions and the generalized fear produced by terrorist acts is the difference between what can be willfully avoided and the unavoidable. What really scares us is the unavoidability of terrorist harms.

Terrorist acts appear unavoidable because they are *intentionally* aimed at harming the *innocent*.⁹ But the intentional infliction of harm to innocent

Hence, Jan Narveson (“Terrorism and morality”, in: R. G. Frey and Christopher W. Morris (eds.), *op. cit.*, 116-169, pp. 116 f.) is right when he says that terrorism consists “not directly in the performance of violent acts but in the *threat* of such performance.”

⁸ Luis Rojas Marcos, a member of New York City’s department of public health, quoted from Herman Tertsch and Pablo X. de Sandoval, “La era del miedo total”, *El País* (Madrid), October 21, 2001, p. 10.

⁹ Scholarship on this aspect is abundant. A large part of it insists that what matters is that the victims of terrorism are civilians. And it is then often held that their qualification as “innocent victims” is subjective and relative because it depends on the point of view of those who identify an act as terrorist. That is the position, e. g., of Benzion Netanyahu in *Fighting Terrorism* (New York: Farrar, Strauss and Giroux 1995). In my view, this position is wrong. First of all, unless one argues like Talat Pascha – one of the Turkish leaders of the massacre of Armenians in 1915 – who, when asked by the correspondent of the *Berliner Tageblatt* why so many innocent people had to die, answered that they could some day have become guilty (cf. Lawrence S. Leshnik, “Vor den Augen des Waffenbruders”, *Die Zeit*, April 20, 1990, 41-42, p. 42), that is, unless one would be willing, for instance, to qualify children as potential future delinquents and therefore as non-innocents, it is empirically false that there is no wide consensus about the fact that the great majority of the victims of terrorist acts are innocent persons, legally as well as morally. Secondly, if terrorism were directed only against those who are guilty in some sense, then even if the criteria for counting people as innocent were arbitrary and absurd, once they were known all those who would not fall into the category of the “guilty” according to these criteria could be sure that they will not be among the victims of terrorist acts. But that is precisely *not* how terrorism works.

persons is what we call a “crime”. In that sense, terrorists are criminals. However, the difference between ordinary criminals and terrorists is that for the terrorist his crime is only a means, intended to provoke fear not only in the direct victims of the act, but in the entire social group to which the victims belong. For the terrorist, as indicated above, fear has an *instrumental* function; it is supposed to help to obtain the satisfaction of some other (economic, political, religious or social) interest.¹⁰ So perhaps we can say that in the case of terrorism there are always two kinds of victims: those who suffer the direct harms of the crime, and those in their social environment (which may be very extensive, even reaching beyond national borders) who are subjected to a kind of blackmail by way of the threat that the inflicted harms might be repeated.¹¹ Hence, by contrast to what happens in cases of political violence directed against specific power-holders who are held responsible, e. g., for a repressive regime, as in the case of tyrannicide or regicide¹², most terrorist attacks are aimed against individuals nowhere near positions of power, such as the passengers of airplanes or playing children¹³ or office-workers, like the victims of the attack against the Twin Towers.

It is therefore not surprising that those who practice terrorism never admit being terrorists. If they did, they would identify themselves as criminals. Instead, terrorists will always allege motivations or ends that might provide them the chance of a justificatory escape. The protagonists

10 This is what distinguishes terrorists of all sorts – institutional and non-institutional – from the kind of criminals who by committing serial crimes sometimes “terrorize” a population. Jack the Ripper induced generalized fear, but he did not thereby intend to influence society in order to pursue some further interest. Besides, it should not be forgotten that terrorist acts do not always seriously injure or kill people; they may also consist in destroying or damaging material goods that are important for society. If, for instance, the British Museum were destroyed without causing any personal victims, could this not qualify as an act of terrorism? Or would it have to count merely as “vandalism”? I think the answer must depend, as I said before, on the intention behind the act. If the intention were to provoke generalized fear in society in order to reach certain political objectives, it should be considered an act of political terrorism.

11 On terrorism as blackmail, cf. also Narveson, *op. cit.*, p. 119.

12 The strong tendency to identify political terrorism with the assassination of political leaders is illustrated by the fact that the League of Nations’ *Convention for the Prevention and Punishment of Terrorism* of 1937 was conceived as a reaction to the assassination in Marseille in 1934 of King Alexander I of Yugoslavia and the President of the French Conseil d’État, Louis Barthou. The Convention was ratified by 24 states but never came into force.

13 Loren E. Lomasky, “The political significance of terrorism”, in: R. G. Frey and Christopher W. Morris, *op. cit.*, 86-115, p. 88.

of state terrorism in Argentina in the past century, for instance, used to invoke the vague excuse of “they must’ve done something” (*por algo será*), denying their victims’ innocence. Osama bin Laden’s motives are well-known, and there is no need to repeat them here. In any case, the attempt to *justify* terrorism by the motives underlying it is doomed to fail; in the last instance, it would amount to justifying the means by the alleged moral legitimacy of its causes and ends. This is also the reason why it does not help the conceptual clarification of this method in the political context to insist on the distinction between terrorists and freedom fighters.¹⁴ That distinction merely adds to the confusion because it forgets that whoever fights for the freedom of a people *with terrorist means* thereby turns a cause which as such may deserve a positive moral evaluation into an unjustifiable enterprise. *Anyone* employing the method of terrorism becomes a terrorist.¹⁵

On the basis of these considerations, I propose the following definition of political terrorism:

14 Within the UN, the discussion about condemning international political terrorism was, of course, initiated as a reaction to the massacre at Lod Airport in Tel Aviv and the disaster of the Olympic Games in Munich in 1972. On that occasion, the Arab states in the Sixth Commission held that terrorism was a reaction to “governmental terror” and therefore should not be condemned. The terrorism of those who dominate and that of those who are under domination, they said, must not be judged by the same moral standards since their motives are different. The delegate from Indonesia expressed this position with utmost clarity: “It would unjust to expect such peoples [the dominated, EGV] to adhere to the same code of ethics as those who possessed more sophisticated means of advancing their interests.” The introduction of the motivational element into the moral qualification of terrorism aimed not only at the establishment of different ethical standards for the terrorism of the dominant and that of the dominated; it was also intended to revive the medieval doctrine of just war. In my view, both these aims are inadmissible. On June 30, 1970, the General Assembly of the Organisation of American States (OAS) approved a resolution according to which “The political and ideological pretexts utilized as justification for these crimes [acts of terrorism] in no way mitigate their cruelty and irrationality or the ignoble nature of the means employed, and in no way remove their character as acts in violation of essential human rights.” Cf. John Dugard, “International Terrorism and the Just War”, in David C. Rapoport and Yonah Alexander (eds.), *The Morality of Terrorism. Religious and Secular Justifications*, 2nd ed. New York: Columbia University Press 1989, 77-88.

15 Regular armies too can commit terrorist acts, as was the case in quite a few undertakings of the German *Wehrmacht* during World War II, esp. in Eastern Europe. The bombing of Dresden in February 1945 or the dropping of the atomic bombs on Japan have also be qualified as terrorist acts by more than one author. Cf. on this, e. g., Alan Ryan, “State and Private; Red and White”, in: R. G. Frey and Christopher W. Morris (eds.), *op. cit.*, 230-255, p. 251.

D₂:

Political terrorism is a method, an instrumental way of violent conduct in order to provoke generalized and unavoidable fear in a social group or a society at large, by intentionally inflicting harms on innocent people with the aim of influencing the behavior of third parties concerning certain political objectives.

3. Let us now have a closer look at some of the aspects of political terrorism involved in this definition, which apply to institutional as well as non-institutional political terrorism, namely:

- a) that terrorist acts are intentional;
- b) that the class of potential victims of terrorist acts is all-encompassing, diffuse and varying;
- c) that terrorist acts are unpredictable;
- d) and that, therefore, there is no certain method to prevent them or to protect their potential victims.

4. The intentionality of terrorist acts implies that the harms they cause are not so-called “collateral damages” or damages falling into the category of “double effect”. Collateral or double-effect damages are usually characterized by those who inflict them as “accidental” or “incidental”, i. e. as not intentionally brought about and therefore as excused. In terrorism, by contrast, the damages are intentional, by definition. Terrorism in a rather narrow sense has therefore been characterized as the “deliberative commission of atrocities implying a massive violation of human rights”.¹⁶

Of course, terrorists usually deny that this is what they are doing and resort to “collateral damage” or “double effect” reasoning. But that is untenable. Leaving aside the general question of the moral acceptability of that kind of excuse¹⁷, in any case the repeated infliction of damages obviously raises serious doubts about their non-intentional nature. Regularly repeated “accidents” don’t seem to arise spontaneously and uncontrollably, i. e., accidentally. Rather, they have all the features of the systematic performance of a willful conduct. The successive destruction of the Twin Towers and the attack on the Pentagon, causing thousands of victims, were carefully planned intentional acts. Neither those who planned them nor the society suffering their effects could conceive of

16 David Held and Mary Kaldor, “Aprender las lecciones del pasado”, *El País*, October 8, 2001.

17 On the moral untenability of the doctrine of “double effect”, cf. e. g. G. E. M. Anscombe, “War and Murder”, in: James Rachels (ed.), *Moral Problems*, New York: Harper & Row 1971, 285-297.

them as “accidental”. If the former did, they would deprive themselves of any chance of moral justification: human acts causing accidents may at best be excused, but not justified. And if those who suffered the effects interpreted them as accidents, as a kind of catastrophe that befell them, they would have no reason to condemn them. Catastrophes can only be suffered, not condemned or punished.

5. That terrorism is said to be “all-encompassing” must be understood in the literal sense of the word. The victims may include even the terrorists themselves and their immediate social environment. With their self-sacrifice, suicide terrorists extend the class of possible victims to its maximally conceivable limits. For the purpose of provoking fear, they are willing to renounce defending or conserving their own life; and as they refuse to recognize the distinction between innocent and guilty, no-one is exempt from being a potential target of their violence.

But while the class of potential victims of terrorism is in that sense all-encompassing, when it comes to the execution of *particular* terrorist acts it is, of course, diffuse and varying.¹⁸ That is precisely the reason why it is so difficult to escape terrorist attacks, individually or collectively. In fact, the impossibility of avoidance contributes significantly to the intensity of the generalized fear, which is often accompanied by moral humiliation when people feel compelled not to do what they think they actually ought to do, in a vain attempt to avoid becoming a victim of a terrorist attack.¹⁹ In a society threatened by terrorism, there is nothing a member of that society could do to ensure immunity. This precisely is the purpose of terrorism.

6. That it is unpredictable does not mean that one doesn't know about the possibility of a terrorist attack. On the contrary: the perceived threat of a possible attack contributes decisively to the production of collective fear. Unpredictability does mean, however, that terrorist acts, when they happen, imply a surprise, because as a rule terrorists act secretly and anonymously, and do not previously announce where and when they will attack. In non-institutional terrorism, anonymity is part of the

18 Cf. also David Held and Mary Kaldor, *op. cit.*, who characterize terrorist violence as “dispersed and fragmented”.

19 In his article “El honor de los vascos” (*El País*, August 3, 2000, 16) Francisco Laporta has pointed out the perverse effects of the terrorism of ETA in the Basque region, giving examples of the conduct of citizens who don't dare to express solidarity with the victims because they hope, certainly in vain, that they may thus escape terrorist violence. They know that this is morally wrong, but they are too scared to behave as they think they should. In that sense, political terrorism can have a “demoralizing” effect in the literal sense of the word.

terrorists' way of conduct. Terrorists usually act either alone or in very small groups, putting up an appearance of "normal" members of the society they terrorize. They don't wear uniforms or other visible signs that would allow their identification:

"Terrorists today have no face or name. They are phantoms who one day train as mechanics, learn to fly a Boeing, board a commercial flight with a box cutter, and change global history."²⁰

The sudden, unforeseen interruption of the "normality" of a conduct, of the natural course of events, by an individual who looks perfectly "normal", creates the surprise. A predictable surprise would be a contradiction. When a surprise is triggered by a violent, indiscriminating crime it constitutes terror.

When a non-institutional terrorist is identified, that regularly happens after the crime has been committed, sometimes even by the members of the terrorist cell themselves who thereby proclaim their existence, propagate their motives and political objectives,²¹ and tighten the screw of generalized fear by threatening other equally surprising acts. This interest in public advertising distinguishes non-institutional terrorists not only from ordinary criminals whose identification is one of the main objectives of police investigations, but also from institutional terrorists:

"Terrorism of unofficial groups is often much more dramatic than state terrorism. Unofficial groups engage in dramatic hijackings and bombings, partly because they need the 'oxygen of publicity'. State terrorism often flourishes in secrecy."²²

7. In definition D_2 it was stipulated that it is the objective of political terrorism to influence the behavior of third parties concerning certain political ends. Non-institutional political terrorists are generally not sadists; the harm they inflict on innocent people is not an end in itself, it is intended to serve some further end, namely, to make those in power act in desired ways – for instance, abolish politics the terrorists consider humiliating, discriminatory, exploitative or a violation of divine law. Through their indiscriminate violence and the resulting terror, terrorists hope to reduce the options of these real addressees of their actions, to force them to do what they want. In that sense, non-institutional terrorism has similarities with blackmail.

²⁰ Carlos Fuentes, "La muerte de un sueño de poder", *El País*, September 23, 2001.

²¹ Cf. Narveson, op. cit., p. 122.

²² Jonathan Glover, "State terrorism", in: R. G. Frey and Christopher W. Morris (eds.), op. cit., 256-275, p. 273.

However, authors like Loren E. Lomasky reject this instrumental interpretation of terrorism. Lomasky emphasizes what he calls the “expressive” nature of non-institutional terrorism. On his account, in provoking generalized fear, rather than intending to influence political decisions, terrorists primarily aim at the public expression of their “political ideals”, at bringing to light the – alleged or real – oppression suffered by some social, ethnic or religious group to which they belong. According to Lomasky, with their conduct terrorists don’t usually obtain their political goals; quite to the contrary: what they provoke is an increase of repression and a decrease in the government’s willingness to listen to their demands. As actors pursuing some further ends, terrorists are utter failures. Hence, an instrumental conception of terrorism as the one proposed in my definition D_2 would have to lead to the conclusion that terrorists are psychopaths incapable of understanding the causal relationships between actions and their consequences. This conclusion could only be avoided by holding that

“terrorism should be understood as activity *supportive* of political ideals, but it need not be deliberately crafted to *bring about* favored outcomes.”²³

In other words:

“Terrorism is politically significant because of what it *represents* and not just because of what it *brings about*.”²⁴

At first sight, Lomasky’s thesis is suggestive. One may be fully inclined to endorse it and to suppress the final clause of D_2 , about the motivations of terrorists. But I think that would be premature. Lomasky’s thesis is, of course, supported by empirical evidence; one can refer in its favor to paradigmatic cases like that of the military dictatorship in Argentina during 1976-1983 which implemented a regime of state terrorism, allegedly as a reaction to leftist terrorism – which means that the consequences of the latter were totally different from what the leftist terrorists presumably intended. But one can also find plenty of counterexamples. For instance, terrorism played a decisive role in the ending of the British mandate in Palestine, in the French withdrawal from Algeria and in the

23 Lomasky, op. cit., 92 f. Likewise, Thomas C. Schelling (op. cit., 21) claims that “terrorism has proved to be a remarkably ineffectual means to accomplishing anything. [...] most of the international terrorism that we have witnessed has been pitifully crude [...] with little follow-up, no sustained drive, hardly any evident purpose except the performance of an expressive act.”

24 Lomasky, op. cit., 97.

fight against military occupation in Kenya, Cyprus, Aden and Vietnam.²⁵ Thus, the assumption that the political relevance of terrorism should be seen in its expressive character rather than in its attempt to pursue political ends seems to be correct only for some cases and does, in any case, not affect D_2 since in that definition I only mention the *intention* of influencing the behavior of third parties concerning certain political objectives – an intention which, as history shows, sometimes succeeds and sometimes fails. That is the normal course of affairs with intentional acts; and if an intentional act ends in failure, it does not mean that the intention was not there. Nor is pursuing an unrealistic end necessarily a symptom of irrationality.

Lomasky is right in pointing to the expressive dimension of terrorist acts and their notorious advertising of political ideals. But if people attempt to create publicity for their political ideal it implies that they have some end beyond the mere expression of their beliefs; they at least wish to draw attention to some state of affairs that in their view needs to be changed by the respective power-holders. In that sense, then, terrorist expressions are intended to exercise influence – which they do with varying success, as historical experience shows.

8. The performance of terrorist acts by individuals and their enormous terrorizing potential has lately been favored by the ready availability of portable or individually manageable means of destruction that can be acquired fairly easily. The history of terrorism has always been linked to the increase in the destructive force of conveniently manageable means of destruction. Vyacheslav Molotov, the terrorist chemist of Baku with his famous “cocktail” is a good example; chemical terrorists in 2001 had advanced to the use of anthrax.²⁶

When terrorist acts are performed on the international level, the perpetrators routinely allege that this is the “only way” to fight against the international system.²⁷ They initiate what has been called “fourth-generation war”, “non-state conflict” or “asymmetric war”:

25 Cf. Martha Crenshaw, “Reflections on the Ethics of Terrorism”, in: id. (ed.), *Terrorism, Legitimacy and Power*, Middletown, Conn.: Wesleyan University Press 1982, 1-37, esp. pp. 7 ff.

26 In the US, the fear provoked by the terrorist use of anthrax led to a crisis in the postal service: by the beginning of November 2001 the drop in the volume of postal transportations was equivalent to a loss of 500 million dollars (cf. *El País*, November 8, 2001).

27 That is the interpretation of international terrorism by Luigi Bonanate (*Dizionario di politica*, eds. Norberto Bobbio and Nicola Matteucci, Torino: UTET 1976, 1037): “on the international level [terrorism, EGV] is the only means open to those who don’t identify with the existing international order”.

“The concept of asymmetry must be distinguished from that of non-symmetry: the latter refers to a quantitative difference in the force or potential of the belligerents: strong versus weak state. [...] Asymmetry, by contrast, emphasizes qualitative differences in the employed means, the style and the values of the new enemies.”²⁸

Since the “war” undertaken by non-institutional terrorists lacks the uniformed masses of armed forces which are a necessary element of interstate warfare, it is often not easy to determine when international terrorism is supported by some state. Regarding the Twin Towers and Pentagon attacks, there seems to be no reason to doubt the implication of the Afghan Taleban regime; but things are not always that clear. States which support international terrorist actions must be expected to deny their responsibility, as it is in their interest to uphold the “asymmetry” of the terrorist way of warfare. It is, by the way, interesting to recall that since 1945 until today only 15 % of all wars have taken place between states; 85% were intrastate conflicts triggered by ethnic, religious or regional strife. Some scholars have therefore diagnosed a “privatization of war”.²⁹ Terrorist “war” may be seen as a subclass of this kind of conflicts who are the more dangerous for the population the more difficult it is to avoid being caught in attacks.³⁰ In that vein, Sami Naïr recently observed:

“In the context of a conflict in which the opposed parties are a state and private subjects (groups or individuals) who cannot be identified and have no fixed territory, the threat of the weak against the strong (here, of individuals against the state) is more dangerous – and more destructive – than the power of the strong against the weak. In other words, possible insecurity is always greater than real security.”³¹

When such a “war” is waged against liberal democratic societies, terrorist attacks destroy not only material goods and lives (which by definition happens in all wars); they also endanger the political system.

9. In fact, whether one favors the instrumentalist version of D_2 or the expressive notion of terrorism, it is undeniable that political terrorism always tends to corrupt political institutions. In the case of institutional terrorism, it implies the negation of the minimal necessary conditions

28 Marwan Bishara, “La era de los conflictos asimétricos”, *Le Monde Diplomatique* (Spanish edition) VI: 72 (October 2001), 10 f., p. 10.

29 This is the expression used by Herfried Münkler in his article “Die brutale Logik des Terrors”, *Süddeutsche Zeitung*, Sept. 29/30, 2001, p. I.

30 On the kind of “war” practiced by terrorists, cf. also Peter Waldmann, *Terrorismus. Provokation der Macht*, Munich: Gerling Akademie Verlag 1998, 13 f.

31 Sami Naïr, “Seguridad y justicia”, *El País*, Sept. 16, 2001.

for the justification of the state; the *rule of terror* directly contradicts the *rule of law*. Non-institutional terrorism, in turn, contributes to the radicalization of ideological positions and aims at reducing or even eliminating the scope of democratically structured politics.

A society that lives in fear of terrorist aggression is prone to take ideological refuge in radicalized positions which reduce the possibilities of political dialogue. Positions become more polarized, and many prefer to express their unconditional loyalty to the political powers that be, to avoid stigmatization as “guilty by association” or as a fellow-traveler of terrorists.³² However, unconditional loyalty necessarily reduces one’s critical capacity – a fundamental democratic virtue – and fosters that intellectual laziness of which not without reason Montesquieu thought that it leads a society into despotism.

If one believes – as I do, and contrary to what Carl Schmitt advocated during the Weimar Republic – that democratic politics is not about the distinction of friend and foe, but about negotiation and compromise, it follows without much further argument that political manicheism, with its corollary of mutual distrust, mutual accusations, and the alleged possession of absolute truth, is a slippery slope that leads to what David Held has called the “abdication of politics”.³³

It is certainly not very original to say that a liberal democratic welfare state with the rule of law is the best system for life in society; but it must not be forgotten that this is a system that implies very demanding rules concerning the unfailing guarantee of those individual rights that allow every citizen to live autonomously, i. e. with dignity. It is this dignity – which is non-negotiable because its value is beyond quantification, as Kant argued –³⁴ that is violated by terrorists who use their victims as mere means for the attainment of their ends. The terrorist thereby also punctures the boundaries of that which is not up for democratic negotiation and lays what with a happy expression has been called a „delegitimization trap“³⁵ that can hardly be avoided when political

32 Cf. Crenshaw, op. cit. 16.

33 Cf. David Held, “Violencia y justicia en una era mundial”, *El País*, Sept. 19, 2001. For a similar formulation, cf. Lomasky (op. cit., 98 f.): “[Terrorism] is the deliberate employment of principles of language and conduct corrosive of political order. [...] At bottom, terrorism is essentially contrapolitical.”

34 On the idea that human dignity cannot be quantified and on the moral dilemmas terrorism poses for a coherent Kantian, cf. Thomas E. Hill, Jr., “Making exceptions without abandoning the principle: or how a Kantian might think about terrorism”, in: R. G. Frey and Christopher W. Morris (eds.), op. cit., 196-229.

35 Klaus-Dieter Wolf, in an unpublished paper on “Terror – Security – Civilization”, Darmstadt University of Technology, Nov. 8, 2001. The fact that following

manicheism, which reduces the range of options perceived by governments and citizens, becomes rampant. This can be a very effective form of blackmail, as terrorist pressure can induce a democratic government to impose measures that considerably constrain civil liberties in order to reduce the vulnerability these liberties imply.³⁶

10. Terrorists think that their actions are exemplary, i. e. that they have the power to convince others to imitate them. To this avail, they must not only offer their “example” but also invoke shared beliefs. To do so, they often rely not merely on subjective beliefs but also on an evaluation of social realities that is plausible for other members of the same society (such as political oppression or humiliation). It oversimplifies the difficult issues implied in the causes of terrorism to say that terrorist attacks are “motivated by pure hatred and nihilism”.³⁷

Sine 9/11, much has been written about the social, political, economic and even religious causes that may explain the international terrorism we are currently witnessing and suffering. They must be analyzed and taken into consideration if we want to find a response that goes more deeply to the roots of the problem than a bellicose reaction, with its loss of still more innocent lives. Antiterrorism must, so to speak, take the form of an internal negation of terrorism rather than of a terrorism with the opposite sign, as has been the case of state terrorism.

Precisely because “pure hatred” is not its only cause, terrorism relies on an inherent expansive dynamism³⁸ and has an enormous capacity

the attacks of 9/11 the use of torture as a means for obtaining information from terrorist suspects has become a subject of debate in the US and that FBI officials suggested the possibility that prisoners could be “turned over to a more or less dictatorial allied country whose police could interrogate them using more ‘compelling’ methods” (Enric González, “EE. UU. debate sobre el uso de la tortura para arrancar información a los detenidos”, *El País*, Nov. 7, 2001) is proof of the danger of the “trap of delegitimization”. On the moral permissibility of torturing suspected terrorists, cf., e. g., Robert S. Gerstein, “Do Terrorists have Rights?”, in: David C. Rapoport and Yonah Alexander (eds.), op. cit., 290-307, esp. pp. 296 ff.).

36 “One obvious but extremely important factor [of the vulnerability of liberal societies, EGV] is the inherent civil rights and freedoms of the liberal states which terrorist organizations can exploit. Freedom of movement both between and within liberal states, freedom of association, and freedom from totalitarian style police surveillance and control, are all rightly highly valued by citizens of Western liberal states. Yet they can be all too easily taken advantage of by terrorists.” (Paul Wilkinson, *Terrorism & the Liberal State*, 2nd ed. London: Macmillan 1986, p. 103).

37 That is the opinion of Thomas L. Friedman, “En la guerra civil del Islam, reforcemos a los buenos”, *El País*, Sept. 20, 2001.

38 It is a “contagious phenomenon” with sometimes transnational effects, as shown for instance by the influence the activities of the Uruguayan tupamaros had

to recruit new adepts which is perversely strengthened by any act that reduces the realm for reasonable argument between different points of view. Terrorism thus reproduces itself by the destruction of the possibility for political dialogue which itself provokes.

Many believers in alleged absolute non-negotiable truths see in terrorist acts the most adequate way of imposing their respective truths. When this is believed, besides, to provide the chance of elevation to the category of hero or saint, terrorists may think that the most valuable thing they can do is to promote their ideals even at the price of their own lives and thereby gain for themselves an eternal place in history or even in paradise (in case of religiously motivated terrorists³⁹). From another point of view, however, a terrorist willing to impose his 'ideals' without regard for his own life or that of innocent others is a fanatic, i. e., someone who is willing to suffer the same evils which in the attempt to reach his ends he is disposed to inflict on others.⁴⁰

11. Obviously, the explanation of a conduct is one thing, its justification another. The former is an empirical question, the latter a normative issue. Any conduct can be more or less plausibly explained; but not every conduct can be justified – unless one adopts the hardly tenable moral position of solipsism or of “anything goes” according to which everything (or nothing) is justifiable. In the current debate about terrorism, there is often no clear distinction between explanation and justification. Attempts at explanation are frequently perceived by public opinion – which is understandably irritated by recent terrorist attacks – as hidden attempts at justification. It tends to be forgotten that there is no logically valid way from the empirical to the normative realm. In fact, as psychological reactions in general have little to do with logic, a brief analysis of the possible relations between the explanation and the justification of non-institutional terrorism, particularly on the international scale, may be useful.

on urban terrorism in Germany and Italy (cf. on this Crenshaw, op. cit., p. 17). “The ‘Short manual for the urban guerrillero’ by the Brazilian Carlos Marighella was very influential in the tactics of the *Rote Armee Fraktion*” (Wolfgang J. Mommsen, “Nichtlegale Gewalt und Terrorismus in den westlichen Industriegesellschaften. Eine historische Analyse”, in: id. and Gerhard Hirschfeld (eds.), *Sozialprotest, Gewalt, Terror: Gewaltanwendung durch politische und gesellschaftliche Randgruppen im 19. und 20. Jahrhundert*, Stuttgart: Ernst Klett 1982, 441-463, p. 455).

39 On the impact of religious beliefs on political terrorism, cf., e. g., Richard C. Martin, “The Study of Religion and Violence”, in: David C. Rapoport and Yonah Alexander (eds.), op. cit., 349-373.

40 R. M. Hare, *Freedom and Reason*, Oxford: Clarendon 1963, p. 197.

For a start, I think we can accept Walter Laqueur's old diagnosis.

"Terrorism is a consequence of injustice. With political and social justice, there would be no terrorism. The only known means to reduce the likelihood of terrorism is the reduction of its underlying causes, evils and frustration."⁴¹

It can hardly be denied that in the international system as it is today there are quite a few rules of political and economic conduct which harm the legitimate interests of the majority of the world's population. And that is not a new finding. Not only is there a large literature on this issue; for several decades we have been witnessing reactions of public protest displaying with different degrees of indignation and violence. What they have in common is the imputation of responsibility for this state of affairs to the great powers, especially of the West, of the post World War II era.

From the moral point of view, this imputation is not entirely unfounded – although it tends to turn a blind eye to the fact that the misery and injustice in the countries of the so-called Third World is to a large extent caused by their own corrupt and/or dictatorial governments keenly interested in maintaining collective ignorance. In fact, since the Western powers have most forcefully emphasized that human rights, including social and economic rights, should be universally respected, for reasons of ethical consistency they should be the first to comply with their own catalogues of negative and positive rights even across national borders. If the cosmopolitanism of economic globalization is not accompanied by moral cosmopolitanism, it risks turning into a somber version of postmodern imperialism. If, as I believe, national borders are morally irrelevant, advocates of human rights and of the Enlightenment postulates that have been so frequently invoked in the past years must take on the moral obligations they imply. In order to do so, it is not necessary to adopt "a more heroic version of universalism", as David Miller claims⁴². One only needs to accept the measure of responsibility that applies to economically and socially advantaged individuals and states.

All this can and should be accepted. But it is one thing to describe a defective state of affairs, and another to infer that it must necessarily lead to terrorist reactions. *One* of the causes of terrorism is undoubtedly indignation in view of a morally unacceptable situation; but it does not follow that terrorism is a, or even the only, possible way to overcome it. There are, for instance, more or less peaceful forms of protest, more or less similar to civil disobedience.

41 Walter Laqueur, *op. cit.*, p. 6.

42 David Miller, *On Nationality*, Oxford: Clarendon 1995, p. 64.

Hence, the phenomenon of terrorism cannot be explained merely by the existence of situations of injustice, because it involves a decision about how to react to such situations, i. e. a conscious choice of *method*. When the chosen method consists in the intentional violation of the rights of innocent people, the reaction is irremediably unjustifiable. No attempt at a causal explanation of terrorism can bridge the gap to its moral justification. However, that does not unburden us from the moral responsibility to eliminate the causes and thereby interrupt the expansive dynamics of terrorism. The *likelihood* of terrorism must be reduced, by opposing to the criminal expansion of terrorism what Peter Singer once called the “expanding circle” of morality, through the *method* of ensuring the effective universal validity of civil, political and economic human rights. To explain does not mean to justify, but it does mean giving an account of reasons and motives. Knowledge of these must be the first step in any attempt to prevent morally unjustifiable conduct.

12. On the basis of these reflections, my final proposal for the definition of non-institutional political terrorism is as follows:

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Non-institutional political terrorism is the expansive method of the intentional and unpredictable use of violence, or the threat thereof, by non-governmental individuals or groups in order to provoke generalized fear in a social group or a society at large, by inflicting unavoidable harms on innocent people with the aim of influencing the behavior of third parties concerning certain political objectives which are fanatically conceived as non-negotiable.

