

# The Saint, the Criminal and the Terrorist: Towards a Hypothesis on Terrorism

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**I**NCREASINGLY, the phenomenon of terrorism has begun to occupy the media, politics, and the lives of people in different parts of the world. The more the attention, however, the less the clarity: what kind of a phenomenon is terrorism? What generates it, what sustains it, and what allows it to expand on an ever-increasing scale? The lack of clarity concerning these questions has to do with the fact that our commonsense ideas about terrorism appear as an incoherent set.

First, terrorism horrifies; the acts of terrorists are seen as monstrous in scope and size. But the number of deaths or the human suffering, even if we look at an event as momentous as 9/11, is dwarfed by what traffic accidents and smoking do in any given year. Second, despite its relatively small impact (relative, that is, to the impact of smoking, traffic accidents, etc.) and the lower probability of its occurrence (compared again to such phenomena), terrorism induces massive changes in our societies that are incommensurate with the acts themselves. Third, many of us think that terrorists are monsters, lunatics, crazy and evil: they appear as pathological human beings. At the same time, we read in the newspapers that the terrorists not only increasingly draw recruits from the ordinary population, but also that they use ethical considerations like the perceived injustice in the world or attacks on their family, for instance, in their defense. Here, they reason much the same way most of us do. Fourth, we seem to think that some religion (Islamic fundamentalism) or political doctrine (Marxism) provides the foundation for terrorism. Such political and religious motives are even taken to differentiate it from ordinary crime. Yet, we see terrorism implanting itself in any and every kind of soil: Zionism, deep ecology, Islam, fascism, animal liberation, ethnic self-determination, Christianity, communism, nationalism and so on. This suggests that no specific religious or political beliefs are required for it to take root and flourish. Fifth, the only things we perceive are the acts of crime that terrorists either plan or actually commit. Yet, it is extremely difficult to call them 'ordinary criminals', because they seem to do something 'more' than just plan or commit criminal acts: they appear more monstrous than thieves or serial killers and the impact of their acts goes far beyond that of other crimes.

In short, we entertain what appear as *prima facie* inconsistent ideas about terrorism. A hypothesis about the nature of terrorism must provide a solution to the above problems without discounting any of them. We will propose that terrorism is a unitary phenomenon despite its internal differentiations and formulate a single hypothesis that illumines these and other known facts about terrorism. Hopefully, the essay will thereby function as an incentive and a heuristic to develop a better hypothesis.

We begin by suggesting that terrorism is a particular form taken by crime. The puzzle then is why and how crime takes the form of terrorism. The difference between murder (even mass murder) and an act of terrorism that also murders, we suggest, does not lie in the motives of the actor, the action, the means used, the nature of the victims, the intended goals or its realized effects. Instead, it is located in how the crime is transformed into ‘something else’. What makes crime into terrorism is this act of transformation and the mechanism that allows it to function and reproduce itself.

Actually, the act goes beyond transformation: we will suggest that terrorism is *transubstantiated* crime. ‘Transubstantiation’ in theology refers to the miraculous transformation of some particular substance into another one. This happens in the case of terrorism as well: *crime becomes morally praiseworthy*. It does not concern so much a particular crime, but rather the transformation of the entire domain of crime. This transubstantiation results in the re-presentation of crime as morally praiseworthy and the criminal as a saint or a hero. We will argue that what brings about this ‘miracle’ is a particular mechanism of transformation.

We propose to expand on the above hypothesis in the following way: first, we identify some difficulties in the current definitions of terrorism; second, we explain our alternative hypothesis and the mechanism of transubstantiation that is characteristic of terrorism; third, we show how this ‘miracle’ of re-presenting crime as morally praiseworthy is possible; fourth, we analyze the presuppositions and implications of such a process; fifth, we dwell on its relation to the self-description of terrorism; finally, we show how our hypothesis throws light on some well-known facts about terrorism and spell out some of its policy implications.

## I. DEFINING TERRORISM?

A central concern in the debate on terrorism in political theory has been to define the term. The literature tells us that more than a hundred different definitions of ‘terrorism’ are available today.<sup>1</sup> Still, there are no ‘firm and generally accepted criteria of application for “terrorism” and its cognates’.<sup>2</sup> Some authors consider

<sup>1</sup>Coady 2004, p. 4. Schmid 1984.

<sup>2</sup>Lomasky 1991, p. 87. Young 1977, p. 287.

the search for a consensus hopeless,<sup>3</sup> while others point out it should nevertheless continue. After all, if we intend to wage a ‘war on terrorism’, we should be clear on what is and is not terrorism.<sup>4</sup>

Part of the problem has to do with the equivocation of the term ‘definition’: does it refer to the task of defining the word ‘terrorism’ or that of characterizing the phenomenon? In the first case, authors tell the reader how they use the word and to what phenomena it refers. This is both a matter of stipulation and one of linguistic convention and intuition. In the second case, the author develops a hypothesis that characterizes the structure of terrorism, which distinguishes it from other acts of violence. Such a hypothesis systematically relates the concept of terrorism to other concepts (e.g. crime, violence, fear) in order to analyze the phenomenon in question. It has theoretical and empirical consequences that allow one to assess its cognitive value and compare it to alternative hypotheses.

Generally, the conceptions of terrorism in the domain of political theory focus on some of the following properties: (1) it involves violence; (2) directed towards innocents or noncombatants; (3) with a goal of coercing others; (4) the goals or motives of the violence are political, religious or ideological in nature; (5) the perpetrators seek publicity for their goals through the terrorist acts.<sup>5</sup>

While the attempts to characterize terrorism as ‘violent acts that intend to terrorize people for socio-political ends’ succeed in pointing out some of its important features, they ultimately fail as hypotheses about the distinct nature of the phenomenon. First, there are violent acts that intentionally instill fear in a population and also have socio-political ends, but which could hardly be terrorism. The random shootings around Washington DC in 2002, for example, were meant to terrify society and so was the recent Virginia Tech massacre. Even if the perpetrators had proclaimed to act for socio-political ends (such as the recognition of the plight of the downtrodden), we would not be willing to designate these acts as terrorism. Similarly, it is difficult to accept that armed robberies by a particular gang would become ‘terrorism’ accordingly as investigators or journalists speculate about its political motives.<sup>6</sup>

<sup>3</sup>Laqueur 1987, p. 11, p. 145.

<sup>4</sup>Kapitan 2003, p. 47. Primoratz 2004a, p. 15. Rodin 2004, p. 752.

<sup>5</sup>Goodin 2006. Hoffman 1998. Honderich 2006, p. 93. Kapitan 2003, p. 48. Kydd and Walter 2006. Laqueur 1987, p. 72. Oberschall 2004, p. 26. Rodin 2004, p. 755. Scheffler 2006, p. 6. Smilansky 2004, p. 790. Wardlaw 1982, p. 16. Wellman 1979, p. 13. Wilkinson 2000, p. 12. The official definitions of ‘terrorism’ by state institutions in the US and the UK similarly revolve around these features (e.g. the statutory definition of ‘international terrorism’ in the US Code, Title 18, Section 2331 and another definition at Title 22, Section 2656). Some authors also define terrorism as a kind of war and apply just war theory in its analysis. See: Coady 2003; Fotion et al. 2007; Hare 1979; Narveson 1991; Paskins and Dockrill 1979; Walzer 1977. However, we will ignore this approach, since Robert Goodin has provided cogent arguments that show its lack of validity; see Goodin 2006, pp. 6–30.

<sup>6</sup>The reference is to the infamous case of ‘the gang of Nijvel’ in Belgium, which committed a series of armed robberies of supermarkets during the 1980s. The gang used lethal violence disproportionate to the potential takings—a fact which gave rise to a variety of speculations about its hidden political agenda.

Second, these definitions give great importance to the goals, purposes or motives of the perpetrators in order to characterize terrorism. In fact, political or religious motives are viewed as that which differentiates it from ordinary crime.<sup>7</sup> Such claims conceal several difficulties. Take the example of a Palestinian mother who loses a child in an Israeli attack. Overcome by grief, she calls upon Allah, vows revenge and becomes a suicide bomber. What are the motives, goals or purposes of her suicide attack? Equally convincingly, it could be said that she intended to fight for the freedom of the Palestinian people, that she desired revenge for the death of her child, that she wanted to demonstrate both her faith in the true God and the superior courage of Muslim women, that she refused to continue living without her child and therefore decided to commit suicide in a spectacular way, etc. Naturally, one could argue that her true motives were a mixture of all of the above, but, in that case, the motives and the goals can no longer help us distinguish terrorism from other violent acts.

How do we identify the motives, reasons or ends behind acts of violence? Not only is this notoriously difficult; there also are conceptual problems in distinguishing between reasons, motives, purposes and goals.<sup>8</sup> Further, in so far as we (as onlookers or as commentators) rely on the statements made by the perpetrators to reveal their motives, do violent acts really become political or religious terrorism, simply because of the statements made by the perpetrators? If one shoots and bombs people while shouting 'Allahu Akbar' or 'all power to the proletarians' instead of 'your money or your life', do these *slogans* transform the nature of the act? Outside of our assumptions about the relationship between the slogans and the motives they allegedly reveal, how could we know the real motives behind terrorist acts? More often than not, we see that people either conceal or lie about their real motives; however, in the case of terrorist attacks, we often assume that their acts, somehow, reveal their true motives.

The absence of personal gain is sometimes cited as evidence for this difference between terrorism and ordinary crime.<sup>9</sup> However, the many suicide bombers who truly believe that virgins await the martyr in heaven or the Maoist fighters who thrive on the charisma and power that accompanies their movement have much to gain personally. Nevertheless, their acts of violence are still considered as terrorism.

These and analogous problems create difficulties for attempts to characterize terrorism in terms of its religious or political motives, ends and purposes. In what follows, we hope to explain how the nature of terrorism itself gives rise to the present confusion about distinguishing terrorist activities (and their motives) from other crimes. Rather than defining 'terrorism' as a particular class of acts, we propose to look at the phenomena that are commonly named as terrorism and trace the properties and mechanisms that are typical to these phenomena.

<sup>7</sup>Coady 2004, pp. 6–7. Hoffman 1998, p. 41. Wilkinson 1974, pp. 16–7.

<sup>8</sup>Scheer 2001. Tilly 2004.

<sup>9</sup>Honderich 2006, pp. 87–8.

## II. TERRORISM AND CRIME

Terrorists often legitimize their violent crimes in terms of political or religious purposes. Such legitimizations are not coextensive with the arguments that a criminal lawyer puts up in defense of a client. These arguments are strictly circumscribed by the legal framework and they try to show either (a) that the accused is innocent of the crime; or (b) that the action under consideration did not violate the law; or (c) that mitigating circumstances make the crime less severe; and so on. Nor are they co-extensive with some pseudo-radical argument that tries to ‘defend’ a crime, say theft, by appealing to a systemic injustice that the criminal really or allegedly suffered from. Apart from legal arguments, such a ‘defense’ swiftly meets the moral objection that ‘two wrongs do not make a right’, a saying that suggests that we are familiar with and are able to cope with such a stance. Neither is a Mafioso willing to accept that murder and robbery are ‘morally good’ acts: even if he justifies his act by referring to the orders he received, he does not defend them as ethical acts. How is the self-legitimization of terrorism different from such justifications of particular crimes?

We would like to suggest that terrorism draws on a mechanism that represents *crime as morally praiseworthy*. That is to say, it is not a defense of a particular criminal action of some individual or another; it is a defense of ‘crime’ as such. By presenting criminal actions as morally praiseworthy, the mechanism of terrorism *enables* one to lend legitimacy to actions that are otherwise considered illegitimate.

What does it mean to say that an act of crime is presented as morally praiseworthy? It means that such an act now has the force of a moral exemplar. However, some action can have the force of a moral exemplar to an individual, if and only if that person is a member of a moral community and intends to live as a moral subject. Otherwise it cannot. Therefore, a terrorist to whom a crime becomes a moral exemplar must see himself (and must also be seen by others) as an ethical agent, who is a member of a particular moral community sharing its ideas of good and bad, right and wrong, permitted and forbidden and so on.

In so far as an action can have the force of a moral exemplar only to an ethical agent, terrorism makes no further empirical presuppositions about the nature of such an agent. That means to say, the mechanism of terrorism re-describes a criminal act in such a way that such a re-description is indifferent with respect to specific religious and political beliefs that an individual might adhere to. In this sense, it is indifferent to distinctions between cultures, peoples, languages, skin colors, etc. In short, if the mechanism of terrorism has to succeed in presenting some act as a moral exemplar, it has to make the same presuppositions as all our ethical theories. Indeed it does; it is deeply and indissolubly rooted in the ethical domain that all human beings share.

Even though all human beings share the same ethical domain, we are initiated into this domain through the empirical communities we are born into.

These empirical communities are many and differentiated: different religions, cultures, languages, philosophies, traditions, etc. mediate us to the ethical domain and mark our distinctions and differences from each other. In this process, each of us acquires notions of crime as well. Mostly, these are associated with moral infringements, even if, depending upon our differential acquaintance with law, further refinement occurs in the course of our lives. For its success, terrorism not only requires that recruits belong to empirical moral communities, but also that they always remain members of some empirical moral community or the other. That means to say, the mechanism of terrorism (a) presupposes of its recruits that they too have notions of crime that their moral communities have and (b) requires that they continue to retain them as well. Why?

The first condition has already been dwelt upon: a morally exemplary action has an ethical force only to a moral subject. As an empirical moral subject, a person brings with him the notions of right, wrong, good, bad, criminal, legal, and so on that prevail in his community. Terrorism presupposes this fact.

It is often suggested that terrorists have ‘other’ moral values than those held by the rest of us; or even that they lack all moral principle.<sup>10</sup> Even though we shall suggest later why this appears to be the case, let us state here where we think this view is profoundly wrong: *if the terrorist was not a member of the ethical domain we all share, there would be no terrorism to speak of.* The very possibility of terrorism depends upon the fact that the terrorists too make distinctions between good, bad, right, wrong, criminal, legal and so on in exactly the same way we do. That is to say, much like most of us in the world, he too would find some actions (like murder, theft, rape, arson, looting, etc) immoral and criminal the way we do.

The evidence is overwhelming that terrorists possess the moral notions we have, and consider the same set of actions which we could call ‘crimes’ also as crimes. When a terrorist confronts the rape of his mother or sister, or the assassination of his beloved leader, or the fact of his pregnant wife blown to pieces and his child maimed for life by a blast, he too reacts with the same moral judgment and moral emotions his victims have. That is to say, he reacts to these immoral acts as a moral subject: with horror and abhorrence.

The terrorist is not a pathological person lacking a moral sense or an alien with utterly strange norms (finding morally good what most of us would find morally abhorrent). He is and has to be similar to us. If he was not, terrorism would not be able to find recruits at all. If there is one thing we have learnt, it is this: the recruiting ground for terrorism is fertile, continually expanding and consists of ordinary people much like us, neither pathological, nor particularly poor or poorly educated.<sup>11</sup> Unless we assume that the number of pathological people

<sup>10</sup>Barber 2003, p. 76. Netanyahu 1986, p. 204.

<sup>11</sup>Krueger 2007. Lord Alderdice 2007. Pape 2003. Sprinzak 2000.

continues to increase because of some evolutionary quirk, which is very improbable, then we have to make sense of how moral subjects very much like us could become terrorists at all.

In this sense and because of this reason, we do not define what ‘crime’ is: the terrorists already possess this notion (furthermore, it does not vary all that much with our day-to-day intuitions). They know what crime is, but the mechanism of terrorism *metamorphoses* the actions that the terrorists *consider as crimes* into morally exemplary actions. If this is the case, how does he reconcile his actions with his own moral judgment and emotions? And how does terrorism transform crime into the morally exemplary? We will begin with the second question first.

### III. THE MECHANISM OF A MIRACLE

To answer this question and understand what terrorism is, we must take the hypothesis of the transformation, metamorphosis and transubstantiation of crime utterly seriously. Because the terrorist is a moral subject too, terrorism can make a criminal act appear ethical to him only if it re-describes and re-presents that act. What kind of change is involved in this process?

In the first place, this representation cannot transform a criminal act into an ethical one by making it morally obligatory. If it did, then the terrorist would either be inconsistent (because one and the same act would continue to be both forbidden and obligatory, since the act would both be a crime and moral at the same time), or he would not have the notion of crime (because no act would be forbidden), or he would have another set of moral values than the rest of us (our ‘crimes’ would appear moral to him). We suggest that none of these is the case.

In the second place, this transformation must somehow succeed in doubling: it must leave the domain of crime of the terrorist intact and yet re-describe these acts in such a way that they do not appear to belong to the criminal domain. That is, it must appear as though two descriptions of an act actually describe two different acts—the criminal and the ethical.

In the third place, such a re-description must place the act beyond both the ‘obligatory’ and the ‘forbidden’, while retaining the distinction between these two sets of actions at the same time. Such must be the transformation that the act appears almost *unique*. The mechanism of terrorism should make his act so unique that the terrorist can neither see nor comprehend it under any other description than the one provided by this mechanism. It must transubstantiate an act, which is neither unique because it belongs to a category of actions, nor moral because it is criminal too in the eyes of the terrorist, into a unique act. That is, terrorism must transform crime by making each criminal action into a *sui generis* act. Thereafter, as far as the terrorist is concerned, this act does not have any other description than the one newly provided and he cannot recognize his act under any other description.

Exactly that happens. *Crime is transubstantiated into acts of supererogation.* ‘Supererogation’ names the sets of actions that have the force of moral exemplars without being obligatory.<sup>12</sup> Heroism, bravery, kindness, love for one’s neighbor, saintly actions, and so on are all examples of supererogation; they are the acts of ‘saints and heroes’.<sup>13</sup> They are not obligatory, since a failure to perform these actions does not make someone immoral. Still, they have the force of moral exemplars, but not because we ought to act in this way. These actions are ‘over and beyond the call of duty’ and as such are beyond the realm of moral obligation. That is, they are outside the domain of ‘moral laws’, but yet within the ethical domain.

Perhaps, an example or two would help. Consider a bystander, who cannot swim, walking along a river. He sees a child drowning in the river. Because he cannot swim, he runs to get help but assume that the help arrives too late to save the child. Would one hold the bystander guilty of an immoral act? Of course not. Assume now that he jumps into the river, saves the child, but, because of his inability, fails to make it safely back. Such an individual would have performed a supererogatory act: no moral theory imposes an obligation or duty on him to save the child at the cost of his own life, when he does not know how to swim. In this sense, his action of saving the child is ‘over and beyond the call of duty’. The same consideration applies to soldiers who jump on and cover a grenade to save a comrade in war. We have all heard of such instances and, rightly, we value and decorate such individuals as ‘heroes’. These actions, called supererogatory actions in the literature on ethics, are beyond the scope of moral laws.

We suggest that the domain of crime and the domain of supererogation share this formal property: they are both ‘beyond the scope of moral laws’. In doubling the description of crime, this is exactly what the mechanism of terrorism does: while leaving the description of a criminal act intact, it also provides a re-description of the act as supererogation. This is possible because of the formal property that both crime and supererogation possess. Consequently, these actions appear both *sui generis* and ethical at the same time.

However, because such actions belong to the ethical domain, there is a need for moral justification. The transformative mechanism of terrorism, which, as we have said, makes the action neutral (or indifferent) with respect to religious and political beliefs, allows for any kind of defense: one could appeal to injustice in society or to God’s commandments or to oppression and exploitation or to the doctrines of national sovereignty and national interests or whatever. The list is both varied and endless. The point to note here is the following: *neither religious nor secular doctrines form the intellectual basis of terrorism.* They are used in morally justifying an act that has *already achieved the status of a supererogatory action.* The transubstantiation of crime into supererogation is not something that

<sup>12</sup>Heyd 1982. Mellema 1991.

<sup>13</sup>Urmson 1958.

these doctrines and beliefs accomplish. The mechanism of terrorism has already done that *before* either religion or political beliefs are pressed into service.

If we fail to see this, we end up conducting sterile and unending debates: such as whether Islam is peace-loving or whether it is antithetical to modern values. These debates are not merely sterile and interminable. They are pernicious as well because, by conducting such debates, we countenance the self-description of terrorism and accept the legitimacy of the transformation of crime into supererogation. To see why this is so, we need to understand the sense in which terrorism is truly *subversive*.

#### IV. PRESUPPOSITIONS AND IMPLICATIONS

Consider what the mechanism of terrorism does. It appeals to a moral community, to its ethical and moral notions, and presupposes its distinctions between good and bad, right and wrong, moral and immoral, and so on. On the basis of this distinction, it *systematically* pulls out immoral acts in order to re-present them as supererogatory to the very same community. The community is asked to judge as ‘moral’ precisely that act which is immoral and criminal in its eyes. That is to say, the community should consider one and the same act as both immoral and supererogatory *at the same time and on the same intellectual and moral grounds*. The mechanism of terrorism transubstantiates some individual into both a moral criminal and a moral saint (at the same time and on the same grounds) to that very community of which he is a part.

This is impossible: on one and the same *substantive* grounds, an act cannot be both immoral and supererogatory at the same time and for the same person. While one could (conceivably) think of two rival moral theories making different ethical pronouncements about some particular act, such is not the case here: a moral community is *continually* forced to judge actions as criminal and supererogatory at the same time and on the same grounds. Should a moral community ever allow for this to happen, *it would disintegrate as a moral community and cease to exist*. In that sense, while terrorism undercuts its own foundation, it is also *truly subversive*: that which turns against and destroys the very community of which it is a part. *It necessarily bites the hand that feeds it*.

How does this situation translate itself in the cognitive world of the terrorist? How does he solve this tension between himself and his moral community? Here is where we see the *dynamic nature* of terrorism. Its mechanism allows the terrorist to identify differing empirical communities at different times as his ‘relevant’ moral community of the moment. Consider the Taliban in Afghanistan. At one time, both the US administration and the Pakistani government supported the Taliban fighters militarily, financially and morally. In doing so, both nations became a part of the relevant moral community of the Taliban. However, in the post 9/11 world, neither Pakistan nor the US belongs to the relevant moral community of the Taliban. Instead, they are now its enemies.

The internal problem of inconsistency between what terrorism does and the moral foundation on which it rests is transformed into an external opposition between the empirical community that the terrorist momentarily attaches himself to (that community then becomes the ‘relevant’ moral community for him) and the ‘rest’ of the world: the opposition between the ‘moral us’ and the ‘immoral them’.

The problem does *not* lie in the ‘us’ and ‘them’ distinction: all of us make such distinctions, which are based on the real differences that exist between different groups of people. Instead, it has to do with how the distinction is made and what it consists of. The ‘us’ and the ‘them’ are ethically hostile forces, each others’ enemies and two polar opposites locked in struggle, from which only one can emerge as the victor. The internal opposition between a moral community and its subversion by terrorism is expressed as an external battle-to-death between two communities: the ‘moral’ community that the terrorist momentarily attaches himself to and the ‘others’.

The *identity* of these communities is of no cognitive or moral significance in this battle: it could be the Americans today, Iraqis tomorrow and the Pakistanis the day after. Each was an ally at some stage or another; each was thus once a part of the moral community of the terrorist. Terrorism and its transformative mechanism have to necessarily turn against their own foundation; the terrorist does the same too by splitting the world into ‘us’ and ‘them’ in this particular manner.

## V. THE SELF-DESCRIPTION OF TERRORISM

To say that ‘one man’s terrorist is another man’s freedom fighter’ does not entail subscribing to ethical relativism. Our analysis of terrorism shows that it is worse than that: *it is to endorse the self-description of the terrorist and to underwrite the transformation of crime into supererogation*. The same consideration applies to discussions about whether or not some religion or political theory is a harbinger of terrorism.<sup>14</sup> Furthermore, this also covers the case of those who look at terrorists as ‘lunatics’, and as ‘deranged’ and ‘pathological’ persons. In all these cases, we endorse the description that the mechanism of terrorism provides us with.

In an insightful analysis, Loren Lomasky points out that the ‘transvaluation of language’, which seems intrinsic to terrorism is very much of a piece with its subversive nature. The terrorists see themselves as ‘soldiers’, ‘martyrs’ and ‘freedom fighters’, who engage in ‘battles’ and ‘operations’ in ‘self-defense’, and who try ‘enemies of the people’ in ‘people’s courts’, which ‘execute’ those found ‘guilty’. As he says, this ‘is to invoke political and juristic terms that underlie civil

<sup>14</sup>Haddad and Khashan 2002. Rapoport 1984.

society's quest for order and to bend them to the purpose of maximizing disorder'. Surprisingly, both the press and politicians have begun to reproduce this language.<sup>15</sup>

Indeed, if there is something tragic about the current intellectual and political scene, it is this: *both the friends and foes of terrorism have accepted the self-description of terrorism*. We treat the terrorists as 'exceptional' persons, who cannot be understood as 'normal' human beings. We go beyond our ethical and legal limits in our opposition to terrorism and, in doing so, endorse their self-description in that we treat them as more than 'mere' criminals by according them a special status.

We allow subversion by subverting our own legal and moral codes, and justify such subversions in the name of national and international security. We accept the legitimacy of the terrorist argument by endlessly debating the issue of whether or not some religion or political theory encourages terrorism or not. We endorse their self-description by identifying some terrorists as 'religious' or 'fundamentalists', which is exactly what they claim they are. We act as though one 'ought not to be' a fundamentalist forgetting, in the process, that should we give up the *fundamental* distinction between good and bad, right and wrong, we would only end up all the worse for it. We give up our notions of human rights by making or reinforcing discriminations against people from 'other' religions and regions.

We endorse and reproduce the distinction the terrorist makes between the 'moral us' and the 'immoral them' by speaking about the terrorist as though he is not a member of the ethical domain that all human beings share, or as though he has an alien set of 'moral values' when compared to the rest of the human beings. Finally, we succumb to the illusion of the terrorist: he believes that he performs a set of special actions; we agree with him and speak about 'terrorist acts' all the time, instead of realizing that they are just crimes. In all these ways and more, we allow terrorism to feed on the success and legitimacy it enjoys by our acceptance of its self-description.

## VI. CONCLUSIONS

This, then, is our hypothesis: terrorism is the transformation of crime into supererogation. The transformative mechanism of terrorism enables such transubstantiation. Let us see how this accounts for some of the facts we already know about terrorism.

(1) Terrorism spreads, because it appears imitable. We have seen why terrorism can recruit ordinary moral subjects; that is also why it is imitable. Anyone can become a terrorist. Terrorism can spread because it is neutral or indifferent with respect to religious, political and other beliefs.

<sup>15</sup>Lomasky 1991, p. 107. See also Hoffman 1998, pp. 33–7.

(2) Terrorism appears to target its victims both indiscriminately and in a focused manner. As examples of the latter, consider the sustained attempts at assassinating various political dignitaries, heads of states, prominent politicians, UN personnel, etc. during the last decade. It is indifferent as to whom it targets because the ‘relevant’ moral community of the terrorist undergoes changes over time. However, it is also focused because the terrorist is a member of a specific ‘relevant’ moral community confronting a specific ‘other’ at any one time.

(3) Terrorism inevitably bites the hand that feeds it, whether the hand that feeds it is a state (Iraq, Afghanistan and Pakistan, for example) or a movement (the Palestinian Liberation Organization). Terrorism has to turn against its own foundation because of the dictates of its transformative mechanism. It cannot but subvert the norms of the moral community it draws upon.

(4) Terrorism inevitably disrupts civil society in multiple ways that are incommensurate with the act itself. For instance, 9/11 changed both the US and the world so much that it is difficult to speak of commensurate effects of the act itself. Terrorism disrupts society and sows fear in such disproportionate ways, because its mechanism poses a threat to the existence of a moral community. Through its transformation of crime into supererogation, it threatens to subvert the very foundation of our moral communities.

(5) Terrorism generates two diametrically opposed ethical reactions. In some circles, the terrorists of today are the embodiments of the highest virtues and, as such, exemplars to imitate: martyrs, saints and heroes. In other circles, they generate moral horror and ethical abhorrence. That is, both make an appeal to ethical considerations. However, it appears as though these considerations are not merely different, but also opposed to each other. Consequently, terrorism and those others who feel moral aversion to it are mutually recognized as enemies-to-death. Each wants to eliminate the other. We explained why ethical responses are enticed by terrorism and why the ‘moral us’ and the ‘immoral them’ appear as enemies-to-death.

(6) It is certainly possible to speak of ‘state terrorism’.<sup>16</sup> If a state and its institutions engage in criminal acts and re-present these as supererogatory, then they are as much perpetrators of terrorism as are Al Qaeda and the Rote Armee Fraktion. This could take the form of a state violating international law and human rights in the name of generously gifting ‘freedom’ and ‘democracy’ to another people. State terrorism has also appeared in the guise of the systematic liquidating of political opponents and critics, while re-describing this as the courageous protection of the people and its revolution.

Our hypothesis on the nature of terrorism also generates a set of conclusions that are relevant for policy-makers. Let us list a few of them:

(1) Crime cannot be abolished in a society by exterminating the criminal population at any given moment. We have to strike at what generates and

<sup>16</sup>May 1974. Primoratz 2004b. Ryan 1991.

sustains crime in a society. Overcoming terrorism, besides requiring a whole series of social, political and economic remedies, needs something extra as well: both public intellectuals and academics must begin dismantling the mechanism that allows terrorism to function. This is not the same as identifying some ‘other’ political or religious doctrines and discoursing about them.

(2) If we continue to hold ‘religion’, ‘political radicalism’ or even ‘religious fundamentalism’ and ‘Islamofascism’ as the cause of terrorism, not only do we fail in addressing the real issues, but we end up feeding its transformative mechanism by accepting the self-description of terrorism. The current craze in the American academic world and public debate about Islam reflects how successful it has been here.

(3) We need expert jurists, magistrates, and politicians to work on setting up provisions in criminal law that allow us to tackle the nature of this particular form of crime. However, such statutes, like all other legal statutes, should be tested for their admissibility within the moral and constitutional limits that we work under.

(4) The ‘war on terrorism’ is sensible only to the extent we can speak about ‘war on crime’. In the same way criminals are a danger to civil society, terrorists are dangerous as well. But, as commentators have noted, the US government has vacillated between approaching terrorism as a violation of criminal law and as an issue of war.<sup>17</sup> The first approach acknowledges that terrorism is but a form of crime and thus negates its mechanism of transformation, while the second confirms the same mechanism and views the terrorists as warriors for a cause. This leads to conflicting policies that fail to respect both criminal law and the law of war.

(5) We feed terrorism when we treat the terrorists as ‘exceptional’ individuals and, therefore, stray outside the established framework of law to bring them to justice.<sup>18</sup> By setting up special military tribunals, by denying them their status as moral subjects, one concedes to the claims that terrorism makes about its crimes. One needs the framework of law and justice (why set up courts otherwise?) and, at the same time, denies both the requirements of law and justice (because they appear as ‘kangaroo courts’ to the outside world). *This is exactly what the mechanism of terrorism does*: it draws upon the ethical and legal foundations of a moral community in order to then subvert these same foundations. In this sense, in bringing both Guantanamo Bay and subsequent developments into existence, terrorism has already begun to acquire moral legitimacy.

(6) Ethical considerations, which should provide the foundations for any kind of politics, have become *subordinated* to petty political and party considerations in the US. To stray away from ethical foundations, in pursuit of the requirements of ‘national interest’ or ‘the geo-political situation’, feeds the mechanism of

<sup>17</sup>Goodin 2006, p. 24. Lubban 2003, p. 51.

<sup>18</sup>Wittes 2007.

terrorism. Surely, Ronald Reagan's statement that the Taliban are 'freedom fighters' rather than terrorists has come back to haunt us today. Any institution, community, organization, or movement that feeds or nurtures terrorism (directly or indirectly) will become its victim sooner or later. That is the case because such a bond allows the reproduction of terrorism to become dynamic by transforming many different empirical communities into possible moral communities for the terrorists. If it is to fight terrorism and the ideology of crime, politics cannot afford to lose its moorings from an ethical foundation.

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