Ethical Aspects of Political Terrorism

The Sacrificing of the Innocent

Per Bauhn

To Fulya Tepes
with love and respect

5 August, 2003
A two-hundred-pound bomb does not discriminate. How many dead colonels justify a child's or a trishaw driver's death when you are building a national democratic front?

(Graham Greene: *The Quiet American*)
Contents

Preface 6

Introduction 7

1. Proposed definitions of the concept of political terrorism. 9

1.1 Criteria of an acceptable definition of the concept of political terrorism. 9
1.2 Coady's definition. 11
1.3 Hughes's definition. 15
1.4 Qureshi's definition. 16
1.5 Miguens's definition. 18
1.6 Wilkinson's definition. 18
1.7 Oruka's definition. 20
1.8 Walzer's definition. 22
1.9 Wellman's definition. 23
1.10 Young's definition. 25
1.11 Summary. 27

2. A new definition of the concept. 28

2.1 The definition of the concept of political terrorism. 28
2.2 The political terrorist. 28
2.3 The act. 33
2.4 The intended effects. The Terroristic Assumption. 39
2.5 The victim and the terrorized. Successful and unsuccessful political terrorists. 44
2.6 The goal. 47
3. The SSMI thesis. 50

3.1 On features essential to political terroristic acts. 50
3.2 On alleged morally objectionable features of political terroristic acts. 52
3.3 Indiscriminateness and sacrifice-as-a-means. 57
3.4 Sacrifice-as-a-means further considered. 62
3.5 Introducing the concept of involvement-innocence. 64
3.6 The SSMI thesis. 72

4. Brandt's theory. 77

4.1 Criteria of an ethical theory. The guarantee point. 77
4.2 Brandt's ethical theory (as expressed in A Theory of the Good and the Right). 84
4.3 Applying Brandt's theory to an imaginary case. 87
4.4 Criticism of Brandt's theory. 91

5. The PGC II principle. 101

5.1 Looking for a categorical ethical theory. 101
5.2 Prohibiting SSMI on grounds of injustice. 102
5.3 The concept of entitlement. The PGC II. 110
5.4 Conflicts of rights. Criteria for solving them. 125
5.5 The concept of a morally unrestricted agent. 131
5.6 The relation between SSMI and the prohibitions prescribed by the PGC II. 133
Contents

6. A possible justification of a political terroristic act. 139

6.1 The republic of Nova Xanadu. 139
6.2 The PGC II justification. 141
6.3 The main difference between the PGC II justification and a utilitarian justification. 147
6.4 Hare's theory. 151
6.5 A historical example. Robespierre's justification of terrorism in the defence of a common good. 163
6.6 Personal reflections about the PGC II. Summing up this work. 171

Bibliography 175

Index 178
Preface

I would like to express my gratitude to professor Göran Herménén for his continuous encouragement during the years I have been working on this book. His critical comments as well as his suggestions concerning practical matters have been a great help to me.

I am also greatly indebted to Ingmar Persson for many ideas which have proved to be fruitful for my work. From him I learned, among other things, how to avoid unnecessary trouble by not trying to solve too many problems at one and the same time.

I would also like to thank the participants in the seminars in practical philosophy, held at the University of Lund, where earlier drafts of the present work have been discussed.

Thanks also to Marita Axelsson for an idea concerning the definition of the concept of political terrorism which provided me with inspiration during my work on the second chapter of this book. Alan Crozier has given me valuable advice concerning my English.

The Royal Swedish Academy of Sciences provided me with a grant during my last year of research work. Stefan Seth taught me elementary word-processing and let me use his own computer to write this book. Stefan also provided me with technical advice and assistance when I was preparing the final draft of my manuscript.

Finally, I would like to thank my friends for making the years I have spent working on this book a pleasant time.

The present work is dedicated to Alexandra F. and to the memory of Maximilien Robespierre.
Introduction

In the present work I will try to do two things:

(a) I will try to formulate a definition of the concept of political terrorism which is value-free in the sense that we will be able to classify a certain act as a political terroristic act without thereby being committed to the judgement that this act is morally wrong (or morally right, for that matter).

(b) I will discuss a feature of some political terroristic acts which is supposed by many to make these acts conclusively morally objectionable. The feature in question is normally referred to as "the killing of innocent victims". I will clarify how this feature is to be understood, as well as point to an ethical theory which justifies the judgement that having this feature makes a political terroristic act conclusively morally wrong. I will also show that this ethical theory does not justify the assumption that all political terroristic acts are morally wrong. (If it did, an adherent of that theory would have to subscribe to another definition of the concept of political terrorism than the one I have outlined.)

My intention is not to try to bring out in the open and analyse those values which are actually held — and have been held — by political terrorists. My aim is rather to present to anyone interested in the subject of political terrorism a preliminary help, should that person care to ponder the various ethical problems connected with political terroristic acts. Before arriving at any evaluative conclusion, he would have to know what the concept of political terrorism denotes: a definition is required.

The reader will probably also feel the need for an ethical theory or principle from which his specific value judgements about political terroristic acts can derive their justification and be brought into consistence with moral judgements concerning other areas of action.

These are the kind of questions I deal with in the present work. I will not try
to formulate and analyse all ethical problems associated with political terroristic acts. I will concentrate on the one I believe to be the most important and which probably is the one which makes people most upset about political terroristic activities, namely the killing of innocent people, of which political terrorists are often accused.

The questions to be answered in this context are: What does it mean to say that a victim of a political terroristic act is innocent? What would be the form of an ethical theory which conclusively prohibited the sacrificing of innocent people?

I hope that this work will clarify as well as give some answers to these questions.
1. Proposed definitions of the concept of political terrorism.

1.1 Criteria of an acceptable definition of the concept of political terrorism.

In this chapter I am going to examine various definitions of the concept of political terrorism proposed in the literature. As I proceed in my criticism of these definitions I will indicate what content a useful definition should (or should not) have, which will lead to my own definition of the concept of political terrorism, stated in chapter 2. Here I will confine myself to stating two general conditions which I claim any acceptable definition of the concept of political terrorism must fulfil:

(1) The definition must be extensionally relevant. By this I mean that at least most of those acts which we commonly speak of as political terroristic acts must be denoted by the concept of political terrorism and not too many acts which we do not commonly call political terroristic acts should be denoted by the concept.

The reason for the vagueness of this requirement is that the term "political terrorism" has been used in so many different contexts that it is no longer possible to single out just one concept of political terrorism hiding behind that term. This means that the definition of the concept which I will eventually suggest is, to some extent, stipulative. In common usage of language it seems to be the case that any act which is sufficiently violent and spectacular (e.g., the killing of a leading politician in a democratic country) may count as a political terroristic act (see, for instance, Laqueur (p. 6) and Green (p. 4)) while at the same time one is reluctant to grant the name of political terrorist to those who perform acts just as violent and spectacular, but in the service of some government. It appears here to be the case that political terroristic acts are
violent in an extraordinary way and directed against governments. Without denying that political terroristic acts are violent and that they may be directed against a government, I will insist that these features are not sufficient to constitute an adequate definition of the concept of political terrorism. So the definition I will suggest will take a different form, but even if it will not wholly depend on everyday usage it will adhere to it enough to make most acts denoted in the news media by the term "political terroristic acts" remain denoted in that way and not allow too many acts to be so denoted which are not commonly referred to as political terroristic acts.

Not every spectacularly performed violent act will qualify as a political terroristic act according to my definition, and some violence induced by governments will qualify as political terroristic acts; but in most cases those acts which have been referred to in the past as political terroristic acts will continue to be classified in that way by me.

(2) The definition must be fruitful for the purpose of discussing and morally evaluating political terroristic acts. This means that two persons, A and B, with different attitudes towards political terroristic acts still should be able to agree whether a certain act, a, is a political terroristic act or not.

As a consequence, I will try to reduce the evaluative component of the definition of the concept of political terrorism as far as possible. Today that component is rather extensive, which means that sometimes the term "political terrorism" is used to denote any violent political phenomenon that the speaker resents strongly enough. In such cases it becomes difficult to conduct any meaningful moral discussion concerning political terroristic acts since it will be hard for anyone who does not share his opponent's views about the intrinsic wrongness of political terroristic acts but rather believes many such acts to be morally justified, even to admit that the acts they are discussing are political terroristic acts. Instead he will try to give another, evaluatively more positive, name to these acts, e.g., liberation struggle, freedom fight, revolutionary war, etc. This in turn gives the wrong impression that the discussion is not about the
same kind of acts. What I want to achieve, by removing evaluational overtones from the concept of political terrorism, is to separate two questions:

(a) Is a a political terroristic act?
(b) Is a morally justified?

without assuming that any answer to (b) is included in an answer to (a).

In this way we will be able to analyse and discuss the concept of political terrorism without committing ourselves initially to any normative standpoint concerning the acts denoted by that concept. At the same time the normative discussion of a certain political terroristic act will be enriched, since other circumstances, external to the act itself, might be brought to bear on the moral evaluation of it; we are not forced to the conclusion that since this is a political terroristic act it must be morally wrong. (By "external circumstances" I mean aspects of the act such as its intended results, its likelihood of success, the existence of alternative means to achieve the intended result, and so on.)

1.2 Coady's definition.

C. A. J. Coady defines the concept of a terroristic act in the following terms:

"A political act, ordinarily committed by an organized group, which involves the intentional killing or other severe harming of non-combatants or the threat of the same". The term "terrorism" can then be defined as the tactic or policy of engaging in terrorist acts. (Coady, p. 52.)

Although Coady claims to have defined only the concept of terrorism, it is obvious from his analysis that he is making use of the concept of political terrorism: a terroristic act is defined in terms of a violent political act. There is such a thing as non-political terrorism (e.g., when a formerly married man kidnaps his ex-wife's dog and threatens to kill it if she does not return to him) but since it is political terrorism I am interested in, I will not make it a point of
Proposed definitions of the concept of political terrorism

criticism that Coady seems to ignore this distinction. It is obvious enough that it is the concept of political terrorism he is discussing.

My criticism of Coady's definition concerns two issues:

1. Even combatants may be victims of a political terroristic act.
2. We must distinguish between political terroristic acts and violent political acts in general.

1. Coady defines the concept of combatant in this way:

In a just revolution then who are the combatants from a revolutionary's point of view? To begin with there are those who directly employ violence to perpetrate the injustices against which the revolution is aimed: the army or elements of it, the police or elements of it, the secret police, foreigners directly involved in assisting the governmental forces in prosecuting the injustices, informers, and the politicians who are directing the "oppression" complained of.... If the politicians can be shown to be in a chain of agency directing the tyrannical behaviour which justifies the revolution then they seem to be legitimate targets. (Coady, p. 62.)

While agreeing, generally, with Coady's definition of the concept of combatant, I cannot agree with his definition of the concept of political terrorism which states that political terroristic acts are directed only at people who are not combatants in the sense referred to above.

If an IRA attack (assuming for the sake of discussion that the IRA's political goals are justified) is directed at a British army camp in Northern Ireland, are we then prevented from claiming that this is an instance of political terrorism because the victims of the attack are "in a chain of agency directing the tyrannical behaviour which justifies the revolution"? Is it not the case that in regular warfare enemy soldiers sometimes (in spite of war conventions) are executed directly after having surrendered, in order to terrify the enemy, and that this might properly be called "terrorism" even if it was directed at combatants?

My point is that a political terroristic act is a political terroristic act whether
directed at combatants or non-combatants. Coady's reason for calling only violence directed against non-combatants terroristic seems to be that to him the adjective "terroristic" is to a large extent evaluative:

... we should continue to make a distinction between two broad types of revolutionary violence, that which is directed at what should be legitimate targets if the revolution were justified and that which is directed at non-combatants. We should reserve the term "terrorism" only for the latter and it can be unequivocally condemned. Violence of the former kind stands or falls morally by the judgment of the overall legitimacy of the revolutionary activity. (Coady, p. 65.)

In his efforts to preserve the (negative) evaluational component of the concept of political terrorism and base it on the assumption that political terrorism is only directed against non-combatants, Coady involves himself in a conflict with ordinary language. This becomes evident in the brief passage where Coady discusses the case of Dan Mitrione, a US Public Safety adviser, kidnapped and killed in Uruguay in 1970 (Coady, p. 63). Coady is convinced that Mitrione, because of his role in the torture campaign waged against the political prisoners of Uruguay, was a legitimate target of revolutionary violence; Mitrione could not claim to be a non-combatant. But this has the consequence that Coady cannot classify the kidnapping and killing of Mitrione as a political terroristic act, while this case is exactly of a kind that would be considered paradigmatic of political terroristic acts among scholars on the subject as well as among newspaper and other media people.

In discussing what should count as a political terroristic act it seems to have been the rule to start with the characteristics of such an act combined with some assumptions concerning the agent's purposes (see the following examples of definitions). Coady, however, takes as his starting-point the moral status of the victims: if the victims are non-combatants, then they are victims of political terroristic acts which are always morally objectionable; if the victims are combatants, they are victims of revolutionary violence, which might or might not be morally justified. As a consequence, we cannot know whether a certain
violent act is a political terrorist act or not until we have got some information about the status of the victims of that act.

My suggestion here is that although political terrorist acts might be directed against non-combatants, we should not make this a matter of definition. If we do so, we will give a wrong picture of the concept of political terrorism or at least of how we normally apply it (even combatants, like Mitrione, may be victims of political terrorist acts) and we will have an unnecessarily cumbersome method for identifying political terrorist acts (we do not have to know anything about whether the victims were combatants or not in order for us to know if they were victims of a political terrorist act or not, although such information is essential when it comes to deciding whether the political terrorist act was morally justified or not).

(2) Something which is missing in Coady's definition of the concept of political terrorism is a reference to the purpose for which a terrorist agent carries out a certain violent act. As it stands, Coady's definition denotes political violence generally (with the important exception of his non-combatant clause) and one wonders what is so specifically terrorist about this (i.e., if one does not accept attacking non-combatants as the defining characteristic of political terrorist acts).

What I have in mind is that the violence involved in political terrorist acts is intended by the terroristic agent to bring about some political goal. Coady does not say anything about the relation between the act and the intended achievement of a political goal, although he talks of "intentional killing" and "intentional severe damage" and thereby implies some purpose behind the violence. Coady remains vague about what this purpose could be. If the purpose is just the killing of a certain politician, like the murders of Abraham Lincoln and John F. Kennedy, then the distinction between the political assassin and the political terrorist has been erased. While the political assassin has achieved his goal when he has killed his victim, the political terrorist's goal is supposed to extend beyond the killing of a certain individual: the killing is supposed to have
some further, coercive effects which in turn are intended to bring about the ultimate goal (see for instance Wellman, p. 253-254 and Miguens, p. 106). Whatever one believes about the character of the "further, coercive effects" one cannot accept a definition of the concept of political terrorism which does not single out political terrorism from the wider range of political violence. Coady tries to do this by introducing the non-combatant condition, but for reasons given above this condition cannot be accepted either. Coady's definition, as it stands, is too wide.

My suggestion here is that in order to give a more precise account of the concept of political terrorism one should pay attention to what is characteristic of political terroristic acts seen as means to certain ends, compared to other violent acts and their purposes. (My own view of this will be given in chapter 2.)

1.3 Hughes's definition.

Martin Hughes says about terrorism:

By terror and terrorism I mean a war in which a secret army — one whose members have other overt occupations, wear no uniforms and do not otherwise admit their membership openly — spreads fear. (Hughes, p. 5.)

That he refers to political terrorism is made clear by what he says further on in his article. Hughes is interested in nationalist motives underlying terroristic acts. He produces examples of nationalist terror which is ordinarily conceived as instances of political terrorism, such as the activities of the IRA in Ireland, the resistance to British rule in India (that part of it which was violent), the Spanish resistance to Napoleon, and so on.

Hughes views the terroristic situation as one in which there is a group of militants who perform violent acts, with the intention of achieving independence for the nation to which they belong. They are fighting a
government which represents a foreign power.

My main objection to Hughes's definition is that it is too narrow and too wide at the same time. Political activists may or may not wear uniforms, but this is not essential to the question of whether they are or are not political terrorists.

Soldiers of the Argentine army during the years immediately after the coup against Isabel Perón (1976) performed acts which may be reasonably classified as terroristic (and political) and this classification need not be changed if it turned out that the soldiers wore uniforms while performing these acts. In this sense Hughes's definition is too narrow: it excludes possible terroristic agents on insufficient grounds.

On the other hand it is too wide, since it makes probably all guerrilla activities terroristic: here we have organized groups, wearing no uniforms, who spread fear and that would suffice for us to have them classified as terroristic, according to Hughes, even though we do not know whether the spreading of fear was intended by the group in question or for what purpose it was intended (if it was). A definition so wide is of limited use when it comes to analysing the concept of political terrorism.

1.4 Qureshi's definition.

Saleem Qureshi defines the concept of terrorism in this way:

Terrorism is the use of violence in order to induce a state of fear and submission in the victim. The object of terrorism is to secure a change or modification in the behavior of the intended victim himself or to use him as an example for others.... It is not necessary for violence to actually be used in order for it to be called "terrorism". The threat of the use of such violence, whether explicit or implicit, if it is perceived by the intended victim as likely to be actually carried out, also constitutes terrorism. (Qureshi, p. 151.)

It is obvious that Qureshi talks of political terrorism, since the cases he discusses concern attacks on the British colonial rule in India, as well as British responses
to these attacks. Moreover, Qureshi finishes his article with an overview, beginning with the words

The long history of political terrorism involving the people of the Indian subcontinent ... (Qureshi, p. 182.)

I have two objections to Qureshi’s definition:

(1) It is not necessarily the case that terrorists have as their goal "a change or modification" in somebody's behaviour. Instead it might be the case, as it is in certain repressive countries where the governments make use of terroristic means, that the terrorists want to preserve the status quo: every kind of change in behaviour is to be suppressed.

(2) I think it is necessary to distinguish between "violent act" and "threat of violent act". Qureshi wants to make even the latter an instance of terrorism, but then the extension of the concept of terrorism is made too wide. All threats of violence, whether carried out or not, would then count as terroristic acts, provided that these threats are intended to "secure a change or modification in the behavior of the intended victim". Since Qureshi accepts implicit threat of violence as an instance of terrorism, then an act of non-violent self-defence, such as when a man A raises a clenched fist against the man B who has just hit A in the face, would make A a terrorist: his raised and clenched fist is an implicit threat to B (a threat which B might consider that A is likely to carry out) with the object of securing a change or modification in the behaviour of B. By extending the concept of terrorism to denote implicit threats, Qureshi will end up with many acts which he will have to call terroristic contrary to the present ordinary use of the concept of terrorism.
1.5 Miguens's definition.

José Enrique Miguens defines terrorist behaviour as:

... the behavior of those who seek to impose their will through the commission of atrocities that sow a generalized terror or a panic fear, and then to manipulate the reactions these atrocities provoke. (Miguens, p. 104.)

Miguens claims that the description of this kind of behaviour is applicable to "private terrorists" (acting against the government), "semi-state terrorists" (tolerated or supported by the government or leading groups) and "state terrorists" (directly acting on behalf of the rulers).

Miguens's analysis of the concept of terrorism, distinguishing between terrorism emanating from the state and terrorism directed against the state, makes it clear that it is political terrorism he is talking of.

I think Miguens has pointed to some essential characteristics of political terrorism, but he has not made them sufficiently explicit and clear. What kind of acts are implied by the term "atrocities"? What does "generalized terror" mean? (Is everyone in a certain country supposed to be frightened? Everyone among a certain group?) In what way are reactions to be "manipulated"? For what kind of purpose?

Given certain clarifications, though, I believe Miguens's definition will prove to be fruitful; as it stands it can only provide the framework for further analysis of the concept of political terrorism.

1.6 Wilkinson's definition.

Paul Wilkinson states seven features which he claims are common to all political terroristic acts and political terroristic agents. Of these seven features the first three seem to be defining ones, while the others either consist in reformulations
of the first three or concern more particular issues, like attitudes ascribed by Wilkinson to the terrorists regarding their own fighting methods and goals. The first three features are as follows:

1. [Political terrorism] is the systematic use of murder, injury, and destruction, or threats of murder, injury, and destruction to realize a political end such as repression, revolution, or a change in the policy of a regime;
2. As a means to their end, terrorists seek to create an atmosphere of fear, despair, and collapse among their target group in order to coerce, intimidate, or blackmail their targets into succumbing to the terrorist demands;
3. Terrorism is inherently indiscriminate in its effects. This is partly a consequence of the nature of much terrorist weaponry (bombs, land mines, etc.) and the frequent, deliberate terrorist attacks on the civilian population and public facilities. But it is also inherent in the objective of spreading terror. (Wilkinson (1982), p. 310.)

By combining and reformulating 1 and 2 and leaving out 3 I think it will be possible to formulate an acceptable definition of the concept of political terrorism, compatible with the two general conditions stated in section 1.1.

Wilkinson's feature no. 1 cannot by itself define the concept of political terrorism, since it denotes several acts of conventional warfare as well as political terrorist acts. But if feature no. 1 is combined with feature no. 2 in such a way that the "atmosphere of fear" is caused by "the systematic use of murder, injury, and destruction" and that it is made clear that the terrorist agent intends to achieve his political goal by creating an "atmosphere of fear" in this way, then we would have a definition of the concept of political terrorism which, with some reformulations, could prove useful. It would be extensionally relevant in the sense indicated in section 1.1 and if some expressions ("murder", "repression") were replaced by a more neutral terminology, it would also be a definition fruitful for the purpose of discussing and evaluating political terrorist acts.

If Wilkinson, on the other hand, regards features 1 and 2 as causally separated from each other (i.e., besides murdering, injuring etc., terrorists try to intimidate people; not by murdering, injuring, etc., terrorists try to
Proposed definitions of the concept of political terrorism

intimidate people) then he has so far not exhibited any uniquely terroristic features. In conventional warfare there is killing and destruction and there is psychological warfare, such as intimidating propaganda and the like. (There is reason to believe, though, that Wilkinson does not consider features 1 and 2 as causally separated — see, for instance, his book Terrorism and the Liberal State, p. 49.)

Regarding feature no. 3, I think it is not applicable to political terroristic acts as a necessary feature. Consider the case of Dan Mitrione, discussed in section 1.2. Mitrione was chosen as a victim of a political terroristic operation, since he was personally involved in the activities of the government which the political terrorists were fighting. Clearly, the kidnapping of Mitrione was not an indiscriminate act. Even if there are several examples of political terroristic acts which indeed are indiscriminate, we are not allowed to make indiscriminateness a defining characteristic of political terroristic acts, since there are also many clearly political terroristic acts which are not indiscriminate.

So, provided that the atmosphere of fear referred to in feature no. 2 is made causally dependent on the violence referred to in feature no. 1, and that the realization of the political goal of the terrorist agent is made causally dependent on the atmosphere of fear brought about in this way, and provided that feature no. 3 is left out, we will have a definition of the concept of political terrorism that seems to correspond to what we mean when we use the term "political terrorism" and which can be taken as a starting-point for fruitful discussions.

1.7 Oruka's definition.

H. Odera Oruka defines the concept of terrorism in the following way:

...terrorism is the intentional (and usually violent) infliction of pain or harm upon the innocent, or else it is punishment which goes beyond "a reasonable maximum". (Oruka, p. 376.)
(That Oruka is describing political terrorism, I take for granted since the terrorism he discusses is by him explicitly considered as a form of political violence, made use of by legal authorities.)

Now, it is important for the understanding of Oruka's definition that his article is about what he calls "legal terrorism": extreme forms of cruelty, authorized by the law and executed by police officers or other agents of the state. This would explain the expression "punishment which goes beyond 'a reasonable maximum'", which in the ordinary context of political terrorism would seem confusing, since punishment to some extent is a legal concept and we are not used to applying this concept to the activities of political terrorists.

I agree with Oruka that agents of the state in several cases (he himself mentions African examples such as the régimes of Macias Nguemà in Equatorial Guinea, Bokassa in Central Africa and Amin in Uganda) perform political terrorist acts and that this sometimes happens in accordance with the local legal code. Even so, Oruka's definition is not satisfactory. It invokes questions such as: What meaning is to be given to "reasonable maximum"? Who is to decide when punishment exceeds this maximum? And further: What is so specifically terrorist about hard punishment? If a man is sentenced to six years of imprisonment for having slept with another man's wife, I would say that this is harsh treatment, but I cannot see anything terroristic in it. Some features are missing here, such as violence, intended further effects of that violence and the expected achievement of a political goal. These features must be added in order for us to have a definition of the concept of political terrorism that is applicable to any act which we want to classify as political terrorist.

Another problem concerns the expression "the innocent". A person might be innocent in a legal sense (has not performed any crime), in a moral sense (has not performed any morally objectionable act) and in a third, looser, sense where he has nothing to do with something that occurs ("I had nothing to do with politics; I just happened to be on the plane the Liberation Front hijacked"). It is not clear which of these three senses Oruka has in mind, but even if he made up his mind on this matter, his definition would still be unsatisfactory, since he
would then have to answer the question: Is a political violent act an act of political terrorism only when its victim is innocent? What if the victim is not innocent (no matter which of the three senses of innocent is made use of)? Would it not be a political terroristic act? (Think of the case of Dan Mitrione once more: being involved in the torture campaign of a repressive government, he was at least not innocent in the involvement sense. Does this change the view that the kidnapping and killing of Mitrione was a terroristic activity?)

It seems unreasonable to have to check out whether the victim of a certain political violent act is innocent or not in order to be able to decide whether that act was a political terroristic act or not.

1.8 Walzer's definition.

Michael Walzer defines the concept of (political) terrorism as follows:

The systematic terrorizing of whole populations is a strategy of both conventional and guerilla war, and of established governments as well as radical movements. Its purpose is to destroy the morale of a nation or a class, to undercut its solidarity; its method is the random murder of innocent people. Randomness is the crucial feature of terrorist activity. (Walzer, p. 197.)

I will assume that Walzer intends this to be a definition of political terrorism, since he talks of it as activities ordered by a government against those who threaten its existence, or performed by groups against a certain government. His examples includes the Russian Populists, the IRA and the Stern Gang, which all are, or were, acting to achieve goals of a political kind.

Walzer's definition is more suitable for acts of war of a certain kind, which we might call war terrorism. During World War II the German administration in occupied Czechoslovakia made it a rule that for every German assassinated, one hundred Czechs, picked out at random, should be executed. When the German "Protector" Reinhard Heydrich was assassinated in 1942, the two
villages of Lidice and Lezaky were destroyed and all adult males were shot. I agree with Walzer that these are activities of the political terroristic kind. A definition of the concept of political terrorism, however, must denote other acts as well, if it is to correspond to ordinary use of language. When the Red Brigades kidnapped and later murdered Aldo Moro in 1978, this was not a random choice. Nor was it a random choice when the Spanish Prime Minister Luis Carrero Blanco was killed in 1973 or when Indian Prime Minister Indira Gandhi was assassinated in 1984 — all three cases of political terroristic acts, according to the terminology of political scientists and media people.

Even if randomness is sometimes a feature of political terroristic activities (such as blowing up supermarkets without caring about who the victims are) we cannot conclude that every political terroristic act by definition is performed in a random manner. Randomness is not a defining characteristic of a political terroristic act.

1.9 Wellman's definition.

Carl Wellman defines the concept of terrorism as follows:

... "the use or attempted use of terror as a means of coercion" ... The concept of terror that defines terrorism is that of "great fear, dread or anxiety", where the greatness of the fear or dread is measured either by the intensity of the emotion felt or by the magnitude of the harm feared. (Wellman, pp. 250-251.)

Wellman is not talking of political terrorism, specifically. It would be easy, however, to amend his definition to make it designate the concept of political terrorism by adding something about a political goal which is to be achieved by the use of terror. Moreover, I believe that my criticism of Wellman's more general concept of terrorism will be of some help when it comes to defining the concept of political terrorism.
Proposed definitions of the concept of political terrorism

There are two problems regarding Wellman's definition:

1. Wellman puts no stringent restriction on how terror is brought about.
2. It comes to depend on the reactions of the victim whether a terroristic act has been performed or not.

(1) Wellman is vague regarding the question how terror is produced by terrorists. He ignores explicitly one condition of terroristic terror which is often put forward, namely that such terror is the result of the use of violence by the terrorists:

... the ethics of terrorism is not a mere footnote to the ethics of violence because violence is not essential to terrorism and, in fact, most acts of terrorism are nonviolent. The judge sentencing a condemned criminal to death is engaged in terrorism if he is deterring or attempting to deter potential criminals by using the terror of death innate in human nature. Blackmail, in which the fear of dreaded exposure is used as a means of intimidation, is another nonviolent form of terrorism. I must confess that I often engage in nonviolent terrorism myself, for I often threaten to flunk any student who hands in his paper after the due date. (Wellman, pp. 251-252.)

By extending the application of the concept of terrorism in this way, Wellman inevitably runs into a conflict with ordinary language. Wellman wants us to put his act of threatening to flunk a student under the same label as the act of the Red Brigades to kidnap and kill Aldo Moro. This is certainly to go against the intuitions of ordinary language-users as well as against the traditional descriptions of political terrorism made by scholars of the subject.

Even if Wellman's proposed definition should carry home the victory, we would soon feel the need to construct a new terminology to be able to deal with an analysis of the kind of phenomenon that is represented by the PLO, the IRA, the ETA, certain governments in Africa and Latin America, etc. — the activities of these groups and régimes cannot be analysed in a fruitful manner if they are held to be conceptually similar to Wellman's rather harmless activities in the classroom. In fact, the two kinds of activity are conceptually distinct from
each other, and we should not let this fact be obscured by a loose terminology.

(2) Since a terroristic act, according to Wellman, is an act which involves the use of terror and the concept of terror is defined by reference to the intensity or magnitude of harm felt by the victim, we might consider cases where a fearless person is the object of an attempt to coercion by terror, but does not feel the fear intended by the terrorist. Then there would not, according to Wellman, exist any terror and, consequently, no terroristic act has been performed. Indeed, Wellman cannot claim himself to be a non-violent classroom terrorist until he knows whether the student he threatened to flunk feels "great fear": if this is not the case, there is no terror involved and no terroristic act performed.

Instead of having the definition of the concept of terrorism depend on the concept of terror and thereby make the existence of a terroristic act dependent on the feelings of its victim, I would suggest that we make a distinction between successful and unsuccessful terroristic acts, where the concept of a successful terroristic act denotes a certain act with certain intended effects actually brought about, while the concept of an unsuccessful terroristic act would denote the same kind of act but lacking the intended effects. An unsuccessful terroristic act is then still a terroristic act. The reactions of the victim determine whether the terroristic act was successful or not, not whether it was a terroristic act or not. (See also section 2.5.)

1.10 Young's definition.

Robert Young's definition of the concept of political terrorism is as follows:

Terrorism is intimidatory in intent. This intent is pursued chiefly through the use of violence, though this need not, of course, consist just in the employment of physical force but may also involve resort to psychological weaponry. (Young, p. 288.)
Proposed definitions of the concept of political terrorism

(When introducing his definition, Young has already (p. 287) made clear that he views "terrorism" as a political term.)

First, although pointing to an important aspect of political terrorism, namely the use of violence in order to create intimidation, Young's definition misses the point that this intimidation is not an end in itself: some further result is normally intended by political terrorists — the release of some imprisoned comrades, the overthrow of some government, the silencing of opposition and so on. The intimidatory effects of violence are intended as a means to such an end.

Second, what is meant by "psychological weaponry"? Nowhere in his article does Young give any further explanation of this notion. One possible interpretation would be that the intimidatory effects mentioned above count as "psychological weaponry", as distinct from the use of violence which produces these intimidatory effects. But this is obviously not Young's idea. While he is depicting the intimidation produced by violent acts as distinct from these violent acts, he does not consider psychological weaponry as distinct from the use of violence, but rather as included in that use: "This [intimidatory] intent is pursued chiefly through the use of violence ... [which] may also involve resort to psychological weaponry" (italics mine).

Young seems here to regard "psychological weaponry" as something which may be combined with the use of physical force, not as something which is produced by that use.

Another possible interpretation is that Young refers to threats of violent acts as "psychological weaponry". But then we once more must face the problem we have noticed earlier (in the discussions of Qureshi's and Wellman's definitions) that every schoolboy who threatens to beat up some antagonist qualifies for the name of "terrorist", whether he actually carries out the threat or not.
1.11 Summary.

There seems to be a general agreement among the quoted writers regarding the violent character of terroristic acts (although some of them would add non-violent features, such as threats, to the description of terroristic acts). Six of the scholars quoted (Hughes, Qureshi, Miguens, Wilkinson, Wellman and Young) claim that terroristic violence has as one of its intended effects intimidation, and they make this feature part of their definitions. Three of them (Coady, Oruka and Walzer) make the harming of innocents or non-combatants a defining characteristic of political terrorism.

I have argued that although it happens that political terrorists harm innocent people (the concept of innocence will be further discussed in chapter 3 of the present work), this cannot be made a defining characteristic of political terrorism: whether or not a certain violent act should be classified as a political terroristic act or not does not depend on the innocence of its victims.

On the other hand, I agree with those who want to make intended intimidation a defining characteristic of political terrorism. Something that distinguishes political terrorists from ordinary political assassins is that the killing of certain individuals is considered by the terrorist agent as less important than the effects these killings are expected to have. This is confirmed by statements made by political terrorists (some of which are quoted at the beginning of section 2.4) and by analysis of the political terroristic activities: the way the terrorists choose their victims, the way they give publicity to their operations and so on.

So, some framework for a definition of the concept of political terrorism has emerged: political terroristic acts are violent, intimidatory and (since this is about political terrorism) have a political purpose.
2. A new definition of the concept.

2.1 The definition of the concept of political terrorism.

I suggest the following definition of the concept of political terrorism:

The performance of violent acts, directed against one or more persons, intended by the performing agent to intimidate one or more persons and thereby to bring about one or more of the agent's political goals.

To make explicit the logical structure of this definition it could also be formulated like this:

\[ a \text{ is a political terrorist act, iff } \]

(a) \[ a \text{ is violent} \]
(b) \[ a \text{ is directed at some person(s) } B \]
(c) \[ a \text{ is intended by the agent } A \]
   (i) \[ \text{to intimidate some person(s) } C \]
   (ii) \[ \text{to bring about some political goal(s) } g \]
   (iii) \[ \text{(ii) because of (i)} \]

Some concepts in this definition need further clarification, which will be provided in sections 2.2 - 2.6.

2.2 The political terrorist.

Let us define the concept of a political terrorist as "an agent of violent acts of the type denoted by the concept of political terrorism". Someone might here want to
A new definition of the concept

object that the suggested definition of the concept of a political terrorist is too narrow:

If there was a person, A, who never performed any violent acts, but instead worked out several plans of violent acts and actually commanded other people to perform these acts and in doing so had an intention as stated in the definition of the concept of political terrorism, would not A then be a political terrorist? My answer is no. If we accepted A as a political terrorist, we would also have to accept that there would not remain any necessary connection between the existence of a political terrorist and the performance of violent acts: A’s issuing of orders does not imply that these orders are obeyed by anyone. We could then imagine a possible world in which there are political terrorists (of the A type) but where no violent acts are ever performed.

Even if ordinary language is unclear concerning the term "political terrorism", it is clear enough for us to say that the ordering and planning of violent acts is neither a sufficient, nor a necessary condition for someone to be called a political terrorist in a strict sense of that term. It would be strange to claim that a person who had made several plans regarding terroristic actions, but never in his whole life performed a violent act, should be called a political terrorist. Likewise, it would be strange to claim that there are political terrorists who never perform violent acts, and it would seem just as strange to claim that someone who performs violent acts with an intention as stated in my definition would not be a political terrorist just because that person never makes plans for or gives orders about the performance of such acts.

Merely planning or ordering political terroristic acts does not necessarily entail that such acts are actually performed. The planner might be alone, not having anyone to carry out his plans and not being able to do so by himself. The man who gives orders about political terroristic acts might find himself disobeyed.

Provided, however, that the plans or orders are actually carried out by someone, we would, I believe, accept that in an extended sense of the term, the person responsible for making the plans or giving the orders is also a political
terrorist, even if he himself does not perform any violent act.

Still, for the purpose of this book, I am concerned only with political terrorists in the strict sense of that term, and according to that sense a political terrorist is an agent who *performs* violent acts of a certain kind, not an agent who (only) plans or give orders about such acts.

So I will continue to insist on the distinction between *planners of political terroristic acts* and *performers of political terroristic acts*. This is not to deny that we often consider the planners to be at least as responsible (in moral terms) for the consequences of terroristic acts as the actual performers of these acts. Still, there is a conceptual as well as a factual difference between planners and performers, and in the present work it is the performers that I am interested in. (In the case just examined A's orders were not obeyed. Would it make a difference if they were obeyed? Not to the distinction between planners and performers of political terroristic acts, at least. A would still be the planner of political terroristic acts, while the person who obeys A's orders would be a political terrorist, provided that this person himself has such intentions as stated in the definition, when he performs the violent acts — see also the case of C, below.)

Another case which might be considered as constituting an objection to the restriction of the term "political terrorist" to apply only to those who actually perform violent acts, would be the following:

Consider a person, B, who has filled up a truck with explosives, her intent being to blow up the buildings of the Ministry of Defence and thereby intimidate the government to end the sale of arms to a certain country. While driving towards the target B loses control of her truck. It goes off the road, hits a road sign and explodes. So, B is killed before having performed the planned violent act of blowing up the Ministry of Defence. Now the question is: Is not B a political terrorist?

According to my suggested definition of the concept of political terrorism she is not. This I still want to defend and my reason for doing so is simple: we
normally make a distinction between "doing a" and "trying to do a". B's activities fall, without any doubt, within the latter category, and her trying to perform a violent act does not make her a political terrorist.

But this case could be expanded into something more problematic. The place where B has her accident is so close to the target, the buildings of the Ministry of Defence, that the explosives actually damage one of the buildings. If we ignore the fact that B wanted to blow up all the buildings (even if she had arrived at the place where she had planned to detonate the explosives, there might have been some kind of technical failure which would have caused the same limitation concerning the effect as was now caused by her accident), does what happened make her a political terrorist?

My answer is no. The reason for this is that B has not intentionally performed any violent act — something that could be called violent has happened, but this is another matter. So far, B is responsible for a violent event (since this event would not have occurred if it had not been for her driving the truck with the explosives), but she has not yet performed a violent act.

But if instead B had arrived at her planned destination, detonated the explosives and, because of some technical failure, only caused limited damage to the buildings of the Ministry of Defence, she would be a political terrorist. She has performed a violent act with a certain intention, and that is what counts. (Of course, the effect of the violent act is less than planned, but that is of no importance here.) If, on the other hand, B presses the button for the ignition of the explosives and nothing at all happens, she is still not a political terrorist. The pressing of a button is in itself not an act the performance of which could turn anyone into a political terrorist.

But what if B leaves her equipment (explosives, detonator, etc.) near the target area and then, for some reason, forgets all about it, and an old lady passes by, stumbles and falls, hitting the detonator while falling and so brings about the explosion which B originally planned? Is B then a political terrorist? Or is the old lady a political terrorist? Or both?

In the strict sense of the expression, none of them is properly called a
political terrorist. B has not performed a violent act (though she intended to do so) and the old lady had no intention to perform a violent act (though she caused a violent event to happen). In a more extended sense, I believe we would call B a political terrorist here. She had the intention required, and she provided the means necessary for the violent event to take place. Without B's contribution, such a trivial episode as an old lady stumbling and falling would not have had such devastating consequences — consequences which were intended by B.

I mentioned this case only to illustrate the difference between a strict and an extended sense of the expression "political terrorist". As I said before, I will in the present work make use of the strict sense only.

Now let us consider the case of C, who is a man of a rather limited capacity for independent and critical thinking and is also a devoted admirer of A, mentioned earlier.

C's only ambition in this life is to serve A, to perform whatever act A orders him to do. So C plants bombs in the buildings of several ministries, kills politicians, kidnaps foreign ambassadors, and so on, having no other intention in performing these acts than to please A. Now, would it be correct to call C a political terrorist?

My answer is no. C is no more of a political terrorist than is an "ordinary" murderer, kidnapper, etc. C's intentions when he performs these violent acts are not of a kind that would make the acts terroristic. It is not enough that somebody spreads violence for that person to be called a political terrorist; in that case every urban slum gang would be political terrorists.

Since C has no intentions concerning the achievement of any political goal, he cannot be a political terrorist and since his intention when he performs violent acts is to please A, not to intimidate anyone to do anything, he is not even a terrorist.

This means that, according to my definition of the concept of political terrorism, we might have a case where one person, A, is the planner of political terroristic acts, but not a political terrorist himself, and another person, C, is the
performer of A's plans, but not a political terrorist himself, whereas a third person, B, who makes the same plans as A and performs the same acts as C (although with intentions similar to those of A) is a political terrorist (i.e., in the case where B succeeds in getting to the target area and detonates her explosives). This might seem strange, but it is still easier to accept than to grant the name of political terrorist to A and C, for reasons indicated above.

2.3 The act.

I will begin this section by presenting four definitions of the concept of (political) violence which I consider a fruitful starting-point for a clarification of what I mean by "violent act".

Ernest van den Haag defines the concept of violence as

... physical force used by a person, directly or through a weapon, to hurt, destroy, or control another or to damage, destroy, or control an object (e.g., territory or property). Violence can be used for the acquisition and exercise of power and to challenge authority or to enforce it. (van den Haag, p. 54.)

Giuliano Pontara defines "violent act" as

En handling H utförd av en agent P (person eller grupp) som led i en kampmetod K i en konfliktsituation S är en våldshandling = def. 1) Det finns minst en människa Q sådan att a) P's utförande av H (i S som led i K) orsaker att Q dör, blir skadad eller lider, och b) P's handling att döda eller skada Q eller tillfoga Q lidande sker mot Q's vilja; och 2) P i S tror att 1) är fallet. (Pontara, p. 187.)

[An act H performed by an agent P (who might be a person or a group of persons) as part of a fighting method K in a conflict situation S is a violent act = def. (1) There is at least one person Q such that (a) P's performance of H (in S as a part of K) causes Q's death or hurts him or makes him suffer and (b) P's act to kill or hurt or inflict suffering on Q is performed against Q's will; and (2) P in S believes that it is the case that (1).] Translation mine.
Paul Wilkinson defines the concept of political violence as

... either the deliberate infliction or threat of infliction of physical injury or damage for political ends, or it is violence which occurs unintentionally in the course of severe political conflicts. (Wilkinson (1977), p. 30.)

Ted Honderich defines the concept of political violence as

... a considerable or destroying use of force against persons or things, a use of force prohibited by law, directed to a change in the policies, personnel or system of government, and hence also directed to changes in the existence of individuals in the society and perhaps other societies (Honderich, p. 23.)

Of the four definitions suggested above, I consider van den Haag's most fruitful for my purposes. All those violent acts which are denoted by the concept of political terrorism are encompassed in his definition. Of course, other violent acts than political terroristic acts are included in van den Haag's definition as well, since "political terrorism" denotes not just a violent act — there must also be a certain intention involved in the political terroristic kind of violent acts — but this does not constitute any objection to my making use of this definition when I examine that part of the definition of the concept of political terrorism which is made up of the concept of violent acts.

The other three suggested definitions have, in my view, certain defects:

(1) Pontara defines the concept of violent act as an act which causes the death, injury or suffering of somebody. He places no restrictions on how these events are caused:

    If Dirty Derek sends photographs to the Prime Minister, showing the Prime Minister's daughter performing different kinds of spectacular sexual activities, this would probably make the Prime Minister suffer. Consequently, if Dirty Derek intended this as a part of a "fighting method" (Pontara's term) directed
against the government, he would have performed a violent act, according to Pontara's definition. This result is, I think, not acceptable.

The reason for the lack of restrictions concerning how violent acts cause suffering is, I believe, Pontara's demand for what he calls a "normatively reasonable" definition of the concept of violence:

Den rimligaste tolkningen av denna uppfattning är den enligt vilken den moraliska skillnaden mellan våld och icke-våld identifieras med skillnaden mellan de kampmetoder som är i särskilt behov av rättförringande och de som inte är det. Man kan därför som ett första villkor för en adekvat definition av "våld" formulera kravet att definitionen skall vara så utformad att tesen att våldshandlingar är moraliskt negativa och i särskilt behov av rättförringande — medan icke-våldshandlingar inte är det — blir så rimlig som möjligt. Vad vi söker är alltså en normativt rimlig definition av "våld" — och utifrån den av "icke-våld" (Pontara, p. 165.)

[The most reasonable interpretation of this view [that there is an important moral distinction to be made between violent methods and non-violent methods] is that according to which the moral difference between violence and non-violence is identified as the difference between those fighting methods which are in a special need of justification and those which are not. Hence, as a first condition of an adequate definition of "violence" we may formulate the requirement that the definition shall be given in such terms that the thesis that violent acts are morally negative and in special need of justification — while non-violent acts are not — will be as reasonable as possible. What we are looking for, then, is a normatively reasonable definition of "violence" — and via that definition, a definition of "non-violence".] Translation mine.

Next, Pontara describes an omittance-act (one group of people forces another to do something by deliberately omitting to supply that group with food and medicine (Pontara, pp. 172-173)) and notices that the same amount of suffering results from this omittance-act as would have resulted from some kind of armed combat method. Then there is no morally relevant difference between certain methods of combat which include the use of physical force and certain others which do not. Pontara concludes that the use of physical force is not a necessary characteristic of an act which is to be called "violent":

... eftersom den kampmetod som grupp A använder består i att underlåta att handla på ett visst
A new definition of the concept

sätt, förekommer det ju inte någon användning av fysisk styrka...en del skulle t o m säga att den är en icke-våldsmetod. Men just detta strider mot kravet på normativ rimlighet...Det som är moraliskt negativt och som sådant i särskilt behov av rättfärdigande är att A (avsiktligt) orsakar medlemmar av grupp B lidande och död mot deras vilja, medan det faktum att detta sker med eller utan användande av fysisk styrka är ur moralisk synpunkt helt ovidkommande (Pontara, p. 173.)

[... since the fighting method which group A makes use of consists in forbearing to act in a certain way, there is no use of physical force here.... some would even say that it is a non-violent method. But this is exactly what would be contrary to the requirement concerning a normatively reasonable definition.... That which is morally negative and as such in special need of justification is that A (intentionally) causes members of group B to suffer or to die against their will, while the fact that this happens with or without the use of physical force is completely beside the point, from a moral point of view.] Translation mine.

I think there are two major defects in Pontara's analysis of the concept of violence:

(a) He confuses the definition of the concept of a violent act with the moral evaluation of violent acts. After building in certain normative aspects in his definition of the concept of a violent act, he finds that this "normatively reasonable" definition denotes acts which do not involve the use of physical force. Pontara accepts this and argues that the concept of a violent act should be defined with regard to the moral value of violent acts, rather than to the use of physical force in performing them.

This is a defect, in my view, since it makes moral discussion concerning the performance of violent acts partly superfluous — a violent act becomes morally suspect by definition. I would prefer a distinction between the two questions "Is this a violent act?" and "Is this a morally wrong act?", without having to presume that an answer to the latter question might be embodied in the answer to the former.

It is also a defect, I think, if we had to make a moral evaluation of an act in order to decide what kind of an act it is. It seems to be the case, according to Pontara, that it is not until we are convinced that a certain form of combat method is in special need of justification, that we are able to distinguish it as a
A new definition of the concept

violent one. (It is when Pontara notices that the effects of an omittance-act are morally similar to those of an armed attack that he claims the former to be a violent act as well as the latter.) But are we prepared to say that Dirty Derek has performed a violent act in sending the photographs to the Prime Minister, just because we are convinced that the Prime Minister is caused to suffer just as badly from that act as he would if someone had beaten him up? This seems to me a rather far-fetched way of defining the concept of a violent act.

(b) Pontara will end up with too many acts denoted by his definition of the concept of a violent act, acts which, like my example of Dirty Derek, we do not consider as being violent acts. And this is so, I believe, because we normally do connect the performance of violent acts with the use of physical force.

I agree with Pontara that acts other than those involving the use of physical force can cause as much suffering as acts which do involve the use of physical force, but this is no reason for erasing the distinction between these two categories of acts by labelling both as "violent acts". (What would happen to, e.g., the distinction between the concepts of civil disobedience and armed resistance? If an ecologist movement blows up a highway bridge or they organize a sit-in on the bridge (in both cases the purpose is to put an end to heavy traffic in the area) and if nobody is hurt in the case of blowing up the bridge, the effects of the two acts would be (morally) the same: travellers are caused inconvenience. Still, I think we would not call the sit-in a violent act, although we would apply that term to the act of blowing up the bridge.

I think the reason for this mix-up is to be found in Pontara's way of defining the concept of a violent act: he starts out by assessing the moral worth of the results of different acts and where he finds morally similar results, he assumes that these results are caused by similar acts.

(2) Wilkinson's definition of the concept of political violence has one major disadvantage, in my view: he makes the threat of infliction of physical injury an instance of violence together with the actual infliction of physical injury. This will have certain consequences for the discussion of violent acts as well as for
the definition of the concept of political violence.

Regarding the acts, my point is that although threats of violence often precede or accompany the actual performance of violent acts, it would be misleading to mix them up with one another. I agree with Wilkinson that an act which involves the infliction of physical injury, e.g., a robber shooting and wounding a bank clerk, is a violent act. But if, instead, the robber just made a phone call and threatened to shoot the bank clerk if he did not receive a certain sum of money, in what way would this be a violent act? The intended effect of the threat may be just the same as that of the violent act, but this does not force us to call the threat itself a violent act — "threats of violent acts" and "performance of violent acts" have different ranges of extension. (I have here assumed that the fact that Wilkinson talks of violent acts and threats of such acts for political ends is of no importance for the correctness of the distinction I have made between violent acts and threats of such acts — the example of the bank robber could easily be rearranged into a case with a political content and the distinction I have insisted on would still be the same.)

Regarding the definition of the concept of political violence, my point is this: If "threat of infliction of physical injury for political ends" means the same as "political violence" and "infliction of physical injury for political ends" also means "political violence", then "threat of infliction of physical injury for political ends" means "infliction of physical injury for political ends", which simply is not true. It cannot be the case that "threat of p" means "p".

So, Wilkinson fails in assessing the connotation as well as the denotation of the concept of political violence.

(3) Honderich's definition of the concept of political violence denotes illegal use of force, intended to change the policies, etc. of government. This is, in my view, too narrow a definition of the concept of political violence. If, for instance, a military dictatorship proclaimed a state of emergency in a certain country, thereby temporarily suspending existing laws, and then ordered their security forces to round up prominent members of the National Assembly and
have them shot, would this not be an example of political violence?

In this example the use of force was not illegal, since it was ordered in accordance with emergency rules (which may be whatever those in power prescribe) and it was not directed against a government — on the contrary, it was ordered by those in charge of executive power.

Everyday occurrences of acts like the one in my example tell us that questions concerning the legality and the targets of the acts are of minor importance when we are to decide what acts we may properly call "acts of political violence" — if we decide to label an act in that way, we do so regardless of whether the act in question is legal or illegal, regardless of whether the act is directed against the government or is ordered by the government.

In what follows, I will be using the term "violent" (when I talk of "violent acts", "violent methods" etc.) in accordance with van den Haag's definition of the concept of violence. (It has to be stressed, however, that the concepts of political terrorism and violence do not have the same extension: the latter concept is wider than the former. But regarding that part of the definition of the concept of political terrorism which is made up of the concept of violent acts, I intend to use van den Haag's definition.)

2.4 The intended effects. The Terroristic Assumption.

The revolutionaries must try to bring about a situation where the barbarians are afraid for their lives every hour of the day or night. They must think that every drink of water, every mouthful of food, every bed, every bush, every paving stone, every path and footpath, every hole in a wall, every slate, every bundle of straw, every pipe bowl, every stick, every pin may be a killer. For them, as for us, may fear be the herald and murder the executor. Murder is their motto, so let murder be their answer, murder is their need, so let murder be their payment, murder is their argument, so let murder be their refutation. (Heinzen, p. 64.)

The guiding principle must be the measure of service the person's death will necessarily render to the revolutionary cause. Therefore, in the first instance all those must be annihilated who are
especially harmful to the revolutionary organization, and whose sudden and violent deaths will also inspire the greatest fear in the government and, by depriving it of its cleverest and most energetic figures, will shatter its strength. (Nechaev, p. 71.)

The terroristic party should show in practice the usefulness of the means it employs. The party should bring about the final disorganization, demoralization, and weakening of government for its actions of violence against freedom. This should be achieved through a consistent, punishing system used by terrorists. This system should make the government weak and incapable of taking any measures for the oppression of freedom of thought and against actions carried out for the national welfare. (Morozov, p. 78.)

With these quotations of nineteenth-century terrorists in mind we will begin our examination of what the intention of a political terrorist performing a political terroristic act is. As I argued in the case of C, it is not enough that someone performs a violent act in order for that person to be a political terrorist. The agent must intend certain further effects in performing a violent act in order for that act to be a political terroristic act and the agent to be a political terrorist. One such intended effect is that someone is intimidated by the agent’s violent act. Another effect which is intended by the political terrorist is the achievement of some political goal. On this there seems to be some agreement among those who have produced works about political terrorism, although they do not employ expressions sufficiently clear and precise for the purposes of this work. David Fromkin, for instance, writes:

Terrorism är att bruka våld för att skapa fruktan. Och denna fruktan skall i sin tur få någon annan — inte den som begär terrorhandlingar — att förändra sitt handlingssätt, så att terrorismens slutmål uppnås (Fromkin, p. 61.)

[Terrorism is to make use of violence in order to create fear. And this fear shall in turn cause someone else — not the one who commits terrorist acts — to change his way of acting so that the final goal of the terrorist activities is achieved.] Translation mine.

Yonah Alexander writes about terrorism:

Despite its history as a symbol, tool, method, or process of force — taking the form of
random and systematic intimidation, coercion, repression, or destruction of human lives and property — used intentionally by an organized group to create a climate of extreme fear in order to obtain avowed realistic or imaginary goals ... (Alexander, p. xi.)

Robert Young writes:

Terrorism is intimidatory in intent. This intent is pursued chiefly through the use of violence, though this need not, of course, consist just in the employment of physical force.... (Young, p.288.)

... the terrorist employs violence to intimidate and promote fear among certain people. Generally these people will be symbolic or representative of some policy or sector of the populace which the terrorist wishes to attack. (Young, p. 289.)

My intention is to clarify this obscure part of the analysis of the concept of political terrorism, concerning the intended effects of a political terroristic act.

Letting the variable A stand for the political terrorist, the variable P stand for a certain (group of) person(s) and the variable g stand for a political goal, we are able to describe the political terrorist's intentions in performing a violent act as follows:

(1) A intends to intimidate P
(2) A intends g to be achieved

In what follows, I will call (1) the intended immediate effect (abbreviated to IIE) and (2) the intended remote effect (IRE).

Now, concerning the two intended effects of his violent act, I will also claim that the political terrorist makes an assumption that while the performance of the violent act is, in the circumstances, a necessary and a sufficient means to the realization of the IIE, the realization of the IIE is, in the circumstances, a necessary and a sufficient means to the realization of the IRE. This I will call the Terroristic Assumption, which could be expressed as follows:
A assumes that, in the circumstances, without having intimidated P by performing a violent act \( a \), \( g \) cannot be achieved and that if he intimidates P by performing \( a \), \( g \) will be achieved.

It must be noticed that the Terroristic Assumption does not imply that A believes that P will or will not do anything if P is intimidated. It is not necessarily the case that A believes that P will cooperate with A if P is intimidated. Instead it could be the case, for instance, that A believes that someone else, Q, will bring about \( g \) or help A to bring about \( g \) if P is intimidated — this depending on, for instance, a close emotional relation between P and Q.

Without intending both the immediate effect and the remote effect, an agent performing a violent act cannot be properly called a political terrorist. If the agent performs a violent act, intending the immediate effect but not the remote effect, the agent might be a terrorist, but not a political one — the agent may intend to achieve some non-political goal. The agent may also, in this case, be a sadist who just finds pleasure in intimidating someone, without any further purpose. If the agent performs a violent act, intending the remote effect but not the immediate effect, the agent is not a political terrorist. The agent may be a fanatic who is just interested in having some politician killed and not interested in intimidating anyone. John Wilkes Booth, who shot Abraham Lincoln on 14 April, 1865, in revenge for the defeat of the Confederacy in the American Civil War, would be an example of such an agent; Booth performed a violent act and had a political goal (the killing of the Union president), but it would be a mistake to call him a political terrorist. We must not let the concept of political terrorism denote all acts of political violence — then the concept would be too wide to serve any purpose.

So, if an agent performing a violent act is to be called a political terrorist, both the immediate effect and the remote effect must, necessarily, be intended by the agent. But what about the necessity of the Terroristic Assumption?

Let us consider the case of Dr. Hackenbush, who hates his old Aunt Thilda
and also thinks that it would be a contribution to world peace if the present leaders of the superpowers were eliminated. Since Aunt Thilda is immensely afraid of all kinds of violence, Dr. Hackenbush believes that the killing of the superpower leaders also will bring with it the advantage of Aunt Thilda's having a heart attack. With this double purpose Dr. Hackenbush performs the act of blowing all the superpower leaders to pieces during one of their SALT conferences.

As far as the analysis of the political terrorist's intention is concerned, Dr. Hackenbush intends both the right immediate effect and the right remote effect: When he performs the violent act he intends to intimidate someone (Aunt Thilda) and he intends to achieve some political goal (securing world peace). Still, he is not convincing as a political terrorist and, indeed, I do not think he is one. Madman, fanatic maybe, but not a political terrorist. So, obviously, something is missing: we cannot identify the political terrorist merely as the performer of a violent act with a certain intention concerning two effects of that act.

What we need is something that connects the realization of the intended immediate effect (the IIE) with the realization of the intended remote effect (the IRE). The Hackenbush case presupposes no such connection.

What I consider typical of the political terrorist is not just that he intends two effects in performing a violent act, but also that he assumes that the realization of the IIE is, in the circumstances, a necessary and a sufficient means to the realization of the IRE. This is what I have called the Terroristic Assumption.

So, Dr. Hackenbush is not a political terrorist, since he does not assume that the intimidation of his Aunt Thilda is, in the circumstances, a necessary and a sufficient means to the securing of world peace. Although he intends both effects to be realized by performing a violent act, he assumes the two effects to be causally independent of one another. I admit that Dr. Hackenbush would have seemed an even more fictitious character, had he assumed that the intimidation of his Aunt Thilda was, in the circumstances, a necessary and a sufficient means
to the securing of world peace, but then at least I could have granted him the name of a political terrorist. (I do not demand that an agent who is to be called a political terrorist must satisfy any criteria of rationality. Any such demand would make the definition of the concept of political terrorism a hopelessly difficult task.)

2.5 The victim and the terrorized. Successful and unsuccessful political terrorists.

In the context of political terrorism, I consider it necessary to make a distinction between "the victim" (of a political terroristic act) and "the terrorized". This necessity has been pointed out by several authors on this subject. Paul Wilkinson writes:

A primary target for terrorisation is selected; the objective, or message to be conveyed, is determined; and credibility is established by convincing the target that the threat can actually be carried out. The victim or victims of the actual act of terrorist violence may or may not be the primary target, and the effects of relatively small amounts of violence will tend to be quite disproportionate in terms of the number of people terrorised.... (Wilkinson (1977), p. 49.)

Carl Wellman writes:

... terrorism is inevitably directed at one or more persons. It is helpful to distinguish between the primary and the secondary targets of any act of terrorism, between the victim of coercion and the victim of the terrifying act. (Wellman, pp. 253-254.)

Henry Shue makes a similar point, writing about "terroristic torture":

The victim is simply a site at which great pain occurs so that others may know about it and be frightened by the prospect. (Shue, p. 132.)

Although it is possible that one and the same person may be both a victim of a
political terroristic act and terrorized by that same act, there is a conceptual
difference between "victim" and "terrorized".

The victim is the person (or group of persons) who is immediately affected
by the political terroristic act: the victim is the one who is kidnapped, tortured
or killed by the political terrorist.

The terrorized is the person (or group of persons) who is intimidated by this
political terroristic act.

In the Aldo Moro case, for instance, Aldo Moro was the victim of a political
terroristic act, while Italian politicians and ordinary citizens were among the
terrorized. We have to make a distinction, however, between

(a) persons who actually are terrorized (i.e., are intimidated by the political
terroristic act) and

(b) persons who are intended by the political terrorist to be terrorized.
I claimed earlier that, in order for someone to be a political terrorist, he must
necessarily have an intention to intimidate someone by performing a violent act.
Now, even if an agent has such an intention in performing a violent act, this does
not entail that anyone actually is intimidated by the agent's performance of a
violent act. The political terrorist may be unsuccessful.

The agent A must succeed in intimidating the person(s) P that A intends to
intimidate and also succeed in achieving the political goal g that A intends to
achieve and the intimidation of P must, in the circumstances, be a causally
necessary and a sufficient means to the achievement of g. (If A is to be called a
successful political terrorist, it is necessary that it is A's intimidating P and
nothing else that brings about g.)

This suggests that there are three ways in which A may become an
unsuccessful political terrorist:

(1) P is not intimidated by A's violent act
(2) g is not achieved
(3) the intimidation of P is, in the circumstances, not both a necessary and a
    sufficient means to the achievement of g
Let us assume that A could have brought about g without having intimidated P. Is it really proper to call A unsuccessful, then? After all, he achieved his goal. My answer is that it depends on how we describe A. As a political terrorist he would have been unsuccessful, since it is part of the terroristic strategy to achieve one's goals by way of intimidation. In a less restricted capacity, let us say that of being a purposive agent, A has indeed been successful: he has achieved his purpose. On the other hand, if he did not make use of any violent means, he would not have been a political terrorist in the first place, at least not in this case, so the question of whether he was an unsuccessful political terrorist would not have even occurred.

If one, two or all three of the states of affairs indicated above occur, the political terrorist (A) is unsuccessful. (It should be noticed that we are here considering cases which are not like the cases of A, B and C in section 2.2. They were not even political terrorists, while A above is a political terrorist, although an unsuccessful one.)

Let us consider a somewhat problematic case, in which (1) and (3) have occurred. A person, Q, is intimidated by the violent act a, performed by the political terrorist A. A did not intend Q, but P to be intimidated by a. Now, P is not intimidated by a. Regarding Q, not only is he intimidated by a, he brings about A's goal g, which A believed would be brought about by P's friend R (that was A's reason for assuming the intimidation of P to be, in the circumstances, a necessary and a sufficient means to the achievement of g). Now, is A a successful political terrorist or not? My answer is that he is not. The fact that A achieved g does not imply that A has been successful as a political terrorist. After all, A intended to intimidate P and failed to do so. Accordingly, A also failed in his assumption that the intimidation of P was a necessary means to the achievement of g, since g now is achieved without P being intimidated.

The case in which Q realizes the IRE (the intended remote effect) of A's violent act does not imply that A has been a successful political terrorist, any more than it would have implied such a thing if Parliament, without any
knowledge at all of A and his violent act (but after that act was performed by A), had happened to make exactly those decisions A intended it to make (as the remote effect of his violent act).

We must thus make a distinction between being successful and being just lucky.

Another, similar, case would be this one:

Belinda Brute has as a political goal the restoration of a free press in her country, which has been governed by military dictators for many years. She assumes that the intimidation of Colonel Morbido, one of the ruling army officers, is, in the circumstances, a necessary and a sufficient means to the achievement of her goal, since the Colonel is the one responsible for the censorship laws. So, Belinda Brute blows up the Colonel's home and the Colonel's wife and children are killed. This indeed intimidated Colonel Morbido, but before he has time to act, either contrary to, or in accordance with Belinda's wants, the ruling junta is deposed in a coup, initiated by younger, liberal officers. The new junta immediately restores the freedom of the press, but without paying any attention to Belinda's act.

So, both the IIE (the intended immediate effect) and the IRE (the intended remote effect) of Belinda's violent act are realized, but the realization of the IIE was not a necessary means to the realization of the IRE. Although Belinda Brute was "lucky" in that the goal she intended to achieve actually was achieved, she failed as a political terrorist, since she was wrong in her Terroristic Assumption.

2.6 The goal.

The goal of a political terrorist performing a political terroristic act is what is to be realized as the IRE of the political terrorist's violent act. When I talk of "the goal of a political terrorist", I always mean "the goal of a political terrorist
performing a political terroristic act" in order to distinguish this goal from other goals a person who is a political terrorist may have. Anyone who performs a political terroristic act becomes a political terrorist, but this does not mean that every goal of that person becomes a goal of a political terrorist performing a political terroristic act. He might have goals such as repairing a bicycle, reading a Graham Greene novel, owning every album made by Gram Parsons, sunbathing in California, and so on. None of these goals is an example of a goal of a political terrorist performing a political terroristic act, although the person who has these goals might very well be a political terrorist (i.e., a person who has performed a political terroristic act).

The reason why goals such as the repair of a bicycle cannot count as goals of a political terrorist is that such goals have to be political ones. I will not in the present work venture to define the concept of a political goal, but confine myself to a rough approximation of what that concept denotes: a political goal is a goal the achievement of which concerns the control, use and distribution of power and wealth within one or more states or between states.

Examples of political goals would then be the deposing of a president, the overthrow of a government, the break-up of diplomatic relations between two states, the silencing of an oppositional newspaper, the killing of oppositional leaders, the redistribution of land from one group of people to another.

Here it could be objected that not all acts which we normally call political terroristic acts seem to be directed at the achievement of a goal of the kind described above. It has happened, for example, that members of political terroristic organizations have captured an aeroplane and demanded the release of some of their imprisoned friends in exchange for the passengers and the crew of the plane. The goal in question seems to be straightforwardly non-political — what is political about getting one's friends out of jail? It was done by the James and Younger brothers long before political terrorists appeared on the newspaper front pages.

My answer is that if the release of their imprisoned friends really was all the hijackers demanded, then there is nothing in this which makes it a goal of
political terrorists. But often it is obvious that there is more to the case than just a straight hijacking extortion drama. If the hijackers issue proclamations, calling their seizing the plane an act of war, directed against a government they claim is tyrannic, and calling their imprisoned friends freedom fighters, then this is not just an ordinary non-political hijacking case. Then the goal is not only the release of some imprisoned friends but also to question the authority and legitimacy of a certain government, which makes the goal one of the political kind.

But if we consider a goal $g$ which is political, and $g$ is the goal of a person $A$, who is a political terrorist, we will find that it is not necessary that $g$ is the goal of a political terrorist (performing a political terrorist act).

This person $A$ is a citizen of the state $X$, which is a parliamentary democracy; $A$ is the leader of a small political party in $X$ which has as its main issue the right to divorce, which is not granted under the present marriage law. Any alteration of a law demands a two-thirds majority vote in the National Assembly and it is $A$'s (political) goal to bring about this certain alteration and so he makes speeches and campaigns all over $X$ to realize that goal. But in the neighbouring state $Z$ the political situation is different. $Z$ is governed by an army junta, headed by general $B$. Now, in $Z$ the former president, Dr. $C$, is in jail since the coup which brought general $B$ to power. Dr. $C$ belonged to a party which had a very close relationship to the party that $A$ belongs to in $X$.

So, in secret $A$ crosses the border to $Z$ once or twice a month and joins the Liberation Front, which performs violent acts in order to intimidate the military rulers of $Z$ and thereby make these rulers resign.

While $A$ has a political goal of a political terrorist (performing a political terrorist act) in $Z$, he also has a political goal in $X$ which is not the goal of a political terrorist. $A$ is a political terrorist, and the alteration of the marriage law is a political goal of his, but it is not the goal of a political terrorist (performing a political terrorist act). The alteration of the marriage law is not the intended remote effect of a violent act and cannot for this reason qualify as a goal of a political terrorist.
3. The SSMI thesis.

3.1 On features essential to political terroristic acts.

What reasons could be given for the judgment "Political terroristic acts ought not to be performed"?

The answer to this question depends to a great extent on what meaning we want to give "ought not". The distinction I want to emphasize here is that between the moral and the non-moral "ought not".

If we tell someone who has caught a cold that he "ought not to go outdoors while he still has a fever", we have not issued a recommendation of a moral kind to this person. What we have done is to tell him that he should not go outdoors, since if he did he would further endanger his state of health, assuming that he does not want this to happen. Using "ought not" in this sense we have only implied that we consider it to be in this person's interest to remain indoors while he has a temperature.

In the same way we could tell a prospective terrorist: "If you want to achieve your political goal, you ought not to perform a political terroristic act. You ought instead to set up a regular army and prepare for civil war." Giving this piece of advice, we have made use of "ought not" in a non-moral sense. What we have told the prospective political terrorist amounts to saying that political terroristic acts are ineffective as means to the goal he wants to achieve. It would not be in his interest to perform such acts, given the goals he actually has.

But it is not this sense of "ought not" which will be made use of in this work. Instead it is the moral "ought not" which is understood in the question "Is it the case that political terroristic acts ought not to be performed?". On this interpretation of "ought not", the question could be reformulated as "Are political terroristic acts morally wrong?". The answers we are looking for cannot (at least not wholly) be expressed in terms of means/end efficiency or the
agent's satisfying his self-interest. We are searching for answers which for their content refer to theories of right conduct, normative ethical theories. (For more detailed discussion of different senses of "ought", see Hare (1952), sections 10.1-10.4.)

So, the features of a political terroristic act which might cause us to demand that such acts ought not to be performed have to be of a kind that are morally relevant, i.e., the features in question must be judged as morally objectionable according to some plausible normative ethical theory.

Another distinction which has to be made is that between the question "Which features of political terroristic acts do people condemn on moral grounds?" (which is an empirical question) and the question "Are there any morally objectionable features of political terroristic acts?" (which is a normative question). We could answer the first question by performing a close examination of newspapers and books on the subject of "Political Terrorism". Answering the second question requires that we make explicit a normative ethical theory, from which we may be able to derive an answer.

The two questions above may both be qualified in another sense. Since political terroristic acts share some features, e.g., purposive violence, with other kinds of acts, e.g., acts of war, and since I am interested in ethical aspects of political terrorism and do not want to extend this work to cover types of acts essentially different from political terroristic acts, I will qualify "features" to "features essential to political terroristic acts" and so have the two questions reformulated as:

(1) What features essential to political terroristic acts do people condemn on moral grounds?

(2) Are there any morally objectionable features essential to political terroristic acts?

The criterion of something, $f$, being a feature essential to political terroristic acts is that $f$ is a defining characteristic of political terroristic acts, i.e., $f$ is referred to in the definition of the concept of political terrorism.

From the definition of the concept of political terrorism it follows that if $a$ is
a political terrorist act, \( a \) must necessarily have the following features:

(1) \( a \) is violent and directed against some person(s) \( B \)
(2) \( a \) is intended to be a means to the intimidation of some other person(s) \( C \) and thereby to the bringing about of a political goal \( g \).

(It should be noted, however, that \( B \) and \( C \) may denote the same person(s), although I take this to be untypical. See section 2.4.)

I will now proceed by giving a fairly extensive survey of what philosophers and other writers on the subject of political terrorism have said about the moral status of political terrorist acts. I will go on by sorting out from this exposé two features considered as essential to political terrorism and also considered to be morally objectionable: the feature of "indiscriminately performed act" and the feature of "sacrificing the innocent". I will argue that the former is not a feature essential to political terrorism, that the latter indeed is, but needs reformulation. I will postpone the discussion of what meaning should be given to the expression "morally objectionable act" for a while.

3.2 On alleged morally objectionable features of political terrorist acts.

People speak of the 'barbaric' methods of terrorists (indiscriminate assassinations, the placing of bombs in public places, skyjackings) when, of course, they know very well that 'civilized' warfare necessarily results in just as much if not more indiscriminate killing.... is it not sheer sophistry which allows one to feel morally superior as long as the methods he uses (and which produce just as much human suffering) are sanctioned by international conventions?

What I have to say about this apparent conflict between popular moral sentiment and reflective moral judgments is difficult to put in a way which does not lead to misunderstandings, but basically it is that there is a kernel of rationality in the reluctance to identify, morally, the one who does a wrong 'indirectly', ' impersonally', with one whose wrongdoing is very direct and very personal. (Becker, p. 120-121.)
Becker discusses here the moral wrongness in indiscriminate killing. He is relating views according to which such indiscriminateness characterizes political terrorist acts.

In war, the bombing of civilian populations is the most striking example but there are other techniques such as the defoliation of forests, the destruction of crops, the destruction of villages, the slaughter of villagers and forced resettlement of populations which either are terrorist or involve terrorism. In revolutionary warfare the recourse to such weapons as letter bombs, bombs in public places, hijacking of civilian transportation and threats to kill passengers, random killings or maimings and so on are familiar. If such procedures are really intrinsic and inevitable then wars and revolutions stand under moral condemnation.... I am not myself persuaded (quite or yet) of the inevitability so let us now suppose that wars and revolutions can be waged without recourse (or with only marginal, as it were, accidental recourse) to terrorism.

This supposition itself presupposes that we can in both contexts make a distinction between combatants and non-combatants. (Coady, p. 58.)

In a just revolution then who are the combatants from a revolutionary's point of view? To begin with there are those who directly employ violence to perpetrate the injustices against which the revolution is aimed: the army or elements of it, the secret police, foreigners directly involved in assisting the governmental forces in prosecuting the injustices, informers, and the politicians who are directing the 'oppression' complained of. (Coady, p. 62.)

... we should continue to make a distinction between two broad types of revolutionary violence, that which is directed at what would be legitimate targets if the revolution were justified and that which is directed at non-combatants. We should reserve the term 'terrorism' only for the latter and it can be unequivocally condemned. Violence of the former kind stands or falls morally by the judgment of the overall legitimacy of the revolutionary activity. (Coady, p. 65.)

Coady expresses two complaints about political terrorist acts, namely that they are indiscriminately performed ("random killings") and that they victimize the innocent (violence directed at "non-combatants"). I am not sure, however, that Coady considers these two judgements as distinct from each other, since he makes use of the distinction between combatant and non-combatant to explain why the random killings which terrorists are accused of are morally wrong. But
killing in a random manner is not the same as killing the non-combatant. Rather it is killing without caring whether one's victims are combatants or non-combatants. Killing the non-combatant, on the other hand, is killing someone who is innocent in some sense of that expression (see section 3.5).

Certainly, there are historical moments when armed struggle is necessary for the sake of human freedom. But if dignity and self-respect are to be the outcomes of that struggle, it cannot consist of terrorist attacks upon children. One can argue that such attacks are the inevitable products of oppression, and in a sense, I suppose, that is right. Hatred, fear, and the lust for domination are the psychological marks of oppressed and oppressor alike, and their acting out, on either side, can be said to be radically determined. The mark of a revolutionary struggle against oppression, however, is not this incapacitating rage and random violence, but restraint and self-control. The revolutionary reveals his freedom in the same way as he earns it, by directly confronting his enemies and refraining from attacks on anyone else. It was not only to save the innocent that revolutionary militants worked out the distinction between officials and ordinary citizens, but also to save themselves from killing the innocent. (Walzer, p. 205-206.)

According to Walzer, what could go wrong in a revolutionary struggle (this, then, referring both to guerrilla warfare and to terroristic activities) is that the desire to take revenge causes the revolutionary to sacrifice the innocent. Resorting to such means inevitably stains an otherwise praiseworthy end. The sacrificing of the innocent would put a political terroristic act in the same moral category as those acts of oppression the terrorist wanted to fight.

Yet terrorism threatens, endangers or destroys the lives and fundamental freedoms of the innocent, and it would not be just to leave them to wait for protection until the causes have been remedied and the purposes and principles of the Charter have been given full effect. (UN document, quoted in Finger, p. 330.)

This UN document makes the threat against the life and freedom of the innocent the prime moral problem regarding terroristic acts.
To justify violence we usually argue that the persons we want to hurt either deserves punishment for misdeeds or that they deserve it because they can hurt us and intend to do so. A very different kind of logic is required to justify terror. The victims do not manifestly threaten us; they are innocent by conventional moral standards or by the evidence of our own senses. Terrorists, therefore, abandon ordinary conceptions and experiences, and they normally avoid speaking of their victims as persons. (Rapoport, p. xiii.)

In this case, too, what is considered morally problematic regarding political terroristic acts is the suffering they are believed to inflict on the innocent.

Are there actions so abominable that no reasons could justify or contexts excuse them? Answers, I suppose, may differ. My list would include torture, killing for the fun of it, and blowing up the innocent in order to demoralize those one supposes guilty. Others will say, the first two surely, the Shah of Iran and Charles Manson, but the third, in spite of the apparent atrocity of it, is after all the response to atrocity. The innocent suffer and that is unfortunate, but their death and dismemberment are stages in a radical social surgery. At the end of that process is the millennium, when repression and exploitation will cease.

If we believe that only terror can bring about the millennium, we will be well on the way toward admitting its necessity. Even so, ... it is cowardly to attack the defenseless. It speaks of an indifference to violence that is not suitable psychological material for the millennium. Most of all, terrorists are arrogant, acting on beliefs about social causality that the available evidence does not license. (Louch, p. 267.)

Louch considers the killing of the innocent to be conclusively morally objectionable and a feature of at least some political terroristic acts.

Terrorism is inherently indiscriminate in its effects. This is partly a consequence of the nature of much terrorist weaponry (bombs, land mines, etc.) and the frequent, deliberate terrorist attacks on the civilian population and public facilities. But it is also inherent in the objective of spreading terror. As Aron has noted, "an action of violence is labelled 'terrorist' when its psychological effects are out of proportion to its purely physical result... the lack of
discrimination helps to spread fear, for if no one in particular is a target, no one can be safe". (Wilkinson (1982), p. 310.)

Wilkinson considers terrorists to be intentionally indiscriminate concerning who their victims are. Attacks on civilians and public facilities constitute an essential part of the strategy of terrorists, rather than accidental outcomes of that strategy.

I have elsewhere defined terrorism in contrast to the term "punishment". Punishment involves one party intentionally inflicting pain or loss upon another on the ground or allegation that the victim is responsible for or guilty of some offence. The pain or loss should, in a way, be commensurate with the offence, i.e., it should not be beyond a reasonable maximum given the offence. And the offence should be a violation of a rule which it is the duty of the punishing party to protect. On the other hand, terrorism is the intentional (and usually violent) infliction of pain or harm upon the innocent, or else it is punishment which goes beyond "a reasonable maximum". (Oruka, p. 376.)

Here, again, terroristic acts are given the feature of intentionally harming the innocent. We should note, though, that Oruka is talking of legal terrorism. Otherwise, the occurrence of the expression "punishment" might seem strange in this context.

... it can be acknowledged that often particular instances of terrorism are indiscriminate. But it does not follow from this that terrorism as such must be indiscriminate. (Young, p. 288.)

There are at least two possible criteria for sorting out the innocents which warrant serious consideration in discussions of revolutionary terrorist attacks... One is the degree to which particular individuals are causally responsible for the continuation of those factors and circumstances which make revolutionary terrorist responses the only remaining options for their exponents... The second possible criterion is the degree to which people are culpable for the production of the circumstances which generated the last resort terroristic response... There are no doubt many innocent victims of such terrorism, but equally there can be no doubt that they are fewer in number than one might first think. Thus while indiscriminateness makes more difficult the task of justifying a particular instance of terrorism it is not obvious that it must render it impossible. (Young, pp. 299-300.)
Young mentions both indiscriminateness and sacrificing the innocent as morally problematic features which have been ascribed to political terroristic acts. He admits that some such acts have these features, but rejects them as *defining* characteristics of such acts. He also seems, however, to consider them to be one and the same feature, which they are not (see my comments regarding Coady, above).

... what is clear is that as a tactic, the intended effect of terrorism is psychological... Morally there need be nothing wrong with this tactic any more than with the tactic of psychologically discouraging the enemy from fighting, by surrounding and then besieging him. In part, what can go morally wrong is targeting the wrong people. (*Fotion & Elstrom*, p. 221.)

"Targeting the wrong people" would then be another way of describing the fact that innocent people might be killed. It could, however, also be interpreted from the standpoint of the terrorist, and then "the wrong people" are those victims the killing of whom does not further the terrorist's goal. They might, for instance, have been too unimportant people for anyone to take notice of their deaths. However, since Fotion and Elstrom here talk of what can go *morally* wrong, I do not believe they assume only this tactical interpretation of "wrong people". I assume that they mean by that expression innocent people or "non-combatants", to use an expression that has been employed earlier in this section.

### 3.3 Indiscriminateness and sacrifice-as-a-means.

From the quotations above, I think we will be able to separate two main lines of accusations directed against political terrorists:

1. The acts of political terrorists are performed indiscriminately (*Becker, Wilkinson, Young, Coady*).
(2) The acts of political terrorists harm innocent people (Coady, Walzer, UN document, Rapoport, Louch, Oruka, Young, Fotion & Elfstrom).

I will try to clarify these two lines of accusation and also try to decide to what extent they concern features essential to political terroristic acts.

I suggest the following definition of the concept of an indiscriminately performed act:

A performs $a$ indiscriminately, if A when A performs $a$ does not care who will be affected by $a$ or in what way anyone will be affected by $a$.

It should be noticed that the proposition "A performed $a$ indiscriminately" is compatible with the proposition "A performed $a$ in order to achieve $g$". The fact that A does not care who will be affected by $a$ or in what way anyone will be affected by $a$, does not imply that A performs $a$ without any purpose. On the contrary, it might be the case that just because A attaches great value to the achievement of $g$, he does not care for any other consequence of $a$ than its producing $g$. It might, for instance, have been the case that Pol Pot believed he could create Paradise on Earth by making all Cambodian citizens become peasants, by abolishing money, western customs, etc., and just because of this firm conviction about the beneficent results of these acts he might have become totally indifferent to the cost of this policy in terms of human lives and well-being. The evacuation of Phnom Penh (April, 1975) was performed indiscriminately, but this does not imply that there was no purpose in performing the evacuation.

When talking of political terroristic acts, the concept of indiscriminately performed acts has to be expanded into the concept of indiscriminately performed violent acts, since political terroristic acts are violent acts.

Since violent acts, when directed against individuals, cause these individuals harm, such acts have almost always been considered as being in need of moral justification. People who claim that political terroristic acts are indiscriminate in character argue that besides causing harm to individuals, political terrorists
do so in a careless, capricious manner: political terrorists inflict harm on people who are not involved in the war the terrorists claim themselves to be fighting. "In what way", it might be asked, "did it further the goal of establishing a sovereign Palestinian state to shoot and kill a crippled man (Leon Klinghoffer) on the Achille Lauro? This killing was, to be sure, an indiscriminately performed act of murder."

Without denying this last proposition, we must insist on making a distinction between the empirical statement "Many (most) political terroristic acts are indiscriminately performed violent acts" and "Being an indiscriminately performed violent act is, by definition, a feature essential to political terroristic acts", since this last statement is about a conceptual relation between indiscriminateness and political terroristic acts, implying that indiscriminate performance is a defining characteristic of political terroristic acts.

The empirical statement might be true without the conceptual statement also being true. And, indeed, I will deny the truth of the second statement. There is nothing in political terrorism, as I have defined the concept, which will make it true that indiscriminate performance is, by definition, essential to political terroristic acts. And, to be sure, there are in the real world instances of political terroristic acts which seem to be discriminate enough: the kidnapping of U S adviser Daniel Mitrione (in Uruguay, 1970) and the kidnapping of Aldo Moro (1978) are examples of acts the performance of which seems to indicate that political terrorists are not always indifferent regarding who their victims are. (For the case of Mitrione, see also Coady, p. 63.) So, "indiscriminately performed violent acts" is not a feature by definition essential to political terroristic acts.

There is, however, a feature essential to political terroristic acts, referred to in the quotations above, which is often confused with the feature of indiscriminateness and sometimes labelled as "sacrificing the innocent" (a formulation which makes this feature more problematic than that of
indiscriminateness, since the concept of innocence is notoriously hard to define). The feature I have in mind will here be called "the feature of sacrifice as a means". In order to analyse the concept of sacrifice as a means it will be helpful to have a look at a generalized description of a political terrorists act:

A performs \( a \) against \( B \) in order to intimidate \( C \) and thereby achieve \( g \).

Since \( a \) denotes a violent act, we may safely assume that \( B \) is harmed (i.e., if \( A \) is successful) in order to have \( C \) intimidated. While \( C \) is the target person (or group), the intimidation of whom is supposed by \( A \) to be a necessary and sufficient means to the achievement of \( g \) (the goal), \( B \) is \( A \)'s victim; \( B \) is sacrificed (which does not necessarily imply that \( B \) is killed, but which does imply that \( B \) is harmed and that \( A \) wants this to happen) not as a target person, but as a means to the coercion of the target person. "Sacrifice as a means" should accordingly be understood as "sacrifice as a means to intimidation and the bringing about of a political goal".

Whether the sacrifice actually is, in the circumstances, a necessary or a sufficient means, is not important here. The important thing is rather that the sacrifice is intentionally used by the agent as a means to bring about certain other results. If, however, the agent \( A \) fails in intimidating \( C \) by sacrificing \( B \), i.e., if the sacrifice is not a sufficient means to the intimidation of \( C \), or if \( C \) is intimidated, but not by \( A \)'s sacrificing of \( B \), i.e., if the sacrifice is not a necessary means to the intimidation of \( C \), then the agent is unsuccessful as a political terrorist, since the agent assumes the sacrifice of \( B \) to be a necessary and sufficient means to the intimidation of \( C \) (see sections 2.4-2.5). But now we are trying to clarify the concept of sacrifice as a means, not listing criteria for when the political terrorist is successful or not.

It is of course possible that the victim and the terrorized (i.e., the target person) are one and the same person (see section 2.5). It might, for instance, be the case that a local police officer is captured by guerrilla fighters, beaten up and threatened with the prospect of being treated in similar ways once more if
he does not release several political activists whom he has imprisoned. But even if the victim and the target person in this case are one and the same person, the notion of sacrifice as a means does not dissolve into nothing: we have to be careful when we state to which end the sacrifice is a means. The intended immediate effect is that someone is intimidated, not necessarily someone other than the victim (although I will argue that this is usually the case: that someone other than the victim is supposed to be intimidated — see my discussion of the intended immediate effect and the intended remote effect in section 2.4).

So, sacrifice as a means is a defining characteristic of political terrorist acts: it is a feature referred to by the definition of the concept of political terrorism. It should be noted that the proposition "a has the feature of sacrifice as a means" does not state a third feature of political terrorist acts in addition to the two mentioned in section 3.1. Rather, it restates in other words these two features: (1) that a is violent and directed against B and (2) that a is intended as a means to the intimidation of C and thereby to the bringing about of a political goal. This is now expressed as "a has the feature of sacrificing B as an intended means to the intimidation of C and thereby to the bringing about of g (the goal)"; here shortened into "a has the feature of sacrifice as a means".

Unlike the feature of indiscriminate performance, the feature of sacrifice as a means is, by definition, essential to political terrorism. Sacrificing the victim in order to intimidate the target person is a necessary condition of all terroristic acts: if A had just harmed B without having any further purpose in doing so, A would not have been a political terrorist. A would then not have performed a terroristic act. A might have been a gangster, an assassin, a general on a battlefield trying to coerce an enemy general to surrender, a lunatic or almost any kind of violent agent but a political terrorist.

Something that distinguishes a political terrorist from a political assassin is that the political terrorist attacks his target person via another person, who is the political terrorist's victim, while for the political assassin the victim and the target person is one and the same.
The SSMI thesis

Assuming that "the victim" and "the terrorized" denote different people, we are able to grasp at least one meaning of the accusation that "innocent people" are harmed by political terroristic acts: individuals other than the target person(s) are victimized by political terrorists. But since "innocent" might be taken to denote a person not only different from the target person, but also not deserving to be victimized, I will refrain from using the term "innocent". For the moment it is enough to state that there is such a thing as sacrifice as a means and that this feature is essential to political terroristic acts. Later on, I will return to questions concerning the innocence (in different senses) of the victims of political terroristic acts.

Now, it should be noticed that, although they are conceptually distinct from each other, the features of indiscriminateness and sacrifice as a means often combine in the real world. If a political terrorist has as his goal that Soviet troops should leave Afghanistan and throws a hand-grenade at a Soviet civilian aeroplane, without caring that he is thereby killing hundreds of individuals of whom he knows nothing, he has then acted indiscriminately and, at the same time, sacrificed the killed and injured passengers as a means to his political goal.

Probably, this kind of combination of the two features (which often occurs) is responsible for people's confusing them with one another.

3.4 Sacrifice-as-a-means further considered.

Before discussing what definition should be given to the concept of a morally objectionable act, we must once more have a look at the feature of sacrifice as a means. As was stated in the previous section the feature of sacrifice as a means has the following form, when formulated in full:

    the feature of sacrificing B as an intended means to the intimidation of C and thereby to the bringing about of g (the goal)
Now, this is a formulation which indicates that the question of moral evaluation of the feature of sacrifice as a means is a complex one: \( g \) (the goal) can be morally evaluated, the intimidation of \( C \) can be morally evaluated (separately or as being a means to the achievement of \( g \)) and the sacrificing of \( B \) can be morally evaluated (separately or as being a direct means to the intimidation of \( C \) or as being an indirect means to the achievement of \( g \)).

I am not going to deal with all these levels of moral evaluation of the feature of sacrifice as a means. I will confine myself to the part of this feature which concerns the political terrorist’s sacrificing of a person or group of persons (\( B \)). In order to be able to restrict my study to this problem, I will have to isolate it from the other, ethically problematic, aspects of political terroristic acts. If, for instance, the goal of the political terrorists is, by itself, morally objectionable, the question never arises whether it is morally wrong to sacrifice someone in order to achieve that goal: If the goal is morally objectionable, it is of course also morally objectionable to harm someone in order to bring that goal about.

So, for the sake of argument, I will in what follows assume both that the goal \( g \), taken by itself, is morally justified and that the intimidation of \( C \) is justified as a means to bring about \( g \). The remaining question, then, will concern the moral evaluation of sacrificing \( B \) (as a means to intimidate \( C \) and so bring about \( g \)). I will here concentrate on the alleged moral impermissibility of sacrificing a victim who is innocent. (What meaning should be given to "innocent" will soon be discussed.)

I will now stipulate my use of the term "morally objectionable act":

\[ a \text{ is a morally objectionable act in the situation } s, \text{ iff } a \text{ ought not to be performed by anyone in } s \text{ and everyone ought to do his best in } s \text{ to prevent } a \text{ from being performed}. \]

Now, these "ought" and "ought not" may be interpreted as being either of a prima facie kind or of a conclusive kind. If they are taken to be of the prima
facie kind, this means that although there are strong (moral) reasons not to perform \( a \), these reasons may sometimes be outweighed by even stronger (moral) reasons. If, on the other hand, the "ought" and "ought not" are taken to be of the conclusive kind, there are no stronger (moral) reasons which can outweigh the judgement that \( a \) ought not to be performed. The impermissibility of \( a \) is then absolute. Whether the impermissibility of a certain act is prima facie or conclusive depends on what ethical theory is being applied. According to one ethical theory, E1, it might be permissible to break a promise in \( s \) (although promise-breaking, according to E1, is in most cases not permissible), if this promotes equality in a society. According to another ethical theory, E2, it is never justified to break a promise, no matter what the expected results are of doing so.

3.5 Introducing the concept of involvement-innocence.

In order to understand the accusation "Political terrorists sacrifice innocent people", we will have to make explicit what is meant by "innocent" in this context. The distinction I will make here is one between moral innocence and another kind of innocence which I will call involvement-innocence.

Involvement-innocence is a property of a person or a group of persons which this person or group of persons has in relation to a goal of some other person or group of persons. So, if A is involvement-innocent in relation to B's goal \( g \), then A does not perform any act intended by A to prevent B's achievement of \( g \). An example: A is a manufacturer of a certain material used for construction purposes. This material makes the walls, floor and roof of any building immune to explosives or other forms of violent force. A invented this construction material with the purpose of offering safe homes to people who live in areas plagued by frequent earthquakes. But one of A's customers is general C, dictator in a remote Latin American republic, who wants to protect himself not only from earthquakes, but also from potential assassins using
bombs. A knows nothing about this. After C has received his new safe home, it will be virtually impossible for the guerrilla leader B to achieve his goal: the killing of C. Now, the question is: Should A be considered as being involved in relation to B's goal in such a way that A is not involvement-innocent? My answer is no. Although A's providing C with a safe home is a sufficient condition for making B's goal impossible to achieve, A had no intention to bring about this result. To him C was just an unknown customer, one among many.

Stating the causal results of someone's acts is not the same as attributing to this person responsibility in terms of involvement: there may be results of one's acts which are hard or even impossible to predict and when this is the case we must distinguish between causation and involvement-responsibility, where the latter presupposes intentions to bring about what happened and the former does not. So in the case of A above, we must admit that he caused it to be impossible for B to kill C, but nevertheless, A is still involvement-innocent.

The concept of moral innocence still remains to be defined. While A's involvement-innocence is related to B's goal of action, A's moral innocence is related to a moral evaluation of A's acts.

A is morally innocent regarding some act $a$, iff A has not performed $a$ and $a$ is a morally wrong act.

It should be noticed that I mean a person's moral innocence regarding some specific, individual act. In what follows, when I talk of someone being morally innocent, it is this act-relativized innocence I am referring to. I do not assume anything like complete moral innocence in the sense that no morally wrong act has ever been performed by that person.

The need for relating moral innocence to the moral wrongness of an act arises because the judgement that A is morally innocent is conceptually linked to a negative answer to the question "Has A done something morally wrong?".

But, someone might object, do we really have to invoke the question of moral wrongness at all? Is it not enough, in order to claim that A is morally
innocent regarding \( a \), that \( A \) has not done \( a \)?

To this I will answer as follows. To attribute moral innocence to a person, regarding a certain act, is to do more than just claim that he did not perform the act in question. It is also to pass a moral verdict on him. Questions of moral innocence appear against a background of something morally bad which has been brought about by someone. We do not say that someone is morally innocent regarding something morally good or right act that he has performed; nor do we say that anyone is morally guilty regarding something morally good which he has brought about or regarding a morally right act which he has performed. It is only when we consider a morally wrong act that has been performed that we ascribe moral guilt to the performer of that act and moral innocence to those who did not take any part in the performance of that act.

Another objection will point to the vagueness in my definition of the concept of moral innocence, since no precise content is given to the expression "morally wrong act". How are we supposed to know when a victim of a political terrorist act is morally innocent?

For the purpose of this book this is not too serious a problem, however. Not all actions are relevant when we consider whether a victim of a political terrorist act is morally innocent or not. Given the aims of political terrorists, namely to preserve or destroy a certain political state of affairs and given, also, that we in this study will restrict ourselves to cases where the aims of political terrorists are, taken by themselves, morally justified (section 3.4), a morally innocent victim of a political terrorist act must not have performed acts of supporting or resisting a political state of affairs which the political terrorist aims to destroy or preserve, respectively. These are the relevant acts regarding which the moral innocence of the victim of a political terrorist act is to be assessed, not acts of an essentially non-political kind, such as wife-beating, child-molesting, etc., however morally wrong they might be.

By "supporting" a political state of affairs I mean something more than participating. A citizen does not support a political system in my sense of that term by just voting and thus participating in the election process. If C supports
The SSII thesis

S, C actively and intentionally prevents changes of S. Likewise, if C resists S, C actively and intentionally prevents S from being brought about. It is not enough that a citizen by himself refuses to vote within a political system which has made voting compulsory — he must also stop others from voting to such an extent that the law about compulsory voting is made ineffective.

The main difference between an agent being involvement-innocent and another agent being morally innocent is, then, that while both are held to be not responsible for a certain act, the latter agent is held to be not responsible for an act which is claimed to be morally wrong while no moral evaluation is brought in regarding the act for which the involvement-innocent agent is held to be not responsible.

The distinction between involvement-innocence and moral innocence partly obscures another distinction relevant in this context, namely that between intentional and non-intentional prevention of morally justified terroristic goal-achievement. When it is assumed that the terrorist's goal is morally justified, a person who non-intentionally prevents that goal from being achieved is, as we have seen, involvement-innocent. But such a person might still be morally guilty regarding acts like supporting or resisting a political system which the terrorist has as his morally justified goal to destroy or preserve. If the victim is in such a way connected with a morally objectionable political system, it does not matter that he did not do anything intended to prevent the terrorist from achieving his goal.

So the property of not having intentionally acted to prevent the political terrorist from achieving his (morally justified) goal is a necessary and a sufficient condition for someone to be involvement-innocent; in the absence of this property a person is never involvement-innocent in relation to the terrorist and his goal, in its presence he is always involvement-innocent regarding that goal. The same property, however, is a necessary but not a sufficient condition for someone to be morally innocent regarding acts of supporting or resisting a political system contrary to the (morally justified) goal of the political terrorist. Someone who does not have this property, i.e., someone who has intentionally
acted to prevent the political terrorist from achieving his (morally justified) goal, can never be morally innocent regarding these acts of his. On the other hand, someone who has the property might still not be morally innocent, since such a person might, for instance, support an oppressive political system which the political terrorist has as his goal to destroy, but, for lack of knowledge about the political terrorist and his goal, he does nothing intended to prevent the political terrorist from achieving his goal.

Since we are here studying the sacrificing of people by political terrorists acting to achieve a goal which, taken by itself, is morally justified (section 3.4) the relationship between involvement-innocence and moral innocence is like this: an agent who is morally innocent regarding supporting (or resisting) a political state of affairs which the political terrorist has as his morally justified goal to destroy (or preserve), is also involvement-innocent regarding that goal. That agent does not intentionally prevent the terrorist from achieving his goal. It is not the other way around, however: an agent who is involvement-innocent regarding the goal of a political terrorist need not be morally innocent regarding acts of supporting (or resisting) a political state of affairs which the political terrorist has as his morally justified goal to destroy (or preserve). Such an agent might be a dictator, the leader of a morally impermissible system of government, who does not know anything of the goal of the political terrorist and therefore does nothing intended to prevent the political terrorist from achieving his goal. (Of course, the dictator gives orders about many laws and restrictions which have as their effect that it is difficult for the political terrorist to achieve his goal, but the intentions of the dictator do not concern specifically the political terrorist and his goal, since the dictator knows nothing of the political terrorist.)

Those authors I have quoted, who accuse political terrorists of sacrificing the innocent make use of both concepts of innocence. Coady talks, for instance, of terrorists killing "the non-combatants", which is what makes terroristic acts, according to him, morally objectionable. The distinction combatant — non-combatant is related to the goal of the political terrorists when they are
engaged in revolutionary warfare. Combatants are

those who directly employ violence to perpetrate the injustices against which the revolution is
aimed: the army or elements of it, the secret police, foreigners directly involved in assisting the
governmental forces in prosecuting the injustices, informers, and the politicians who are
directing the 'oppression' complained of. (*Coady*, p. 62.)

If the revolution is justified these combatants are legitimate targets; violence
directed at non-combatants (people other than those listed above) is of the
terroristic kind and can be "unequivocally condemned". (*Coady*, p. 65.)

The non-combatants are involvement-innocent, since they do not act
contrary to the goal of the political terrorists. But since Coady contrasts them to
the combatants who perform acts of oppression, we may safely assume that
Coady also wants to say that the non-combatants are not guilty of such morally
wrong acts: the non-combatants are morally innocent regarding the oppression
which the political terrorists want to end.

Walzer says:

It was not only to save the innocent that revolutionary militants worked out the distinction
between officials and ordinary citizens, but also to save themselves from killing the innocent.
(*Walzer*, p. 206.)

From the revolutionary's point of view, which Walzer assumes here, there is
then a distinction to be made between the officials (the "guilty" party) and
ordinary citizens (the innocent people). Since the officials are considered
non-innocent because of their active involvement in anti-revolutionary activities
(which are not morally evaluated here), it seems that this distinction is consistent
with my use of the concept of involvement-innocence.

When Rapoport talks of terroristic violence he says:

To justify violence we usually argue that the persons we want to hurt either deserve
punishment for misdeeds or that they deserve it because they can hurt us and intend to do so.
A very different kind of logic is required to justify terror. The victims do not manifestly threaten us.... (p. xiii.)

Rapoport connects innocence with the feature of not threatening anybody: this also suggests the concept of involvement-innocence. By contrasting the innocent people with agents who intend to hurt us, Rapoport might, however, also mean that we are here talking of people morally innocent of such (intended) harmful acts.

Louch makes the terrorists' attack on innocent people equivalent to attacking "the defenseless" (p. 267). He compares terroristic strategies to the bombings of Dresden and Hiroshima where

many who could not be connected positively to the war effort died ... but their presence there made them accidental victims of a strategy with a rightful cause, the defeat of the Axis powers. (p. 273.)

No such rightful cause, according to Louch, seems to justify terroristic violence:

Those who rail against bourgeois society and attempt to bring it to its knees by leaving bombs in supermarkets cannot claim to be frustrating demonstrable and about to be committed evils. (p. 272.)

Louch rejects what he considers a terroristic assumption, namely that there are no innocent people. Terroristic strategy implies, argues Louch, "dismembered housewives" (p. 272) among the victims. His language suggests a concept of moral innocence: the victims are not responsible for the moral evils the terrorists want to end.

It is easy to understand why it is sometimes involvement-innocence and not moral innocence that is claimed on behalf of the victims in the context of political terrorism. The victims of terroristic attacks (at least when these are of the large-scale kind) are often anonymous. We do not know the individual
victim well enough to assess his moral status: among, let us say, fifty dead
victims after an airport attack, we cannot as far-away newspaper readers know
whether among these fifty there were some really bad guys: there might have
been some men who used to beat their wives, some tax-evaders and even one or
two murderers, trying to get out of the country. So, really, we have no ground
for claiming that these people were morally innocent regarding no matter what
act we can think of: we simply do not know.

But if this group of people from our point of view had only one thing in
common, namely their waiting together for a plane at the airport, and the goal
of the political terrorists who killed them was the liberation of a country far
away, we can assume with some certainty that the victims, taken as a group,
cannot have had much to do with that goal and this is what we mean when we call
the victims innocent: they are involvement-innocent.

Now, some of the writers that have been quoted in this and the preceding
sections seem to look upon terroristic acts where involvement-innocent people
are harming as being conclusively morally objectionable acts (see for instance
the quotations of Coady, Walzer and Louch in section 3.2). Is this warranted?
Not necessarily. With all probability every ethical theory we can think of will
judge it to be prima facie morally objectionable to harm the
involvement-innocent, but not necessarily conclusively morally objectionable.
The reason for this is that when we say of someone, A, that he is
involvement-innocent, we relate A's intentional acts to somebody else's, B's,
goal and this is all we do. We do not bring into the picture any other acts of A's.
Although A is innocent in relation to B's goal, A might have performed acts
which would make it justified (according to some ethical theory stressing
retributive justice) to kill A. Among the fifty anonymous people killed at the
airport it might afterwards turn out that two of them were Idi Amin and Pol
Pot. Although involvement-innocent, Idi Amin and Pol Pot would have to go to
some lengths in order to claim their moral innocence regarding numerous acts
performed by them in Uganda and Cambodia, respectively.

The fact that the political terrorists did not know that Idi Amin and Pol Pot
were among the people they killed at the airport does not alter the moral evaluation of the killing of the two ex-dictators. Their deaths could be morally justified just the same. What is altered by the political terrorists' ignorance is our evaluation of their (the killers') character: we have good reasons to loathe people who take killing so lightly that they do not care to find out who they are killing. But it is still a question of two different evaluations and a person of bad character is able to perform morally recommendable acts, just as a man of good character may perform acts which, despite his intentions, will have morally bad consequences.

So what we can safely assume when an involvement-innocent person is harmed is that this was a prima facie morally objectionable act, leaving room for the possibility that the victim might turn out to have been a bad guy after all. On the other hand, we do not have to wait for further evidence to claim that the harming agent is of a bad character; anyone who deliberately harms a person who does not intentionally constitute a threat against one's goal seems to be of a bad character. I assume that this will hold according to any ethical theory. (By "deliberately harms" I mean that the intention to harm is primary: the agent who intends to inflict harm would feel frustrated if he did not succeed in bringing this about. It is not like when a heavy person is falling from some roof and your only chance to survive and not be crushed by that person is to blow him to pieces. In that case you regret that you have to protect your life by sacrificing his life. You would not feel frustrated if you could avoid killing him and avoid being crushed at the same time.)

3.6 The SSMI thesis.

While it is prima facie morally objectionable to sacrifice involvement-innocent people as a means to intimidation, there still remains the possibility that it is conclusively morally objectionable to sacrifice morally innocent people as a
means to intimidation. I will test this possibility by looking for an ethical theory or principle which is both plausible and able to justify what I have called the SSMI thesis which will be presented below.

As stated earlier, the moral innocence of a person is related to some morally wrong act which that person has not performed. Given that the political terrorists' goal is morally justified (which was assumed in section 3.4) and that their goal is to destroy (or preserve) a political system S, then the act of supporting (or resisting) S would be such a morally wrong act.

When someone's moral innocence regarding some act(s) is discussed in the context of political terrorism, I take it as the standard case that the acts in question belong to the kind of acts relevant to that discussion: acts of supporting (or resisting) a political system contrary to a (morally justified) goal of political terrorists.

Now this might look like the concept of involvement-innocence being applied once more. This is not the case, however. Even if someone, B, is involvement-innocent in relation to the goal of the political terrorist A — that is, B has done nothing intended to prevent A from achieving his goal — this does not necessarily imply that B is morally innocent regarding the act of supporting the political system S, which A tries to destroy (and is morally justified in doing so). B might be a high-ranking politician within S, profiting from that system and supporting it as much as he is able to. The reason why B does not try to prevent A from destroying S is simply that B does not know anything of A and A's plans.

So, although a person's moral innocence is typically (in the context of political terrorists trying to achieve a morally justified goal) related to his not having supported (or resisted) a political system contrary to the goal of the political terrorists, this does not reduce the question of moral innocence to a question of involvement-innocence.

If we claim that sacrificing the morally innocent makes political terroristic acts conclusively morally objectionable and if we abbreviate the cumbersome expression "sacrificing someone morally innocent as a means to intimidation"
into "SSMI", we would then be able to formulate an objection to some political terroristic acts in the following terms:

The SSMI thesis:
SSMI is a feature of some political terroristic acts which makes these acts conclusively morally objectionable, even if the goal of the political terrorists performing these acts itself is morally justified.

It should be noted that SSMI is here held to be a feature of some political terroristic acts, not all of them. While sacrificing someone as a means to intimidation is a defining characteristic of political terroristic acts, this is not the case with sacrificing the morally innocent as a means to intimidation. It is not assumed that all those who are sacrificed as a means to intimidation also are morally innocent regarding acts like those mentioned before: supporting or resisting a certain political system.

Now, according to what ethical theory would the SSMI thesis be a justified judgement? While we, without claiming anything controversial, could expect agreement among the existing ethical theories regarding the judgement that harming the involvement-innocent (and, of course, also the morally innocent) is prima facie morally objectionable, the case is different now (and therefore also of greater interest).

We cannot expect ethical consensus when we put forward the demanding objection expressed by the SSMI thesis, that SSMI is conclusively morally objectionable. I will, in what follows, point to one ethical theory which does not justify the SSMI thesis (Brandt's) and one which does (Gewirth's).

My main task for the rest of this book will be to examine ethical theories with regard to the possibility of justifying the SSMI-thesis (which is not the same as evaluating these theories as being good or bad depending on whether they can justify that thesis or not). Many ethical theories will hold SSMI to be prima facie morally objectionable, but I consider it a more interesting question
whether there can be an absolute prohibition of SSMI, derived from a plausible ethical theory.

Before continuing, let me recapitulate the steps taken so far:

1. I started out with a survey of what philosophers and other writers on the subject of political terrorism have said about morally objectionable features of political terrorist acts.

2. From this survey I sorted out two main lines of accusation directed against political terrorists: that political terrorist acts are performed indiscriminately and that they harm innocent people.

3. I noted that sacrificing someone as a means to intimidation is a defining characteristic of political terrorist acts.

4. I made a distinction between two senses of "innocent". While it is not necessarily conclusively morally objectionable to harm a person who is involvement-­innocent, it still might be held to be conclusively morally objectionable to harm the morally innocent. This possibility will now be further explored.

Returning to the SSMI thesis, I want the reader to bear in mind that the extension of my examination is rather limited; my survey of ethical theories will cover only a few such theories. On the other hand I believe that the theories I have picked out are important ones, representative of two main streams of ethical thinking: the utilitarian and the rights-based versions. I have also tried to choose rather recent theories which do not suffer from some of the disadvantages their predecessors in each of the two ethical traditions had. Brandt's form of a utilitarian theory appeared in his book A Theory of the Good and the Right from 1979, published one year after Gewirth's Reason and Morality. The ethical theories of Brandt and Gewirth will provide me with most of the material for the coming two chapters.

It should also be noticed that from the fact that a certain ethical theory justifies the SSMI thesis, it does not follow that the SSMI thesis ought to be
justified, nor does it follow that an ethical theory which does not justify the SSMI thesis thereby is a mistaken ethical theory.

My own view is that the SSMI thesis is morally justifiable, but I will not argue for this judgement in the present work except indirectly by way of example and by pointing to consequences of applying an ethical theory which cannot justify the thesis.
4. Brandt's theory.

4.1 Criteria of an ethical theory. The guarantee point.

Since this and the coming chapters to a great extent will deal with different ethical theories, I will begin by stating some conditions which I believe any ethical theory should satisfy (regardless of whether such a theory would conclusively prohibit SSMI or not):

(a) Completeness. An ethical theory must provide principles which apply to all of, or most of, the relevant moral areas, i.e., ethical problems which most people face at least once or twice during their lives in their interactions with each other and which they consider to be important. Examples of such relevant moral areas would be the keeping of promises (Should they always be kept? If not, when is it permitted to break them?), duties of benevolence towards others (Am I under the same obligations to strangers as I am to long-time friends? If my friends commit a crime, should I report them to the police? Even if they thereby risk severe hardship?), freedom and responsibility (Do I violate any moral rights by being unfaithful to my wife? Am I under any obligation to tell my wife that I have been unfaithful to her? Even if it would hurt her very much and she never would have found out about my being unfaithful?).

(b) Plausibility. The principles, rights and duties prescribed by the theory must be justified in a plausible manner by the theory. This could be done, for instance, by stating a fundamental principle which itself is supposed to be intuitively self-evident and from which other, more specific, principles as well as rights and duties are derived. An example of such a fundamental principle would be the Principle of Rational Benevolence, which is taken by Sidgwick (The Methods of Ethics, bk III, ch. 13:3, 13:5) as a rational basis of
Utilitarianism. Justification could also take the form of stating some fundamental empirical fact about human beings (all rational persons? all sentient beings?) and pointing to some normative principle supported by that fact. An example of this kind of justification would be the Principle of Generic Consistency, developed by Alan Gewirth in *Reason and Morality* from what he calls "the normative structure of action". This would not, however, be accepted by those who deny the possibility of bridging the gap between fact and value.

For a recent and critical discussion of this subject, see Williams's book *Ethics and the Limits of Philosophy* pp. 120-131.

(c) Coherence. There must not remain unsolved tensions within the theory. If two principles or rules, both derived from the theory, conflict in a certain situation, the theory must provide criteria which decide which one of the two principles or rules should apply in that situation.

(d) Guarantees. The theory must provide protective assurances to individuals (in terms of conclusive obligations and rights) in specially important areas concerning certain life-or-death questions where it should not be a matter of negotiation or calculating whether a certain act should be performed or not. Related views concerning the need for assurance in ethics, are advanced by, for instance, Stuart Hampshire in his *Morality and Conflict*, pp. 82-100 and John Mackie in his *Ethics*, pp. 115-120. An example of such an assurance would be a prescription conclusively prohibiting the killing of an innocent individual.

The guarantee point implies a certain view of what purpose ethics should serve, but it does not presuppose the acceptance of a specific moral theory. It does, however, exclude from the field of ethics any normative theory which holds that *everything* may be a subject for negotiation. Such a theory, I will argue, would be contrary to one purpose of ethics, one reason why we should have a morality at all.

It might be objected that such an argument by itself is normative: it
Brandt's theory

presupposes an idea of what content an ethical theory is to have. To some extent, however, this cannot be avoided. I assume that a reason why we should have a morality at all, i.e., adhere to some normative ethical theory and its prescriptions rather than adhere to none at all, is that doing so promotes a vital human interest of cooperation. This line of argument is also taken by Richard Brandt, when he tries to explain the existence of ethical standards:

... if life is to be tolerable it must provide some measure of security, protection from personal violence or other attacks on the fundamental conditions of one's existence. There must be peace and order within a social group, despite the fact that clashes of interest are inevitable within every actual society. To provide security, then, there must be authoritative rules. Such rules might be purely legal, but it is much more efficient if there is an informal and automatic enforcement device that will work quickly and without excessive cost. Moral standards provide this sort of mechanism....

Ethical standards are useful, however, not merely as an efficient means of providing security but also as an efficient system of guides for cooperative living, like the laws of the road. Institutions, like the family, marriage, and others, are needed for social living — not necessarily the institutions that we may have, such as monogamy, but at any rate some institutions. And such institutions consist, in part, of ethical standards, of recognized rights and responsibilities. (Brandt, 1959, p. 91-92.)

Given that one purpose of having ethical standards is the promotion of a vital human interest of cooperation, we cannot grant the name of ethical theory to every normative theory that we might think of. Such a purpose of ethics puts restraints on the possible content of any ethical theory. This restriction regarding the content is normative, but I cannot see how it can be avoided, if we accept that at least one purpose of having ethical standards is the promotion of human cooperation. In order to achieve this purpose, any ethical theory must (where "must" states a causally necessary condition) provide every individual with certain guarantees, assurances, that certain very harmful acts which might be performed against him by other individuals, are never justified by that theory. My assumption is that without any such guarantees, a normative theory cannot promote human cooperation (though it does not follow that it makes such
cooperation impossible), since, according to such a theory without guarantees, an individual living in a society where this theory is dominant cannot be certain that even his life will be respected by others, no matter what he himself has done or not done. Consequently, he will have to be as much guarded in his dealing with his fellow men as if he and they did not adhere to any ethical standards at all.

Still, while the guarantee point excludes from the field of ethics any theory which makes every one of its rules a subject for negotiation or calculation, it does not by itself justify any particular ethical theory among those which do provide guarantees of one kind or another.

Different ethical theories might provide different degrees of assurances. While one ethical theory may conclusively prohibit a wide range of different actions, another may limit its conclusive prohibitions to only a few actions. While two ethical theories, on the other hand, may agree that the civil rights \( p, q, r \) shall be protected, they might prescribe different criteria for resolving possible conflicts between these rights. One theory might have the ranking \( p, q, r \) while the other has the ranking \( q, p, r \). For the one theory \( p \) might be an absolute right, while \( q \) and \( r \) are only prima facie rights. For the other theory, \( q \) might be the absolute right, \( p \) and \( r \) being prima facie rights.

The purpose of ethics as it is implied by the guarantee point I will formulate as follows: In order for human beings to be able to cooperate in a peaceful manner, engaged in collective enterprises as well as being able to satisfy certain self-regarding preferences, they must be able to trust each other. We will then assume that human beings have certain purposes in common (where "in common" is to be understood distributively: each one of them has this purpose).

Examples would include providing safety and well-being for themselves and their children, and organizing a sufficient supply of food and material goods.

We assume also that in the normal case these purposes can only be fulfilled by these human beings cooperating with each other. Of course, there could be individuals strong enough to protect themselves without any help from others, but this strength will be temporary and contingent. Even strong people grow old
Brandt's theory

and weak, and rich people have no guarantees that they will possess their goods permanently.

We assume further that these people cannot always rely on physical force to coerce each other to help bring about their common goals. Given all this, there seems to be an obvious need for mutual assurances between the individuals engaged in this kind of cooperation. Each individual wants to be certain that every other individual will do his fair share in the common enterprise, that no one will cheat on the others and take advantage of their work while doing no part of it himself, that no one will betray others to those against whom they want to protect themselves, and so on.

The purpose of an ethical code is, according to the view I am outlining here, to provide one institutional frame for these assurances necessary for successful cooperation among human beings living together: appreciating and inculcating certain dispositions such as loyalty and unselfishness, while rejecting and scorning other dispositions such as unreliability and egoism.

I say one institutional frame, since there are others: military defence and legal authority are also institutional frames providing protection and stability for social cooperation.

It should be noticed that we do not have to think of the examples of virtues and vices above (loyalty, unreliability, etc.) as necessary subjects for ethical thinking and theorizing — they are contingent, depending on what the world looks like. In an imaginary society where people were permanently benevolent, there would be little need for inculcating loyalty, for instance. What comes naturally does not need to be taught as morally obligatory. In such a permanently benevolent society there would probably be no need for the guarantee point itself — the permanent character of people's dispositions would make assurances superfluous to ethical theories.

"Society" should not here be interpreted exclusively as "state". When discussing the point of ethics, the concept of a society could be defined (depending on how far feelings of mutual dependence and relatedness extend) either more narrowly than the concept of a state (like the case of the black
Brandt's theory

community within the state of South Africa) or wider (like the Western World, consisting in the states of Western Europe, USA and Canada).

An ethical code is normally developed by people living together and has the purpose of guiding them in their interaction with each other. At a general level, ethical codes of very different societies may reveal similarities ("Those who threaten the survival of our society should be killed") while the particular applications (expressed in custom and law) of these general rules may differ from each other. While desert tribes may kill those among them who waste water (which is indispensable to the tribal community), modern industrial societies may have war time laws decreeing the death penalty for espionage. In both cases the ethical code (expressed in custom or law) aims at protecting a society, but depending on circumstances particular to each society the more specific rules vary a great deal. Different societies are vulnerable in different ways, which affect their more specific rules. (On ethical standards and disagreement between different standards see, e.g., Brandt's Ethical Theory, pp. 89-103.)

Given this view of ethics and its purpose, the guarantee point might be better understood. In certain important contexts we have to cooperate with each other, each depending on the other doing his part without always being able either to control that he does so, or being able to force him to do so if he does not. We must in these cases rely on people's promises, on our contractual agreements with them or, simply, on their willingness to give us help. Their sharing a moral code with us, a code which judges certain acts to be obligatory and other acts to be impermissible, will provide a ground for mutual trust.

In most cases we are ready to accept that the obligations binding us in our cooperation with others are of a prima facie kind. We do not expect that a man should leave the woman he loves in a house on fire in order to keep his promise to be at a meeting at 5.00 p.m. The need for mutual assurances suggests, however, that we attach some value to promise-keeping. If we do not keep our promises we are expected to justify ourselves: we must have good reasons not to
have kept our promises. When we give such reasons, we might appeal to some overriding duty or simply to an inability to keep our promises, owing to causes beyond our control.

The guarantee point, however, demands that within an ethical code there should be some principles or rules (with corresponding rights and obligations) which are not of the prima facie kind: principles or rules which are not overrideable.

According to a pure utilitarian theory of ethics, only the Principle of Utility itself is of this non-overrideable type. This principle, however, aims at maximizing a certain end-result, not at providing individuals with moral guarantees, expressed in rights they have and obligations they owe each other. A pure act-utilitarian theory will not, then, satisfy the guarantee point. I assume, however, the possibility of mixed utilitarian theories which are able to satisfy this criterion. An example of such a mixed theory would be one in which the Principle of Utility is a prima facie principle while other principles protecting certain rights are of the conclusive type. Another example would be a Principle of Utility which is conclusive but restricted in its scope in such a way that it cannot conflict with certain guarantees granted to individuals, e.g., "Always maximize utility whenever no one's right to life is thereby endangered".

According to contractarian and rights-based ethical theories several principles are of the conclusive kind. These theories, however, disagree about which ethical principles, rules, duties, etc. are conclusive and on what ground they are conclusive.

It is not my purpose to assess and compare the merits of these different theories (what I have in mind are the contractarian theories of John Rawls and T. M. Scanlon and the rights-based theories of Robert Nozick, Ronald Dworkin and Alan Gewirth). My prime interest here concerns the possibility of conclusively prohibiting SSMI within the framework of an ethical theory which satisfies the conditions previously stated in this section.
4.2 Brandt's ethical theory (as expressed in *A Theory of the Good and the Right*).

Richard Brandt aims at identifying an area of moral reasoning in which all fully rational persons will agree. (A fully rational person is a person having all relevant available information vividly before his mind at the moment of decision and having his motivational mechanisms maximally influenced by available information (p. 149).)

In order to select a moral code Brandt wants us to ask ourselves and others the question:

"What kind of social moral code, if any, would you most tend to support for a society in which you expected to live, if you were fully rational?" (p. 185).

Likewise Brandt suggests the following definition of "morally wrong":

"would be prohibited by any moral code which all fully rational persons would tend to support, in preference to all others or to none at all, for the society of the agent, if they expected to spend a life-time in that society" (p. 194).

Brandt accepts that more than one social code may be chosen by fully rational persons. This is so, because even when fully rational persons identify the same set of outcomes as likely and make the same probability judgements about the likelihood of these outcomes, they will still attach different *valences* to the various outcomes:

a moral system which demands equal distribution of income will be unpalatable to a wealthy and successful businessman ... but highly acceptable to an unskilled worker or the unemployed (p. 203).

"Valence" is a technical term. It is defined by Brandt as follows:
People want events or situations of a certain sort to obtain at some time or times; or they are aversive to events or situations in the sense that they want them not to obtain at some time or times. We can speak, meaning the same, of an event or situation obtaining at a certain time as being positively (negatively) valenced for a given individual at a certain time....

We shall ... say that a person "wants" something O, or that something O "is valenced for" him at the time, if his central motive state is such that if it were then to occur to him that a certain act of his then would tend to bring O about, his tendency to perform that act would be increased. (*Brandt*, pp. 25-26.)

Even so, there are some limits to what kinds of moral codes there might be: Some valences must be excluded since they are irrational (i.e., they would not survive confrontation with facts and logic). Moreover, some moral systems are not causally feasible:

An effective moral system must strike a responsive chord in other people; others must see how they have a stake in it.... It is at least close to the truth that a moral code is not viable unless its provisions can be wanted by most persons in the society (pp. 213-214).

*Brandt* expresses the same view more explicitly elsewhere:

... a rational person would have no tendency to support some feature of a moral code so contrary to human psychology and the interests of all other individuals that its realization in society is a causal impossibility (p. 191).

Now Brandt suggests that a fully rational person who is also perfectly benevolent (this being defined as

one who, between two options, always prefers the one associated with the greater long-term sum of expectable net happiness, irrespective of who is to receive it (p. 215))

would tend to support that system which as a whole will maximize the expectable happiness of all sentient creatures.

Because of the requirement of causal feasibility, even the perfectly selfish
(but fully rational) man will not propose a moral system which only takes care of his own welfare, but instead opt for a system which provides the same protection for others:

Thus all selfish rational persons, except for magicians and dictators, will support a minimal moral code for selfish reasons, and the code they choose will maximize the expectable welfare of the group (p. 219).

Brandt proposes a "pluralistic" welfare-maximizing moral system, where the act-utilitarian single doctrine

An act is morally right if and only if the total welfare-expectation for everyone affected by it is at least as great as from any alternative action open to the agent (p. 271)

is replaced by several rules, which if they are obeyed will maximize welfare. Such a moral code, says Brandt,

must be suited not only to the intellectual capacities of the average person, but also to his degree of selfishness, impulsiveness, and so on ... [S]ubscription to a moral principle ... is essentially a matter of intrinsic motivation.... [G]iven an aversion of a certain strength, the tendency to perform an action will be a multiplicative function of the strength of that aversion and the degree of expectation that the act will enable avoidance of the aversive outcome (p. 291).

According to Brandt it does not follow from the fact that a fully rational person supports a certain moral code that this person will always act in accordance with the prescriptions of that code. The motivations necessary for a strict adherence to a moral code would be different from those characteristic of a welfare-maximizing moral system:

... a rational person's moral motivation might not always control conduct, even if they had the strength characteristic of a welfare-maximizing moral system. For this optimal welfare-maximizing degree of moral motivation might be weaker than self-interested motives
Brandt's theory

in some situations. Just as it is uneconomic to punish a theft of one dollar by a twenty-year prison sentence, so it may be uneconomic for moral motivations to be developed adequately to ensure that the moral motivation will be superior in absolutely every case (p. 335).

4.3 Applying Brandt's theory to an imaginary case.

In the republic of Costaguana a man called Innocentio is in prison, accused of having tried to poison the president of the republic, General Forza. The judge in charge of the case, Senhor d'Istanza, knows that a guilty verdict on Innocentio means that man's death — there is no alternative to execution in a case like this. But d'Istanza, being a fully informed man, also knows that Innocentio is innocent. ("Innocent" will from now on, if not otherwise is explicitly stated, mean "morally innocent". For the purposes of this section I will assume that Innocentio is morally innocent in terms of the ethical theory under discussion, namely Brandt's, and regarding a certain act, namely the one he is accused of.) Senhor d'Istanza, in fact, knows that it was a relative of the general who tried to poison him. What complicates the case is that Innocentio belongs to a certain mystic sect which is generally hated and despised in Costaguana because of its religious and political views which deviate from those of the majority. The sect is almost extinct, having only some 30-40 members among a population of about three million. Still, this mystic sect is considered a threat to the future of the republic by at least 95 per cent of the citizens of Costaguana. This majority also believes that Innocentio is guilty. This is the view of the public prosecutor, as well. He ordered the arrest of Innocentio, intending to have a guilty verdict passed on him, have him executed and thereby frighten the sect into complete submission and political passivity in the future.

Senhor d'Istanza does not belong to the majority which hates the sect. On the contrary, he considers the aversive feelings against the sect to be quite irrational and without any reasonable foundation.

He subscribes to a moral code which, among other things, prescribes that
law and order is to be upheld and executed by state officials and not by any lynch mob or "people's tribunals". He believes this to be a welfare-maximizing moral code and that is also why he subscribes to it.

Up to now Senhor d'Istanza has had no troubles in performing his duties as a judge; he has never sentenced an innocent man. Now, however, he has to scrutinize his moral principles. Is it really possible for him to adhere to a principle with the content: "A judge shall never, no matter what the circumstances are, have a man executed whom he knows to be innocent". Since Senhor d'Istanza has all available relevant information, he regards the following as facts:

(1) It is impossible to change the hatred of the majority against the sect for at least fifty years, even with optimal use of cognitive psychotherapy.

(2) If Innocentio is released from prison he will almost certainly be lynched immediately — it is not probable that the police officers available will even try to protect Innocentio's life. If they did so, they would be outnumbered by the mob and killed themselves.

(3) Since an overwhelming majority of the citizens of Costaguana believes Innocentio to be guilty, they will come to lose respect for the law and the courts if he is released.

Leaving the deliberations of Senhor d'Istanza, I will formulate some questions concerning the implications of Brandt's ethical theory for a case like the one I have just described:

(a) Is it not simply a fact that according to Brandt's ethical theory a moral principle like "A judge shall never, no matter what the circumstances are, have a man executed whom he knows to be innocent" would not be causally feasible in a situation like the one I have described?

Given the attitudes of the majority and the slowness by which these are supposed to change, a moral code which contains such a principle would not be realistic for an agent in Senhor d'Istanza's position to advocate. The costs of
establishing and maintaining such a code would be far too high. What can be realistically demanded is that the attitudes of the majority should be exposed to intensive cognitive psychotherapy in order to promote a change — as things are right now one cannot reasonably opt for anything more demanding. A fully rational agent would not subscribe to a principle which as a practical implication meant that Innocentio should be released. Such a principle could not belong to a moral code "suited not only to the intellectual capacities of the average person, but also to his degree of selfishness, impulsiveness, and so on" (p. 291).

(b) Assuming that Innocentio's life can be preserved only at the cost of several other persons' lives (those of the policemen trying to protect him and those of the mob who will be killed while trying to get hold of Innocentio), will it not be required by a rule grounded in the happiness theory which is advocated by Brandt that Innocentio's life should be sacrificed? (This objection, taken by itself, is founded not only on the results of a happiness-calculus, but also on the assumption that the truth about Innocentio's innocence will not affect that calculus, either because it is never revealed to the majority or because, if it is revealed to the majority, it does not diminish their satisfaction of having Innocentio executed, due to the hatred they feel against anyone of his creed.)

According to Brandt's description of the method of interpersonal comparison, and if we are benevolent and fully rational persons, we are supposed to compare one alternative A (Innocentio is released and saved; several other people are killed) with another, B (Innocentio is executed; nobody else is killed). It is assumed here that A and B are the only alternatives available in this case. We will then take Innocentio's loss of life and the decrease in the happiness of the world thereby caused and compare it with the loss of life of several others (say ten persons) and the decrease in happiness thereby caused.

Considering negative side-effects (such as, for instance, other people being upset by Innocentio's or any mob-member's violent death) the satisfaction felt by the 95 per cent of the citizens of Costaguana who believe that Innocentio is guilty and ought to be executed will outweigh these effects. The sorrow felt by
Brandt's theory

Innocentio's fellow members of the sect will be outweighed, given the beliefs of the majority about Innocentio's guilt and the strength of the hatred felt by the majority against the sect. If, on the other hand, Innocentio is released and saved at the cost of the life of some of the mob-mem bers, this will be considered an outrage by the majority. It will feel that a murderer is being protected by a corrupt judge and given legal assistance to escape from his deserved punishment, while honest citizens, trying to promote law and order, are butchered by the police. Once again, the feelings of rage of the majority will outweigh the joy felt by Innocentio's fellow sect members.

Furthermore, given the improbability of saving Innocentio's life if he is released, would a judge who is both a rational person in Brandt's sense and an adherent of the happiness theory propose to release Innocentio? If the judge knows that whatever decision he makes, Innocentio almost certainly will die (with a microscopically higher degree of probability that this will happen if Innocentio is to be executed), why would that judge opt for an alternative which means that some extra lives, besides that of Innocentio, will be sacrificed?

(c) Even if Judge d'Istaza openly declared his adherence to a moral code which contained a rule of the form "A judge shall never, whatever the circumstances, have a man executed whom one knows to be innocent", would he, if he was a Brandtian rule-utilitarian, act on that rule in this case? Brandt has an exception clause:

A person can sometimes rationally preach what he has no intention of practising.... (p. 328).

If Judge d'Istanza's moral motivations are of a welfare-maximizing kind, they might not be strong enough to prevent him from sentencing Innocentio to death. (For Brandt's view on the desirable strength of moral motivations, see Brandt, p. 335, quoted in the previous section.)

For what would it be like to have moral motivations strong enough not to sentence Innocentio to death? Such moral motivations would include an intrinsic
aversion felt by the agent against letting a legally and morally (regarding the act of attempted murder) innocent man be subjected to the most severe penalty of the law, just because this is wanted by a majority of citizens.

Such moral motivations would also include an intrinsic desire to preserve just institutions, if necessary by force, and a preparedness to fight for these institutions even when it seems improbable that one will be successful in doing so.

If one has such moral motivations at a degree strong enough to act on them at all times, it is more likely than not that one will, more than once, perform acts which are not welfare-maximizing. Put the other way round: if one wants to be sure of having moral motivations of a welfare-maximizing kind, one should not develop motivations of the kind described here.

4.4 Criticism of Brandt's theory.

My criticism of Brandt will focus on implications of two features of his theory:

(1) His ethical theory seems to be incapable of defending a dissenting ethical principle in a society where there is a well-established majority view on ethical issues, regardless of the contents of this view.

(2) Those principles which a Brandtian moral code could prescribe would be unstable: a change in the opinions of the majority, making it hostile to the moral code, will have the result that a fully rational person no longer should propose that code.

Taken together these two points imply either that a principle conclusively prohibiting SSMI is impossible to include in the social moral code of a certain society or, if it is possible, such a principle would have no firm ground independent of the preferences of a majority within that society.

Depending on the requirement of causal feasibility of a social moral code and the requirement that such a code should be suited to the capacities, in
Brandt's theory

intellectual and emotional terms, of the average person, it is a contingent fact, if
a fact at all, that SSMI would be conclusively prohibited.

Beginning with the requirement of causal feasibility, considered by itself,
Brandt explains it as a demand which must be put forward by any rational
person:

... the tendency to do something is a function of the valence of the prospective outcomes and
also the probability that these outcomes will occur, given the occurrence of the act. Hence, in
choosing between two moral systems, if the possible outcomes of one are valenced say equally
with those of another, but the probability of its valenced outcome is nearly zero, the tendency
to choose the other will be relatively much greater (p. 213).

This might be a plausible way of reasoning in practical matters of an everyday
kind. If I am to repair my bicycle and choose between two methods of doing it,
M1 and M2, which, if applied, will produce equally good results but where M1
is easier to apply (involves, for instance, not as many risks of mistakes as M2),
then indeed it is rational to choose M1 rather than M2. But ethical reasoning is
not like repairing a bicycle. At least, the demand for causal efficiency is not
decisive to the same extent in ethical reasoning.

Having some ethical first norm or basic principle P which I want to see
realized, and choosing between two different ethical codes E1 and E2 which will
both realize P, and E1 is the one which is the causally most efficient, i.e., brings
about P in a more complete way than E2 and does so in a shorter time and with
less effort than E2, it is still not necessary that I — being a rational agent —
choose E1 in order to realize P.

It might, for instance, be the case that E1 recommends actions which, even if
they realize P, are not consistent with other ethical principles which are
derivable from P and which one wants to adhere to.

If my supreme ethical principle is that universal peace should rule the world
and, let us assume, the causally most efficient ethical code to realize this
principle is one which prescribes the killing of all those involved in the arms
trade business ("Let a guilty few die so that the innocent millions will survive"),
Brandt's theory

I may still refuse to adhere to such an ethical code, since I want to adhere to the principle "One shall never make use of violent means when trying to reform human society" which I have derived from my supreme ethical principle via a mediating empirical assumption like "For there to be universal peace, one should always refrain from the use of violence". If acting in accordance with an ethical code is taken as a means to realize some fundamental value, then this fundamental value should be reflected in the choice of ethical code or at least not negated by that choice. (By fundamental value I mean a state of affairs the realization of which is explicitly aimed at in one's basic ethical principle(s); in the example above universal peace is such a fundamental value.)

Considering the requirement of causal feasibility combined with the average person requirement, I believe that Brandt confuses two different forms of ethical activity when he argues in favour of the importance of the two requirements, namely those of choosing a moral code and acting in order to realize the moral code one has chosen. I would agree with Brandt regarding the importance of causal feasibility and the capacities of the average person if we were discussing what means should be employed in order to realize a certain moral code. When there is a convinced majority opinion against the moral code I have chosen, I will have to work on its change piece by piece, not expecting too rapid a change, aiming at having my views tolerated rather than accepted (although that is my final goal) and maybe even concealing some of my principles in order not to provoke the majority. (What could be concealed here, however, is my explicit adherence to certain principles: I do not openly admit that I adhere to them, but I would still act on them. If I did not act on these principles, they would not really be my principles.) If there is no clear opinion at all in moral matters, I might instead push my own views forward and hope for their acceptance fairly soon (that is, if I do not push people in such a way that they come to be hostile to me and the moral views I am proposing).

So the two requirements are indeed relevant as tactical necessities when it is a question of how to act in order to realize the moral code one has chosen. But why should I inquire into the attitudes of the average person and the possibilities
of establishing and maintaining a certain moral code E as the moral code for the society in which I expect to spend my lifetime? The reason for choosing E must be that it is the best moral code, not that it is the code which is most easily accepted by the majority of my society. What matters is to what extent E, if realized, satisfies morally relevant human needs and interests, not the extent to which it is possible to convince people about the superiority of E compared to other ethical theories. What other reasons for choosing a moral code could be relevant?

If the requirement of causal feasibility (i.e., the requirement that of two equally satisfying moral systems one chooses that which incurs the lowest costs for establishment and maintenance) is combined with the requirement that the moral code one chooses should be suited to the intellectual and emotional capacities of the average person (the average person requirement), then moral systems will be drained of reformatory value by definition. Moral systems would then be able to reflect only norms which people can be made to accept, given the attitudes they have here and now.

If you are a white person living within the white society of the South African Republic (the difference between whites and blacks is made legally sharp enough in South Africa for us to talk of two societies within that republic) you cannot, according to Brandt's theory, propose a moral code which has as one of its principles the abolition of apartheid. The 1987 elections (within the white community) gave the ruling Nationalist Party a solid parliamentary majority. Definitely, you are not reflecting the opinions of the average white South African if you want to dissent from those views which secured a majority vote to the Nationalist Party (among which views is the willingness to preserve the apartheid system).

A defender of Brandt's ethical theory might object to what I have said here:

(1) When choosing a social moral code we should opt for the one which would satisfy the demands of a fully rational person regarding a society in which he expects to live (p. 185). Surely, the apartheid system cannot be
accepted by a fully rational person.

(2) the requirement of causal feasibility is about two ethical systems the possible outcomes of which are valenced equally. Of these two one should choose the one with the lowest costs for establishment and maintenance. But this is not the same as advocating the easiest ethical system to bring about: Competing systems must have been valenced to be equal in terms of their possible outcomes before we begin to compare them with each other in terms of causal feasibility.

Answering these objections, I will begin by agreeing that a fully rational person in Brandt's sense would not accept the apartheid system in the sense that he would judge Apartheid to be morally defensible, but this does not mean that such a person, being white, would propose a moral code which rejects apartheid. For Brandt demands more of a rational person than that he should act from what he considers morally right — a fully rational person must also estimate the viability of the moral code he is about to propose and in this estimation he is supposed to take account of the considerations of other people even if they are not fully rational. In the welfare-maximizing system Brandt proposes, it is explicitly demanded that the moral code a rational person chooses should be suited to the intellectual and emotional capacities of the average person (p. 291). Accepting blacks as equal to themselves seems to be one emotional capacity which is lacking in the average white South African.

So, even if a fully rational person, being white and expecting to spend his lifetime in the South African Republic, judges apartheid to be morally indefensible, he is not expected to propose a moral code which rejects apartheid for the white community, if he is to act according to Brandt's theory.

The second objection rests on a misunderstanding of what Brandt says. Brandt writes that if (not: "if and only if") two ethical systems are valenced equally in terms of their possible outcomes, one should opt for the one that is to a higher degree causally feasible, i.e., is likelier to be realized:
Hence, in choosing between two moral systems, if the possible outcomes of one are valenced say equally with those of another, but the probability of its valenced outcomes is nearly zero, the tendency to choose the other [for a fully rational person] will be relatively much greater (p. 213).

Brandt does not say that two ethical systems must be valenced equally before one judges them in terms of their causal feasibility. He leaves open the possibility that two ethical systems which are not valenced equally in terms of their possible outcomes still might be judged according to their different degrees of causal feasibility. It might be the case that if the moral code E2 is valenced somewhat less than the moral code E1 in terms of their possible outcomes, E2 might still come out as the winning code since it satisfies the requirement of causal feasibility to a greater extent than does E1 and thus compensates for its shortcomings in terms of possible outcomes.

Let us assume, however, that Brandt's ethical theory grants a moral right with the content that nobody who is morally innocent (regarding some relevant act) shall be sacrificed for the sake of the intimidation of someone else. Then this assumption implies (according to Brandt) that such a right is to be enjoyed within a society for which it is prescribed by a moral code compatible with the interests of all or at least the majority of the individuals living in that society and that the justification of the right in question (the moral code from which it is derived) is suited to the intellectual and emotional capacities of the average person of that society. Even so, this does not imply that SSMI is conclusively prohibited. The prohibition of SSMI can be overruled partially or completely in the following two ways:

(1) (partially) The prohibition of SSMI is not extended outside the society in which it is prescribed.

(2) (completely) The intellectual and emotional capacities of the average person within this society have changed in such a way that the prohibition of SSMI is no longer possible to prescribe for a fully rational person.
Brandt's theory

An example of (1) would be one society X fighting a war with another society Y. Although the citizens of X reject intimidatory killings of morally innocent people within its own borders, they do not feel the same need for restrictions when being in war and when the killings in question are directed at citizens of the enemy society. Remember that fully rational persons are supposed to choose a moral code for a society in which they expect to spend a lifetime — not for any other society. (Although "society" does not necessarily have to be understood as "nation", it still cannot be reasonably extended in meaning to be equivalent to "the world", so we may assume that when we talk of choosing a moral code for a society in which we expect to live, there are other societies coexisting with our society and for which we have not chosen a moral code.) So it is perfectly consistent for such a code-choosing person to treat members of another society according to principles other than those he has chosen for the society in which he himself expects to live. (Another way to express this is to say that the code-choosing person's primary concern will be the society in which he expects to live. He is not asked to suit his choice of a moral code to the interests of people outside that society.)

This non-universal prescription of the prohibition of SSMI is then of the form: "SSMI should not be inflicted by any member of this society on any member of this society". Both the area of prescription (to whom is the prescription addressed?) and the area of application (who is concerned — in this case in the form of being protected — by the acts prescribed?) are related to the society of the prescriber. According to Brandt's theory we cannot escape society-relativization regarding the area of prescription: the prescriber is always prescribing for the society in which he expects to live. Still, it is an open question whether the area of application also should be relativized in this way. In this criticism of Brandt's theory I am exploiting this openness, assuming a formulation of a prohibition of SSMI which is relativized in both the area of prescription and in the area of application.

So, although the British presumably would not have chosen a moral code
which allowed large-scale intimidatory killings of British subjects, they allowed and even ordered terror bombings of civilian German targets such as Dresden, during the end of World War II (the bombings of Dresden 1945 resulted in almost total devastation of that city and about 100,000 people being killed).

This partial overruling of the prohibition of SSMI is also exemplified in contemporary world politics where governments, like those of the USA and the Soviet Union, publicly condemn acts of political terrorism such as hijacking of aeroplanes and kidnapping of diplomats, which in the past have and in the future may threaten their own citizens, but at the same time in a substantial way support guerrilla movements which perform terroristic acts in far away countries. The obvious inconsistency in, for instance, at the same time condemning the killing of innocent people aboard the Achille Lauro and defending the killings performed by the Contras in Nicaragua is concealed by the US government by calling the acts one has condemned "terroristic" and describing the ones being defended as deplorable, but necessary, instances of "freedom-fighting". (The same inconsistency is shown by the Soviet Union in giving aid to the government in Afghanistan by trying to bomb out civilian resistance while at the same time condemning US interference in Nicaragua.)

Without making Brandt in any way responsible for the inconsistencies of the superpowers, I still want to stress the point that such inconsistencies are allowed for by his ethical theory, since the code-chooser is expected to choose a moral code for the society in which he expects to live, not for any other society. Such a code-chooser may prescribe the prohibition of SSMI without having to extend this prohibition outside his own society.

An example of (2) would be a change in the public opinion regarding law and order. Let us consider an imaginary, though not, I believe, implausible case.

In the republic of Tranquilia there has not for many years occurred any violent crime: only small-scale thefts and some cases of fraud have been committed during the last fifty years. Accordingly, the people of Tranquilia have developed a rather lenient and relaxed attitude towards questions of
retribution and punishment: Sentences are always light and the death penalty has been abolished.

All of a sudden a violent wave of crimes occurs. Armed gangs operate at night in the cities of Tranquilia, raping, assaulting, killing and plundering, taking advantage of the fact that the police forces of Tranquilia are of a modest number and have a very limited experience of this type of crime.

The situation changes from bad to worse. Ordinary citizens no longer feel safe outside their homes at night-time. They demand protection from the police, but in vain. What can the police do? They are inexperienced and lack men.

So, citizens start to operate a City Militia, training civilians in the use of guns and organizing them in Block Squads. Acting on their own initiative, they start to run down criminals, take them to People's Tribunals in order to ascertain the identity of the arrested persons and after this procedure hang the criminals in public. The City Militia intends to strike back against the perpetrators of violent crimes: they want to frighten potential criminals by taking revenge on actual criminals. In doing this the City Militia receives a large amount of support from the citizens of Tranquilia: about 75 per cent of the population approve of the measures taken.

Later on the City Militia extends its operations and performs executions of people who are not suspected of any crime, but who are considered as potential criminals. These people are executed under the pretext of protecting citizens from crimes which the executed are supposed to have planned, but of which there is no proof whatsoever that this is really the case. I will assume that many of these "potential" criminals who are executed by the City Militia are morally innocent, in the sense that they have not committed the acts they are accused of, acts which are morally wrong (in this case, according to Brandt's ethical theory). (The acts they are accused of are planning of rape, murder, etc.) It is still assumed that there is a convinced majority supporting these executions.

Under the circumstances a social moral code which conclusively prohibited SSMI would not be suited to the intellectual and emotional capacities of the average person in Tranquilia, these capacities being influenced and changed by
the crime wave. Due to this change in what the majority believe to be in their interest, a conclusive prohibition of SSMI cannot, according to Brandt's theory, be upheld in this society.

To sum up: Even if SSMI were prohibited within Brandt's ethical theory, this prohibition would not rest on a firm basis. The prohibition of SSMI could be limited in its area of application in such a way that a society which upheld the prohibition within its own domain still permitted SSMI when directed at members of other societies.

The prohibition of SSMI could also be completely nullified by a change of attitudes and believed interests within the society where it was originally prescribed, so that it is no longer possible to justify the prohibition. This would be a possible outcome of Brandt's procedure of justification: a justified moral code is one which a fully rational person would prescribe for a society in which he expects to spend a lifetime and a rational person would not support a code so contrary to the interests of all other individuals that its realization in society is a causal impossibility (p. 191). (In fact, it is not necessary that such a code is contrary to the interests of all other individuals, since Brandt also holds that a rational person would choose a welfare-maximizing code which is suited to the intellectual capacities, selfishness, impulsiveness and so on, of the average person (p. 291).)

I conclude from what has been said in this section that SSMI cannot be conclusively prohibited according to Brandt's ethical theory.
5. The PGC II principle.

5.1 Looking for a categorical ethical theory.

In order for an ethical theory to be able to justify the SSMI thesis, that theory will need a certain inflexibility regarding at least some of its right- and wrong-judgements. Such an ethical theory cannot have its judgements that it is morally wrong to sacrifice (harm or kill) a person who is morally innocent (regarding some relevant act: see section 3.7) depend on flexible factors such as the actual content of people’s interests, preferences or attitudes. In such cases no prohibition could be of the conclusive kind — with the exception of the prohibition on issuing, prescribing, advancing, and adhering to moral principles or rules having a content contrary to the interests, preferences, etc. of the (majority of) people. Other prohibitions could only be of the prima facie kind, being in force just as long as they are in accord with the prevailing views and interests of the society in which they are prescribed.

Flexibility is not, however, restricted only to welfare-maximizing ethical theories, such as the one criticized in the previous chapter. Ethical theories which have as their ultimate goal the protection of certain moral rights, which are not supposed to be overridden by any quantity of preference-satisfaction, may still operate a system of rights in such a way that SSMI will not be conclusively prohibited by them either.

This is the case, for instance, with Robert Nozick’s moral theory, as it is developed in *Anarchy, State, and Utopia*. Nozick does not explicitly discuss ethical problems regarding political terrorism, but he touches on the problem concerning the killing of the innocent by introducing an imaginary case about "innocent threats":

Suppose someone picks up a third person and throws that person at you down at the bottom of a deep well and you would be killed if his body was to hit
you (though he would survive). May you use your ray gun to disintegrate the falling body before it crushes you? Nozick says:

Libertarian prohibitions are usually formulated so as to forbid using violence on innocent persons. But innocent threats, I think, are another matter to which different principles must apply (p. 34-35).

Since the concept of an innocent threat is a vague one, it would, I believe, in many cases be easy to apply it to the victims of political terrorists. Could not a political terrorist (wanting to overthrow a certain government) claim that any law-abiding, tax-paying citizen is an innocent threat to his goal — no matter whether such a citizen ever took a stand on political issues? Just by being law-abiding and tax-paying these citizens make it easier for the government to stay in power and harder for the political terrorist to overthrow it.

While stressing the priority of the rights of individuals in moral (and political) reasoning, the rights of the innocent are not categorically protected in Nozick's theory.

So the question of whether SSMI may be conclusively prohibited cannot be answered just by pointing to a rights-based ethical theory. There are other conditions to be fulfilled, concerning the ranking of rights being protected by the theory and the justificatory power of the theory itself. If an ethical theory is wanting regarding its justificatory powers, i.e., the theory does not provide a sound fundamental principle or other kind of ground from which it is possible to derive and justify action-guiding principles, rights and duties, it is not of much value in stating a conclusive prohibition of SSMI.

5.2 Prohibiting SSMI on grounds of injustice.

There is one (though not the only) ground which intuitively seems to be obvious for conclusively prohibiting SSMI and that is the injustice involved in harming
someone for something he has not done. The assumptions behind this belief could be stated explicitly in the following way:

(1) If A has the property p (such as the property of having/not having performed the act a), A is entitled to treatment t.

(2) If A has the property p, it would be an act of injustice against A if A did not receive treatment t.

(3) Such acts of injustice are conclusively morally objectionable (i.e., the moral wrongness of such acts cannot be outweighed or overridden by other considerations of the act or its consequences).

Two examples of injustice could then be stated as follows:

(1) If A did not take any part in the riots (just passing by on her way home from work) A is entitled (according to the law) to be left alone by the police and not beaten up by them. If the police beat A up, this would constitute an act of injustice against A.

(2) If A (and her expedition) climbed Mount Everest before B (and her expedition) did, and A and B had made a bet on this, agreeing that the one of them who climbed Mount Everest first should receive £1,000 from the other, A is entitled to have her £1,000 from B. If B refused to pay A her money, this would constitute an act of injustice against A.

A was entitled to have the money from B, according to the agreement A and B had made about giving £1,000 to the first of them who climbed Mount Everest and owing to the fact that A actually did this before B. B broke her promise to A by not paying A her money, but this case of promise-breaking was also an act of injustice, since B denied A a treatment which A was entitled to.

These examples raise questions about the ways in which what is just is defined. In the example of A and the police a legal concept of just treatment is involved: the police (it is assumed) violate the law if they beat up A who has done nothing violent which could justify (in legal terms) the use of force by the police. In the example of A and B, however, there is a contractual concept of just treatment.
involved: B is unjust towards A in not paying A her money since A and B had made a voluntary agreement regarding the climbing contest about the loser paying to the winner.

What does not seem evident here is the conclusive moral wrongness of these acts of injustice. Let us assume that in the case of A and the police it was prima facie morally objectionable that A was beaten up by the police. But would it be conclusively morally wrong? And, if this indeed is the case, why?

The answers to these questions depend on what ethical theory is assumed. According to an ethical theory which judges each individual act to be morally right or wrong according to the happiness-maximizing results of that act, we could not judge the beating up of A by the police as conclusively morally wrong until we knew all the relevant actual and probable consequences of that act. At the most we could claim that the act was prima facie morally wrong, since such acts normally tend to produce a decrease in net happiness. But if it turned out in this case that all rioting stopped as a direct consequence of A's being beaten up (since the rioters were frightened by the prospect of being treated like A) and that there is convincing probability for assuming that some people would have been killed and many more have been injured had the riots continued, and no other act than the beating up of A by the police could have put the riots to such a smooth end — then the treatment of A might very well be morally justified. (What could change this judgement would be a case in which the decrease in A's and her relatives' happiness outweighed the increase in the happiness of the police (who did not have to fight the rioters any more) and of the rioters (who were not beaten or killed by the police). For the sake of simplicity it is here assumed that there are no other relevant parties to the case.

Let us now consider a constitutional rights type of ethical theory. This is an ethical theory which takes it as a part of the job of governments and legislative authorities to express the moral rights of citizens in laws, especially in fundamental constitutional laws and bills of rights. Certain rights should be protected and kept inviolate, even if there are utility gains in certain cases from having them overridden. Minor laws, such as traffic laws, could be based on a
utility calculus, while important laws regarding freedom of speech and opinion should not be subjected to such a calculus concerning their application in individual cases. A right-preserving law could, on the other hand, be overridden by another right-preserving law of a more fundamental kind. (An ethical theory of this kind is defended by Ronald Dworkin: see Taking Rights Seriously pp. 190-197 and A Matter of Principle pp. 359-372. Dworkin should not, however, be held responsible for the versions of this very general theory which I develop and examine here.)

Such an ethical theory would probably judge the beating up of A by the police as conclusively morally objectionable: no utility gains should justify this violation of individual freedom, A being an innocent bystander.

I say that this is "probably" the judgement of a constitutional rights type of ethical theory. To some extent it depends on what is at stake in the situation in which A is beaten up by the police. This aspect is connected to another determining factor concerning what values are held to be non-overrideable within a constitutional rights type of ethical theory. It is not necessarily the case that the individual and his rights, dignity, etc. are ranked superior to all other goods. There are, then, at least two interpretations of what it means to take constitutional rights as the foundation of an ethical theory:

(1) The rights-holder interpretation, which takes the individual citizen's rights as primary to the constitution which is supposed to express these rights and claim their protection. The constitution derives its moral value from its ability to perform this task. A constitution which leaves important rights of an individual unprotected — the rights in question are defined independent of and prior to the establishment of the constitution — is considered by an adherent of this interpretation to be without much moral value. According to this interpretation any act violating such an important right of a citizen is wrong, no matter what benefits may thereby be achieved.

(2) The common good interpretation, which takes as fundamental some conception of the common good of a society. This conception includes as a part that civil rights shall be protected, but only because of their instrumental value:
respect for civil rights help to bring about the common good. The common
good is defined independently of (though not necessarily contrary to) the actual
desires of the citizens of the society. The constitution grants rights to the citizens
in accordance with this conception of the common good and as far as the
protection of these rights is compatible with the maintaining of the common
good in question.

This common good conception could be either of a maximizing or a
non-maximizing kind. In the former case it is interpreted as "The more this
society has of this common good, the better". In the latter case it is interpreted as
"This society should have this common good to the extent E", where it is
assumed that no one has a duty to secure more than the extent E of the common
good for his society.

The important thing here, however, is that according to both versions of the
common good interpretation, the protection of rights of the individual citizen
may, in cases of conflict, be overridden by the protection of the common good.
According to the maximizing version the rights of the individual citizen should
always be overridden in such a conflict situation if this is productive of a net
increase of the common good. According to the non-maximizing version the
rights of the individual citizen should be overridden if this is productive of a net
increase of the common good up to the point at which the extent E of the
common good is achieved — beyond this point the further increase of the
common good does not justify infringing the rights of the individual citizen.

This common good should not be confused with any happiness-maximizing
ideal. The common good is here like the general will of Rousseau:

... la volonté générale est toujours droite et tend toujours à l'utilité publique; mais il ne s'ensuit
pas que les délibérations du peuple aient toujours la même rectitude... Il y a souvent bien de la
différence entre la volonté de tous et la volonté générale: celle-ci ne regarde qu'à l'intérêt
commun; l'autre regarde à l'intérêt privé, et n'est qu'une somme de volontés particulières.
(Contrat Social, bk II, ch 3.)

[... the general will is always right and tends always to public utility; but it does not
follow that the deliberations of the people always have the same rectitude.... There is often a
great difference between the will of all and the general will: the latter concerns itself only with the common interest; the former concerns itself only with private interests and is merely a sum of particular wills.] Translation mine.

On this view it is assumed that there is a possibility of some common good which is worth striving for independently of the sum of individual desires. The general will was considered by Rousseau to be infallible. On the common good interpretation it could likewise be claimed that, for example, the preservation and consolidation of a democratic society is the supreme and morally justified goal of the constitution and while the civil rights have instrumental value as far as the extension and observance of these rights help to bring about the supreme goal, it is not required that they be given more scope than is necessary for them to have this instrumental value. Moreover, in cases of conflict, the protection of the civil rights should never be allowed to override the achievement of the common good.

The difference between the two kinds of interpretation of the constitutional rights type of ethical theory could also be stated like this: While the rights-holder interpretation expresses the view "No less than these rights of the citizen should be protected", the common good interpretation expresses the view "No more than these rights of the citizen should be protected".

The two interpretations differ also regarding the primary function of the constitution: While the rights-holder version views the constitution as a rights-charter, protecting the rights of the individual citizen, the common good version views it as aiming at the protection of the society as a whole and the protection of the rights of the individual citizens as only secondary to this goal. The two versions agree, however, that it is the job of legislative authorities and governments to express and protect civil rights via the constitution and that rights have a value independent of their possible or probable happiness-maximizing results.

Returning to the case of A and the police trying to stop the riots, we are now able to see why it is not necessarily the case that the beating up of A by the police
is conclusively morally objectionable according to a constitutional rights type of ethical theory. Given the common good interpretation it might, under certain circumstances, even be morally justified that A is beaten by the policemen. If the riots are of a revolutionary kind and the government which is protecting the constitutional rights of the citizens is in danger of being overthrown by rebels who do not care a bit about any constitutional rights, the government might feel itself forced to suppress temporarily some constitutionally granted specific rights in order to preserve the constitution (and thereby a certain type of society) as a whole. (For example, in revolutionary France during the turbulent years of 1793 and 1794 many constitutionalists came to defend a temporary reign of terror.)

In such an emergency situation the individual citizen's freedom of coming and going as he pleases can be suppressed and, assuming the common good interpretation, that individual cannot complain of having his rights violated in a morally impermissible way. This would apply to A in the case described above.

According to the common good interpretation, specific constitutional rights might be suppressed temporarily when the common good of, for instance, a democratic society is threatened. If this is the case in the riot situation in which A is beaten by the police, A cannot complain that her rights have been violated in a morally impermissible way: owing to the revolutionary circumstances of the riot, A simply had no right to come and go as she pleased. She should have stayed at home or at her work and waited until the state of emergency or curfew was lifted. In a situation like this, anyone out in the streets is to be treated as a rebel and the long-term preservation of the constitution and of the society as a whole necessitates the suspension of certain specific rights here and now.

So, it is not evident at all that the beating of A was conclusively morally objectionable, neither according to a happiness-maximizing theory, nor according to a common good interpretation of a constitutional rights type of ethical theory.

It should be clear, however, that according to the rights-holder interpretation of a constitutional rights type of ethical theory it is conclusively
morally objectionable for the police to beat A, given that A does not by her actions or inactions infringe important rights of any other citizen in a way which justifies her being restricted in her right to come and go as she pleases. The rights-holder interpretation does not justify any infringement of an important right of an individual (and the right not to be physically harmed should in all probability qualify as such an important right), not even for the sake of saving the constitution, the national welfare or whatever good could be thought of. The rights-holder interpretation is in this sense a categorical doctrine.

According to both the happiness-maximizing theory and the constitutional rights type of theory (both interpretations) it is more obvious that the other case of injustice, regarding A and B and the climbing contest, does not constitute an example of conclusive moral wrongness. Let us assume that the reason why B refuses to pay A the expected £1,000 is that B's ageing father has had an accident and needs expensive medical care in order to survive. To be able to provide her father with economic means (which he lacks himself) B decides to give him what money she can spare, knowing that one effect of this is that she will not be able to pay £1,000 to A, should A win the climbing contest. Now A wins and B cannot keep her part of the agreement. Such a breach of a contractual obligation which one has accepted voluntarily could plausibly be held to be prima facie morally wrong according to most ethical theories, since it comes close to cheating, betraying and similar kinds of behaviour which are normally condemned in ethical theories. But the moral wrongness of a breach of a contractual obligation could be overridden according to both happiness-maximizing and rights-based theories. According to a happiness-maximizing theory it would be morally right for B to break her agreement with A, if the resulting happiness from saving the life of B's father outweighs A's disappointment when she does not receive her expected £1,000 from B.

According to a rights-based theory, the duty to preserve life takes (in the
standard case) priority over the duty to keep agreements, should these duties conflict. (I say "the standard case" since the duty to keep agreements might in a certain situation be a duty to keep an agreement to save the lives of some persons and then we have in effect a case where two duties, both regarding the preservation of lives, apply but cannot both be fulfilled.) I take it that both interpretations of the constitutional rights-type of ethical theory will yield this result.

5.3 The concept of entitlement. The PGC II.

A possibility of having acts of injustice judged to be conclusively morally wrong was indicated earlier by way of example. This was the case of A being beaten up by the police, which could be so judged according to the rights-holder interpretation of the constitutional rights type of ethical theory. Now two tasks present themselves:

(1) To analyse this kind of ethical theory (the rights-holder interpretation) in order to find out why it judges this case of injustice as conclusively morally wrong (we should remember that the contract case of injustice was not so considered).

(2) To make clear of what relevance this view of injustice is to the SSMI thesis. Does SSMI fit in under the kind of injustice conclusively prohibited by the theory under examination?

I will begin my analysis of the rights-holder interpretation by returning to the formulation of injustice as a ground for conclusively prohibiting SSMI (see the beginning of section 5.2). "If A has the property $p$, A is entitled to treatment $t$". In the notion of entitlement lies hidden, I believe, one reason why certain acts can be conclusively prohibited according to the rights-holder version. I will argue that there are two possible interpretations of entitlement, one which is linked to the property of being an agent, and one which is linked to the property
of having performed certain acts.

The kind of entitlement connected with the property of being an agent I will call entitlement I and the other, connected with the performance of certain, specific acts, I will call entitlement II. The relation between entitlement I and entitlement II is like this: Every agent just by being an agent is entitled (I) to treatment \( t \), while specific norms, laws, rules, customs determine whether he is also entitled (II) to treatment \( t_1 \ldots t_n \) (there being various ways in which an agent might be entitled (II) to be treated, owing to the many criteria which can be applied).

Entitlement I presupposes an ethical normative principle, while entitlement II is sometimes derived from entitlement I, sometimes from the law, sometimes from individual stipulations ("If Caroline does the garden work, she is entitled to have an extra biscuit at tea-time") and so on.

I propose the following formulation of the ethical normative principle on which entitlement I is based:

*Always act so that you do not infringe the freedom and safety of the agents or prospective agents towards whom you act, as well as your own freedom and safety.*

This would then be the supreme moral principle of a rights-holder interpretation of a constitutional rights type of ethical theory. Since Alan Gewirth's Principle of Generic Consistency (PGC) has provided me with inspiration and fruitful ideas for this part of my work, I will acknowledge his influence by giving the name PGC II to the principle above, which is formulated and justified in a way very similar to his formulation and justification of the PGC.

Gewirth's Principle of Generic Consistency is stated in the following terms:

*Act in accord with the generic rights of your recipients as well as of yourself.* (Gewirth (1978), p. 135.)
The generic rights are defined by Gewirth as rights to freedom and well-being, where these goods are understood as being the conditions and capabilities required for all purposive action.

I deviate from Gewirth's formulation by talking of "safety" instead of "well-being". I believe the concept of safety includes what is essential in Gewirth's concept of well-being, while at the same time being easier to apply to the ethical problems of political terrorism. (It is, I believe, easier to see the bearing political terroristic acts have on questions of safety than what bearing they have on questions of well-being, the latter being a more ambiguous concept.)

I also deviate from Gewirth by formulating my principle to refer to "the agents or prospective agents towards whom you act" instead of "recipients". I do not think there is any serious disagreement between the PGC and the PGC II here. My reason for talking of "agents" and "prospective agents" is to make clear that also the recipients are agents when they respond to the action-initiative of someone else. The goods protected by the PGC II are goods which agents must have to enable them to perform actions and the reason for the equality of rights to these goods (protected by the PGC II) between the initiator and the receiver of an action is that they are both supposed to have the features denoted by the concept of an agent (see below). It is also a trivial truth that someone who is a recipient in one transaction may be an agent in another. For the sake of brevity, however, I will now and then in what follows make use of the term "recipient" in order to avoid cumbersome expressions such as "receiver of an action" or "person towards whom the act of an agent is directed".

The term "prospective agents" refers to those who for the moment are not agents, but, in all empirical probability, will be in the future: children, for instance. (By a principle of proportionality the prospective agents have rights to freedom and safety in proportion to the degree to which they have developed the characteristics of an agent; this is relevant especially to the right to freedom, since this right, in order to be exercised to its full extent, requires a certain
amount of mature purposiveness which is normally found only in the fully developed agent.)

The PGC II would then be a supreme moral principle, from which an ethical theory of rights could be derived. The kind of goods that the PGC II protects (freedom and safety) are selected since they constitute the goods necessary for all actions.

The point of selecting the area of action when formulating a supreme moral principle is that moral reasoning has as its prime concern human action. Moral reasoning is to a large extent ought-judgements about action: "Is it right for A to do a to B?", "Should we always do what is legally obligatory in a democracy?", "What shall I do when my duty $d_1$ conflicts with my duty $d_2$ in situation $S$?" and so on.

Taking the area of action and agents as fundamental when trying to formulate a supreme moral principle, it becomes urgent to define the concepts of action and agent. I will do this by making use of Gewirth's explanation of action:

... action, in the strict sense that is relevant to moral and other practical precepts, has two interrelated generic features: voluntariness or freedom and purposiveness or intentionality. By an action's being voluntary or free I mean that its performance is under the agent's control in that he unforcedly chooses to act as he does, knowing the relevant proximate circumstances of his action. By an action's being purposive or intentional I mean that the agent acts for some end or purpose that constitutes his reason for acting; this purpose may consist in the action itself or in something to be achieved by the action. (Gewirth (1978), p. 27.)

From this extract I believe it is possible to sort out two definitions:

*The definition of the concept of an agent:*

A is an agent iff A (a) controls his behaviour by unforcedly choosing to act as he does, having relevant knowledge of the circumstances of his action and (b) has a purpose which constitutes his reason for acting.
The definition of the concept of an action:

a is an action iff a is performed by an agent, i.e. a is performed voluntarily and purposively.

Some clarifying statements should be made here. When I say that the agent "controls his behaviour" I do not mean by this (nor does Gewirth) that the agent in order for him to be an agent on every occasion when he performs an action must necessarily exercise such control. If the agent, for instance, is highly inebriated, he is still an agent although he at that particular moment is not in control of his behaviour, provided that he did control his behaviour when he started to drink. It is enough that the agent in fact was able to control by his unforced choice his getting into the situation where he then could not control his performing a certain action.

By "relevant knowledge" I mean knowing what action he (the agent) is performing, for what purpose, its proximate outcome and its recipients (i.e., at least those who are directly affected by the act).

It should also be noted that "action" here is "action in the strict sense that is relevant to moral and other practical precepts". While this specific concept of action is here supposed to be fit to be used for the purpose of formulating a supreme moral principle, it is not the only or most inclusive concept of action.

Since moral and practical precepts are addressed to people who are supposed to be able to act voluntarily and purposively (being able to control their behaviour by their own informed and unforced choice with a view to achieving certain objectives), the actions of these people are accordingly expected to exhibit characteristics of voluntariness and purposiveness. In a wider sense of action even a starved and imprisoned man performs an action when he eats a rat he has caught in order to survive. Assuming that he did not control by his unforced choice his getting into a situation in which he is by now prepared to eat a rat, it would not, however, constitute an action in the sense of the concept which I have defined here.
My definition is not intended as a refutation of the wider concept of action. I just want to isolate a more specific area of application of the concept, suitable for the purpose of formulating a supreme moral principle. Such a suitable specification of the concept is, I believe, characterized by including only those features of action relevant to moral and other practical precepts. These features are voluntariness and purposiveness: It would be futile to address a moral precept to a person incapable of controlling his behaviour by his unforced choice. It would also be futile to address such a precept to a person with no purposes in acting: why should such a person care about any precept?

The next step in outlining the justification of the PGC II concerns the agent's attitudes towards his actions. By engaging himself in agency the agent exhibits a pro-attitude towards the goal of his action: it is something that he wants to see realized by his performing an action. This pro-attitude might be explicit, which is the case if the agent openly expresses it in words. It might also be implicit, which is the case if the agent just acts, without saying anything about his wants. If the agent did not regard the goal of his action as worth aiming at or pursuing, he would not unforcedly choose to move from non-action to action with a view to achieving that goal.

Since his action is a means of bringing about something he regards as a good for him (even if this is, only the performance of the action itself), the agent regards as an instrumentally necessary good whatever is always necessary for him to have in order to be able to act. This evaluation ascribed to the agent does not have to be considered as something the agent consciously says or is aware of. It is rather like this: if the agent were to deny that something which is necessary for him to have in order to act thereby also is a necessary good for him, he could be described as being involved in a self-contradiction. This would be the case since the agent is already supposed to accept (at least implicitly) the statement (1) "It is always a good for me to be able to act". By denying that whatever is always necessary (where "necessary" means "empirically, causally necessary") for him to have in order to act is a necessary good, the agent accepts a statement
(2) "It is not the case that what is always necessary for me to have in order to be able to act is a necessary good for me" which would imply (3) "It is not always a good for me to be able to act", and (3) obviously contradicts (1).

Someone might object here that (1) would be a reasonable statement for the agent to make only given certain goals he wants to achieve by his action. Such a qualification could be expressed like this: "I hold that it is always a good for me to be able to act in order to achieve p, q, r". But this objection overlooks the fact that in every action the agent exhibits a pro-attitude towards the goal of his action, merely by acting. Agents differ regarding what goals are good, but for every agent it is a good to have the ability to act to achieve his goal. Even if the goal of the action is destructive to other purposes the agent has — as lighting another cigarette is destructive to the purpose of keeping one's lungs clean — still, as long as the agent wants to perform the act of lighting a cigarette, he must hold that it is a good for him to be able to perform that act. Even the man who is about to finally give up being an agent and intends to kill himself has this last act to perform and so statement (1) is valid for him as well. It should be clear, though, that it is an ability to act which is evaluated in statement (1), not the various goals that the agent will achieve by exercising this ability.

It should be noted here that when talking of the necessary conditions of action, we are still considering actions in the sense that is relevant to moral and practical precepts, i.e., actions having the features of voluntariness and purposiveness.

Given all this, I will argue that freedom and safety constitute the necessary conditions of all actions, in the sense of action that I have stated here, and hence are regarded as necessary goods by the agent. (Freedom and safety are, then, the necessary conditions of every action. For an individual action, however, they need not be the only necessary conditions. Other conditions, in addition to freedom and safety, might be necessary in such a case. Still, freedom and safety constitute the only conditions which are always necessary for any action. See the discussion of safety, below.)

Freedom is then the good of being able, as an agent, both to control the
performance of particular acts by one's own unforced and informed choice and having the longer-range ability to exercise such control. It includes non-interference with one's actions by other persons: not being subjected to coercion physically or mentally, not being deceived and disinfomed in a way that undermines one's ability to exercise control by one's unforced and informed choice.

Safety is the good of having a secure basis of action: being alive, enjoying a minimum of health, and of physical and psychical integrity.

Interference with an agent's safety negatively affects the purposes that agent has in acting. No matter what action a person may intend to perform, let it be going for a holiday in the Peruvian mountains or giving a lecture on England's Tudor history, that person will need some health and must enjoy some physical and psychical integrity in order to succeed in his purposes.

Being totally deprived of these goods, there is no action which he can perform. On the other hand, having these goods at the necessary minimum level implies no guarantee that he actually will succeed in performing any action. We are here talking of safety as a necessary condition of all actions, not as a sufficient condition of all actions.

Further, it must be noted that we are talking of safety as a necessary condition of all actions, i.e., as a necessary condition pertaining to every action that is to be performed. The necessary conditions of performing the action of climbing Mount Everest include particular skills, such as being trained in coping with high altitudes. But such particular skills do not pertain to most other actions as necessary conditions. We are here considering conditions which are necessary in a generic way, pertaining to all actions. A minimum of health and of physical and psychical integrity would be such generically necessary conditions.

This will hold for all agents performing actions. Let us consider psychical integrity as an example. We are normally able to act even in circumstances in which we are not completely calm, self-confident and undisturbed by others. But for any one of us there is a limit to how much disturbance we can be exposed
to and still remain agents. A person constantly under attack from others, being insulted, threatened and everywhere met with contempt and hostility, might finally completely lose his self-confidence and calm. He might spend more and more time trying to avoid other people and the danger they represent to him. In the end, he might enter a state of depression, in which he is no longer able to perform voluntary and purposive actions. Suffering from inner compulsions brought about by external pressure, this person no longer controls his behaviour: he reacts, rather than acts. The behaviour he exhibits does not qualify as actions, as that concept is defined above. The agent is now deprived of his ability to perform actions.

Now, it is true for every agent that if he does not have a minimum of psychical integrity, he is not able to act. It could be objected that this minimum level is different from one agent to another, some agents being mentally stronger than other agents. However, I would rather put it this way: the level is the same for all agents, but agents differ in vulnerability, i.e., how much they are able to resist, for instance, external pressure, before they reach the level. To be mentally strong is, then, to be able to endure external pressure a long time before losing one's necessary minimum of psychical integrity.

A minimum of health and of physical and psychical integrity constitute, then, under the name of safety, a necessary condition of all actions. This is not to deny that for several actions, like climbing Mount Everest, other goods are also necessary conditions, besides the ones mentioned here. However, since we are now analysing safety as a necessary condition of all actions, we will pay attention only to such components of safety which are in a generic way essential to action, pertaining to every action.

Another problem here concerns the relation between freedom and safety. I admit that it is often hard to separate questions regarding someone's freedom from questions regarding that person's safety: violation of someone's freedom is normally also a violation of that person's safety. When I point a gun to a man's head and order him to hand over his money to me I have violated both his
freedom and his safety. On the other hand it is possible to separate these two goals. A person might be uncoerced but starving, in which case he has freedom but not safety. Another person might be hypnotized to do as someone else wishes, but still not be subjected to insults, beatings, starvation or anything like that — then he has safety but not freedom.

We are here interested in freedom and safety as the conditions necessary for all actions, not in the specific objects which the agent expects to achieve by his actions. The objects of his actions might be considered to be in the interest of the agent as well as contrary to that interest. One object of the actions of a certain agent might be to acquire as much as he can of a drug which in a few years will kill him. Still, that agent, in order to be able to act to achieve that drug, has the same need for freedom and safety as has an agent who does not have similarly destructive aims. At the level of capabilities for action there is an invariability regarding what different agents must hold to be valuable, which is lacking at the level of objects for particular actions. Freedom and safety are the necessary conditions of all actions and so must be held to be necessary goods by every agent, although the individual actions themselves are performed for different reasons, aiming at purposes which vary with different agents.

Given that the agent accepts the statement (4) "My freedom and safety are necessary goods for me (since freedom and safety are the necessary conditions of all action)", he must now logically accept the statement (5) "It is necessary (in terms of my being able to act) that other people at least do not interfere with my having freedom and safety". To deny (5) would be to contradict (4) and this the agent cannot do without also denying (1) which states that it is always a good for him to be able to act.

Now, (5) could be expressed as an ought-judgement: (6) "Other agents ought at least not to interfere with my having freedom and safety". So far this is not a moral ought-judgement. It is prudential, intended to serve only the purposes of
the agent making it.

This prudential ought-judgement is turned into a moral one by universalizing its ground. The principle of universalizability in question is the following:

...if some predicate P belongs to some subject S because S has the property Q (where the 'because' is that of sufficient reason or condition), then P must also belong to all other subjects S1, S2,...Sn that have Q. (Gewirth (1978), p. 105.)

Now, the sufficient reason for an agent to make, from within his own standpoint, the ought-judgement (6) is simply that he is an agent who has purposes he wants to fulfil. This is also a necessary reason for the agent, since if he did not have purposes to fulfil, he would not make this ought-judgement. So, the property Q is the property of being an agent with purposes to fulfil. Hence, (6) is universalized into an ought-judgement protecting the freedom and safety of anyone who is an agent with purposes to fulfil: (7) "Other agents ought at least not to interfere with the freedom and safety of anyone who is an agent". Now, (7) is a moral ought-judgement, by virtue of a definition of the concept of morality as

a set of ... requirements for actions that are addressed at least in part to every actual or prospective agent, and that are concerned with furthering the interests, especially the most important interests, of persons or recipients other than or in addition to the agent or the speaker (Gewirth (1978), p. 1).

It might be objected here that the property Q which is universalized could be more restricted than just being an agent with purposes to fulfil. The property Q could, for instance, be rendered as "being an agent and being extremely intelligent". But if the agent was to hold that this is the necessary and sufficient content of Q, he would contradict himself. He would then have to accept that if it were not for his being extremely intelligent, he could not demand from other agents that they should not interfere with his having freedom and safety. He
would then reformulate (6) into (6:1) "Only if I am extremely intelligent, is it the case that other agents ought at least not to interfere with my having freedom and safety". But by doing so, the agent denies that it is always a good for those who do not have the extra characteristic of being extremely intelligent to be able to act. He allows other agents to interfere with their having the goods (freedom and safety) which constitute the empirically necessary conditions for action. If it is no longer always a good to be able to act for people who are not extremely intelligent, nor is it any longer the case that, for these people, freedom and safety are instrumentally necessary goods: freedom and safety would still be causally necessary for action (for every agent), but they would no longer be necessary goods for those who are not extremely intelligent. The value ascribed to action and its necessary conditions no longer pertains to such agents. Hence, the agent who renders the property Q in a more restrictive manner will change (4) into (4:1) "My freedom and safety are necessary goods for me, only if I am extremely intelligent". This statement, however, contradicts (1) "It is always a good for me to be able to act" and (1) is a statement that every agent is supposed to accept, no matter whether he is extremely intelligent or not. So by rendering the property Q in a more restrictive way than the property of just being an agent who has purposes he wants to fulfil, the agent will end up contradicting himself.

Now (7) could easily be transformed into a right-claim: (8) "Every agent has a (moral) right to freedom and safety". This is so, since (7) is equivalent to a statement setting the duties which agents owe to each other (duties of mutual non-interference with each other's freedom and safety). When A is owed a duty to x by B, then A has a right to x against B. In this case the object of duty/right is the freedom and safety of every agent and every agent is supposed to claim that every other agent owes him the duty of not interfering with his having freedom and safety, where "freedom" and "safety" denote goods necessary for all action.

As we have noted in our discussion of safety, agents differ in their vulnerability,
the extent to which they are able to resist external pressure before losing their necessary minimum of psychic integrity. This variability between agents holds also for agents' necessary minimum of health and physical integrity.

One agent might have a weak physical constitution, which often causes him to faint: even a light blow on the head is sufficient to make him fall into unconsciousness for several hours. Another, more robust agent, will have no problem like this.

Of course, this variability causes an epistemological problem concerning when rights have been violated. How are we supposed to know that we have violated someone's rights by, for instance, using rude language in our dealings with him? He might be a robust agent, of course, but he might also be a weak one and if that is the case, we might have done something morally wrong without knowing so.

I am afraid that there is no completely satisfying answer to this. The problem reflects a feature of everyday life, namely that we sometimes unknowingly and unintentionally hurt other people. We might tell a joke about civil servants to someone we happen to meet at a party, only to find out that she actually is a civil servant and does not appreciate the joke at all. She might even be deeply upset about this joke and leave the party in tears. These things happen, and we cannot always avoid making other people suffer, simply because we cannot predict how easily they will be hurt. What we do is to assume some kind of standard toughness in normal people. We expect people to be able to take some jokes and not be offended by our expressing our beliefs about certain matters, and so on. On the other hand, we also seem to take precautions not to hurt a person we do not know very much about, by being more careful in what we say or do to people we meet for the first time. We do not tell jokes about the practices of a certain religion until we know that the hearer does not himself practise that religion (that is, if we are not indifferent to whether the hearer is hurt or not).

The epistemological problem just mentioned does not concern any rights that will play an important role for the present work. Acts of sacrificing, which
are discussed here, consist in more substantial violations of safety, such as killing and infliction of physical harm, which are not subject to the same variability regarding how the recipients are affected.

We must also bear in mind that there are limits to how specific needs an agent may have, if he is still to be called an agent. If the weak person B was hurt and incapacitated regarding his abilities for action each time another person did not smile at him, we will have to conclude that B suffers from inner compulsions which prevent him from controlling his behaviour by unforcedly choosing his acts. Hence, he is no agent, according to the definition of that concept given above, and his abnormal needs cannot be allowed to bear upon the question of what content is to be given to the rights of agents.

The PGC II is a principle directed to agents, and concerning the rights of other agents and prospective agents. Since there are limits regarding what kind of person can properly be called an agent, there will also be limits regarding what are to be considered necessary goods for an agent, depending on the definition of the concept of an agent and on what is considered necessary for an agent to have in order for him to be able to act.

This argument has proceeded from the standpoint of the agent. It started with statements the agent is supposed to accept (given an analysis of what it means to be an agent acting with a purpose), what other statements he then is logically committed to accept, and it continued with a universalization of the agent's prudential ought-judgement which finally resulted in a right-claim, made by the agent. Why not go directly from what the agent necessarily needs for action to a statement about the agent's right to these goods, instead of arguing from what the agent holds, says, must accept, must consider necessary, and so on, to what the agent claims as his right?

The reason for this is simple: from the statement "A needs freedom and safety in order to be able to act" it does not follow that "A has rights to freedom and safety". A person who accepts the former statement can without self-contradiction deny the latter. Not so if the latter statement instead is "A
claims rights to freedom and safety" or "A holds that he has rights to freedom and safety". In this way one avoids going beyond evidence by illicitly moving to a value conclusion from a limited factual premise.

To put it in somewhat different terms, from an agent's purposive action something can safely be inferred from within his own standpoint about his values, about what he regards as good; but an inference cannot be drawn with equal directness or security, externally to his own standpoint, about the value or the genuine goodness of what he values. (Gewirth (1978), p. 160.)

That the reasoning has proceeded entirely from the internal point of view of the agent does not diminish the practical and prescriptive value of the moral principle which follows from it, since the whole of moral discussion is assumed to be addressed to actual or prospective agents, all of whom are logically required to be reasoning along the lines given here. In what follows, "An agent A has a right to freedom and safety" should be taken as an abbreviation of "Every agent must logically claim a right to freedom and safety. Being an agent, this holds for A, as well." To translate the concept of moral rights into what every agent must claim as his moral right does not diminish the prescriptive force of the concept as long as we keep in mind that this claim must (logically) be put forward by every agent.

Assuming the PGC II as the supreme principle of that kind of ethical theory which I have earlier called the rights-holder interpretation (of a constitutional rights type of ethical theory), it is now possible to see why the case of A being beaten by the police would be a case of a morally wrong act according to this theory: the freedom and safety of A are violated by the police.

Still, it has not been shown that this is conclusively morally wrong. If the rights of A are in conflict with the protection of the society, why should priority be given to the rights of A? We will examine this problem in the next section.
5.4 Conflicts of rights. Criteria for solving them.

I will now return to the relation between the PGC II and the possibility of conclusively prohibiting SSMI on moral grounds. The moral ought-judgement "Every agent ought to have freedom and safety" could also be stated as claims of moral rights and moral entitlement: "Every agent has a right to freedom and safety" and "Every agent is entitled (I) to freedom and safety", respectively.

These claims are, according to the PGC II, justified, along the lines given in the previous section. Now, a series of rights is justified by the PGC II as being specifications of the general rights to freedom and safety. Among these rights are the traditional ones: to life, liberty, (some) property, opinion, etc. Naturally, conflicts may appear between these derived, more specific rights. A criterion is provided, however, to solve such conflicts from the justificatory ground of the supreme principle itself. Since the justification of the PGC II is grounded on what is necessary for action, we are provided with a criterion which I will call the criterion regarding Degrees of Causal Importance for Action. (Gewirth calls this the criterion regarding Degrees of Necessity for Action. (*Gewirth (1978), pp. 343-344.*) If duties regarding the protection of two rights, both of which are derived from the PGC II, conflict in a certain case, the right which protects the goods causally most important for action of the two shall be upheld. So if you can save A's life by lying to B (who thereby does not risk her life) and there is no other alternative action productive of that outcome, you shall do so, since life is causally more important for action than is the good of not being lied to (assuming that no one loses his life due to the lie in question). By something $x$ being a causally more important good for action than another good $y$, I mean that in the absence of $x$ fewer actions are likely to be possible for the agent to perform than if $y$ is absent.

But what if A is a dangerous agent, threatening you with a gun, and B is a police officer, who will shoot at A (and probably kill A) if you do not lie to B and say that A is harmless? In that case another criterion applies: the criterion regarding Prevention or Removal of Inconsistency (*Gewirth (1978), pp. 343-344.*)
The PGC II principle

342-343). A has violated the equality of rights to freedom and safety prescribed by the PGC II by threatening your life; A has thereby implicitly assumed a greater extension of rights for himself than for you. To remove this inconsistency, B is justified by the PGC II in inflicting as much harm as is needed on A — if necessary, killing A.

The inconsistency in question here is of a logical kind. The threatening agent A is inconsistent in that he, by threatening your life, can be depicted as (implicitly) holding "You have no right to non-interference with your freedom and safety", which contradicts the statements (7) and (8) above, in which every agent demands from other agents their non-interference with his having freedom and safety, as a moral right they owe him.

Now, as we have seen, A, along with you and other agents, is logically required to accept (7) and (8). So by implicitly denying your claim to a moral right concerning freedom and safety, A contradicts himself.

The agent A could, of course, also be depicted as holding "You must claim a right to freedom and safety, but I am going to interfere with your freedom and safety, anyway". He is, then, not denying that you (and he) are logically required to claim a right to freedom and safety; he simply refuses to respect your claim when it comes to action.

But A cannot avoid inconsistency in this way. Even if he is not depicted as denying that you must claim a right to freedom and safety, he is obviously not very impressed by that claim. He treats it as unjustified, having no ground which is worth taking seriously. What he holds, then, is something like "Your right-claim implies no justified restriction on my way of acting regarding your freedom and safety". But this will have consequences for the right-claim regarding freedom and safety which the agent A himself is logically required to make, since his right-claim is justified (logically) in the same way as is yours. If your right-claim does not deserve his respect, owing to its justification, his right-claim does not deserve your or any other agent's respect. But this he cannot accept without contradicting statement (6), which he is logically required to accept. This statement is: "Other agents ought at least not to interfere with my
having freedom and safety". The ground for his being logically required to accept (6) is that he is an agent with purposes he wants to fulfil. If other agents interfered with his having freedom and safety, they would act against him in a way which he, according to (6), holds that they ought not to.

The agent A holds that his being an agent with purposes he wants to fulfil puts restrictions on what other agents ought to do to him. But if he wants to maintain this restriction on the behaviour of other agents and that it is justified by his being an agent, he cannot avoid accepting that you, as an agent, are justified in demanding respect for your freedom and safety from other agents, including A. If he denies that your being an agent puts any restrictions on his actions regarding you, then he must also deny that his being an agent puts any restrictions on your (and other agents') actions regarding him. But to deny this would be to deny (6), since it would be to accept that other agents might interfere with his having freedom and safety. And (6) he cannot deny without contradicting himself, since he, being an agent, is logically required to accept that statement.

So, when two rights conflict the one to be upheld is that which protects goods causally more important for action than does the other, and when someone violates the equality of rights prescribed by the PGC II it is justified to inflict otherwise prohibited harm on him to an extent sufficient to remove the inconsistency he has brought about.

There are no duties of maximizing any goods according to the PGC II. This principle is concerned with the safeguarding of certain goods necessary for the agency of any person, not with satisfying people's preferences in general. The obligations of the PGC II are of an agent towards those at whom his action is directed — not towards mankind in general (unless this is implied by a special kind of agency, where one person is agent and the rest of the sentient beings of the world are recipients of his act). It should be noted that inaction, the deliberate refraining from acting, as opposed to non-action, is considered as an instance of action here.
The PGC II principle

If A is morally justified (according to the PGC II) in killing B, this can be so only because B has incurred an inconsistency in his own favour regarding the equality of rights to freedom and safety, an inconsistency which threatens the freedom and safety of A or of someone else, and which cannot be removed by any less harmful means than that of A killing B. (In order to simplify the reasoning here, I refrain from discussing cases in which B asks A to kill B, as when Gaius Gracchus asked his slave to kill him. These would be cases of suicide, where the justification would be different from the cases under examination here.)

A would not be morally justified (according to the PGC II) in killing B if A's only reason for doing this were that B was a generally hated person and that a civil war would break out should B continue to live, a civil war which would mean the deaths of thousands of people. As long as B is not hated for having actually violated other agents' freedom and safety, it does not matter what people believe about B. Should civil war break out, this is an effect of the mistaken beliefs of many people and these people should be held responsible for that effect, not B (or A, for not killing B).

Here somebody might want to object that, according to the criterion regarding Degrees of Causal Importance for Action, very many agents will be deprived of goods necessary for their agency in order for one person's necessary goods to be protected. When the goods in question are of the same kind (life), should not some quantitative considerations decide the content of a solution of a conflict between them: the right to life of many individuals (where each one of them has this right) against the right to life of one individual?

The answer to this objection will be that although the conflict is between rights to one and the same kind of good, namely life, it is not the case that we can decide its solution by referring only to quantitative considerations. If the people hostile to B try to take his life without B previously having harmed them in any way, they incur an inconsistency in the equality of rights in their own favour, the removal of which justifies an interference with their own rights. This is not affected by their being in a majority position. (See also my discussion of the
Principle of Intervening Action, below.)

In order for quantification to enter the theory of which the PGC II is the supreme principle, it is a necessary, but not a sufficient condition that the parties of a conflict of rights must be equally justified (i.e., none of them shall have incurred an inconsistency in his own favour which justifies an interference with his exercising the right in question) in claiming their rights to goods which are of the same degree of causal importance for action. Another condition is that there is no way in which the agent can avoid infringing the right of one of the parties.

A tragic example of such a conflict would be a case in which you are driving a car too fast and suddenly have to choose between hitting one pedestrian or hitting twelve pedestrians (Gewirth gives this example in *Reason and Morality*, pp. 353-354). In this case you should choose to hit the one pedestrian. The reason for this is not of a welfare-maximizing or utilitarian kind — if it had been a question of making twelve people extremely happy by harming another person, it would have been wrong to do so, no matter whether the happiness of the twelve outweighed the sorrow or pain felt by the one being harmed.

The reason for the choice is rather that it is the least bad choice in terms of the equality of the right to freedom and safety, which is protected by the PGC II. It would be worse to have the rights of twelve individuals violated than having one person's right violated: that would constitute twelve individual violations of a right as compared to one such violation.

It is also important to bear in mind that this is a case in which the agent cannot choose a line of action which does not infringe anyone's rights. No matter what he does, he cannot avoid doing something which is morally wrong according to the PGC II. The only thing he can do is to choose the less morally wrong alternative. This makes the case of the car-driver unlike the case of A, mentioned above, who can refrain from killing B, even if this will result in a civil war.
To sum up this analysis: For quantification to enter ethical reasoning according to the PGC II, three conditions must be satisfied:

(1) All parties to a conflict of rights must be at least prospective recipients of an action of one and the same agent (since the PGC II is about the responsibilities of an agent regarding those towards whom he acts — not regarding the whole of mankind or all sentient beings).

(2) As things are, the agent cannot avoid performing an action which will infringe the right of at least one of the parties.

(3) The rights of the parties of the conflict concern the same type of goods, having the same degree of causal importance for action. Moreover, everyone belonging to the parties of the conflict is entitled to have his rights protected and not have them infringed by the agent. The criterion regarding Degrees of Causal Importance for Action cannot solve the conflict for the agent, nor can the criterion regarding Prevention or Removal of Inconsistency.

An agent's rights to freedom and safety are absolute if the criteria mentioned in (3) do not apply to them. Any interference with them is then conclusively prohibited by the PGC II. Even when the car-driver in the example above chooses the least bad act by hitting one instead of twelve pedestrians, he still violates one person's right to life, which is not justified by the PGC II and, accordingly, is morally wrong. (He is responsible for what happened, since he could have avoided driving too fast. For him not to be responsible for what happened, he must have had his status of being an agent altered — no longer being a person controlling his behaviour by unforcedly choosing to act as he does, having relevant knowledge of the circumstances of his action and having a purpose which constitutes his reason for acting. If he was driving his car under threat from an armed desperado or was driving fast in order to save his girlfriend from some catastrophe, this would affect his control over his behaviour in a responsibility-limiting way, provided that he did not control by his unforced choice his getting into a situation where he then could not control his behaviour in the way required for him to be an agent in the sense relevant to
The PGC II principle

moral and practical precepts.)

It is by now possible to understand why a rights-holder interpretation of a constitutional rights type of ethical theory, having the PGC II as its supreme principle, will hold that the beating of A by the police (the example in section 5.2) is conclusively morally wrong. In the absence of justificatory reasons for an interference with A's rights, which could have been provided by the criteria referred to above, had the situation been different in such ways that they should apply, the police should not have interfered with A's freedom and safety.

In what follows, I will in a similar way argue that SSMI is conclusively morally wrong, according to the PGC II.

5.5 The concept of a morally unrestricted agent.

As we saw at the beginning of the previous section, it is possible to state the PGC II in terms of entitlement, this kind of entitlement being equal to what I have called entitlement I in section 5.3. Stated in this way, the PGC II says that all agents are equally entitled to freedom and safety, where freedom and safety are to be understood in a general way, constituting the conditions necessary for all agency. When the entitlement of one agent conflicts with that of another, this conflict should be resolved according to the criteria stated in section 5.4.

Now, returning to the formulation of the criteria of what should be judged as an act of injustice (section 5.2) we are reminded that the concept of entitlement appears right from the start: "If A has the property $p$, A is entitled to treatment $t$." If we are going to interpret "A is entitled to treatment $t" as "A is morally entitled to $t"," i.e., in terms of entitlement I, this implies a certain interpretation of "A has the property $p". In order for us to understand "is entitled to" as "is morally entitled to", the property $p$ must (given the PGC II) be understood as the property of being an agent or at least a prospective agent. (I will soon amend this formulation slightly.) The corresponding treatment $t$ is then to be understood in terms of the non-interference with the freedom and
The PGC II principle

safety of a (prospective) agent which is required by the PGC II.

Considered in this way, it would constitute an act of injustice if someone, being an agent, was interfered with as regards his having the freedom and safety necessary for his agency.

Still, such an interference with the necessary goods of an agent is not conclusively wrong according to the PGC II. As we noticed, such an interference is morally justified regarding one agent A when A, by acting towards another agent B, has violated B’s rights to freedom and safety or when A’s and B’s rights conflict with each other in a given situation and B’s right concerns a good causally more important for action than does A’s right, and B’s right can only be upheld by interfering with A’s exercise of his right.

Under such circumstances the interference with A’s rights would not, according to the PGC II, constitute an act of injustice. So the property \( p \) should be interpreted as "being an agent who does not violate the rights of another agent in such ways that interference with his own rights is justified by the criterion regarding Prevention or Removal of Inconsistency and whose rights do not conflict with those of another agent in such ways that interference with his own rights is justified by the criterion regarding Degrees of Causal Importance for Action". I will shorten this to "the property of being a morally unrestricted agent".

To interfere with a morally unrestricted agent’s having freedom and safety is not justified and cannot be justified by the PGC II. Such interference is, according to the PGC II, conclusively morally objectionable. In the absence of the applicability of the two criteria referred to above, there is no way of justifying it. To interfere with any agent’s having his necessary goods is always prima facie wrong; in the absence of justifying circumstances (the applicability of the two criteria) it is also conclusively morally objectionable.
5.6 The relation between SSMI and the prohibitions prescribed by the PGC II.

I will in this section argue that SSMI, the sacrificing of someone who is morally innocent regarding relevant acts in the situation of the sacrifice as a means to the intimidation of other people, is conclusively morally objectionable according to the PGC II, due to the conclusive prohibition regarding interfering with the necessary goods (for action) of a morally unrestricted agent. This is so, since anyone who is morally innocent regarding some relevant act in the terroristic situation and about to be sacrificed as a means to the intimidation of others, must necessarily also be a morally unrestricted agent under these circumstances. This does not exclude the possibility that the agent who is to be considered as morally unrestricted under some circumstances may also appear as an agent under other circumstances where interference with his freedom and safety is justified by the PGC II. If we specify one situation as a terroristic one and in which the political terrorist wants to overthrow a despotically government and for that reason kidnaps and tortures B, who is a cousin of the Prime Minister but who has done nothing to support the government, then B is morally innocent regarding the relevant act of supporting a despotically government. (It is here assumed that supporting the government in question is morally wrong, according to the PGC II.) There is in this situation nothing that (according to the PGC II) justifies anyone's interfering with B's freedom and safety.

However, B is also a notorious drunkard who regularly hits his wife on coming home from his Saturday night celebrations. Under these circumstances it would (according to the PGC II) be justified if someone else, say B's neighbour D, interfered with B's freedom and locked him up until he got sober again. By violating his wife's right to safety, B assumes more rights in his own favour than is justified according to the equality of rights to the goods necessary for agency prescribed by the PGC II. In order to remove this inconsistency, interference with B's freedom is justified by the PGC II.
The reason for the necessary connection between the concepts of being a morally innocent prospective victim of a terroristic act and being a morally unrestricted agent (in relation to the terroristic agent) is that the concept of moral innocence is defined (section 3.5) in terms of not having performed a certain act which is judged to be morally wrong and, according to the PGC II, a morally wrong act is an act which violates or interferes with the equality of rights to freedom and safety to which every agent is entitled. An agent who performs such an act can justifiably have his freedom and safety interfered with in order to remove the inconsistency he has incurred in his own favour.

This is justified according to the criterion regarding Prevention or Removal of Inconsistency, but this criterion is not applicable to the victim in an SSMI case, since it is already assumed that the victim in such a case is morally innocent regarding the acts relevant to the political terroristic situation.

Otherwise such interference is only justified according to the criterion regarding Degrees of Causal Importance for Action, but this criterion is also not applicable to a victim in an SSMI situation, since this situation cannot properly be interpreted in terms of the victim having his rights overridden because they conflict with more fundamental rights (in terms of goods necessary for agency) of another agent. The political terrorist, when performing a political terroristic act, is not an agent forced to solve a conflict between rights. He is trying to achieve a political goal by means of intimidation and that is why he sacrifices his victim. The agent who faces a conflict of rights is acting in a situation where he cannot avoid infringing a right of at least one of his recipients, no matter what line of action he chooses. The political terrorist, however, can refrain from sacrificing his victim and even if this should mean that he thereby also refrains from putting an end to some morally objectionable activities being conducted by other agents (whom he meant to intimidate by his sacrificing of his victim), he is not responsible for their continuing these activities (which will be shown below).

So, the victim is, if he is morally innocent (regarding acts relevant to the political terroristic situation), also a morally unrestricted agent in relation to the
political terrorist.

That the criterion regarding Degrees of Causal Importance for Action does not apply here might seem surprising, since one argument often put forward by defenders of political terrorististic activities is that the rights of the many who are oppressed should be given priority against the rights of the few who are sacrificed (kidnapped, killed, etc.) in order to have the freedom of the many enhanced. This seems to be a way of invoking the criterion regarding Degrees of Causal Importance for Action. This is not the case, however. The criterion in question is applicable to cases like those in which the agent faces a conflict between two rights, not being able to satisfy both, but being able to satisfy one of them. Then the criterion prescribes that he shall act so as to uphold the right protecting a good causally more important for agency than the good protected by the other right in question.

If A has promised B to be at B's house and help him mend a bicycle at 5 p.m. and on his way to B sees C, who is crippled, in a burning house, A has to choose between breaking his promise to arrive in time at B's house and allowing C to die in the flames. As the case is described here, the application of the criterion regarding Degrees of Causal Importance for Action will result in the prescription that A shall help C to get out of the burning house. Life is a causally more important good for agency than is this instance of promise-keeping in the sense that while breaking the promise to help mending a bicycle at a certain time frustrates one or a few possible actions of the agent to whom the promise was given, the loss of his life frustrates all possible actions for the agent concerned.

In the case of A, B and C, the criterion regarding Degrees of Causal Importance for Action applies to A's choice of action, since he has duties to both B and C and since the PGC II prescribes that A, when he acts, must not violate the rights to freedom and safety of any of his recipients. There is then a conflict of duties for A which he can solve according to the criterion mentioned above and since the right of C concerns a good causally more important for action than does the right of B, A's overriding duty is to C. If A had ignored C and left him to burn, he would have done something morally objectionable according to the
PGC II. As a direct result of A's inaction C would have died, something which A could (and thereby also should) have prevented.

It is not like this in an SSMI case. Here a terrorist agent T might have to choose whether to sacrifice (i.e., kidnap, or threaten to kill, or kill, or harm in some other serious manner) V who has done nothing to support the oppressive government which T wants to overthrow, or to allow the government to go on oppressing the people, using the police and military forces.

According to the PGC II, the criterion regarding Degrees of Causal Importance for Action will not apply to this case, since T does not face a conflict of duties here. It should be kept in mind that the PGC II prescribes to the agent that he shall not by his actions infringe the freedom and safety of any of his recipients, not that the agent by his actions shall maximize the sum of rights satisfied or the sum of right-holders not having their rights violated (by himself/herself or by other agents). If T has to choose between himself violating the right to life of one person or not preventing someone else from violating the right to life of several persons (assuming that in both cases the victims are morally innocent regarding acts relevant to their being killed and also assuming that if T kills the single victim, the others will be saved), T must choose the latter alternative.

T's only duty in this case concerns V, since V is the prospective recipient of his (T's) act. If T harms V, T is responsible for a morally objectionable act, according to the PGC II, which he is not if instead the oppressive government continues its activities. This is so, even if his killing of V had made the government stop its oppression. The PGC II view of moral responsibility in a case like this is expressed by a principle used by Gewirth and called the Principle of Intervening Action.

This principle is formulated by Gewirth as follows:

... when there is a causal connection between some person A's performing some action (or inaction) X and some other person C's incurring a certain harm Z, A's moral responsibility for
Z is removed if, between X and Z, there intervenes some other action Y of some person B who knows the relevant circumstances of his action and who intends to produce Z or who produces Z through recklessness. The reason for this removal is that B's intervening action Y is the more direct or proximate cause of Z and, unlike A's action (or inaction), Y is the sufficient condition of Z as it actually occurs (Gewirth (1982) p. 229).

In the case I have presented here, T by refraining from sacrificing V is not morally responsible for the continued oppression which the people are subjected to by the police and the military forces, since there exist intervening actions here, consisting in the orders of the government to its police and military forces to continue their oppressive activities. As it actually occurs, it is not T's refraining from sacrificing V which is the direct cause of the continued oppression; it is the orders of the government. The government and its officials have the sole and full moral responsibility for the oppression they subject the people to.

If, on the other hand, T wanted to harm the members of the oppressive government in order to stop their oppressive activities, he is justified in doing so, according to the criterion regarding Prevention or Removal of Inconsistency, provided that it is necessary to inflict harm in order to achieve the goal of ending the ongoing oppression and provided that T does not inflict more harm than is necessary to restore an equality of rights to freedom and safety.

Someone might here want to invoke the case discussed in section 5.4 about the man driving his car too fast and being forced to choose between hitting one or hitting twelve pedestrians. Could not an SSMI case be described in terms similar to those being used in describing that case? Here we have the rights to freedom and safety of one agent (the prospective victim) to be matched against the rights to freedom and safety of almost everyone else in the society in question. Even if it is an evil thing to sacrifice V, it would (analogously to the case of the car-driver) be a less evil thing to do than to sacrifice the individual rights of a multitude of agents.
The PGC II principle

This analogy is a mistake, however. In the case of the reckless car-driver, the Principle of Intervening Action does not apply. His reckless driving will be the direct cause of either one or twelve casualties and he will be responsible for a morally objectionable act, no matter how he chooses (although it is less morally objectionable for him to kill one pedestrian than it is to kill twelve). The terrorist agent T, on the other hand, is not responsible for the morally objectionable act of large-scale oppression if he refrains from killing V and the government goes on oppressing people — the responsibility in that case stays with the government, since its orders about continued oppression are the more direct or proximate cause of this oppression.

My conclusion is that an agent who is a morally innocent (regarding some act relevant to the terroristic situation) victim of a political terroristic act is to be considered as an unrestricted agent in relation to the political terrorist and hence his victimization is a conclusively morally objectionable act, according to the PGC II. (Of course, outside this terroristic context he might very well have his freedom and safety interfered with for other reasons and by another agent and in accordance with the content of the PGC II.)

So we will end this chapter by concluding that the SSMI thesis is justified by the PGC II.
6. A possible justification of a political terrorist act.

6.1 The republic of Nova Xanadu.

The SSMI thesis does not apply to all ethical problems arising in connection with political terrorist acts. It applies to the problem regarding morally innocent victims of such acts, and I have judged that problem to be the most important one to consider in this work.

Among other problems of the ethical kind in this context are such as whether a government, protecting a just society, may be allowed to employ terroristic means which would not be allowed to individuals or groups acting in defence of something valuable to them. Is it part of the prerogatives of a government, defending a just society, to order terroristic acts in the same way as it is entitled to order its police and military units to use force in putting an end to street riots?

Another question concerns the protection of civil rights when such protection conflicts with strategies to combat political terroristic activities (assuming that it is morally justified to combat such activities). An example of this would be a case in which the right of citizens to free information conflicts with a strategy for eliminating the intimidatory effects of a certain political terroristic act by banning the news media from the scene of the terroristic event (but allowing the media access to this area immediately after the terrorists have been defeated).

Another example of this kind would be a case in which the mail and telephone calls of certain individuals are checked secretly in order to detect possible terroristic connections.

A major problem in the context of political terrorism is, of course, what goals or aims could morally justify political terroristic acts. I have in the present work been discussing the SSMI thesis in which it is claimed that certain
political terrorist acts, namely those in which morally innocent (regarding some acts relevant to the terrorist situation) people are sacrificed, are never morally justified, no matter what goal is expected to be achieved by these acts.

I have not, however, excluded the possibility that in cases where the SSMI thesis does not apply, political terrorist acts might be morally justified. In concluding this work, I will by way of example and a few clarifying remarks indicate how this justification of a political terrorist act can take place. I will continue to use the PGC II as the supreme moral principle in this process of justification regarding a kind of political terrorist acts to which the SSMI thesis does not apply.

In the republic of Nova Xanadu there has been, until recently, an almost complete consensus regarding the constitution of the republic. This constitution gives legal protection to each citizen's equal right to freedom and safety. Everyone is free to express his opinions on political issues, free to participate in the political process and, by means of progressive taxation, guaranteed a certain minimum standard of social security.

Some years ago, this consensus was weakened as a result of some geologists finding gold in the southern part of Nova Xanadu. Shortly afterwards, citizens of the south began to express the opinion that it would not be fair to let the rest of the republic share the profits of the gold mines equally with them. This opinion gained considerable support in the southern region and, when the government remained inactive, the republic of South Xanadu was proclaimed, with its own army and government.

Now this constituted a threat, if not to the republic of Nova Xanadu itself, at least to some of the constitutionally protected rights of the citizens of that republic. Without the tax revenue from the south, it would be impossible to maintain the social security system of the highly populated, but not economically self-sufficient northern part of the republic.
The government of Nova Xanadu tried to negotiate with the rebels, but the answer from South Xanadu was that as far as they were concerned the northerners were foreigners and it was not in the interest of the south to give them any support. The rebels declared themselves prepared to make use of military means to defend their independence.

In order to cope with the rebellion and save the unity necessary for the preservation of the constitutionally protected goods of all citizens of Nova Xanadu (northerners as well as southerners) the government of Nova Xanadu had to choose (let us assume) between only two lines of action:

1. To try to conquer the rebellious region by military means.
2. To arrest and kill the leaders of the rebellion and thereby deter the southerners from further aggression.

Strategy (1) would mean civil war and at least 1,000 dead men on both sides; strategy (2) would have as an immediate result that about 30-40 rebels are put to death. It can further be assumed that both strategies will achieve the intended goal: the preservation of a united republic of Nova Xanadu.

Strategy (2) is a strategy including political terroristic acts (as defined in chapter 2). I will argue that this strategy (of the two mentioned above) is justified by the PGC II.

I will in the next sections explain (a) why the PGC II justifies this strategy and (b) how the PGC II justification differs from a utilitarian justification (I assume that such a justification of strategy (2) is possible as well).

6.2 The PGC II justification.

The conflict between Nova Xanadu and South Xanadu is, to a great extent, formulated as a conflict of right-claims. The southerners claim a right to freedom (independence from the republic of Nova Xanadu) and the northerners
claim a right to safety (not being compelled to give up their social security system).

According to the PGC II, conflicts between rights can be handled either along the lines indicated by the criterion regarding Degrees of Causal Importance for Action or according to the criterion regarding Prevention or Removal of Inconsistency (section 5.4).

My line of argument will be as follows. First, I will examine whether there really is a conflict of rights here (although there is certainly a conflict of claims to rights). I will argue that the southerners' claim to a right to independence is not justified by the PGC II as a specification of the right to freedom justified by that principle.

Second, I will argue that the criterion regarding Prevention or Removal of Inconsistency applies to this case in such a way that the government of Nova Xanadu is justified (according to the PGC II) in using the means necessary to put an end to the rebellion.

When the PGC II prescribes for every agent that he shall always act so that he does not infringe the freedom and safety of the agents or prospective agents towards whom he acts as well as of himself, two things should be clear about the content of this prescription:

1. Every agent is required not to infringe the freedom and safety of others; he is not required to maximize these goods for anyone.

2. We are here talking of freedom and safety in a restricted sense, being the necessary conditions of the performance of all voluntary and purposive action, not of the various objects different agents might use their freedom and safety to achieve.

The PGC II prohibition against infringing someone's freedom covers such acts as subjecting someone to coercion physically or mentally and deceiving and disinforming someone in a way that undermines his ability to exercise control of his actions by his own unforced and informed choice.

The freedom the rebels of South Xanadu claim as a right is a freedom to
decide for themselves how their natural resources are to be utilized, but also a freedom to govern themselves, make their own laws, and so on.

Now this economic and political right-claim is not by itself contrary to the content of the PGC II; it does not deny that principle. On the other hand, the claim is not justified by the PGC II, either. The claim goes beyond the demands of the PGC II, since that principle concerns the protection of what is necessary for the performance of actions while the claim of the rebels is intended to safeguard further advantages for them, among which the important one is not to have to share the income from the gold mines with the people up north.

The claim of the rebels could have been indirectly justified by the PGC II if it had been the case that the south was being oppressed by the north within the old republic of Nova Xanadu and the coercion to which southerners were subjected made them, as individual agents, unable to perform actions controlled by their own informed and unforced choice. Then a demand for political and economic independence could be justified by the PGC II as a means to secure the rights protected by that principle. This is not the case, however. The government of Nova Xanadu is not an oppressive one. The rights to freedom and safety protected by the PGC II were safeguarded and respected by that government. Consequently, the PGC II does not provide any justification regarding the right-claim put forward by the rebels.

Since there was no conflict between two rights in this case (according to the PGC II), the criterion regarding Degrees of Causal Importance for Action does not apply here. The other criterion belonging to the PGC II, regarding Prevention or Removal of Inconsistency, does apply, however. This is so, since the rebels, by refusing to pay taxes to the central government of the republic of Nova Xanadu, disrupt the equality of rights prescribed by the PGC II by assuming a right to a larger extent of safety for themselves than they are willing to grant to the rest of the citizens of Nova Xanadu. This inequality of rights is not only not justified but is also morally wrong, according to the PGC II.

By their rebellion the southern citizens can be depicted as subscribing to a statement like "Our rights to freedom and safety are more extensive than are the
rights to freedom and safety of those people living up north", a statement which contradicts the PGC II.

By upsetting the equality of rights prescribed by the PGC II the southerners incur an inconsistency in their own favour, the removal of which is demanded by the PGC II.

The people of the northern part of the republic will suffer hardship because of the rebellion of the south. They will suffer, if not a complete loss of safety, at least a severely diminished safety. They can no longer depend on state support in order to get adequate and nourishing food and decent houses to live in (although not all of them depend on the state in this respect). They will suffer a drastically diminished standard of living. There is no conflicting and more important right to freedom or safety of other agents which justifies this loss. The rights which are protected by the PGC II were already safeguarded within the old republic of Nova Xanadu.

It could be objected here that I seem to have contradicted myself, or at least the PGC II. That principle, it was claimed before, does not require that the agent should maximize the freedom and safety of his recipients. Why, then, is it morally wrong for the southerners to refuse to contribute to the safety of the northerners? The rebels do not take anything from the northern part of the republic, they just refuse to give something to that region. What is morally objectionable in this?

My answer is this: sometimes the refusal to give aid will have the same consequences as active inflicting of harm and can be just as bad, morally speaking. If A sees B who is about to drown and A could save B's life without thereby incurring any comparable risk to his own life and A is the only one around who is able to help B, then a refusal from A to save B from drowning is almost as a bad, in moral terms, as if A had deliberately pushed B into the water in order to kill him: A violates B's right to safety by leaving him to drown.

According to the PGC II the agent has a duty to his recipient to help him acquire the freedom and safety necessary for agency and not let an unequal
situation remain between them regarding the possession of these goods, when the agent can do so without thereby endangering his own possession of these goods.

This is not a maximizing principle. The agent is not required to maximize freedom and safety in the world — his only concern is the freedom and safety of the recipient of his act and only to the extent necessary for all agency. Nor is the agent required to give up his own freedom and safety for the sake of the freedom and safety of the recipient just because the recipient would get more satisfaction from exercising his freedom and safety than the agent would get from exercising his freedom and safety. The agent is not required to sacrifice his own necessary goods for the benefit of the recipient — only to help the recipient to acquire these goods for himself when doing so does not deprive the agent of his own necessary goods.

In the case of the northerners and the southerners of Nova Xanadu, the southerners refuse to give what help is necessary to the northerners for them to preserve their safety. By withdrawing their resources from the north, the rebels act like an agent who deliberately refuses to help a drowning man whom he could have saved without endangering his own life. There is here a transaction which the southerners both initiate and (at least in the beginning) control, having the northerners as their recipients and having the ability to decide to what extent the northerners will participate in the transaction as agents. The moral wrongness of the southern rebellion consists in the initiating (by the southerners) of a transaction which upsets an original situation of equality concerning the goods of freedom and safety, necessary for all agency.

Now the PGC II prescribes that the inconsistency which is brought about by the southerners shall be removed. On the other hand, the PGC II does not allow the government of Nova Xanadu to use any available means to put down the rebellion. Excessive use of violence, i.e., violence more extensive (in cruelty or in time) than is necessary to remove the inconsistency brought about by the
rebels, is not permitted. If the government makes use of such excessive violence, it is the government which incurs an inconsistency in its own favour, by failing to respect the rights of citizens which it could (and thereby, according to the PGC II, also should) respect.

Further, since the PGC II is an agent-related principle, the government of Nova Xanadu must restrict its use of violence to agents who are actually and voluntarily involved in the rebellion. The rights of southern citizens who do not participate in the rebellion (and thereby have not violated the equality of rights prescribed by the PGC II) should be kept inviolate.

Given all this and recalling the choice between strategies (1) and (2) in the previous section, which we have assumed the government must face, it is by now obvious that strategy (2) is the preferable choice according to the PGC II, since it is more restrictive in its application of violent means than is strategy (1) while at the same time satisfying the condition mentioned above, that only people actually and voluntarily involved in the rebellion should be subjected to punishment.

Now it is also obvious that strategy (2) is a strategy which consists in the performance of political terroristic acts, according to the definition of the concept of political terrorism which I suggested in section 2.1. Officials representing the government of Nova Xanadu will be performing violent acts (killing rebel leaders) with the intention of intimidating a group of people (other rebels and potential rebels) and thereby bringing about a political goal (the preservation of the unity of the republic).

We may conclude that the PGC II does not conclusively prohibit all political terroristic acts. On the contrary, the PGC II might under certain circumstances justify the performance of political terroristic acts.
6.3 The main difference between the PGC II justification and a utilitarian justification.

According to the PGC II it is absolutely prohibited to victimize a person, no matter for what reason, when that person is a morally unrestricted agent (see sections 5.5 and 5.6).

The PGC II justifies, however, the victimization of persons who have themselves violated the equality of rights prescribed by that principle, when such victimization is the least violent effective means to remove the inconsistency that has occurred (see the previous section).

Now, in the case of the government of Nova Xanadu and the southern rebels, the victimization of the rebel leaders could be justified by other ethical principles than the PGC II. One such principle could be a maximizing principle of the act-utilitarian kind. What should be maximized according to such a principle could be happiness, satisfied preferences or interests. As long as no qualifications are made (such as valuing some preferences or interests very much more than others), I am confident that the interests or preferences of the southern rebels will be outweighed by the interests or preferences of the northerners, because the latter hold on to their interests or preferences at least as intensely as do the former and they outweigh them by far in number.

So, an act-utilitarian principle like the one I have depicted here will end up justifying the terroristic acts of the government of Nova Xanadu, just as the PGC II has done.

There is a great difference, though, between their justifications. While the PGC II prescribes that only individuals voluntarily and actively engaged in the rebellion should be victimized (in the event that anyone has to be victimized), the act-utilitarian principle does not insist on any qualification of this kind.

If, for instance, it happened to be the case that the killing of two persons who had nothing at all to do with the rebellion would suffice to put an end to the rebellion — let us call this strategy (3) — the utilitarian principle would in all probability recommend that this should be done, instead of killing 30-40 active
A possible justification of a political terrorist act

rebel leaders (which is the PGC II strategy).

I say "in all probability", since I do not want to exclude, a priori, the possibility that a utilitarian would regard the negative effects of killing two innocent persons as being worse than the negative effects of killing 30-40 active rebel leaders. I will consider this possibility below as an objection to my example.

The reason for a choice of strategy (3) would be that in terms of happiness, satisfied preferences and interests, etc. that are to be maximized, there will, in all probability, be less decrease in these goods if only two people are killed instead of 30-40 people. And if the goal (the preservation of the unity of the republic) is secured according to both strategy (2) and strategy (3), the act-utilitarian principle would recommend that strategy which is likely to have the lowest costs in terms of what the principle prescribes shall be maximized.

The obvious objection to this example is that I have not estimated the outrage that will be felt among northerners as well as southerners when it becomes known that the persons killed were innocent regarding the rebellion. This outrage could be expressed in terms of frustrated preferences, interests, etc. and could be great enough to outweigh the benefits of the killings.

Now, there are at least two ways to meet this objection. The first is simply to deny its plausibility. If the republic of Nova Xanadu is preserved and all citizens in the northern part of the republic are aware of their social security being dependent on the unity of the republic, these citizens are not likely to be outraged by knowing that their safety is won at the price of the death of two innocent persons. They will regret these two deaths, but when the killings have taken place they will not feel outrage — it is simply not psychologically plausible. After all, these two southerners who were killed were anonymous to the northern citizens, while each northerner in a very direct way could feel the threat to his own safety and the safety of his kin as long as the rebellion went on. (Many Swedish citizens regretted the permits to transport troops across Swedish territory granted by the Swedish government to the German army during World War II; however, given the desired result that Sweden was kept out of the
war, few of them were outraged by these concessions.)

I really do not believe that it would be a hard job for the act-utilitarian principle I have assumed here to justify strategy (3), given a reasonable estimation of the preferences and interests people actually have.

The second way to meet the objection that the outrage caused by the killings of two innocent persons would make it impossible for an act-utilitarian principle to justify these killings, is simply to provide the example with further features, without changing its main content. If it is only the government and its officials who plan and perform the killings, who know that the victims are innocent regarding the rebellion and everyone else, including people in the south, believes that they were active rebels, then no one (except maybe a few government officials and some relatives of the killed) will feel that any of his preferences and interests are frustrated.

If it is objected here that it does not matter that people do not feel that their interests, etc. are frustrated, if it is actually the case that these interests, etc. are frustrated, I have two answers to give:

First, the original objection was that the outrage caused by the killing of two innocent persons would prevent an act-utilitarian from justifying that act. But what would "outrage" denote, if not emotions actually felt by people? Thus, if it is kept secret that those who were killed were innocent, the outrage objection fails, since there is no widespread feeling of outrage among the people of Nova Xanadu.

Second, if we leave the outrage objection and instead go for another line of argument, we could say that what should be maximized are the sum of preferences, interests, etc. being satisfied. Thus, if we assume that it is in the interest of all, or most of, the people that no one who is innocent with regard to a certain activity is to be killed on the pretext that he is responsible for that activity, then that interest is frustrated when the two southerners are killed, no matter what people believe about these killings. But then another question arises: given that there exists such an interest that no one shall be killed for something he has not done, is this always the most important interest to satisfy?
In the case I have described here, I do not think so. Why should national survival and public safety be ranked as interests of less importance than the killing of an extremely limited number of innocent people for one who is trying to maximize the sum of preferences, interests, that are satisfied? Do we not in other cases judge national interests to be of weightier concern than interests of individuals (for instance, in just wars)? Is it a psychologically plausible ranking of interests for the people of Nova Xanadu to give the interest of having no one innocent killed absolute priority over the interest of national survival? Let us grant that it is one interest to be considered that no one innocent shall be killed, but is that interest supposed always to outweigh the interests of national survival and public safety? What kind of interest are we then talking of? Would it not be a kind of interest which is separated not only from the actual beliefs of people (it was granted in the argument that the killings could be contrary to the interests of most people even if they, themselves, did not believe so) but also from what is reasonable for people to believe?

I do believe that a reasonable ranking of interests applied to the case I have described here will give priority to national survival. It is more reasonable to think that interest-satisfaction is maximized by securing national survival rather than by securing the lives of the two innocent southerners.

I therefore maintain that although an act-utilitarian principle justifies strategy (2) when the only alternative is strategy (1) — just as the PGC II does — there is a great difference between these two principles regarding the ways in which they perform the work of justification. This is made clear by introducing strategy (3), which would be preferred to strategy (2) by the act-utilitarian, but rejected by the PGC II.

The difference between the two principles could be expressed like this. The PGC II is an agent-related principle. It prescribes to every individual agent something that he must never do to any recipient of his actions. The agent shall never infringe the freedom and safety of any of his recipients, except when this is justified according to either the criterion regarding Degrees of Causal
Importance or the criterion regarding Prevention or Removal of Inconsistency.

The act-utilitarian principle, on the other hand, is concerned with certain end-results that are to be achieved to a maximal extent and it is concerned with the ways in which this is done only in so far as these ways affect the outcome. The way which maximizes the desired outcome is to be taken. No further restrictions are laid upon our choice of action.

6.4 Hare's theory.

In order to substantiate my criticism of utilitarian ethical thinking I am going to examine the ethical theory of Richard M. Hare, as expounded in his book *Moral Thinking*. In this book he has tried to unify utilitarian ethics with moral intuitions which are held by many of us but not considered as being grounded on, or even justified by, the Principle of Utility.

Hare seeks to show that the moral principles and intuitions we have are — if they are defensible — justified at the level of "critical thinking", where we reflect upon which principles to adopt and teach our children and how to solve conflicts between duties and rights. In our everyday life (at the "intuitive level") it is enough for us to stick to the principles and rules which we have been taught. But in cases when they conflict with each other or when we find ourselves in new situations for which we lack adequate principles, we have to perform some critical thinking and at this level of reflection we are supposed to think along the lines of a preference-utilitarian.

There is a restriction that we shall have our preferences tested against logic and facts (p. 102), but no restriction is made concerning the content of a preference which has passed that test:

... at the critical level no discrimination is allowed on grounds of content (p. 146). It is in accordance with our method to assign equal weight, strength for strength, to all preferences alike, provided that they survive exposure to logic and facts.... (p. 180.)
When we decide what principles to adopt at the level of critical thinking, we do this by comparing the strengths of different preferences involved in our decision. We are supposed to perform this comparison in an impartial way, not giving more (or less) weight to our own preferences as compared to those of other persons (p. 129). Our choice of principle at the critical level should satisfy the preferences which are the strongest among those involved. This means that a fanatic under certain circumstances might be favoured by Hare's method:

... he has to claim that his own preferences (together with those of people who think like him) are so strong and unalterable that they will continue to prevail over those of the others whom his actions will cause or allow to suffer. If this claim be granted, then critical thinking will endorse the universal prescription that in such cases the fanatic's preferences should be implemented. (p. 181.)

Hare's defence here is simply that cases like this "are not going to occur" (p. 182). Unfortunately, he has to take to this line of defence more than once when discussing problematic outcomes of the process of critical thinking. When Hare criticizes an example devised by Amartya Sen regarding a sadistic policeman who gets more pleasure from torturing a romantic dreamer than the latter gets pain from that torture, he admits that if such a case of torture appeared in the world, the torturing should be done (according to critical thinking), but adds:

It is fairly obvious that no real case like this will occur. (p. 141.)

Sometimes critical thinking would advise that we perform acts very much contrary to our moral intuitions, but lack of knowledge on the part of the agent might prevent him from performing such acts. Here it is a certain knowledge which is considered by Hare to be unlikely to be obtained:

Perhaps the sheriff should hang the innocent man in order to prevent the riot in which there will be many deaths, if he knows that the man's innocence will never be discovered and that
the bad indirect effects will not outweigh the good direct effects; but in practice he never will know this. (p. 164.)

Hare seems to be confident that the world, as it is, will never put his critical thinking method to a test which that method cannot handle in a way consistent with our ordinary (intuitive) moral beliefs, although he admits the theoretical possibility of such cases. However, I do not think he has good reasons to be so sure that the events which he considers implausible really will not occur. I believe this is most obvious when discussing the possibility of fanatics being justified in their choice of action by Hare's method. The Iranian revolution and the activities of pro-Iranian groups in Lebanon during the last decade will provide us with some illustrations here.

For a convinced Shiite Muslim of the Khomeiny kind, believing in the blessings of martyrdom and in the duty to engage in the Holy War against various incarnations of Satan (which might include every representative of the US government, military forces and industrial companies as well as similar representatives of European countries allied to the USA), his preferences (together with those of people who think like him) regarding the wiping out of Western political influence and way of living are strong and unalterable enough for him to claim that they will continue to prevail over those of other people whom his actions will cause or allow to suffer.

But it could be objected that the Khomeiny supporter is not impartial between his own preferences and those of, let us say, the American officer he intends to kill. The Khomeiny supporter values his own preferences more just because they are his own or because he has a low opinion of the preferences of the American officer. He is not performing an act of critical moral thinking in Hare's sense.

One crucial concept here is that of external preferences. Such preferences concern other people, goods they want and preferences they have. An individual A having external preferences regarding some other individual, B, does not only compare his own preferences regarding a project x to B's preferences
regarding $x$, but also adds his own preferences about B's preferences regarding $x$. Although A's preferences regarding $x$ are rather indifferent and B's preferences regarding $x$ are quite strong, the addition of A's (negative) preferences regarding B, B's preferences and B's enjoying the result of $x$ will constitute a final balance of preferences in which B's preferences will not be satisfied. (The concept of external preferences is analysed by Ronald Dworkin in his *Taking Rights Seriously*, pp. 275-276.)

Hare accepts that external preferences might be included in the process of critical moral thinking:

... if external preferences are to be taken into consideration, then both those of the fanatic and those of others will have weight; but if not, then neither will. (p. 182.)

Now, it seems obvious that if we accept external preferences to count in the process of critical moral thinking, we cannot expect that the demand for impartiality will always be satisfied in that process. Hare entertains the hope that this will still be accomplished by having the external preferences of everyone involved in a choice situation counted. But this will not do.

Let us consider a simple case of only two persons, Dolores and Estella, both of whom are fanatics. As a preliminary move I will define the concept of a fanatic like this:

A is a fanatic regarding the preference $p$ iff

(a) A wants to implement $p$ regardless of the cost to himself and others of that implementation and

(b) A has an external preference regarding any preference of the form not-$p$ that either anyone holding not-$p$ shall give it up or himself cease to exist.

This denotes a "complete fanatic". To many people what is denoted by (a) would suffice, but I am here only interested in "complete fanatics". In that category we will find the politically most interesting fanatics of today, as well as many of the now active political terrorists.
Dolores despises disco music utterly and is fully convinced that the world would be a better place to live in without that kind of music. Estella loves disco music intensely and wants it to be the only kind of music played and listened to in the world. When Dolores practises Hare’s critical moral thinking method, she finds in herself a very intense preference that disco music shall be put to an end. Of course, Dolores knows that Estella wants disco music to rule the world, but Dolores also has a very intense preference regarding Estella’s preference: Estella’s preference is a despicable preference, the preference of a low life, not worth more than a bug, which one crushes between one’s fingers when it becomes annoying.

Estella, on the other hand, when practicing the critical moral thinking method, finds in herself a negative preference regarding Dolores’ preference, like the one Dolores has regarding her own preference: Estella considers Dolores’ preference as wicked and base, not deserving any respect.

I think Hare accepted the inclusion of external preferences in the process of critical moral thinking, believing that the fanatic, while counting his own external preferences, also would count the external preferences of others affected by his choice of action or choice of principle and so have the intensity of his own external preferences evened out by the multitude of the external preferences of others. But this is not how it works. One problem here concerns the content of the external preferences of a fanatic: how he looks upon and evaluates the preferences of others when these preferences negate his personal preference, the one about which he is a fanatic. Another problem concerns how to solve a conflict between two persons, both of whom are fanatics.

A fanatic is a person who has at least one strong preference which he wants to implement without compromises, regardless of the cost to himself and others of that implementation. When two fanatics try to perform critical moral thinking in Hare’s sense (which by itself it is not psychologically plausible that they will do) they will come to a dead end. When representing to herself Estella’s preferences, Dolores will find them as strong as her own, but heading
in the opposite direction. Estella will come to a similar result in trying to represent to herself Dolores' preferences. (This will hold both for their personal preferences, i.e., the ones about which they are fanatic, and for their external preferences regarding each other and each other's preferences.)

And since it is impossible for both of them to make deals about their preferences, i.e., compromise (if they were able to do so, they would not have been fanatics), nothing has changed by their application of critical moral thinking. That method can only confirm them in their pre-critical convictions about what to do.

In another case, in which a fanatic using the critical moral thinking method represents to himself the preferences of another person who is not a fanatic, the fanatic will indeed turn out to be the one with the strongest preferences. Not only is the fanatic's personal preference more intense than that of a non-fanatic — a non-fanatic would not want to implement his personal preference regardless of the cost to himself and others — but also at the level of external preferences the fanatic will come out as a winner.

I will assume that it is a characteristic of a fanatic that he has an external preference which is negative, strong and absolute (which means that it is of the "always/never" kind, allowing no exceptions) concerning preferences the implementation of which would constitute a negation of the fanatic's personal preference (the one about which he is fanatic). This external preference is of the content that persons holding these aversive preferences either give them up or cease to exist, i.e., die.

Consider once again a case of two persons. A fanatic, Desmond, has as a personal preference (about which he is fanatic) that all American political influence in the Middle East is to be stopped. Another person, Simpson, is an American diplomat and not a fanatic about anything, trying to establish friendly contacts with Arab governments. The preferences of Desmond and Simpson oppose each other. Concerning their external preferences, Desmond wants Simpson to give up his diplomatic work in the Middle East or die. Simpson,
knowing that the fanatic wants to see the end of American influence in the area, has as his external preference that Desmond shall not succeed in his aim, but it is not part of this external preference that the fanatic must give up his preference. To the non-fanatic Simpson it is not important what beliefs and preferences Desmond entertains as long as these are not transformed into actions which threaten his diplomatic work.

There is then a difference in content and strength regarding external preferences between a fanatic and a non-fanatic. When these two kinds of people are involved in a conflict of preferences, the fanatic develops an external preference that the preference of the non-fanatic must (where "must" is a psychological term: it is psychologically impossible for the fanatic to accept the existence of the preference of the non-fanatic) be annihilated: either by the non-fanatic's ceasing to have the preference or by the non-fanatic's ceasing to exist. The non-fanatic, on the other hand, develops an external preference that the preference of the fanatic shall not be transformed into successful action; he does not, however, develop an external preference that either the fanatic's preference or the fanatic himself must cease to exist. If he did, he would himself be a fanatic.

I take it to be a psychological fact that a fanatic's preference to annihilate the preference of a non-fanatic is stronger, more intense, than a non-fanatic's preference not to have the preference of a fanatic transformed into successful action, even when this latter preference takes the form of a preference to actively prevent this from happen. A non-fanatic might have a preference that the preference of another shall cease to exist, such as the wife of an alcoholic might have the preference that her husband's preference for drinking shall cease to exist. But only a fanatic could have the preference that either the preference of another or that person himself must cease to exist. (I will not rule out, though, that we should — morally speaking — be fanatics concerning certain preferences of others. As I have defined the concept of a fanatic it is not part of that concept that a fanatic always and only is fanatic about morally objectionable preferences or that the acts motivated by his fanaticism are always and only
A possible justification of a political terrorist act

morally objectionable.)

Since the external preference of a fanatic is motivated by his strong and intense personal preference concerning a certain object (a preference which is strong enough for him to want its implementation regardless of what this will cost himself or others), it is only natural to assume that also his external preference is strong and intense. I consider it psychologically implausible that someone who is a fanatic about a certain preference would have a weak external preference regarding a preference which opposes the preference about which he is fanatic. To outweigh the strength of a fanatic’s external preference regarding a preference opposing a fanatically held preference of his, it takes at least another fanatic with a similar external preference about him.

So, when a fanatic involved in a conflict of preferences with a non-fanatic practises Hare’s critical moral thinking, he can do so quite safely. He will find himself having the strongest preferences, personal as well as external, just by virtue of being the fanatic he is.

This is a case of two persons. But what would happen in a case involving many agents and in which the fanatic is in a minority position? Would he not, then, when he represents to himself the preferences of everyone in the majority, find his own preferences outweighed? I am not convinced that this will be the case.

It is psychologically reasonable to expect that the intensity of a preference is weakened, the more its implementation is taken for granted. Conversely, the more threatened the implementation of a preference is, the more intensely it will be held. I will not be so bold as to say that this holds for all cases, but I do assume that it holds for fanatics: they probably react with desperation and not with resignation when they feel their goals threatened. Returning to our case of the fanatic Desmond and the American diplomats (assuming that we now have fifty Simpsons), I believe that if these people (Desmond and the Simpsons) try to solve their conflicts of preferences according to the critical moral thinking method, the Simpsons, while still having (each one of them) the external preference that the fanatic shall not transform his preference into successful
action, also enjoy the feeling of "the safety in the crowd". They are so many and Desmond is a single man. Even if he succeeds in killing one or two of them, the others will remain and continue their work. Probably Desmond will be killed himself, before he has killed even five of them. The risk that the diplomatic mission, the success of which each one of them has as his preference, will fail, has decreased relative to the time when there was only one Simpson to carry it out. Would not this new sense of safety diminish the intensity of the preference (although the preference remains) that Desmond shall not transform his preference into successful action? After all, the object of that negative preference has had its probability of occurrence diminished significantly. The intensity of my preference not to acquire malaria is less when I am at home in Sweden than it would be should I stay in a malaria-infested area. I believe that the fifty Simpsons would feel the same about the object of their external preferences.

The fanatic, on the other hand, who wants to implement his preference (that there shall be an end to American influence in the Middle East) regardless of the cost of this implementation to himself and others, will by now hold his preference even more intensely, on account of the increased difficulties concerning its implementation. In Bouloiseau's words, commenting on the revolutionary mentality in France 1793-94:

The attitude of the revolutionary hardened as resistance stiffened. His feelings became more exclusive and intensified.... (Bouloiseau, p. 36.)

A non-fanatic might have felt frustrated and given up his preference, but since a fanatic by definition has a special relationship to a preference about which he is fanatic (wanting to implement it regardless of the costs to himself), he will now cling even harder to it. It is like a mother's protective feeling for her only child, brought to its maximum strength when the child's life or safety is actually endangered, as compared to when there is little or no danger threatening the child and she is only contemplating in her own mind what could endanger it.
A possible justification of a political terroristic act

Since I do believe that the intensity of a fanatic's preference (a preference about which he is fanatic) is like a mother's protective feeling for her only child in this respect, I will at least not exclude the possibility that Desmond, when representing to himself the personal and external preferences of each one of the fifty Simpsons and comparing them to his own personal and external preferences, will find that his own are the strongest one.

I am not good at summing preferences or comparing the strengths of different preferences belonging to different people and, in fact, I believe that this procedure, apart from its artificiality, is not an acceptable method for establishing the moral rightness of a line of action. Is it not a normative question itself, whether my preferences shall be balanced against others? Is it really self-evident that, just because my preferences conflict with those of other people, I shall have to make an impartial representation of their preferences to myself and compare the strengths of them to the strength of mine? Where is the justification of this procedure of weighing preferences against each other, assuming no restrictions on the contents of them and assuming no "free zones" where an individual is allowed to say "The heck with your comparisons and weighings! This I am entitled to, this is no subject of weighing or voting!"?

I am not claiming that all interferences with the objects of my preferences are morally wrong. For instance, I do not object to being taxed by the state in order to provide other people with the freedom and safety they need in order for them to be able agents. This I believe to be morally justified.

But in this case the content of my preference (for instance, to live an easy life, reading Joseph Conrad and Anton Chekhov and listening to the music of the Flying Burrito Brothers, Lynyrd Skynyrd and the Byrds) is morally less important (in terms of the PGC II, at least) to implement than the preference of one or more other persons to have a decent minimum of welfare, and I assume it is a duty of the political authorities to provide every citizen with this minimum. This has nothing to do with the strength of our respective preferences. If it comes to having me executed just to make other people extremely happy, this
would be unacceptable, no matter how strong the preferences might be that this
should be done. The content of the preferences of these other people (to be
extremely happy) is morally less important to implement than the content of my
preference (to stay alive), should these two contents of preferences ever conflict
with each other.

Assuming that comparing strengths of preferences were a morally
acceptable way of deciding what to do, it would be a (moral) mistake not to
demand any restriction on the content of the preferences which are to be
compared with each other. It would be to assume an initial equal moral status of
all preferences prior to assessing their different strengths. But, clearly, there
are preferences that have contents the implementation of which would be
morally unacceptable. So why allow, at all, such preferences to be compared
with preferences that have morally acceptable contents? Why should we, in this
way, show respect for, e.g., the political and ideological preferences concerning
the violent transformation of a society, as held by a Pol Pot or a Khomeiny, no
matter how strong these preferences are? Such preferences need no assessment
of their strength in relation to other preferences in order for us to see that they
are morally objectionable and it is not because we consider them to be weak that
we loathe these preferences. We loathe them because of their contents which
imply a narrow-minded intolerance regarding dissenting views and a lack of
respect for the lives and freedom of individual human beings. To compare such
preferences with other, less ferocious preferences in order to find out whether
they should be implemented is to exhibit moral indifference, rather than a moral
attitude.

The important thing here, however, is not whether the strength of Desmond's
preferences really outweighs the strength of the preferences of the fifty
Simpsons. The important thing is that it is psychologically implausible that the
preference of a fanatic about which he is fanatic and the preference of a
non-fanatic regarding something contrary to the preference of the fanatic will
ever be equal in strength. The fanatic's preference is stronger in the event of a
A possible justification of a political terrorist act

conflict between these preferences, in virtue of his being a fanatic, having a fanatic's way of holding preferences. This difference in strength will be further increased in the fanatic's favour when external preferences are counted, since, in this case too, the fanatic holds such preferences in a more intense way than does the non-fanatic.

Hare misses these aspects of what it means to be a fanatic and having a fanatic way of holding preferences. And since Hare is unwilling to put any restrictions on the contents of the preferences which figure in his critical moral thinking process, he is forced to leave the field open for fanatics to bring home easy victories over non-fanatics in several cases of conflicting preferences. Fanatics do not even have to belong to a majority to win, due to the strengths of their preferences.

The outcome of all this is that there is too much flexibility built into Hare's theory. It cannot really provide us with the assurances and guarantees that Hare himself expects it to do. His comfort is that fanatics are unlikely to appear and that, when they do, their preferences will be defeated by the preferences of non-fanatics. The reality of today has shown us that fanatics are not rare. I hope I have shown here that their preferences are not easy to defeat.

Moreover, in a society which is sufficiently separated from its neighbouring societies not to have to count effects on preferences of people outside its own borders and having a strong fanatical element in its own population (maybe 50 per cent of it), what support could the non-fanatic receive from critical moral thinking when he wants to tell the fanatics that they are doing something morally wrong when they are going to hang him for not praying to the same god as they do?

My conclusion is that if we want to avoid a flexibility in our ethics which might, in cases like the one just mentioned, commit us to justify the deeds of the fanatics (or at least to admit that when they in their closed society compare and weigh preferences they will find their own preferences to be the strongest), then we must put restrictions on what preferences should be taken into consideration. Some preferences should then be excluded before we start comparing strengths.
But this means introducing morality already at the level of selecting preferences suitable for being considered, and then we need a moral principle which itself is not justified by reference only to preferences, to do the work of selection.

6.5 A historical example. Robespierre's justification of terrorism in the defence of a common good.

Another way to justify the use of terroristic means in a situation like that in the Nova Xanadu case would be to apply the common good interpretation of the constitutional rights type of ethical theory (section 5.2).

According to this interpretation the common good in question can be the preservation of a certain kind of society or political system protecting values such as freedom and equality. The rights of the individual in that society must not be given priority over the protection of the system as a whole, although these rights of the individual cannot be overridden for reasons of utility. The common good itself is supposed to be defined independently of (though not necessarily contrary to) the actual desires of people; it is not a happiness-maximizing conception.

An example of such a justification of the right of a government to employ terroristic means in order to secure its own preservation is provided by the French revolutionaries during the violent year II of the republic (22 September, 1793 - 21 September, 1794).

In the autumn of 1793 the government was confronted with foreign invasion, internal armed rebellion and severe economic problems.

Not only was there fear on the part of the government that ex-aristocrats who had stayed in France were conspiring with their fellow noblemen abroad to overthrow the republic. Among the more or less outspoken enemies of the new republic were also representatives of big business: traders and merchants who supported ideas of economic liberalism, supply and demand, and who resented
the policy of the government when that policy resulted in confiscations and requisitions of property for the benefit of the poorer segments of the city population.

This "aristocracy of money" also entertained hopes of being at least as successful and prosperous as they had been under the monarchy, being able to invest their fortunes in land and property and they were, accordingly, annoyed by the radical equality propagated by the government and its most powerful committee, that of Public Safety.

The conflict between representatives of business and radical politicians became serious every time food shortages occurred in the big cities. These were times of profit for the merchants and times of crisis for the poor but also for the radical politicians who had promised to relieve the poor of their misery and who saw the operations of speculators and hoarders as direct threats to everything the revolution stood for in terms of equality and fraternity.

To the socio-economic problems of the republic we should add the fact that not only foreign enemies (Prussians, Austrians, Englishmen and Spaniards) were in arms against France, but also rebels inside the republic. To be able to control this unstable situation, the government resorted to more extreme measures.

On 17 September, 1793 the law of suspects was issued and on 10 October the government was proclaimed to be revolutionary with extraordinary powers.

The law of suspects outlawed anyone who expressed subversive views on the revolution or who could not prove himself to be a trustworthy citizen, besides the already denounced groups of émigrés who had returned to France and rebels caught under arms.

(Various numbers are given for the amount of people arrested as "suspects" during the year II: the correct number is somewhere between 300,000 and 800,000, i.e., between 1 per cent and 4 per cent of the population. About 17,000 were executed — only a minority of them belonging to the nobility and clergy.)

While the military threat to the republic diminished during the winter of
1793-94, owing to the improved abilities of the republican forces, another internal conflict appeared. The revolutionary government was attacked from two opposite directions. One faction, headed by the journalist Hébert, accused the government of being too passive, too lenient towards those who had made themselves rich during the revolution, and of neglecting those who lacked any means of influencing politics. In his paper, the Père Duchesne, Hébert denounced corrupt representatives and greedy merchants, advocating more frequent use of the guillotine and demanding a purge of the Convention.

Another faction gathered around Danton, who had played an important role in the early years of the revolution but had been rather inactive since the summer of 1793. This faction wanted to put an end to what it considered the exaggerations of the revolution, the extraordinary laws and the economic regulations.

The Committee of Public Safety, the most powerful of the organs of the republic, felt threatened by these attacks and when its members, most notably Maximilien Robespierre, had in vain tried to reconcile the factions with the government, the committee decided to wipe them out, which was done during the spring of 1794.

In February, 1794, while both factions were still operating, Robespierre delivered a speech in which he warned of the dangers to the republic, emanating from the internal strife in which groups of ambitious individuals advanced their sectional interests instead of being devoted to the common interest of all citizens, namely the furthering of a democratic republic. In this speech he also gave a justification of the use of terroristic means in the defence of that common interest. I will here make use of Robespierre's speech as an illustration of a common good interpretation of a constitutional rights type of ethical theory, justifying certain political terroristic activities.

I believe that Robespierre's ethical theory could best be classified as belonging to what I have called the common good interpretation, although it would be artificial to demand that Robespierre should be explicit in this matter.
He developed a kind of ethics which united ideas of moral virtues for individuals with ideas of politically desirable outcomes. He accepted no division between ethics and politics: political solutions were always to be morally justified solutions, and no one who in his acts and behaviour displayed signs of being morally indifferent or corrupt was to be allowed to act as a representative of the people:

Dans le système de la Révolution française, ce qui est immoral est impolitique, ce qui est corrupteur est contre-révolutionnaire. (Robespierre, p. 354.)

[In the system of the French revolution, that which is immoral is impolitic, that which corrupts is counter-revolutionary.] Translation mine.

All this is known about Robespierre, but when it comes to the details of his moral/political thinking, it becomes more difficult to form a precise and coherent picture. But since it was never his intention to write a philosophical treatise on morality, it would be unfair to charge Robespierre with vagueness in philosophical matters. His intention was to present principles for political work and conduct in a turbulent time when most activists did no theorizing at all.

In his speech of 5 February, 1794 Robespierre tries to give his view of what the goal of the revolution is and how it is to be achieved:

Quel est le but où nous tendons? la jouissance paisible de la liberté et de l’égalité; le règne de cette justice éternelle, dont les lois ont été gravées, non sur le marbre ou sur la pierre, mais dans les cœurs de tous les hommes, même dans celui de l’esclave qui les oublie, et du tyran qui les nie. (Robespierre, p. 352.)

[What, then, is the goal at which we aim? the peaceful enjoyment of liberty and equality; the reign of this eternal justice, the laws of which are engraved, not upon marble or stone, but upon the hearts of all men, even that of the slave who forgets them and of the tyrant who denies them.] Translation mine.

Robespierre gives here an indication of how he views the connection between political principles and the people to whom they are supposed to apply. The
principles of justice are engraved in the hearts of all human beings, they are within them, not handed down to them.

But for people to realize these principles of justice, they must relieve themselves of the habits produced and encouraged by the monarchy. They must replace egoism with moral thinking, tradition with principles, love of money with love of honour, vanity with greatness of character, and so on:

Nous voulons, en un mot, remplir les vœux de la nature, accomplir les destins de l'humanité, tenir les promesses de la philosophie, absoudre la providence du long règne du crime et de la tyrannie. (Robespierre, p. 352.)

[We want, in a word, to fulfil the vows of nature, accomplish the destinies of humanity, keep the promises given by philosophy, absolve Providence from the long reign of crime and tyranny.] Translation mine.

Robespierre continues by presenting the means by which this transformation is to take place. A democratic system of government in which people are guided by laws of their own making will finally secure the prevalence of those values of unselfishness from which happiness and justice will come forth.

Unselfishness, the willingness to subordinate one's own inclinations and desires to the common interest of building and protecting a just society, is the essence of la vertu, one of the most frequently used concepts in Robespierre's political theorizing.

La vertu is the first principle of democracy, but it also depends on democratic rule for its existence. La vertu is synonymous with love of one's homeland and its laws. In a republic it is also synonymous with love of equality:

... cette vertu qui n'est autre chose que l'amour de la patrie et de ses lois. Mais comme l'essence de la République ou de la démocratie est l'égalité, il s'ensuit que l'amour de la patrie embrasse nécessairement l'amour de l'égalité. (Robespierre, p. 353.)

[... this virtue which is nothing other than love of the homeland and its laws. But since the essence of the Republic or of democracy is equality, it follows that love of the homeland necessarily includes love of equality.] Translation mine.
But in order to establish this democratic system in which la vertu can prosper and influence the activities of the citizens, another kind of system is needed. The task of the National Convention, Robespierre says, is to put an end to the war waged against the revolution by its enemies. This war is to be understood in a wide sense, not only as the military threat against the revolution, consisting in the activities of rebels and foreign armies, but also as the threat stemming from people propagating the corrupting ideals and habits of the monarchy:

... tout ce qui tend à exciter l’amour de la patrie, à purifier les mœurs, à élever les âmes, à diriger les passions du cœur humain vers l’intérêt public, doit être adopté ou établi par vous. Tout ce qui tend à les concentrer dans l’abjection du moi personnel, à réveiller l’engouement pour les petites choses et le mépris des grandes, doit être rejeté par vous. (Robespierre, p. 354.)

[You ought to adopt or establish everything which tends to produce love of the homeland, to purify the mores, to elevate the minds, to direct the passions of the human heart to the public interest. You ought to reject everything which tends to concentrate them in the degradation of the self, or to arouse infatuation for petty things and scorn for grand things.]Translation mine.

In order to terminate this war, it is not enough for the revolutionary government to rely on la vertu (which it would be in peacetime):

Si le ressort du gouvernement populaire dans la paix est la vertu, le ressort du gouvernement populaire en révolution est à la fois la vertu et la terreur: la vertu, sans laquelle la terreur est funeste; la terreur, sans laquelle la vertu est impuissante. La terreur n’est autre chose que la justice prompte, sévère, inflexible; elle est donc une émanation de la vertu; elle est moins un principe particulier, qu’une conséquence du principe générale de la démocratie, appliqué aux plus pressants besoins de la patrie.... Le gouvernement de la Révolution est le despotisme de la liberté contre la tyrannie. (Robespierre, p. 357.)

[If the recourse of popular government in peacetime is virtue, the recourse of popular government in times of revolution is both virtue and terror; virtue, without which terror is disastrous; terror, without which virtue is impotent. Terror is nothing other than prompt, severe, inflexible justice; it is less a particular principle than a consequence of the general principle of democracy, applied to the most pressing needs of the homeland.... The government of the Revolution is the despotism of liberty against tyranny.] Translation mine.
A possible justification of a political terrorist act

Owing to the difference between the goals of the monarchy and those of the republic this despotism of freedom cannot be judged as being on a par with the despotism of tyrants:

Punir les oppresseurs de l'humanité, c'est clémence; leur pardonner, c'est barbarie. La rigueur des tyrans n'a pour principe que la rigueur: celle du gouvernement républicain part de la bienfaisance. (Robespierre, p. 359.)

[To punish the oppressors of humanity is clemency; to pardon them is barbarity. The rigour of tyrants has no other principle than rigour itself: the rigour of the republican government stems from beneficence.] Translation mine.

After this exposition of the idea of a revolutionary government, Robespierre comes down to the dangers of the day, the threat to the revolution emanating from enemies within the republic. He attacks the hébertistes as well as the dantonistes (in current terminology, les ultra-révolutionnaires and les modérés, respectively):

Elles [les factions] marchent sous des bannières de différentes couleurs et par des routes diverses: mais elles marchent au même but; ce but est la désorganisation du gouvernement populaire.... L'une de ces deux factions nous pousse à la foiblesse, l'autre aux excès. L'une veut changer la liberté en bacchante, l'autre en prostituée. (Robespierre, p. 359.)

[They (the factions) march under banners of different colours and by diverse routes: but they march towards the same goal; this goal is the disorganization of the popular government.... One of these two factions pushes us on to weakness, the other to excess. One wants to change liberty to a Bacchante, the other to a prostitute.] Translation mine.

Robespierre warns again of false revolutionaries, belonging to either of the two factions. Some of them (the extremists, the hébertistes) are opportunistic, eager to proclaim themselves patriots and also eager in showing revolutionary zeal, provoking people into becoming hostile to the revolution by being too fast and too sweeping in accusing people of counter-revolutionary activities, eager to criticize the government for doing nothing for the poor, but not prepared themselves to do anything constructive to help the government:
Le désir de prévenir le mal est toujours pour eux un motif de l'augmenter. (Robespierre, p. 362.)

[The desire to prevent evil is always for them a motive to make it greater.] Translation mine.

Others (the moderates, the dantonistes) complain about the government being too severe in its measures. They demand amnesty for people arrested for treason and are more interested in fighting French patriots than in defending the republic against its enemies. By dissolving the revolutionary government or at least depriving it of its authority, they will put an end to liberty, leaving the people unprotected against the enemies of the revolution.

It is, according to Robespierre, against these factions the revolutionary government has to defend the republican ideals, if necessary by terror. The common good which he wants to protect from factional interests is the democratic republic, grounded on the unselfishness of the citizens who have liberated themselves from pre-revolutionary egoism and on the Principle of Equality (which is a principle of political equality rather than one of social or economic equality).

The freedom of the individual is restricted in the sense that no individual or group of individuals is allowed to advance his or its own interests at the price of infringing the Principle of Equality. The overriding aim of the revolutionary government is to establish and preserve a political equality among the citizens, an equality which will both foster and be fostered by the unselfishness and fraternity which will characterize the relations between all citizens when they have freed themselves from the corrupting values of the monarchy.

This great aim is threatened by the factions. The moderates want to put an end to the terror which, according to Robespierre, implies that they want to disarm the revolutionary government in a time of war. The extremists want even harsher and more sweeping measures to be taken against potential enemies of the revolution, which will turn the revolutionary government into a
dictatorship and make it hated among the people and so provoke an enmity between the government and the people which will make the establishment of democratic rule impossible.

Although freedom of opinion would be among the rights granted to each citizen and protected by a republican government, this freedom cannot be allowed to threaten the common good of establishing and preserving a republic of equality, according to Robespierre. To propagate views which threaten this common good at a time when it is already involved in a war for its existence makes the propagator liable to the severest penalty of the law.

Within two months after Robespierre's speech, both Hébert and Danton with their followers were executed. Even so, Robespierre, who never had any majority in the Convention devoted to him personally (although he had many followers outside the Convention), was unable to prevent the formation of new factions. Politicians with fewer scruples than he (Robespierre did not violate the constitution for the sake of personal power; he was no Bonaparte) and being less of an ideologist than he was, considered him a danger and outlawed him and his friends in the Convention on 27 July, 1794. He was executed the following day.

6.6 Personal reflections about the PGC II. Summing up this work.

Returning to the comparison between the PGC II and the act-utilitarian principle, I will not conceal from the reader that I much prefer the PGC II. Since there is more than one formulation of the content of the act-utilitarian principle and since there are several utilitarian theories in the field (I have in the present work criticized those of Brandt and Hare), it would be unfair of me to reject all utilitarian thinking on the basis of the rather limited study I have undertaken here. What I can do, however, is to state in a few words what I appreciate about the PGC II, without thereby rejecting every alternative ethical principle or theory.
First, I think that the PGC II is a fairly straightforward and reasonable moral principle: It tells every prospective agent that there are certain things that he or she shall not do to his or her recipients. The agent shall not, when he acts towards others, infringe the freedom and safety they need in order to be able to be engaged in agency, controlling their behaviour by their own unforced and informed choice and acting for purposes of their own. The agent shall not coerce, deceive, disinform, kill, beat, or degrade his recipients.

On the other hand, he shall not accept such treatment from others. The agent is not required to accept maltreatment for himself in order for his recipient not to be maltreated (unless this is justified owing to some previous wrongdoing on the part of the agent). When I act I have to be aware of the consequences my act will have for my recipient, but I do not have to perform any calculus of remote consequences in terms of maximized happiness or interest satisfaction for all sentient beings in order to decide what to do.

Second, the PGC II puts definite restrictions on what we are allowed to do. It thereby gives each one of us some kind of moral guarantee, assuring us that certain things shall not be done to us, no matter what could be gained in happiness thereby for others. Provided that we have not incurred an inconsistency in our own favour by infringing the rights of another agent and provided that our exercising our own rights in a certain case does not conflict with another agent's exercising a more important right, nobody is entitled to interfere with our freedom and safety. Nobody is permitted to torture or kill us for something we have not done, no matter what good could come out of this.

This is a kind of guarantee which I believe to be essential and desirable for any moral community to provide its members with in order for them to be able to cooperate peacefully and with trust in each other.

I will conclude the present work by summing up in a few lines what has been achieved in these six chapters.

In chapter 1 I examined nine different suggested definitions of the concept of political terrorism. From this survey it emerged that the concept of political
terrorism could be defined at least partly in terms of violent means and intended intimidatory effects. I made use of this when I proposed my own definition of the concept in chapter 2.

In chapter 3 I began by outlining an examination of ethically problematic aspects of political terroristic acts. I sorted out two lines of accusation directed against political terrorists: that they employ violent means indiscriminately and that they sacrifice (innocent) people as a means to the achievement of their goals. I reformulated the latter line of accusation as the SSMI thesis, which claims that the sacrificing of morally innocent (regarding some relevant act) people is a feature of some political terroristic acts which makes these acts conclusively morally objectionable.

I continued by looking for an ethical theory which could justify so strong a thesis. In chapter 4 I analysed and criticized Richard Brandt's ethical theory. In chapter 5 I discussed rights theories in connection with the SSMI thesis, ending up with the Principle of Generic Consistency, originally formulated by Alan Gewirth and slightly altered by me into what I have called the PGC II. I introduced the concept of a morally unrestricted agent and concluded that the PGC II justifies the SSMI thesis.

In this last chapter I showed that the PGC II, although it prohibits SSMI, does not prohibit all political terroristic acts. On the contrary, the PGC II justifies, under certain circumstances, political terroristic acts. In this chapter I have also criticized the ethical theory of Richard M. Hare for not being able to deal adequately with cases of fanaticism.

I have in the present work shown that it is possible to define the concept of political terrorism without presupposing any specific evaluative attitude to all political terroristic acts such as claiming that they are all morally objectionable.

I have also shown how we best can make clear one of the more common accusations directed against political terrorists, namely that they sacrifice (innocent) people as a means to their goals. Finally, I have shown how to connect the judgement that such sacrifices make political terroristic acts
conclusively morally objectionable with an ethical principle which is still encompassing enough to be able to justify certain other political terrorist acts which do not have the morally objectionable feature in question.
Bibliography


Bibliography

Louch, A. (1982). "Terrorism: The Immorality of Belief", in
Harmondsworth.
*Diogenes* 126, 104-122.
(ed. W. Laqueur). Temple University, Philadelphia. (Morozov's paper
was first published in 1880.)
(ed. W. Laqueur). Temple University, Philadelphia. (Nechaev's paper was
first published in 1869.)
*Praxis International* 1, 376-385.
Qureshi, S. (1976). "Political Violence in the South Asian Subcontinent", in
Robespierre, M. (1967). *Œuvres de Maximilien Robespierre*, tome X: Discours,
Rousseau, J-J. (1915) *Du Contrat Social*. In *The Political Writings of Jean
(Rousseau's book was first published in 1762.)


Index

action (in Gewirth's sense) 113-114
agent (in Gewirth's sense) 113-114
agent, terrorist 28-33
assumption, Terroristic 41-42

Brandt, Richard 84-87

causal feasibility 85, 91-96
Causal Importance for Action, Degrees of 125
coherence 78
combatants 11-14
common good interpretation
105-106, 163, 165-166
completeness 77
constitutional rights type
(of ethical theory) 104-106
critical thinking 151-154

Dworkin, Ronald 105, 154

equality 10-110-111
ethical theories, criteria of 77-78
external preferences 153-154

fanatics 152-160
freedom (as a necessary good)
116-117
generic features
(of action) 116-118
Gewirth, Alan 111-113, 120, 136
guarantees 78-83

Hare, Richard 151-154

IIE (intended immediate effect) 41
indiscriminateness 58
innocence, involvement 64-65
innocence, moral 65-67
intervening action,
Principle of 136-137
intimidation 39-41, 44-45
IRE (intended remote effect) 41

just treatment 103-104

necessary goods 115
non-violent terrorism
(Wellman) 24
Nozick, Robert 101-102

objectionable act 63, 71-74

PGC I 111
PGC II 111
planners of political
terroristic acts 29-30
plausibility 77-78
political terrorism
(definition) 28
preferences 151-162
Prevention or Removal
of Inconsistency 125-126
purposiveness 113-115
quantification (moral) 128-130
Index

rational person
  (Brandt's theory) 84
recipient 112
rights 78, 104-106, 121, 123-124
rights-holder interpretation
  105, 110-111
Robespierre, Maximilien 165-171

sacrifice 60-63
safety (as a necessary good)
  116-118
SSMI thesis 74

terrorized person 45

universalizability
  (in Gewirth's sense) 120
unsuccessful terrorism 45-47
utilitarianism 83, 86, 147, 151

valence 84-85
vertu (in Robespierre's sense)
  167
victim (of a political
terroristic act) 45
violent act 33-39
voluntariness 113-115