

## Why It Is Not Unreasonable to Fear Terrorism

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**ABSTRACT** *A common view has it that since we are far likelier to be killed in some road or household accident than in a terror attack, our fear of the latter is exaggerated. I argue that terrorism's relatively limited death toll need not mean that fearing it is unreasonable, nor does it immediately imply that counter-terrorism policies are unjustified – whatever other, legitimate concerns these policies give rise to. First, I argue that in the special case of terrorism, it is misleading to focus on risk per capita, as critics typically do. Second, while terrorism has a probabilistic component which should be relevant to decision-making, risk is not entirely or even primarily what terrorism is all about. Third, I argue that fearing terrorism may be reasonable even while recognizing the small probability of personal harm. Due to terrorism's random character, the belief that one will escape harm rests on little more than statistical evidence. As I explain, this leaves some room for reasonable doubt, and a justified level of fear.*

### 1. Introduction

The fear of terrorism is regularly scolded. Scholars and publicists never tire of reminding us that we are far more likely to perish in a road accident, or even by drowning in a bathtub, than we are to be killed in a terror attack.<sup>1</sup> The fact that many of us nevertheless do keep worrying is put down to a variety of cognitive biases: we are said to be overestimating the risk of terrorism when images of other attacks are fresh and vivid in our mind; we fear risks that are out of our control in a way that is disproportionate to their probability; and we concentrate entirely on the possibility of a catastrophic outcome while being oblivious to its likelihood.<sup>2</sup> Moreover, it is not only fear itself that is being dubbed exaggerated, but also the reaction to terrorism in general. The resources invested in tackling terrorism, and the scope of counter-terrorism measures, are said to be out of proportion to the actual risk, and for that reason unjustified.

In response to these allegations, some have argued that the risk posed by terrorism may be higher than statistics reveal. It has been pointed out that it is at least partly thanks to the counter-terrorism measures that the number of victims is kept low.<sup>3</sup> Others have argued that the risk of terrorism is an unfixed magnitude that is difficult to predict: the fact that numbers have been low for some time is not enough to rule out more frequent terrorist incidents in the future.<sup>4</sup> Moreover, unlike accidents, in the case of terrorism there are people out there who strive to make the death rate higher than it currently is, constantly trying to improve their methods.<sup>5</sup> Terrorism has a great potential to grow, improve, and be imitated.

But even if these responses are correct, and the risk of terrorism is higher than we are aware of, it remains undoubtedly low in comparison to many other, more prosaic risks – risks which do not cause special fear in the general population. In a sense, it is almost tautologically true that the number of victims claimed by terrorism is low: what terrorists do is precisely to target a limited number of people in order to spread fear among millions.<sup>6</sup>

The fact that relatively few people die in terror attacks seems quite unnecessary to point out, and rather futile to deny.

The question, though, is what follows from that fact, and the answer I will propose is 'not much' – or at least not what the critics believe to be following. I will argue that the concern with terrorism deserves to be taken seriously, and not because the statistics underestimate the personal risk. The limited death toll does not mean that the fear is unreasonable. Nor does it automatically imply that counter-terrorism policies are unjustified – whatever other, legitimate concerns these policies give rise to.

My intention is not to discuss the psychology of fear and its causes, but rather the reasons and justifications for taking terrorism seriously. In what follows I will offer three arguments against the downplaying of terrorism – the first two relating to the nature of this threat in general, while the third will be dedicated, specifically, to discussing the justifiability of personal fear in the face of terrorism.

First, I will argue that in the special case of terrorism it is misleading to focus on risk per capita, as critics typically do. Unlike some other hazards, the fact that an individual person is unlikely to be affected is not necessarily due to a diminished potential on the side of the terrorists. Rather, it may simply reflect the less important fact that the number of victims is expected to be small relative to the size of the population. From the standpoint of society as a whole, the level of individual risk may fall, even dramatically, without a corresponding improvement in the level of security.

Second, I will question the wisdom of comparing the threat of terrorism with the risk of everyday hazards. Terrorism has a probabilistic component, which should be relevant to decision-making. But risk is not entirely or even primarily what terrorism is all about. There are salient moral reasons for being concerned with terror – reasons that are irrelevant in the case of traffic- or household accidents.

Third, I will argue that fearing terrorism may be reasonable even while recognizing the small probability of personal harm. The belief that one will escape harm is one that rests on statistical evidence. As I will explain, this evidence may well warrant an expectation that one would be spared, but not confidence that one would. The reasonable doubt that remains is what makes at least some level of fear reasonable.

## 2. How Threatening Is the Threat of Terrorism?

Between the years 2002 and 2019, a total of 236,422 people were killed in terror attacks around the world, with the great majority of incidents occurring in conflict areas. In Europe during that period, 2,558 people were killed in 4,531 terror attacks, while in North America the number of casualties was 296 in 514 incidents.<sup>7</sup> After peaking in 2015 and 2016, the number of attacks in Western Europe in 2019 was 191, resulting in 18 casualties and around 100 people being injured. In the US during that year, 51 people were killed in 64 terror attacks.<sup>8</sup>

These numbers give an idea of the estimated scope of terrorism as it appears in standard indices: namely the scope of terrorism as measured in absolute terms, and not relativized to the size of the population.<sup>9</sup> On this measure, an increase or a decrease in terrorism from one year to the next consists in the difference between the respective total numbers of incidents and victims. If, in a certain country, the absolute number of victims has risen by X%, while the population increased by the same rate, standard reports would register this as an

increase in terrorism nonetheless. That is even though the proportion of terror victims to the number of people remains constant. But critics believe this way of measuring to be misleading. It has been argued that the right measure should be the number of terror victims *per capita*, being a better indicator of individual welfare. On this view, there is an important difference between a figure of 100 terror victims in India and 100 victims in the Seychelles, for example.<sup>10</sup> The higher mortality rate in the latter case means a dramatically higher level of personal risk – and that, some believe, is what matters.

Relativizing the number of victims to population size is the basis for much of the critique which has been leveled against the public response to terrorism. In terms of personal risk, the numbers of terrorism victims cited above amount to an almost trivial probability of harm, particularly for people living outside of conflict zones. Though estimates may vary, the likelihood of an average person to fall victim to a terrorist attack is remote both in comparison to other kinds of risk and in its own right: in Europe, for instance, the terrorism mortality rate in 2016 – one of the deadlier years in the past decade – was estimated at a mere 0.027 per 100,000 in a population of nearly 510,000,000 (a chance of 1 in about 3,700,000). During that period, a person in Europe was 4,888 times more likely to die of a heart attack.<sup>11</sup>

This low level of personal risk has raised two related but distinct objections. One is that it is unreasonable for individual people to fear terrorism, and that the fear many of us experience reflects a misperception of the actual risk involved. I will address this kind of concern later on. The other pertains to the right way to view terrorism from the standpoint of society: terrorism, according to this argument, does not pose enough risk to qualify as a danger that deserves special *public* concern. As some have pointed out, most annual risks that fall below one in a million are considered acceptable and do not call for intervention.<sup>12</sup> A product or even a virus that imposes a risk of one-in-several-millions would not normally count as a public danger. Should terrorism be any different?

This question may seem radical. After all, terrorism does strike and claim victims. And when governments raise the level of alert to ‘extremely high risk’ of a terror attack,<sup>13</sup> there is no obvious reason to think that this assessment is false or exaggerated. The chance of a terror attack taking place somewhere, at some point, is not generally considered negligible. On the other hand, the risk of being directly affected by a terror attack *is*, undeniably, extremely small. Mueller and Stewart are right to point out that developing a treatment for a disease which poses a comparative level of personal risk would be unlikely to receive priority in funding.<sup>14</sup> How, then, can terrorism be considered a danger while creating such a minuscule level of individual risk?

The apparent paradox may be dispelled once we recognize that using per capita data is appropriate only in *some* contexts, while inappropriate in others. In some contexts, a low risk per capita would indicate a correspondingly low level of danger. In other cases, it may not. To see this, compare the following two cases:

*Toxin:* At time  $t_1$ , a certain toxin that exists in many households is associated with a 1 in 1,000 risk of death. At  $t_2$ , following a certain chemical reaction, the risk drops to 1 in 10,000.

*Gunman:* At  $t_1$ , a gunman intends to fire a single bullet at a crowd of 1,000 people. At  $t_2$ , before he pulls the trigger, 9,000 additional people join the crowd.

Both cases concern the same levels of risk per capita: 1 in 1,000 and 1 in 10,000 respectively. Yet when we speak of something becoming less (or no longer) dangerous, we clearly

mean it in the sense described in *Toxin* rather than in *Gunman*. By ‘less dangerous’, at least from the standpoint of society, we mean to say that something is less likely to cause harm – not to some particular person, but to someone, anyone. *Toxin* is an example of a genuine reduction in danger, in that the substance truly becomes less likely to cause harm. For any number of people, exposure to the substance is expected to result in fewer deaths at  $t_2$  than at  $t_1$ . *Gunman*, by contrast, shows that risk per capita and dangerousness can come apart. The risk per capita in that case goes down, but the harm remains the same as before.<sup>15</sup>

Importantly, when risk per capita and potential for harm do come apart, as in *Gunman*, risk per capita might not be what we care about. For example, it would intuitively be a *good* thing if people evacuated from the crowd in *Gunman*, despite the fact that in so doing the risk per capita among those remaining would go *up*. What is morally important in this case is to minimize the danger by getting people out of harm’s way, not to reduce the probability for its own sake. By the same token, we would think it a *bad* thing if more people joined the crowd. That is the case even though the personal probability of harm would drop.

Terrorism does not fall neatly into one of the two stylized categories represented by these examples. But it is sufficiently similar to the *Gunman* case in that risk per capita may rise and fall without a corresponding change in terrorism’s actual potential to inflict harm. In measuring the threat of terrorism, what is important is to track how dangerous it is in the sense described above. Terrorism’s dangerousness is sensitive to such parameters as the number of active terrorists, their motivation and capabilities, or our own ability to foil an attack. Measuring the threat in absolute terms reflects these factors at least to some extent: that measurement typically indicates a higher incidence where the capability or motivation to carry out attacks is significant, and a lower incidence where that is not the case. But when relativized to population size, the measure becomes sensitive to a parameter that has no direct bearing on how potent the threat of terrorism really is. If a terror attack is imminent and a certain number of casualties is expected, then the danger is real, and we have a real reason to do something about it, whatever the size of the population may be. Representing the risk on the basis of individual probabilities may obscure rather than illuminate the scope of the threat.

Note that the ratio of victims to the size of the targeted population is not *entirely* unimportant. A high proportion of victims might make an already bad situation worse: the prospect of suffering, say, 100 terror casualties, is a serious reason for concern in any country. But in a smaller population, that number of fatalities may have the additional impact of being felt more strongly by society as a whole. In that sense, a higher number of victims per capita *is* worse than a lower one, even when the total number is held fixed. This may imply that in a smaller population, increasing safety might be all the more urgent. But that need not mean that 100 casualties cease to be a concern just because the population happens to be very large.

Now, terrorism’s low mortality risk is sometimes considered to be significant in two other ways as well. One sense, which has been highly popularized in the media, is the fact that the individual risk of being killed in a terror attack is not just small in its own right, but also far smaller than the risk of dying in a road accident, drowning in a bathtub, or any number of such mundane hazards. The second sense in which the small individual risk is considered significant, as mentioned earlier, is in that the small individual risk posed by terrorism renders people’s fear unreasonable. I will discuss each of these claims in turn.

### 3. Comparative Risk

I argued that a low risk per capita does not justify dismissing terrorism as unthreatening. It may be the case that the desire and capability to carry out an attack are there, and the absolute number of victims is expected to be serious, and yet the per capita number is small due to nothing other than the sheer size of the targeted population. In this case, it would be highly misleading to regard terrorism as not dangerous.

But this does not yet explain why the threat of terrorism should be unacceptable while many other hazards, which pose a considerably higher individual risk, are tolerated. It is an undeniable fact that an average person is overwhelmingly more likely to find her death in an everyday accident than in a terror attack. On some estimates, a person living in Europe is 50 times more likely to die in a bicycle or skiing accident, while hundreds or thousands of times more likely to die in a car crash.<sup>16</sup> What is more, these higher risks, while not un concerning, are standardly considered tolerable. Society could reduce them further by making certain sacrifices, but knowingly decides not to do that – possibly with some justification. This raises a question: if the significant risk of (say) dying on the highway is acceptable, should not the much smaller risk of dying in a terror attack be *a fortiori* acceptable as well?

The answer, I believe, is *not necessarily*. The above line of reasoning – the lower the risk, the more acceptable it should be – holds true when we assume different probabilities of the same kind of hazard. If a 5% probability of dying in a road accident is to be tolerated, then a 1% probability of the same kind of accident should indeed be at least as tolerable. But not all hazards are fungible.<sup>17</sup> There are good reasons to differentiate between terrorism and everyday hazards, even when the probability or expected death toll are equal.

The first and most obvious difference is a moral one. Driving, flying and other common risky activities are acceptable not *only* because the probability of harm with which they are associated is small. They are acceptable on moral grounds as well. The multiple direct and indirect benefits that these activities offer make them not only profitable, but also, potentially at least, consistent with the rights and interests of those who bear the risk: the risk that a sufficiently prudent driver imposes on others is one that the latter have a good reason to consent to bear, or possibly agree to bear implicitly.<sup>18</sup>

Accordingly, since the acceptability of a hazard is not merely a function of expected harm alone, there is no reason to assume that terrorism should become acceptable just because of its low risk. On the contrary, there are valid reasons for refusing to accept that threat even when it is low. Terrorism cannot be reconciled with the rights of its victims in the way that some other hazards can. It is part of its mode of operation to sacrifice its victims for strategic gain, making a deliberate and instrumental use of deadly violence. Even if a terror attack were to be carried out for the sake of some noble higher purpose, it would remain an outrage against the victim who is being put on that altar.<sup>19</sup>

We might disagree on what precisely explains the permissibility of common risky activities and the impermissibility of deliberate killing. How wrong terrorism precisely is might also be debated.<sup>20</sup> But whatever the right theory may be, many agree that there is an important difference between deliberate killing and beneficial activities that carry some risk of death. It should not be surprising that the latter is considered acceptable and the former not, even if the mere probabilities would suggest otherwise.

A second respect in which the risk of terrorism differs from mere accidents has to do with the role of the state. According to a familiar complaint, the problem with counter-terrorism measures is that they consume funds that could be spent more cost-

effectively on preventing riskier hazards. As Mueller and Stewart have put it, ‘officials serving the public are tasked at the most fundamental level to spend funds in a manner that most effectively and efficiently keeps people safe’.<sup>21</sup> For that matter, they argue, terrorism ‘should be dealt with in a manner similar to that applied to other hazards – albeit with an appreciation for the fact that terrorism often evokes extraordinary fear and anxiety’.<sup>22</sup> Riskier hazards, so the argument goes, ought to be higher up on the ladder of priorities. Terrorism, being less risky, ought to be placed lower on that ladder.

But this is a crude way of understanding the sort of responsibility public policymakers have with regard to security. The state has a duty to minimize death cases, but it is clearly under a weightier duty to protect against some dangers more than others. Specifically, protecting society from deliberate violence is one of its core responsibilities. In a number of legal systems, protecting from violence is an obligation for which there is a corresponding right. The European Court of Human Rights, for example, has expressed its view that the right to life, protected under Article 2 of the European Convention on Human Rights, may give rise to a positive claim. In certain circumstances, the state would be bound by the Convention to prevent a terror attack from happening.<sup>23</sup> The same holds for the right to life in Article 2(2) of the German Basic Law, which has been interpreted by the German Federal Constitutional Court to give rise to a positive duty of protection.<sup>24</sup> In more recently drafted constitutions, such as that of South Africa from 1996, the positive obligation of the state to protect from violence is made explicit: section 12(1) establishes the right to be ‘free from all forms of violence from either public or private sources’.

The priority given to security considerations has roots that run deeper than positive law, of course. To Hobbesians, protecting from violence is the government’s ultimate responsibility, and the reason for the polity’s very existence. It is a duty that is best understood as a minimal requirement: whatever else is expected of the state, it cannot wash its hands clean of the responsibility to provide security. As Hobbes himself puts it, ‘[t]he end for which one man giveth up, and relinquisheth to another, or others, the right of protecting and defending himself by his own power, is the security which he expecteth thereby, of protection and defence from those to whom he doth so relinquish it’.<sup>25</sup> On this view, the state is not even at liberty, let alone under an obligation, to prioritize the prevention of accidents over the provision of security.

Of course, we need not commit to the extreme conclusion that the state has no other responsibilities. A good government would try to protect its citizens from accidents as well. Yet even on an expansive view of the proper function of government, a considerable part of the responsibility to prevent accidents lies with individual persons. The proverbial risk of drowning in the bathtub – which some critics are so keen to bring up as a hazard comparable to terrorism – is a case in point. However higher the risk of such household accidents may be, it is at least partly down to individuals to prevent it. By contrast, however lower the risk of terrorism may be, it remains the state’s responsibility to address it. To the cynic, the fact that more public resources are allocated to terrorism may seem like a miscalculation. But this perspective has little to commend it. The difference in public spending may just as well reflect a healthy understanding of the role of government.

Now, it may be argued that there are also certain moral considerations that speak in favor of tempering our reaction to terrorism. For example, some might argue that since causing fear and disturbing society’s way of life is what terrorists want to achieve, an amplified reaction to terrorism would hand them a victory.<sup>26</sup> That is not implausible. But whatever the weight of this consideration, it is important to see that this kind of concern is

distinct from the one that is so prevalent in the literature on risk. There may well be good reasons to tame our reaction to terrorism – to allocate fewer resources to fighting it, or to keep anti-terrorism measures in check. But these reasons are likely to be based on a wide range of normative considerations, of which the probability of harm is just one among others.

If the discussion above is correct, then the simple arithmetic – a lower risk of death is more acceptable than a higher risk of death – does not necessarily hold. The fact that the high risk of accidents is acceptable, in and of itself, is not enough to show that the lower risk of dying in a violent attack is acceptable too. The acceptability of risk is not just a matter of how high it is.

There is a more general point to be made here with regard to security threats – one that should have been, but is unfortunately anything but, self-evident. Security threats have a probabilistic component, and in dealing with them we need to assess relative risks of different sorts. But that does not mean that risk is what the problem of security is all, or even primarily, about, in the same way that something like the threat of earthquakes is.<sup>27</sup> As argued above, terrorism concerns us for moral, political, social or national reasons. A terrorist attack has a broader meaning that is nothing like that of a traffic accident. We do not and have no reason to accept it as a part of life, as we might do with other hazards. It is misleading to reduce the rich and complex phenomenon that is security threats to just one of its elements.

#### 4. Fear

So far I claimed that the threat of terrorism is not a negligible one, despite the low personal risk it entails. This may justify the concern with terrorism from the standpoint of society as a whole. But a question still remains regarding the way individuals react to this threat: is it still reasonable for an individual person to fear terrorism, as many people do, given such extremely small probabilities?

Many people *are* afraid of terrorism. To avoid a false impression: not everyone is afraid, and those who are afraid are not overwhelmed with panic. What polls are showing is a consistent concern among a significant part of the population. In the US, around 15% report being ‘very worried’ while roughly 30% are ‘somewhat worried’ that either they or someone in their family will become a victim of terrorism.<sup>28</sup> A far greater percentage – 72% – view international terrorism as a ‘critical threat’ to the interests of the United States.<sup>29</sup> In Europe, surveys show that terrorism has been among people’s primary concerns over the last decade: ranking as the third major source for concern in 2018, and the first concern in 2016 and 2017.<sup>30</sup>

Accordingly, the fear is often manifest neither in thoughtless frenzy nor in paralyzing dread.<sup>31</sup> Terrorists rarely succeed in terrorizing societies in the fullest sense of the word, to the point of despair or compromised agency.<sup>32</sup> Instead, the fear takes the form of increased alertness and a sense of vulnerability and insecurity. Social life might not grind to a halt, but many people display a certain reluctance to go about their daily lives as usual, and a higher level of caution. They might be looking over their shoulder more regularly, or prefer to refrain from activities that are not important enough. Economic activity may slow down, reflecting the cumulative change in the behavior of multiple individual consumers.<sup>33</sup> From a political point of view, the fear translates into an expectation of some legal or governmental response. A business-as-usual approach would normally be considered unacceptable.<sup>34</sup>

But even this rather moderate level of anxiety has been said to be misplaced. The probability of personal harm is so minuscule as to make these psychological responses unreasonable, it is argued. The fact that people do fear terrorism has been explained as one of several cognitive biases: we base our risk perception on intuition and (recent) experience. We suffer from a so-called availability bias, which means that we judge the likelihood of an event by the ease with which examples of its occurrence come to mind. Following a terrorist attack, when impressions are still vivid and fresh, we are inclined to see similar attacks as more imminent than they objectively are.<sup>35</sup> We also suffer from probability neglect – reacting to the prospect of personal harm with roughly the same intensity whether its likelihood is high or remote.<sup>36</sup>

Now, it should be acknowledged that fear *is* sometimes unreasonable, and human beings may and do misjudge risk. Yet it might be a good idea to take a pause before dismissing a genuine concern, that many people have had for quite some time, as down-right baseless. After all, the fear of terrorism is felt by perfectly normal, reasonably informed adults. There is no doubt that some of us have a false notion of how likely we are to be attacked by terrorists. But not everybody does. Some people experience fear while knowing fully well what the chances are. In a revealing anecdote, Daniel Kahneman has described his own unease while being in the vicinity of a bus while visiting Israel during the second Intifada, while being aware that his own risk was ‘truly negligible’ and that he ‘was more likely to be injured in a driving accident than by stopping near a bus’.<sup>37</sup> Fearing terrorism is not something that only the uninformed experience.

As I said, fear is sometimes unreasonable. I may be frightened at the sight of a piece of rope lying on the ground, believing it to be a snake. In this case the subjective fear I experience would be real, and its sensation might linger on even after realizing my mistake. But it would not be a reasonable fear: there would be no objective *reason* to be afraid. The question is whether something similar can be said about the fear of terrorism. In this case, the danger does exist (it *is* a snake, as it were), and there is a non-trivial probability that it would materialize at some point (it will bite). However, an average person is very unlikely to be among the victims (it will probably bite somebody else). Is it unreasonable to be afraid?

Less metaphorically speaking, suppose that after following the TV coverage of a deadly terror attack in some other city, I find that I have become mildly but persistently fearful. Though I do not make any drastic changes in my daily life, I prefer to avoid spending too much time on the main street or traveling with public transportation. I have also grown more alert than usual, and occasionally find myself startled by sudden noises. In what sense, if any, is my fear unreasonable?

It might be argued that my behavior manifests an availability bias: the graphic images I have seen on TV, and the attention given to the topic, have made the threat disproportionately present in my mind. This may be granted. Yet at most, this explanation is able to show that my fear is triggered by the wrong reason. It does not show that there is not also a right reason to be afraid. It might be the case that a reason to fear does exist, but I have become alarmed only indirectly, by spending too much time watching the news. Clearly, those who highlight terrorism’s small mortality rate wish to challenge precisely that – namely to claim that the probability of being among the victims of a terror attack is so slim that there is no right reason to be afraid, either.

As mentioned earlier, however, the supposed reason for feeling reassured is not that potential terrorists no longer wish to carry out an attack, or that the security forces have managed to neutralize the threat. There is a good reason to believe that attacks are



being planned, that some of them will eventually succeed, and that we are all potential targets. Rather, fear is said to be unreasonable because the risk to *oneself* is small. The probability that *I* will be involved, out of all the people in Europe, is indeed microscopic. And that, according to the argument, is why I should stop being afraid.

But this is unconvincing. While the probability in question is unquestionably low, some reflection suggests that there is more to what we understand as ‘danger’ than a probability of personal harm. Fear often arises, and justifiably so, when other people are in danger: seeing a child running into traffic is frightening in a perfectly usual sense even though the person experiencing that fear is safe. It is similarly reasonable to be afraid for fellow human beings threatened by violence, or indeed by terrorism. We might not in fact fear for strangers in distant countries. But some of us are concerned for the safety of a wide circle of family, friends, and fellow citizens. Indeed, such sympathetic fear is reflected in the surveys cited above: those who have expressed concern about terrorism reported being worried not only for themselves, but also for family members and for their country.<sup>38</sup> In a society that is not completely without solidarity, the thought that terrorism is likely to kill someone else is simply not reassuring.

In any case, the fear of terrorism may be reasonable even in the more self-regarding sense which the critics have in mind. There are two ways in which this may be so. The first is not unique to terrorism: people’s reaction to risk depends not only on their assessment of its probability and the magnitude of harm, but also on their attitude toward taking risk. To the risk-averse, what happens in the worst-case scenario matters more than what happens in the more fortunate ones (just as the risk-loving person places greater importance on the best scenario).<sup>39</sup> When a risk-averse person fears a small risk – e.g. stopping near a bus in a terrorism-prone area – that needn’t be because of a false belief that the probability of drawing the lot, so to speak, is higher than it actually is. It may be simply because of an aversion to playing that sort of dire lottery.

Of course, risk aversion may itself be unreasonable. Presumably, it is unreasonable to be excessively averse to risk – to have one’s attention dedicated entirely to the worst possible outcome, however unlikely it may be, while failing to appreciate the better prospects. However, while some extreme attitudes to risk are wrong, the range of risk attitudes that do fall within what is reasonable seems to be broad enough to include at least a moderate risk aversion. And if that is true, then it needn’t be unreasonable to fear deadly hazards more than the mere probability of harm would warrant.

The second and more important sense in which self-regarding fear can be reasonable is more specific to terrorism. It has to do with the particular way in which modern terrorism operates. Unlike some other forms of violent crime, terrorism typically targets a random group of people. The class of people may be carefully selected – for example, nationals of a certain country or members of a certain ethnic group – but no importance is given to which particular members of that class should be attacked.<sup>40</sup> Not only is the identity of the victims unimportant to the assailants, the random character of the attack also serves a purpose. It signals that the attack is aimed at an entire class of people: there is no difference between those who were killed or injured and those who, by mere chance, were not. Anyone could just as well be next.

Terrorism’s lottery-like character may explain why fearing terrorism is justified in a way that fearing some other low-probability hazards is not. Since the victims of future terror attack will be selected more or less at random, people in the targeted group have no sufficient reason to be confident – never mind to *know* – that they will not be among

these victims. While the probability of avoiding harm is very high, the doubt that one will not escape it remains non-negligible. It remains significant enough to justify fear. The reason for this is that the belief that one would avoid a terror attack rests on statistical evidence. It is a belief that is vulnerable to a familiar problem that this particular kind of evidence has.

The literature on statistical evidence is rich and complex and cannot be covered here.<sup>41</sup> But the principle at its core is intuitive and highly relevant in this context. It is commonly accepted that one does not know that a lottery ticket is a losing one merely by relying on the odds, even if those odds are a million to one. At the same time, one may have knowledge that this same ticket is a losing one by reading the result of the lottery in the newspaper – and that is the case even if the probability that the report is mistaken or misprinted, and the ticket is a winner, is one in a million as well.<sup>42</sup> There are different though related explanations for this. One explanation is that the newspaper is sufficiently sensitive to the truth:<sup>43</sup> unless something unusual happens, if the ticket were a winner, the newspaper would have reported accordingly, and the reader would not have believed it to be a losing ticket. The same cannot be said about relying on the mere statistics. Even when the ticket happens to be a winner, a probability-based belief would still hold that it is losing. Statistical evidence says exactly the same thing whether the particular ticket in question happens to be a winner or a loser. A belief that relies on such evidence is therefore epistemically weaker, in that it is insensitive to the fact of the matter.

Another way of capturing the distinction is the following. The newspaper report might be mistaken, in which case relying on this piece of evidence would lead to a false belief. But it would be abnormal for that to happen. Our expectation is that the newspaper will report correctly unless there is a special reason for that not to happen. If it turned out that we were misled by the report, that would be something that calls for explanation.<sup>44</sup> By contrast, if we were ‘misled’ by the statistical data, and it turned out that the ticket is in fact a winner despite the odds, there would be no question to ask. There are no reasons for any one ticket to win rather than any other. There can be nothing abnormal or calling for explanation about whichever ticket happens to be a winner.<sup>45</sup>

In important respects, the belief that one will not fall victim to a terror attack is similar to believing that a lottery ticket would lose only because of the odds. The odds on which it relies are an epistemically inferior piece of evidence, and are often treated as such as well. To see this, consider the fact that many of us fear terrorism but are not afraid of homicide, despite the fact that the latter often claims a higher mortality rate.<sup>46</sup> This difference can be justified by the fact that homicide is not something that is expected to happen to just anyone. When homicide does happen, the fact that a particular person was killed is something that calls for explanation. The assumption is that *this* person would not have been killed if there was no concrete reason for it to happen (e.g. having been involved in some dispute). For the average person, there is therefore a *more than statistical* justification not to fear this particular danger: namely, that there is no reason for it to happen to her, and that it would be highly abnormal if it does.

In the aftermath of a terror attack, however, it is rarely asked why *these* were the victims and not others. There is nothing surprising, abnormal, or calling for explanation about the identity of the victims. That is to say, there is no reason why, considering that a terror attack was to take place, these people should not have been among the victims. Indeed, as long as something like this is assumed to happen to somebody in the future, there is no reason why it should not happen to us. There would be nothing abnormal, or

surprising, or calling for explanation if it does, either. The fear that this inspires is both reasonable and understandable. It is justified for the same reason that confidence in statistical evidence is not.

## 5. Concluding Remarks

I argued that despite the low individual risk, terrorism is a threat that both society and individuals are justified to fear. Relativizing the number of casualties to the size of the population is misleading, as it might make even a highly potent risk seem trivial merely because of the sheer number of people being targeted. Furthermore, I claimed that comparing terrorism to everyday accidents in terms of risk obscures certain important distinctions. Whether or not the threat of terrorism should be socially acceptable is not merely a function of probabilities. There are other normative reasons for addressing terrorism, which are not present when dealing with some other hazards. Finally, I argued that fearing terrorism as people in fact do need not be unreasonable. For one thing, it is perfectly natural and reasonable to experience fear sympathetically, even when one is not in personal danger. But the fear of terrorism may be reasonable even in a self-regarding sense. The main reason for this, I argued, has to do with the random nature of modern terrorism. We have no more than statistical evidence for believing that we will be safe from harm. High though the probability of avoiding harm may be, it is a sort of evidence that is bound to leave room for some reasonable doubt, as well as fear.

It is important to remark, however, that to say that the threat of terrorism is real by no means implies that everything that is being done in the name of security is therefore legitimate. The past two decades of fighting terrorism have shown how often that is not the case. We have all sorts of reasons to question the justifiability of counter-terrorism measures, primarily reasons that are based on human rights. If this article has any ulterior motive, it is not to defend this policy or that, but rather to protest against a particular style of criticism. One of the wrongheaded ways to criticize the war on terror has been to downplay the problem it is meant to solve, or belittle genuine public concerns. The dismissive attitude to fear is both lacking in empathy and, as I argued above, unjustified. It also does a disservice to the actual moral reasons we have for holding anti-terrorism policies to scrutiny. After all, it is not only when the threat of terrorism is small, and certainly not *because* it is small, that we ought to respect the right of a suspect to a fair trial, or that of a detainee not to be mistreated. In fact, the importance of these and other rights might not quite depend on fluctuations in the level of risk at all.<sup>47</sup> There is room for criticizing the means being used in pursuit of national security. But when an anti-terrorism measure is illegitimate, that is usually because it fails to meet our moral and legal standards, not because the threat it seeks to address is not real.

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## NOTES

- 1 Most recently, this claim was made in: Mueller and Stewart, "Terrorism and Bathtubs"; Mueller, *Overblown*; Zenko, "Americans"; Houston, "Foiled Plots."
- 2 Slovic, *Perception of Risk*; Sunstein, "Terrorism."
- 3 Bergen, *United States of Jihad*, 218.
- 4 Fox, "Stop Telling Me."
- 5 Goldberg, "What Conor Friedersdorf Misunderstands."
- 6 See the definition of terrorism by the Special Tribunal for Lebanon. Case STL 11-01/I, STL, Interlocutory Decision on the Applicable Law: Terrorism, Conspiracy, Homicide, Perpetration, Cumulative Charging (6 Feb. 2011), §85.
- 7 Global Terrorism Index (2020).
- 8 Global Terrorism Database (2020).
- 9 For a survey of the different databases, see e.g. Sandler, "Analytical Study."
- 10 Jetter and Stadelmann, "Terror Per Capita," 299.
- 11 Muggah, "Europe's Terror Threat."
- 12 Mueller and Stewart, "Terrorism and Bathtubs," 152.
- 13 *France 24*, "Risk of Terror Attacks."
- 14 *Ibid.*
- 15 The purpose of these two examples is to show that a drop in per-capita risk represents a reduced danger in some cases and not in others. The difference is not inherent to toxins and to gunmen. We could think of alternative scenarios in which the toxin does not become less dangerous, or the gunman does.
- 16 Muggah, "Europe's Terror Threat." On this estimate, the risk of dying in a car accident was 218 times higher than the risk of dying in a terror attack in 2016, and 4,377 times (!) higher in 2010–14.
- 17 Wolff, "Risk."
- 18 For different variations of this view, see e.g. Frick, "Contractualism"; Kumar, "Risking"; Quong, *Morality*, 37.
- 19 See relevant discussion in Nagel, *View from Nowhere*, 184; Quinn, *Morality and Action*, 192.
- 20 Some insist, for example, that the terrorist's violence is not essentially different from the violence we are inclined to accept in war (see McPherson, "Is Terrorism Distinctively Wrong?"). Among other things, some critics are unimpressed by the fact that the laws of war permit, at most, foreseeable collateral damage to civilians, whereas terrorists often target noncombatants deliberately. On his view, either both war and terrorism are sometimes acceptable, or both should not be. I disagree. But even if we grant this view for the sake of argument, this only means that terrorism, like war, is unacceptable except in unusual circumstances. Either way, terrorism is by no means morally comparable to everyday hazardous activities.
- 21 Mueller and Stewart, "Terrorism and Counter-Terrorism", at 228.
- 22 *Ibid.*, *Ibid.*
- 23 ECtHR *Tagayeva and Others v. Russia*, Application No. 26562/07 *et al.*, judgment of 13 April 2017. ECtHR *Osman v UK* Application No 23452/94, 28 October 1998 [Grand Chamber].
- 24 For example, the Court has recognized a positive duty of protection (in BVerfG, 1 BvR 357/05 of 15/02/2006, at [137]–[138]), albeit with the proviso that the selected means must be themselves consistent with the constitution.
- 25 Hobbes, *Elements of Law*, 111.
- 26 See Henschke and Legrand, "Counterterrorism," 556.
- 27 For a richer discussion of the concept of security, see Waldron, "Safety and Security"; Loader and Walker, "Policing."
- 28 See Gallup Poll, "Terrorism." These are the results of a September 2019 poll. The numbers in previous years are very similar.
- 29 That is according to a poll from February 2021. See *ibid.*
- 30 See European Commission, "Spring 2019 Standard Eurobarometer."
- 31 For a taxonomy of emotional reactions to danger, see Halbertal, "Emergency."
- 32 Waldron terms this sense of terror *Arendtian Terrorization* ("Terrorism," 15). He contrasts it with what he calls *Jack Benny Coercion* which merely modified the coerced's balance of risks and benefits.
- 33 *Ibid.*, at 22.
- 34 Sunstein, "Terrorism," 122.
- 35 Slovic, *Perception of Risk*.
- 36 Sunstein, "Terrorism."

- 37 Kahneman, *Thinking, Fast and Slow*, 322–3. According to Kahneman, his avoidance of buses was ‘not motivated by a rational concern for survival’, but rather ‘the moment: being next to a bus made me think of bombs, and these thoughts were unpleasant’; *ibid.*
- 38 See Gallup Poll, “Terrorism.”
- 39 Buchak, “Taking Risks.”
- 40 Scheffler, “Is Terrorism Morally Distinctive?,” 7.
- 41 For discussion, see e.g. Enoch and Fischer, “Sense and ‘Sensitivity’”; Thomson, “Liability”; Nelkin, “Lottery Paradox.”
- 42 This is one variation of the lottery paradox. Kyburg, *Probability*.
- 43 See Enoch and Fischer, “Sense and ‘Sensitivity,’” 574.
- 44 *Ibid.*
- 45 Some make use of this notion of normalcy to account for risk. See Ebert *et al.*, “Varieties of Risk.”
- 46 For example, the crude rate of homicide deaths in the United States in 2019 was estimated at 5.83 per 100,000. See Centers for Disease Control and Prevention, “WISQARS.”
- 47 For a rejection of the view that rights and side-constraints are to be simply ‘balanced’ against the level of risk, see Waldron, “Security and Liberty.”

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