

DOES THE SUPPRESSION OF PRO-TERRORIST SPEECH ENHANCE COLLECTIVE SECURITY?

And while the sources of social oppression are indeed numerous, none has the deadly effect of those who, as the agents of the modern state, have unique resources of physical might and persuasion at their disposal.

Judith N. Shklar, *The Liberalism of Fear*

Western democratic societies appear quite hesitant to extend the highly venerable freedom of speech to the public expression and broadcasting of pro-terrorist speech. In 1988 the British government ordered the BBC and the IBA to refrain from broadcasting anything coming from a person who was a member of a terrorist organization.¹ A few years later, the Greek government banned the publication of terrorist statements in the media, in an effort to minimize the influence the seemingly invincible organization *November 17* had on the Greek public.² The British government in 2000 decided to penalize the simple possession of written material praising terrorism.³ In the United States, the legislative acts that followed the events of 9/11, as far as I can tell, do not seem to be directly concerned with the simple endorsement or publication of the claims of terrorist organizations, with one exception.⁴ However, this does not imply that the traditional spirit of free speech has always made its presence felt: academics expressing unpopular views were asked to leave campus for their own safety;⁵ journalists maintained that they were fired for their anti-Bush editorials;⁶ cartoonists came under pressure not to be critical of the government;⁷ and the State Department tried (unsuccessfully) to quash a Voice of America broadcast of an interview with Mullah Omar.⁸ All these incidents raise significant issues. Are these reactions justified? Does pro-terrorist speech not belong to one of the broad categories of protected speech? Should we tolerate it even in times of emergency? Are there any distinctions within this type of speech that are significant from the perspective of freedom of speech?

I shall not approach these questions from the standpoint of a particular legal or constitutional order, although the thoughts expressed here have been influenced by legal developments in Western countries. In particular, I will be concerned with offering principled and plausible arguments against the view that the suppression of pro-terrorist speech enhances collective security. Echoing the spirit of Joel Feinberg's philosophy, the quest is not for legal measures "or useful policies but for valid

principles”,⁹ and the arguments are addressed to politicians, legislators and laymen alike. I will start by considering two essential conceptual clarifications.

CONCEPTUAL CLARIFICATIONS

Writing about terrorism demands that the author give his/her own understanding of this “essentially contested” and unfortunate term. Thus, for the purposes of this essay I mean by “terrorism” the politically-motivated, violent acts perpetrated consistently and systematically by small and organized domestic or foreign groups against selected targets (civilian or otherwise) in democratic regimes. For the most part these groups are aware that they cannot achieve their aims by overcoming their opponents in a full-scale confrontation. Thus, they try to make governments succumb to their demands by creating an unbearable climate of intimidation through the repeated use of force and the threat of further force. Many terrorist activities of this sort involve some kind of negotiation with the authorities. In other cases, however, they merely intend to deal a blow to their enemies without offering them any option of avoiding it. It is important to stress that the activities of these groups must be extremely violent. A political group that sporadically clashes with the police in demonstrations cannot be dubbed “terrorist”. It has to be engaged in bombings, sabotage, assassinations, kidnappings, robberies and other acts of relative severity. I believe that the above description does not diverge significantly from the perception of terrorist activity prevailing in North America and in Europe – and in particular from the perception of those who have tried to censor pro-terrorist speech –, although it should be pointed out that it does not intend to exhaust the complex and multifaceted phenomenon of terrorism. It does not deal, for instance, with similar acts instigated by legitimate governments (state terrorism) or performed against authoritarian states.

The use of violence, instead of the usual means we possess to conduct democratic politics, creates a strong presumption against this type of terrorism. The blatant disrespect these people show for human life, which sometimes takes the form of an indiscriminate mass murder of innocent civilians, by far outweighs any sympathy we might feel for their cause. However, the above description leaves open the logical possibility – under specific conditions – of a more positive appreciation of terrorist activity. Suppose that democratic state A occupies state B by force. Consequently, a liberation movement which uses traditional political means to make A give B back its independence emerges in state B. Certain members of the liberation movement, weary of the inefficacy of peaceful tactics, start attacking selected government targets in state A. Perhaps, the route they have chosen to take might lead them nowhere, but is their decision unjustified? I think it is not, although this group falls within our description of terrorism.

Leaving aside questions of justification, which are peripheral to the main argument, I proceed now to a specification of “pro-terrorist speech”. The category of expression in question can be divided into two subcategories of more limited scope. (a) Indirect pro-terrorist speech refers to expressive acts that originate from people who do not belong to terrorist groups or are associated with them and convey messages that are supportive of the latter’s activities and beliefs. The statement “anyone who can blow up the Pentagon has my vote”, reportedly made by a

University of New Mexico professor, is a clear example.¹⁰ (b) Direct pro-terrorist speech refers basically to the statements that are issued by members or representatives of terrorist groups and constitute an essential part of their overall, operational plan. Through these means, terrorists try to achieve several objectives that are important to them: to assume responsibility for their actions, to express their demands, to make their views and policies known, to gain sympathy for their cause, to threaten and intimidate their enemies, to pay tribute to their own members, to open an informal dialogue with the authorities and so forth. Yet it is evident that these communications cannot reach a greater public, unless they are publicized by the written and electronic press. This is why the authorities impose restrictions on the press coverage of terrorist's speech.¹¹

PRO-TERRORIST SPEECH IS POLITICAL SPEECH

Terrorism in the sense defined is a political phenomenon. "Unless", wrote Lorin E. Lomasky, "an individual or group represents itself as acting in the service of a political ideal or program, it will not be deemed terrorist".¹² Terrorists are distinguished from common criminals by the political inspiration of their activities. Whatever their ultimate motives – a determination to redress an injustice done to their people, a strong desire to bring about a classless communist society, their opposition to animal experimentation or the simple ambition to impose their will on a democratic public by force or threat of force – are, they all belong to the realm of the political. Even if these organizations argue on religious grounds, it is the political dimension of religion that guides their actions. This does not imply that there is always a discernible political goal served by terrorist action or that their leaders display even a rudimentary sense of instrumental rationality. Terrorism in many cases does not appear to be the "continuation of politics by other means" and it is not uncommon for the tactics of terrorists to contradict their strategies in a way that is most painful for them.

If terrorism is a political phenomenon, then pro-terrorist speech, in both senses of the term, is political speech. And in liberal democratic regimes there is a widespread consensus that political speech, whatever its source, should enjoy special protection.¹³ This does not imply that this protection is absolute. Most people would agree that some reasonable restrictions concerning the time and place of political expression would be appropriate. However, when it comes to content regulation, it is important for any limitations imposed to be minimal and well defined. In addition, these restrictions should not reflect merely the government's dislike for the content of certain political utterances, but rather be guided by the absolute necessity to protect values and rights (including the very right to free speech) that are essential for the functioning of liberal democracy. Generally speaking, and certain mishaps notwithstanding, it is an achievement of our political culture that we do not prosecute anyone for the simple reason that the majority or the authorities believe that someone airs subversive, vituperative, mistaken and/or outrageous political views. When these views are publicly stated, as Justice Brandeis put it, "the remedy to be applied is more speech, not enforced silence".¹⁴ All the above suffices, I believe, to establish a certain presumption against the suppression of pro-terrorist speech.

THE SECURITY ARGUMENT

At this point, a major objection is expected:

We cannot envisage terrorists as a bunch of radicals or dissidents who protest against a democratic government and its policies. On 9/11 the United States was the victim of a brutal attack by a terrorist organization that would constitute a *casus belli* if it were carried out by a state and the same holds for all those countries that were targeted by al-Queda. No one in Western democratic societies can feel safe any more, until the war against terror is won. We have a case of supreme emergency and our first priority should be the security of our people. Thus, we have to curtail, as long as it is necessary, certain civil liberties and legal safeguards including the right to express pro-terrorists views. It is an unhappy situation but security has to trump liberty.

Here we can distinguish two different claims. (a) The general claim that in cases of emergency the state, and a liberal democratic polity in particular, must curtail civil liberties and suspend the rule of law to protect the safety of its citizens. (b) The specific claim that the suppression of pro-terrorist speech makes us safer from the evil of terrorism. I will start with the general assertion.

The state of supreme emergency, despite Carl Schmitt's early warning that here the exception is more interesting than a rule that proves nothing, has not received the attention it deserves in contemporary political philosophy.¹⁵ One is entitled to pose afresh questions about the conditions under which a state of supreme emergency should be proclaimed and about who is entitled to make the necessary decisions. These considerations are beyond the scope of this essay and presumably beyond my competence.¹⁶ Instead, I will grant that we are in a state of supreme emergency in a loose and non-technical sense and I will focus on the core of the general claim to examine its plausibility, on the assumption that under the current circumstances security is the supreme prudential value for most citizens.¹⁷

The supporters of the general claim speak as if we are facing an inevitable choice between two completely heterogeneous and unrelated things: civil liberties and security. However, what is forgotten here is that civil liberties have been campaigned for and constitutionally established to make the lives of ordinary citizens (and non-citizens who are subject to the state's jurisdiction) safer from a "clear and (always) present" danger: the abuse of public authority. No matter what other justifications can be summoned up on their behalf, it cannot be denied that we feel secure because we know, for instance, that we will not be sent into exile when our political opponents assume power or that we will not stay for long in prison without being indicted for a clearly defined crime. The enforcement of civil liberties and the rule of law do not, as a matter of fact, assuage our fear of deacease, poverty and old age, but makes us not worry about an equally significant threat to our well being.

If this is the case, then the supporters of the general claim suggest that in an emergency the state should lower or suspend the protection we enjoy from its powers to protect us from another agent (a foreign state, a faction or a terrorist group) that is about to harm us. Is this a fair compromise? Is it something we are willing to accept,

even if personal safety is our only concern? The reasonable answer is to demand to be protected from our terrorist enemies as effectively as we are protected from the abuse of state power. Thus the real trade-off should not be between civil liberties and our security but between the resources democratic governments devote to the protection of the life and property of the people and the resources channelled into other purposes such as education or public works. Since we know well that we can suffer significant harm at the hands of state authorities, it is prudent not to want to disavow our civil liberties and rights but to be ready to make other sacrifices to contribute to the government's effort to combat effectively the collective threat that has suddenly arisen. Yet, the fact that the loss of liberties and rights will be now legitimate, even for a limited period of time, whereas the actions of the hostile agent will never be, adds to our reluctance to accept the proposal put forward by the adherents of the general claim. Moreover, the situation is exacerbated by our reasonable fears that, once a decision of this kind is institutionalised, it acquires its own momentum and this makes repeal difficult, and that the suspension of one civil liberty may pave the way for harsher measures by eroding the moral commitments of those in power. As to the possible claim that terrorist organizations are deadlier than governments, one can compare the number of civilians that died in the 20th century because of the (justifiable or unjustifiable) decisions of democratic governments with the number of civilians killed by terrorists.

Here the following objection can be raised:

You assume that in a supreme emergency the state will turn against innocent people or its political opponents,¹⁸ whence, in fact, all these measures seek to apprehend and punish a handful of guilty terrorists. Anyone not associated with these individuals has nothing to fear.

However, this is easier said than done. The very fact that a liberal, democratic state resorts to these measures betrays its difficulty in identifying and apprehending the guilty few. But by suspending certain basic provisions of the rule of law, say by allowing the conviction of defendants even if they are not found guilty beyond a reasonable doubt, the chances of punishing the innocent increase significantly.

Let us grant, however, that no mistakes will be made, that the government will not use its newly acquired powers to gain unfair political advantage and that only "the real enemies of the people" will be affected by the suspension of civil liberties and the corresponding legislative constraints. Even then, we believe that the state has acquired an unfair advantage over us. Consider, for instance, the bulk of personal information the authorities might gather if all restrictions concerning respect for individual privacy were lifted. We do not want the state to know so much about us, even if we know that it does not intend to use all this personal information improperly. We remain vulnerable and rely solely on the authorities' good intentions, since we have now been deprived of any significant means of self-protection.¹⁹ This brings us closer to a benevolent Hobbesian state, but it is small wonder that we cannot feel safer there, having experienced the liberties and safeguards of the modern liberal democratic state.

Leaving now the general claim, which no longer looks as powerful or persuasive as it used to, I turn to the specific claim that we must ban pro-terrorist speech as a

means of protecting us from the evil of terrorism. Is there some truth in this contention? Is there some value in it, even if we discount any potential dangers to our security stemming from giving government the liberty to censor political speech? Let us start with indirect pro-terrorist speech. Do we feel more secure from terrorism now that we know that our fellow citizens will be penalised if they publicly express their sympathy for it? By definition these people are not associated in any way with terrorist groups. They are just spectators and commentators of the political developments and pose no threat to national security, unless we make the implausible assumption that anyone who does not explicitly condemn terrorism is a potential terrorist. But even if this were true, it would be in our best interests to let people make their views public. In a society where freedom of speech is guaranteed, citizens will tend to reveal their real beliefs and this will help us determine our attitude towards these individuals. On the contrary, if free speech is stifled, people will be unwilling to openly support proscribed views and this makes it easier for us to be deceived about whom we have to deal with.

With regard to direct pro-terrorist speech, I claim that the first-hand knowledge of it confers citizens certain advantages. It gives us the opportunity to learn something about the reasons behind these violent acts and this is preferable to remaining in a state of complete ignorance.²⁰ The knowledge of these reasons makes us participants in a substantive public dialogue about our collective reaction to this phenomenon, since we now share crucial information with the authorities. Our confrontation with terrorism has many dimensions. Some of them are necessarily cloaked in secrecy. Others, however, should be public. A state might have to change its foreign or domestic policy dramatically to combat the terrorist threat more effectively. These are important decisions that should be backed by a wide and genuine consensus that cannot be achieved without open, public deliberation. In this dialogue, information about the causes of terrorism and the terrorists' perspective is important. It is not my wish to assert that this information is significant because it will make the citizenry sympathetic to the terrorists' cause. It is equally significant when it leads citizens to the conclusion that this cause is incomprehensible or unfounded. It seems that by proscribing direct, pro-terrorist speech, we do not become safer and we are deprived of certain assets we need in our dealings with terrorism.

The retort may be that terrorist communications do not include only explanations and political analyses but they address serious threats to specific persons, groups or peoples. This makes the recipients feel unsafe and, thus, it constitutes a reason for the suppression of the above communications.

The decision to include threats in the category of proscribed or protected speech is not an easy one. A good starting point would be a brief analysis of the concept of threat. Following Kent Greenawalt,²¹ we can distinguish between unconditional and conditional threats. In the first case, A informs B that he will harm her, although he is not morally or legally justified to do so, without giving the threatened party the option to avoid the impending harm. In the second case, A informs B that he will unjustifiably harm her, unless she complies with his demands. Conditional threats are of the form "I will do you x, unless you do y". Both types of threats are found in terrorist discourse. A terrorist group may threaten to punish its enemies *tout court* or to harm certain people in case its demands are not satisfied.

It is often argued that many threats made in the political sphere, albeit they might betray moral depravity or lack of moderation, should not worry us too much. According to one author “threats or implied threats of force or other sanctions affecting the well-being of the disputants, are always a part of the currency of the political debate”.²² Along these lines, the U.S. Supreme Court in *Watts v. United States*, 394 U.S. 705 (1969) reversed the conviction of an 18-year-old youth who said in a group of protestors “if they [i.e. the government] ever make me carry a rifle, the first man I want to get in my sights is L[yndon] B. J[ohnson]”. The Court ruled that this assertion could not be interpreted as a “knowing and wilful threat against the President”, but as “political hyperbole”, that is a form of speech falling under the First Amendment. However, as it is attested by various legal systems and codes, not all threats fall into this category. From the moral, pre-legal point of view we adopt here, it seems that there is something seriously wrong with a certain type of political threat. In particular when

- (i) A threatens openly (conditionally or unconditionally) to inflict serious harm upon B and
- (ii) from the overall context it is inferred that A is determined and capable²³ of inflicting the harm upon B,

then we have a morally reprehensible act, even if A does not fulfil his threat. One reason is that it invades B’s autonomy by making her do things she would not do in the normal course of events.²⁴ Another is that it undermines her sense of security and strikes fear in her. Unfortunately all the threats issued by al-Qaeda and other similar organizations belong to this category.²⁵ In the most tragic manner their leaders have already proved that they mean what they say, that they are ruthless and indiscriminate and, alas, unexpectedly effective. Thus, there is no question that their threats undermine our sense of security. However, it is again not clear that the suppression of direct pro-terrorist speech will restore our collective sense of security. First of all, it is highly unlikely for a democratic state to acquire such a firm grip on all communications, the media and the Internet to prevent terrorist discourse from reaching a greater public. But even if this can be achieved, the crucial point is that the feelings of insecurity, anxiety and uncertainty most of us have experienced after 9/11 are due to what they have done to us and not on what they say in their communications. It is of no comfort to be protected from becoming the final target of terrorist threats but to know that all these groups are fully operational. We should not put the cart before the horse.

CONCLUSION

I have argued that there is a certain presumption against the suppression of pro-terrorist speech and that considerations of collective security are not in principle strong enough to outweigh this presumption. This does not imply that there are no imaginable cases whatsoever where pro-terrorist speech should become subject to legal control for public safety reasons. There might be,²⁶ but the specification of all exceptions will require a detailed and legalistic approach that is beyond the scope of this essay.

How, then, should we as democratic citizens²⁷ treat those expressing pro-terrorist views we find absolutely mistaken, callous and appalling? What should we do with those who rejoice in the events of 9/11, Bali, Istanbul and Madrid? If these people are not in any way involved in terrorist activities, we can follow Mill's advice and endeavour to show them that they are wrong or avoid them and "caution others against them". This treatment might have undesirable consequences for them but any harm they suffer is the "spontaneous consequences of their faults" or choices, as we would now preferably say, and they are not "purposefully inflicted for the sake of punishment".²⁸ However, we are not entitled to take other measures against them. If they are engaged in terrorist activities, then it is our duty (and of course that of the law enforcement authorities) these individuals to be brought to justice and have a fair trial; not for their beliefs but for the wrongful acts they have committed.

NOTES

¹ See Brett V. Kenney, "The British Media Ban: The Difference between Terrorist-Related Speech and Terrorist Acts", *Notre Dame Journal of Law, Ethics and Public Policy* 6 (1992): 245-81.

² I discuss this ban in "Freedom of Expression and Terrorism", *Journal of Liberal Arts* (Thessaloniki) 1(1994): 57-70.

³ This is what I make of article 57 (1) of the Terrorism Act 2000, which states that "a person commits an offence if he possesses an article in circumstances which give rise to a reasonable suspicion that his possession is for a purpose connected with the commission, preparation or *instigation* of an act of terrorism" [italics mine]. And if press reports are accurate, Charalambos Dousemetzis, a Greek student in England, was arrested and charged under the above article of the Terrorism Act 2000 for having a pamphlet and two rubber stamps related to *November 17* in his house. See "Charges dropped against suspected terrorist", http://www.thisisthenortheast.co.uk/the_north_east/archive/2003/0408/terrorist.news.html.

⁴ The PATRIOT Act of 2001 (section 411) amended the grounds of inadmissibility of aliens for security and related grounds specified in the Immigration and Nationality Act (8 U.S.C. 1182 (a) (3)). Now any alien who "has used the alien's prominent position within any country to endorse or espouse terrorist activity, or to persuade others to support terrorist activity or a terrorist organization, in a way that the Secretary of State has determined undermines United States efforts to reduce or eliminate terrorist activities" is excludable. This in fact means that it is possible for certain individuals to be denied entry to the United States merely because of their beliefs.

There is no doubt that the above category of persons will suffer a setback in their interests but they are hardly *punished* for their pro-terrorist attitudes. Generally, we do not regard the exclusion of individuals from certain institutions for ideological reasons as punishment for their credos, if these persons have no pre-established right to participate in them. Atheists do not qualify for priesthood; neither do pacifists for a career in the military. In these cases, however, we do not claim that all these are *wronged* because of their ideological preferences. Thus a state cannot in principle be blamed for refusing entry to those who, say, publicly declare that its people deserve to be wiped off the face of the earth. After all, there is no unqualified universal right to immigrate or to visit any place in the world. The most it can be said here is that all relevant cases should be examined as fair-mindedly as possible by taking into account the special reasons each alien has for entering the country. For a general criticism of the Act, including the above provision, see David Cole & James X. Dempsey *Terrorism and the Constitution: Sacrificing Civil Liberties in the Name of National Security* (New York: The New Press, 2002).

⁵ "College Staff Find Chilling Free Speech Climate", <http://www.blacknewsweekly.com/bin29.html>.

⁶ Ellen Cronin, "Editor of the Courier Newspaper Fired Suddenly", 14 February 2002, http://www.caledonianrecord.com/pages/local_news/story/faebd52bf.

⁷ Andrew Buncombe, "US Cartoonists under Pressure to Follow the Patriotic Line", *The Independent* (London), 23 June 2002.

⁸ "Falling under the Spell", *Index on Censorship*, http://www.indexonline.org/news/110901/20011010_unitedstates.shtml.

⁹ Joel Feinberg, *Harm to Others: The Moral Limits of Criminal Law*, Volume One (Oxford: Oxford University Press, 1984), 4.

¹⁰ "College Stuff", op. cit.

¹¹ It is very likely that the rapid expansion of the Internet will make these bans obsolete in the near future. This new cheap medium of communication allows all sorts of terrorists and extremists to bypass national laws, to retain their anonymity and to reach diverse audiences all over the world. For the legal issues concerning the policing of the Internet as well as the various difficulties surrounding it, see Kathy Crilley, "Information Warfare: New Battlefields. Terrorists, Propaganda and the Internet", *Aslib Proceedings* 53 (2001): 250-64.

¹² "The Political Significance of Terrorism", in *Violence, Terrorism, and Justice*, edited by R. G. Frey & Christopher W. Morris (Cambridge: Cambridge University Press, 1991), 88.

¹³ I will not rehearse the various arguments undergirding this consensus. For a recent general account see Cass R. Sunstein, *Democracy and the Problem of Free Speech* (New York: Free Press, 1993). I have discussed one of these arguments at length in "Deliberative Democracy and Freedom of Expression (in Greek)", *Epistimi kai Koinonia* 1 (1998): 29-56. I would only like to point out that the most eloquent defenses of political speech are given in periods of crisis. Meikljohn's masterpiece *Political Freedom* came out as a reaction to the communist witch-hunts that took place in the forties and the fifties in the United States.

¹⁴ *Whitney v. California* 274 U.S. 357 (1927).

¹⁵ Carl Schmitt, *Political Theology: Four Chapters on the Concept of Sovereignty*, translated by George Schwab (Cambridge, Mass.: The MIT Press, 1994), Introduction.

¹⁶ Cf. the remarks of Andrew Arato in his "Minima Politica after September 11", *Constellations* 9 (2002): 46-52.

¹⁷ Undoubtedly, there are many ways to attack the security argument. Within a liberal philosophical context one can appeal to the lexical priority of civil liberties in a well-ordered society or to the anti-consequentialist consideration that we are not justified in bypassing the rights of a small minority to bring about a collectively beneficial outcome. See respectively Rawls's *Political Liberalism* (New York: Columbia University Press, 1993) and Dworkin's recent articles "The Threat to Patriotism", *The New York Review of Books*, 28 February 2002 and "Terror and the Attack on Civil Liberties", *The New York Review of Books*, 17 November 2003. However, this is not the line I take in this essay, although I am in full agreement with the rights approach. Instead I will attempt a more internal criticism of the security argument by taking for granted its basic underlying premise. It is my belief that under the current pressing circumstances it is more imperative to convince conservatives not to opt for an oppressive state rather than liberals, who oppose any curtailment of civil liberties more firmly than anyone else.

¹⁸ Cf. Waldron's remark that "we have to worry that the very means given to the government to combat our enemies will be used by the government against its enemies – and although these two classes "enemies of the people" and "enemies of the state" overlap, they are not necessarily co-extensive". Jeremy Waldron, "Security and Liberty: The Image of Balance", *The Journal of Political Philosophy* 11 (2003): 206.

¹⁹ If we substitute "liberty" for "personal safety", we have the 17th century "neo-roman" argument British political theorists put forward in favour of a free and representative civil association. See Quentin Skinner, *Liberty before Liberalism* (Cambridge: Cambridge University Press, 1998).

²⁰ In some cases terrorist communications take the form of detailed political commentaries similar to those published in radical journals and magazines. This is the case with *November 17* who would like to have its say in almost every aspect of Greek domestic and foreign policy. The "collected written works" of the organization, about nine hundred densely printed pages, constitute an important document for the study of the Greek political scene after the restoration of democracy in 1974. See *The Proclamations 1975-2002: All the Texts of the Organization* (in Greek) (Athens: Kaktos, 2002).

²¹ *Speech, Crime, and the Uses of Language* (New York: Oxford University Press, 1989), 90-1.

²² P. Gilbert, "The Oxygen of Publicity: Terrorism and Reporting Restrictions", in *Ethical Issues in Journalism and the Media*, edited by Andrew Belsey & Ruth Chadwick (London & New York: Routledge, 1992), 145.

²³ Cf. Onora O' Neill's remark that "[w]hat constitutes a threat depends on what powers a threatener has to harm particular victims – hence also on the reciprocal of power, i.e. on the vulnerability of those threatened". See her "Transnational Justice", in *Political Theory Today*, edited by David Held (Cambridge: Polity Press, 1991), 300.

²⁴ I elaborate this claim in "Freedom of Expression, Autonomy and Defamation", *Law and Philosophy* 17 (1998): 1-17.

²⁵ On the contrary this is not true with respect to any threats made by citizens who simply sympathise with terrorist groups. These can be better characterised as “political hyperbole”.

²⁶ I am thinking of cases where terrorists attempt to publicize stolen secret documents that would jeopardise national security. Or cases where the broadcasting of a threat would create such panic that more lives would be saved if the authorities and the media kept the public in the dark.

²⁷ It was said earlier that the arguments adduced concern individual citizens, legislators and politicians. I shall not discuss the media coverage of terrorism, which deserves separate treatment. This is a very perplexing issue, given the special moral obligations of media to the public, the unavoidably commercial character of most of them and the tremendous influence they exercise in the formation of public opinion. For various aspects of it, see S. Kleidman & T. L. Beauchamp, *The Virtuous Journalist* (New York: Oxford University Press, 1987), David L. Paletz & Alex P. Schmid, eds., *Terrorism and the Media* (London: Sage, 1992), Santo Iyengar, *Is Anyone Responsible? How Television Frames Political Issues* (Chicago and London: Chicago University Press, 1994), and Virginia Held, “The Media and Political Violence”, *The Journal of Ethics* 1 (1997): 187-202.

²⁸ *On Liberty*, edited with an Introduction by John Gray (Oxford: Oxford University Press, 1991), 86.