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# Fear Factor: The Role of Fear in a Liberal Democracy

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## **Fear Factor: The Role of Fear in a Liberal Democracy**

### **Abstract**

*What is the most appropriate role of fear in contemporary democratic politics? Political figures and institutions harness and even create public fear for power and for maintaining order and structure. This thesis explores the moral dimensions of the use of fear in politics. I expected to find that not all politically premeditated uses of fear are undesirable. Could it be morally acceptable then, or even praiseworthy to use politically-motivated fear in certain cases? In certain situations, public fear may, in fact, be used to enhance democracy. This essay clarifies situations in which the political use of fear is both desirable and warranted. What must be avoided is the deliberative political rhetoric that uses fear in order to undermine individual autonomy and its inherent rationality, which is the ideal for citizens of a liberal democracy.*

“Government can be the greatest source of fear, and its structure and mentality must give insurance against itself.”<sup>1</sup>

Keywords: fear, liberal, democracy, deontology

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<sup>1</sup> Shklar, Judith N. “The Liberalism of Fear.” *Political Thought & Political Thinkers*. Ed. Stanley Hoffmann. Chicago, IL: University of Chicago Press, 1998. 3-20, at xvii.

## **Introduction**

Machiavelli claims that it is better to be feared than loved,<sup>2</sup> yet can this approach really be upheld within a democratic political system? The psychology of fear suggests that fear may interfere with our rational processes. Should this concern us on a moral level if we live in a democracy: a political system that ideally requires its citizens to remain rational autonomous agents?

It is clear that drumming up public fear is a very practical and oftentimes successful tactic for political elites. For example, following Japanese attacks on Pearl Harbor, American citizenry—with more than a push or two from the federal government—were caught up in the fear that more attacks would follow if nothing was done soon. Yet this soon slipped into an encouragement of domestic fear of Japanese-American spies during the Second World War. There has been little academic inquiry into when this inciting public fear crosses the line. It seems that just about every four years the political elite remind the American public of the social, economic, or political crises which simply must be solved. We know that career politicians and the political elite are more than *able* to stir up and subsequently use public fear to their advantage, yet when *ought* they do so? If there is ever such a proper situation, can we—as citizens—adequately determine which instances are, in fact, moral and which are immoral? We must untangle the deep paradox that we generally view fear as something to be avoided, yet we often expect our politicians to inform us of what we should fear most.

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<sup>2</sup> Machiavelli, Niccolò. *The Prince*. Trans. Luigi Ricci. 1935. New York, NY: Penguin Books, 1952, at 90.

*Methods*

Unlike many empirical studies within the political science discipline, this project is a piece of normative political philosophy. This means that methodologically we are not relying on empirical datasets, but rather, on a careful examination of the philosophical underpinnings of political public policy. Our end goal is not simply descriptive, but to approximate what—in an ideal world—ought to be the moral criterion used to judge the legitimacy or illegitimacy of public fear deliberately created or roused by political figures and institutions. The political elite clearly has the power and ability to wield public fear to its own advantage, so this paper questions when it becomes morally unacceptable to do so.

We begin with a brief introduction to the classical underpinnings of political fear as portrayed by a few major foundational political philosophers. Most know Machiavelli's famous saying that it is better to be feared than loved. He means this in a very practical sense, so this is not as useful for our moral examination. He also discusses fear within principalities, and so becomes even less applicable for those of us in democracies. Thomas Hobbes is slightly more applicable as a social contractarian, and claims that because humans are self-interested creatures, the governing authority must reign over almost every aspect of life through force and fear. Most people, however, would view this type of fear as morally unacceptable. Furthermore, Hobbes advocates for a fear of the political elite themselves, which is outside of the scope of this project. On the other hand, Cicero weighs in on the opposite end of the spectrum, claiming that a government that uses fear is inherently wrong in doing so. Like Hobbes' claim, this is outside of our scope in examining instances when the creator of the fear and the object of fear are one in the same, that is to say, the political elite.

After essentially dismissing the usefulness of these philosophers for the scope of this project, this paper turns to two of the most noteworthy modern-day writers on political fear, Corey Robin and Judith Shklar. As such, we narrow the scope to examine fear created by the political elite of some impending crisis within liberal democracies through the moral framework of deontology. Part I lays out the assumptions about the nature of autonomy and the psychological effects that fear and emotions have upon our rational processes. Part II begins to analyze how we are to preserve the autonomy and rational decision-making skills of individuals within the public. I do so by drawing out our intuitions within two case studies: the Los Angeles “Carmagedon” of 2011, and the color-coded terror alert system. Part III explores the moral implications of these intuitions by explicitly laying out four principles that the political elite ought consider when evaluating the moral legitimacy of the fear-inducing public policies they enact. These four principles are the continuity principle, the proportionality principle, the intensity or severity principle, and the rationality principle, all of which are intrinsically tied to the Kantian emphasis on regarding others as ends in themselves due to an inherent respect for rational autonomous beings. We then find ourselves with four distinct spectrums upon which to judge the moral acceptability of public policy that creates fear. This paper then applies these four principles back to the two case studies, explicitly demonstrating how we formed such principles from both our assumptions about the nature of fear as well as from our intuitions about these cases. We can then conclude by summarizing what new ground has been covered by the findings of this paper.

*Classical Underpinnings*

Nicolò Machiavelli is perhaps most oft quoted on the importance of the use of fear within governing a people. He famously proclaimed that it is better to be feared than loved: “[On] the question whether it is better to be loved more than feared, or feared more than loved. The reply is, that one ought to be both feared and loved, but as it is difficult for the two to go together, it is much safer to be feared than loved, if one of the two has to be wanting”.<sup>3</sup> What we must first ask ourselves is: what does Machiavelli mean by “better?” According to Machiavelli, fear is not necessarily moral, but practical. The fear of punishment is what keeps citizens in line and allows one to be an effective ruler. There are those, however, who argue that Machiavelli’s admonition to use fear is, undergirded by a utilitarian moral appeal, which takes into consideration the good of the whole of society by avoiding anarchy. This paper does not purport to settle this debate, as there are other reasons which we may look towards to discount Machiavelli’s applicability in our inquiry. For instance, we must ask in what sort of government Machiavelli claims fear is best. Machiavelli writes of practical means to keep order within a principality. Today, most of the developed world does not live in principalities, and under social contract theory, we have conferred upon the government only so much authority over us as is necessary to keep us from anarchy. In short, we do not live under princes, as in Machiavelli’s time. If we are to search for the moral basis for governmentally derived fear within our own society, then clearly Machiavelli’s writings should not be our primary focus.

Thomas Hobbes, on the other hand—another classic advocate of governmentally derived fear—is much more applicable. As a social contractarian, he believed that government has

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<sup>3</sup> Machiavelli, Niccolò. *The Prince*. Trans. Luigi Ricci. 1935. New York, NY: Penguin Books, 1952, at 90.

legitimate authority, due to our agreement, to vest a portion of our own individual autonomy into a governing body. We do so in order to escape the state of nature, which he claims would make life “solitary, poor, nasty, brutish, and short.”<sup>4</sup> Because Hobbes viewed humans as essentially self-interested, he claimed that the governing authority must reign over almost every aspect of life through force and fear. While yes, our governments *are* based upon a similar social contract theory, Hobbes advocated a sovereign government which is forceful past the point of being morally acceptable. Even if we discard this judgment as subjective, we see that Hobbes did not consider the sort of fear we are hoping to examine. He advocated for the fear of the sovereign authority itself, not the fear that those in power create as something external of themselves.

Cicero also followed this pattern of viewing fear within politics as creating fear of those who are themselves in power, though he weighed in on the opposite end of the spectrum. Cicero makes the bold claim that a government that uses fear is inherently wrong in doing so.<sup>5</sup> Corey Robin—in chronicling the concept of fear throughout the history of political theory—agrees with Cicero’s characterization of governmentally motivated fear. Robin claims that all such fear is morally problematic, as it is:

A political tool, an instrument of elite rule or insurgent advance, created and sustained by political leaders or activists who stand to gain something from it, either because fear helps them pursue a specific political goal, or because it reflects or lends support to their moral and political beliefs—or both.<sup>6</sup>

Robin—as well as Cicero—automatically assumes that governments will take advantage of and abuse any use of political fear, and thus it will always be illegitimate and immoral. On the other hand, Machiavelli and Hobbes—whether for practical or ideological reasons—believe that fear is legitimate, if not, necessary for a governing body to control its citizens. This paper

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<sup>4</sup> Hobbes, Thomas. *Leviathan*. Ed. C. B. MacPherson. New York, NY: Penguin Group, 1985, at XIII.

<sup>5</sup> Cicero, Marcus Tullius. *De Oratore*. New York, NY: Cambridge University Press, 2011. Print.

<sup>6</sup> Robin, Corey. *Fear: The History of a Political Idea*. New York, NY: Oxford University Press, 2004, at 16.

argues that a middle ground can be reached between these two extremes. Political uses of public fear may sometimes be legitimate, while many others can be easily dismissed as illegitimate on moral grounds.

While these classical writers are not as relevant to my specific focus, this paper takes into account more contemporary writers on political fear in the analysis in this paper. There are not many academics today who focus on political fear outside of authoritarian regimes, which is why this paper is unique in delving into this relatively unexplored topic. The two more important contemporary writers are Corey Robin who takes a modern-day Ciceronean approach, and Judith Shklar who is not necessarily opposed to all forms of political fear as Robin is, but only those that are an abuse of power. This paper essentially supports Shklar in my paper in assuming that political fear may be used legitimately in a morally acceptable manner, and it begins to clarify means of judging this legitimacy.

### *Scope*

In order to focus our analysis, we may look specifically at the public fear of an external threat which is created by the political elite within a liberal democracy. Many academic musings focus on the use of political fear within authoritarian regimes and totalitarian regimes. While these studies are helpful, it is quite clear that much of the fear created is illegitimate and immoral. Furthermore, for those of us lucky enough to live outside of these types of governments, it is not always quite so easy to determine fear's legitimacy. We must examine a fear that is much more subtle and harder to see, yet it is still public fear nonetheless and at times such a fear seems to undermine the function of the democracy itself.



We can therefore narrow our inquiry to solely examine the uses of fear within democracies. For those of us who live within a democracy, we believe that we have entered into a social contract with our body politic, giving up certain liberties in exchange for protection from the fear that accompanies the anarchy within the state of nature.<sup>7</sup> According to classic social contractarians like John Locke<sup>8</sup> and Jean Jacques Rousseau,<sup>9</sup> we have made the rational choice to avoid such fear and enter into society under a governing body. What this implies for our examination is that if fear undermines rationality, it would also undermine the social contract by leading to that from which it seeks to save us—fear of losing our life and property—as well as undermining the process through which it is legitimated—voluntary rational decision-making. Therefore, if a fear is to be considered fully legitimate under social contract theory within democracy, it must avoid these two pitfalls.

This consideration of the underpinnings of democracy sheds light on why the only political schema upon which we must focus—if we hope to maximize our chance of finding and defining a morally legitimate use or creation of public fear—is within a liberal democracy. How does liberalism affect our inquiry? According to thinkers such as Judith Shklar, liberalism is the ideal version of democracy under which no individual is subject to the arbitrary power of another, and therefore, “Liberalism is monogamously, faithfully, and permanently married to democracy.”<sup>10</sup> Liberalism, according to Shklar, attempts to ensure that as much liberty and

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<sup>7</sup> Locke, John. *Second Treatise of Government*. Indianapolis: Hackett Publishing Company Inc, 1980.

<sup>8</sup> Locke, John. *Second Treatise of Government*. Indianapolis: Hackett Publishing Company Inc, 1980.

<sup>9</sup> Rousseau, Jean-Jacques. “On the Social Contract.” In *The Basic Political Writings*. Trans. Donald Cress and Peter Gay. Indianapolis: Hackett Publishing Company Inc, 1987.

<sup>10</sup> Shklar, Judith N. “The Liberalism of Fear.” *Political Thought & Political Thinkers*. Ed. Stanley Hoffmann. Chicago, IL: University of Chicago Press, 1998. 3-20, at 19.

freedom as is possible is extended to individuals to live their version of the good life. It “has only one overriding aim: to secure the political conditions that are necessary for the exercise of personal freedom. Every adult should be able to make as many effective decisions without fear or favor about as many aspects of her or his life as is compatible with the like freedom of every other adult.”<sup>11</sup> This overarching goal is made up of the Liberalism of Natural Rights—to life, liberty, and property<sup>12</sup>— Liberalism of Personal Development,<sup>13</sup> and Liberalism of Fear.<sup>14</sup>

Judith Shklar has been at the forefront of the movement to incorporate the avoidance of illegitimate fear into the main goals of liberalism, yet some, such as Robin, wholeheartedly disagree with the movement: “By seeing liberalism as solely a solution and not also a problem, the writers [like Judith Shklar] who proffer these notions of fear lead support, wittingly or unwittingly, to the forces in society that have much to gain from fear.”<sup>15</sup> What Robin seems to ignore is the “notions of fear” which Shklar and other liberalism of fear advocates support. Shklar argues that “liberalism of fear has very clear aims—the reduction of fear and cruelty”<sup>16</sup> as it “regards abuses of public powers in all regimes with equal trepidation”<sup>17</sup> Whereas Shklar is skeptical of abuses of fear and cruelty, Robin views *all* fear as an abuse. What we must identify, then, is what actually counts as an “abuse,” and is hence, immoral. According to liberalism, it is

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<sup>11</sup> Shklar, Judith N. “The Liberalism of Fear.” *Political Thought & Political Thinkers*. Ed. Stanley Hoffmann. Chicago, IL: University of Chicago Press, 1998. 3-20, at 3.

<sup>12</sup> Locke, John. *Second Treatise of Government*. Indianapolis: Hackett Publishing Company Inc, 1980.

<sup>13</sup> Mill, John Stuart. *Utilitarianism*. Indianapolis: Hackett Publishing Company Inc, 2001.

<sup>14</sup> Shklar, Judith N. “The Liberalism of Fear.” *Political Thought & Political Thinkers*. Ed. Stanley Hoffmann. Chicago, IL: University of Chicago Press, 1998. 3-20, at 9.

<sup>15</sup> Robin, Corey. *Fear: The History of a Political Idea*. New York, NY: Oxford University Press, 2004, at 16.

<sup>16</sup> Shklar, Judith N. “The Liberalism of Fear.” *Political Thought & Political Thinkers*. Ed. Stanley Hoffmann. Chicago, IL: University of Chicago Press, 1998. 3-20, at 14.

<sup>17</sup> Shklar, Judith N. “The Liberalism of Fear.” *Political Thought & Political Thinkers*. Ed. Stanley Hoffmann. Chicago, IL: University of Chicago Press, 1998. 3-20, at 9.

that which undermines reasonable freedom, or “the presence of alternatives, between which one may choose,”<sup>18</sup> without proper legitimacy to do so.

First, however, we must know which types of fear we are examining as potentially morally acceptable. When we combine the two most prominent recent scholars on political fear—Shklar and Robin—we find that there are two types of fear: fear of the political elite themselves, and fear which the political elite create about something other than themselves. The former is most prevalent outside of democracies, yet when corruption enters a democratic government, the citizens should know what recourses they have. They know that it is incompatible with the liberal ideal because “systematic fear is the condition that makes freedom impossible, and it is aroused by the expectation of institutionalized cruelty as by nothing else.”<sup>19</sup> Citizenry in liberal democracies know what to do in that case. They have at their disposal historically accepted legitimate means to change the situation through protests, judicial processes, etc. This first category of fear is what liberalists of fear would categorize as the arbitrary abuse of power which can easily lead to cruelty.<sup>20</sup>

On the other hand, skeptics such as Robin claim that this:

Kind of fear arises from the social, political, and economic hierarchies that divide people. Though this kind of fear is also created, wielded, or manipulated by political leaders, its specific purpose or function is internal intimidation, to use sanctions or the threat of sanctions to ensure that one group retains or augments its power at the expense of another [usually based on] inequities of wealth, status, and power.”<sup>21</sup>

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<sup>18</sup> Shklar, Judith N. “The Liberalism of Fear.” *Political Thought & Political Thinkers*. Ed. Stanley Hoffmann. Chicago, IL: University of Chicago Press, 1998. 3-20, at xvii.

<sup>19</sup> Shklar, Judith N. “The Liberalism of Fear.” *Political Thought & Political Thinkers*. Ed. Stanley Hoffmann. Chicago, IL: University of Chicago Press, 1998. 3-20, at 11.

<sup>20</sup> Shklar, Judith N. “The Liberalism of Fear.” *Political Thought & Political Thinkers*. Ed. Stanley Hoffmann. Chicago, IL: University of Chicago Press, 1998. 3-20, at 11.

<sup>21</sup> Robin, Corey. *Fear: The History of a Political Idea*. New York, NY: Oxford University Press, 2004, at 18.

Robin discounts the possibility that these sorts of threats can be used in deterring crime and keeping the public safe. Obviously there can be abuses, which is why “we should [not] allow more acts to be criminalized than is necessary for our mutual safety,”<sup>22</sup> yet they are necessary and Robin has miscategorized them. The politician himself, in an ideal liberal democracy, is not the judge, jury, and executioner, and so the threat of sanctions is the threat of a system which is external to that politician, placing deterrence firmly within the second type of fear.

The second type of fear is the fear of something other than the political elite. There are two types of fear within this category: the fear of the disciplinary system, and the fear of crisis. As long as they are used correctly, they both should have the potential to be morally acceptable. The fear of the disciplinary system as a deterrent for crimes has long been termed legitimate upon both philosophical grounds, yet disputed on practical grounds. Justifying deterring crimes is nothing new. Rousseau was one of the first social contractarians to explain why the governing body politic has the authority to punish criminals. In his *Social Contract* Chapter V, entitled “On the Right of Life or Death,” he argued that the body politic has the authority over the life of a criminal as part of the social contract: “It is in order to avoid being the victim of an assassin that a person consents to die, where he to become one. According to this treaty, far from disposing of his own life, one thinks only of guaranteeing it.”<sup>23</sup> Essentially, we all expect our own lives to be preserved by the body politic, and protecting against assassins is one way the state can do this. Since we all consent that we would like other assassins murdered, we immediately consent—

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<sup>22</sup> Shklar, Judith N. “The Liberalism of Fear.” *Political Thought & Political Thinkers*. Ed. Stanley Hoffmann. Chicago, IL: University of Chicago Press, 1998. 3-20, at 18.

<sup>23</sup> Rousseau, Jean-Jacques. “On the Social Contract.” In *The Basic Political Writings*. Trans. Donald Cress and Peter Gay. Indianapolis: Hackett Publishing Company Inc, 1987, at II.V.

within the confines of the social contract—to be killed if we ourselves become an assassin and become a threat to other citizen’s lives.<sup>24</sup> Furthermore, “it is not so much the actuality of a threat, but the imagined idea of a threat”<sup>25</sup> that deters criminals and keeps us safe, which is the government’s main duty under social contract theory. Even under liberalism, “A minimal level of fear is implied in any system of law,”<sup>26</sup> and hence “any government must use the threat of punishment.”<sup>27</sup> It has been disputed, however, how effectively the threat of punishment actually deters crime itself.<sup>28</sup> This paper does not purport to resolve this debate here, as its focus in this inquiry is specific to the last type of fear which is discussed next.

The altogether novel application of fear within a liberal democracy is the last type of fear of a crisis which is external to the political elite, whether that crisis is social, economic, military, etc. Such crises normally come in the form of say, an external enemy, or threats of impending economic or social collapse. The reason which Robin is skeptical of this creation of fear as well is that he sees it as artificial. “Leaders or militants can define what is or ought to be the public’s chief object of fear. Political fear of this sort almost always preys upon some real threat—it seldom, if ever, is created out of nothing.”<sup>29</sup> If there is indeed a “real threat,” then should we expect the political elite to keep that information from the public? No, we reasonably expect our politicians to inform us about what we should worry. This need not be every item which crosses their desk, but there is an expectation on the part of the general public that our elected officials

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<sup>24</sup> Rousseau, Jean-Jacques. “On the Social Contract.” In *The Basic Political Writings*. Trans. Donald Cress and Peter Gay. Indianapolis: Hackett Publishing Company Inc, 1987.

<sup>25</sup> Robin, Corey. *Fear: The History of a Political Idea*. New York, NY: Oxford University Press, 2004, at 25.

<sup>26</sup> Shklar, Judith N. “The Liberalism of Fear.” *Political Thought & Political Thinkers*. Ed. Stanley Hoffmann. Chicago, IL: University of Chicago Press, 1998. 3-20, at 11.

<sup>27</sup> Shklar, Judith N. “The Liberalism of Fear.” *Political Thought & Political Thinkers*. Ed. Stanley Hoffmann. Chicago, IL: University of Chicago Press, 1998. 3-20, at 12.

<sup>28</sup> Gabriel, Ute and Werner Greve. “The Psychology of Fear of Crime: Conceptual and Methodological Perspectives.” *British Journal of Criminology*. 43.3(2003): 600-614.

<sup>29</sup> Robin, Corey. *Fear: The History of a Political Idea*. New York, NY: Oxford University Press, 2004, at 16.

and other highly ranking political elite will selectively inform us. Robin is correct in that this guiding of public fear should not be manipulative, but it remains unclear whether every such instance “preys upon” the citizenry. Our inquiry, therefore, aims to examine in which cases a real threat is morally acceptable, if ever it is. The fear of crisis is not normally the focus of most academic writings on politically-based fear, and as such, there is much to gain simply from exploring new ground.

### *Moral Criterion*

For the sake of this examination, we will use deontology as a moral criterion. Obviously we must choose a moral framework through which to assess the uses of fear, yet there are some frameworks, such as Divine Command Theory, that many would disregard as incompatible with the social contractarian roots of liberal democracies. We are left, then to choose between consequentialism and deontology. Consequentialism—also known popularly as utilitarianism—is the Millian moral code which claims that the act which is most moral is that whose consequences yield the most positive benefits for the most amount of people while simultaneously limiting the negative outcomes.<sup>30</sup> On the other hand, deontology derives from Kant’s theory that an act is moral out of an intentional duty as a rational being and justifiably so regardless of the consequences.<sup>31</sup> This paper does not claim to be able to settle the centuries old debate over which is objectively a better means of measuring morality. Therefore, in some respects the choice to use deontology rests partly upon an arbitrary choice to use it in this first attempt to delineate legitimate uses of this specific type of fear.

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<sup>30</sup> Mill, John Stuart. *Utilitarianism*. Indianapolis: Hackett Publishing Company Inc, 2001.

<sup>31</sup> Kant, Immanuel. *Grounding for the Metaphysics of Morals*. Trans. James Ellington. Indianapolis: Hackett Publishing Company Inc, 1981.

Of course, consequentialism is a tempting framework when working with morals at the societal level, and though consequentialism and deontology are not mutually exclusive and are sometimes compatible, consequentialism in this case would become too problematic. Imagine a schema in which consequentialist utilitarianism were used to justify political elite-created fear. A politician could easily justify many actions with the claim that it is good for the whole of society. The problem is that if we assume that fear undermines an individual's rationality—even to some extent—then an individual within the public would not be able to object in a completely free, rational, autonomous manner, and so would have to trust the politician implicitly. One can easily see how this can quickly become problematic if any politician were corrupt. Beyond that, even a well-intentioned consequentialist could easily be carried too far, and there stands far too much to lose if we depend on this.

On the other hand, if we utilize deontology, we would stay true to the social contractarian roots of liberal democracies which place authority and trust in the individual's rationality. Thus, why the main moral quality we are looking to satisfy as we search into the moral acceptability of fear is to preserve—not undermine—a human's rational autonomy. One may object that a consequentialist moral framework is at its core based upon a rational calculation of costs and benefits of any given decision, and so inherently respects and preserves human rational autonomy. Yes, the rational autonomy of the agent making the moral choice would be preserved, but—as we find in later in this paper that fear undermines rational processes—such a preservation of rational autonomy will most likely not be afforded to citizens who are affected by the political elite's decisions. Deontology, on the other hand, requires the moral agent to take into consideration the rational autonomy of other moral agents, as a subsidiary quality which

falls out of a deontological moral standard that individuals must be considered ends in themselves, never a means only.<sup>32</sup> One implication which follows includes a caution for election season. During elections when political elites drum up the fear of crises to advance their campaign, they must be careful not to create that fear in the individual citizens only for their own ends of being elected. In other words, the crisis must be a real threat.

### **Part 1: The Assumptions**

We see then, that the moral quality of fear is based on how it influences autonomy on the individual level, but also at the collective democratic level of autonomy. We must first understand the nature of autonomy, as well as the nature of fear as an emotion that might undermine that autonomy.

#### *Nature of Autonomy*

There are roughly two broad ways to conceive of autonomy as it exists under a social contract: Hobbesian Contractualism and Kantian Contractualism.<sup>33</sup> A Hobbesian version of contractualism presupposes that people are selfish, and as such, must be told what is best for them by the sovereign or government. What is moral, then, is for each to pursue his or her own self-interest as guided by the government, since individuals have voluntarily transferred much of their autonomy over their lives to the body politic when they entered into society.<sup>34</sup> Under Kantian contractualism, autonomy is preserved only through conceptions of governmental

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<sup>32</sup> Kant, Immanuel. *Grounding for the Metaphysics of Morals*. Trans. James Ellington. Indianapolis: Hackett Publishing Company Inc, 1981.

<sup>33</sup> Christman, John. "Autonomy in Moral and Political Philosophy." *Stanford Encyclopedia of Philosophy*. N.p., 11 August 2009. Web. 12 Dec. 2011.

<sup>34</sup> Christman, John. "Autonomy in Moral and Political Philosophy." *Stanford Encyclopedia of Philosophy*. N.p., 11 August 2009. Web. 12 Dec. 2011.



structures which preserve an individual's dignity as a human being and respects his or her view of the "good life" and does not impose conceptions of the "good life" upon them. A moral code that could be the object of agreement among such rational individuals is thus a publicly justified morality.<sup>35</sup> While there is much more that can be said aside from this brief introduction to these two types of contractualism, this paper does not claim to settle this debate here, as it is outside of its scope.

All we must know is that Kantian contractualism is most compatible with the deontological framework we are using, and so the view of autonomy we are to use should derive from it. What follows is essentially that preserving one's autonomy is of the utmost importance, and—as under liberalism—we must be given as much freedom as possible to rationally make decisions about our life, including our government. Therefore, if an appropriate role of fear is found through not undermining our individual autonomy, then we must avoid undermining our rationality.

### *The Nature of Fear and Emotions*

Do emotions—specifically fear—undermine an individual's rationality? If they do, then we must be careful in how to proceed in finding a potentially moral use of public fear. Some argue that fear is not antagonistic to rationality. For instance, Ronald Sousa claims that we choose which emotion to feel by thinking: "in terms of the paradigm scenario alone, the emotion that fits it is by definition rational."<sup>36</sup> He goes on to argue that "Emotions are intentional."<sup>37 38</sup>

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<sup>35</sup> Christman, John. "Autonomy in Moral and Political Philosophy." *Stanford Encyclopedia of Philosophy*. N.p., 11 August 2009. Web. 12 Dec. 2011.

<sup>36</sup> Rorty, Amelie Oksenberg. *Explaining Emotions*. Berkeley: University of California Press, 1980, at 149.

<sup>37</sup> Rorty, Amelie Oksenberg. *Explaining Emotions*. Berkeley: University of California Press, 1980, at 252.

Because “emotions themselves are already judgments...every emotion is already a matter of judgment,”<sup>39</sup> <sup>40</sup> and hence “I am as responsible for my emotions as I am for the judgments I make”<sup>41</sup> because there is a rationality built in. “Emotions require rationality (the ability to manipulate concepts).”<sup>42</sup> Michael Stocker furthers this argument, claiming that emotion is tied up with the intellect, and as such, requires just as much inherent rationality and training.<sup>43</sup>

Yet when we examine closer, we find that these arguments are feeble. While there may be elements of emotions that are tied up with rationality, those arguments ignore the clear biological and sociological aspects of emotions. Fear—and all emotions for that matter—are tied to brain activity. We see an inherent biological aspect to emotions—including fear—which creates an instinctual response that we cannot fully control. “It [fear] is a mental as well as physical reaction, and it is common to animals as well as to human beings.”<sup>44</sup> In the state of nature, fear is extremely useful in keeping us alive through responses such as the automatic “fight or flight response.” Ronald Sousa argues that the “biological function [of emotions] is to take up the slack in the rational determination of judgment and desire, by fixing salience of objects of attention and inquiry, and preferred inference patterns.”<sup>45</sup> Emotions are not simply something we can always control through reasoned thinking, as some reactions are simply hardwired into our brains in a physical manner.

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<sup>38</sup> Nussbaum, Martha. *Upheavals of Thought: The Intelligence of Emotions*. Cambridge: Cambridge University Press, 2001, at 27.

<sup>39</sup> Rorty, Amelie Oksenberg. *Explaining Emotions*. Berkeley: University of California Press, 1980, at 258.

<sup>40</sup> Nussbaum, Martha. *Upheavals of Thought: The Intelligence of Emotions*. Cambridge: Cambridge University Press, 2001, at 19.

<sup>41</sup> Rorty, Amelie Oksenberg. *Explaining Emotions*. Berkeley: University of California Press, 1980, at 261.

<sup>42</sup> Rorty, Amelie Oksenberg. *Explaining Emotions*. Berkeley: University of California Press, 1980, at 278.

<sup>43</sup> Rorty, Amelie Oksenberg. *Explaining Emotions*. Berkeley: University of California Press, 1980, at 323.

<sup>44</sup> Shklar, Judith N. “The Liberalism of Fear.” *Political Thought & Political Thinkers*. Ed. Stanley Hoffmann. Chicago, IL: University of Chicago Press, 1998. 3-20, at 11.

<sup>45</sup> Rorty, Amelie Oksenberg. *Explaining Emotions*. Berkeley: University of California Press, 1980, at 148.

On the other hand, another way in which emotions are out of the scope of our rational processes is that besides biological neuroscience, “emotions are social constructs,”<sup>46</sup> as James Averill argues. Rorty claims that people develop “emotional repertoires” through experience but intentionally choose between them.<sup>47</sup> We may claim to be choosing rationally between possible responses, yet our experience has shaped what responses we see as rational. We see what works for our society when we choose fear as the response to a certain stimulus, and so are limited in which emotional responses will be available to us.

Because fear and other emotions have very little grounding in rationality, and can even work against rationality in a sort of “akrasia of emotions,”<sup>48</sup> we can safely assume that in most instances fear will undermine rationality to some extent, even a very small amount. Essentially, we can skip the details of the psychology of fear as long as we understand that fear—and other emotions—have very little grounding in rationality, and typically work against rational processes. We must take this into account when examining how much that fear will then undermine our autonomy, and hence render that public fear immoral and illegitimate.

## **Part 2: Analysis**

In order to analyze which fear is legitimate and potentially moral, we must take into account what we have found as the effects of fear on our capacity to be autonomous rational decision-makers. Ideally we wish to preserve the autonomy and rational decision-making skills of individuals within the public. How exactly do we do that considering that we have just found

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<sup>46</sup> Rorty, Amelie Oksenberg. *Explaining Emotions*. Berkeley: University of California Press, 1980, at 37.

<sup>47</sup> Rorty, Amelie Oksenberg. *Explaining Emotions*. Berkeley: University of California Press, 1980.

<sup>48</sup> Rorty, Amelie Oksenberg. *Explaining Emotions*. Berkeley: University of California Press, 1980, at 103.

that emotions, and specifically fear, more often than not undermine rational decision-making processes? First we can start with case studies in order to pull out our intuitions from real world examples.

Next we examine two relatively simple case studies in order to distill our intuitions about legitimacy in the case of political fear. Such intuitions can hopefully later be applied to more complex situations. Practically applying our theoretical framework to real world examples is useful in order to find principles that apply within those particular instances as well as within politics more generally. We would ideally like to find a way to evaluate the most complicated and widespread instances of political fear of crisis. For instance, we would like to explain and evaluate the red scare, yet there were many variables at play as well as a complex social climate which had built up over the course of the Cold War. By examining smaller more easily-manageable instances of similar types of fear, we can get closer to approximating the role of the differing elements, since there are fewer elements at play overall. This method also seems the best way to breach below the surface of a hitherto relatively unexplored topic. Let us begin by looking at two much smaller instantiations of such fear. First, we have the intuition that there was something illegitimate about the fear roused by the department of homeland security's color-coded terror alert system. Second, we can also examine the intuitions we have that the fear employed by the local Los Angeles government this past summer for the 405 freeway closure or "carnageddon" is a morally benign use of fear.

*Color-Coded Terror Alert System*

Our first case study is centered around the Department of Homeland Defense's color-coded terror alert system. Shortly following the September 11<sup>th</sup> terrorist attacks of the World Trade Center in New York City, the Bush administration began a war in the Middle East deemed a "War on Terror"—a rhetoric which was chosen carefully to instill a continual sense of fear within American citizens. This paper does not discuss every aspect of this fear of the external enemies which was intentionally drummed up during this period, as many have argued that this was indeed a use of fear on the part of the political elite. Here we focus specifically on the terror alert system which the Department of Homeland Security quickly began instituting as essentially a sliding scale indicator of the current threat of terrorist attack.

The intuitions of many who lived in the United States during this time period place this alert system as illegitimate or at the very least ineffective. People were constantly exposed to the fear, and were disquieted that there was never an option for "no chance of terror attack." Further, there was almost no way for a normal citizen to verify the rationale behind any changes in terror alert level. The color simply changed with little apparent reason or rhyme, and normal citizens were told to become more or less afraid. Many claimed that "terror alerts [are] part of a larger agenda of fear-based social conditioning by the government."<sup>49</sup> But what is it that leads to such intuitions? The next section attempts to draw out the principles underlying such disapproval of this political use of fear.

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<sup>49</sup> Nimmo, Kurt. "Fear-Based Terror Alerts To Become Mandatory on Cell Phones." InfoWars.com, 10 May 2011. <http://www.infowars.com/fear-based-terror-alerts-to-become-mandatory-on-cell-phones/>

*405 Freeway Closure or “Carmageddon”*

Though the closing of the 405 Freeway for a weekend is a much smaller event than a nation-wide continuous terrorist alert system, what had been deemed “Carmageddon” by locals is still, nonetheless, a perfect example of the political elite instituting a public fear of crisis on a smaller scale. Traffic has always been a sore spot for Los Angeles residents, and the news that Los Angeles County was closing down the heart of one of the most frequented stretches of road in the summer of 2011 to demolish a bridge in order to widen the road was a source of concern. Local government quickly adopted the term *carmageddon* to refer to the weekend-long closure and instituted scare tactics, explaining to Angelenos that they ought to leave town or else stay home so as remain safe and avoid being caught in gridlock on the surrounding roads.

Because of this carefully-planned creation of just enough public fear, newspapers widely proclaimed the construction project to be a success.<sup>50</sup> The freeway reopened early, and so many people heeded the advice of fearful media outlets and local government officials that the freeways and streets of Los Angeles were clearer that weekend than almost any other in a historically traffic-ridden city. We see, then, that—just as in the case of the color-coded terror alert system—we have intuitions about the legitimacy of the fear tactics used by the political elite, and in the next section we will examine more closely what exactly undergirds these intuitions.

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<sup>50</sup> Weiss, Kenneth and Molly Hennessy-Fiske and Andrew Khouri. “Carmageddon: 'Mission accomplished,' says Villaraigosa as 405 Freeway Reopens Early.” *The Los Angeles Times*, 18 July 2011. <http://articles.latimes.com/2011/jul/18/local/la-me-0718-405-open-20110718>

### **Part 3: Moral Implications**

#### *Four Principles*

From a combination of these case studies and the conclusion which fell out of our assumptions about fear, we can glean four principles. First is the continuity principle: the more continual a fear, the more illegitimate it becomes. People will become desensitized to it, leading to larger psychological problems. The desensitization will also ultimately undermine the original intent of creating the fear. Since this would diminish the utility of using fear in the first place, a consequentialist would also employ this principle in that a fear to which the public is desensitized retains very few useful consequences. In the case of this first principle, then, consequentialists and deontologists would agree that continual fears tend towards illegitimacy.

Second is the proportionality principle: the more proportional to the threat, the more legitimate the fear will be. The object of fear must be a real threat at the time the fear is roused. Shklar had the early workings of this principle within her works in that she claimed that what is moral is “a person who respects other people without condescension, arrogance, humility, or fear. He or she does not insult others with lies or cruelty, both of which mar one’s own character no less than they injure one’s victims.”<sup>51</sup> By only using public fear when there actually is a real threat, we can more adequately meet this moral standard which Shklar seems to have set.

Third is the intensity or severity principle: that the more intense or acute the fear becomes, the more it undermines rational autonomous decision-making and so the more illegitimate it becomes. This principle is derived directly from the psychological effects of the

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<sup>51</sup> Shklar, Judith N. “The Liberalism of Fear.” *Political Thought & Political Thinkers*. Ed. Stanley Hoffmann. Chicago, IL: University of Chicago Press, 1998. 3-20, at 15.

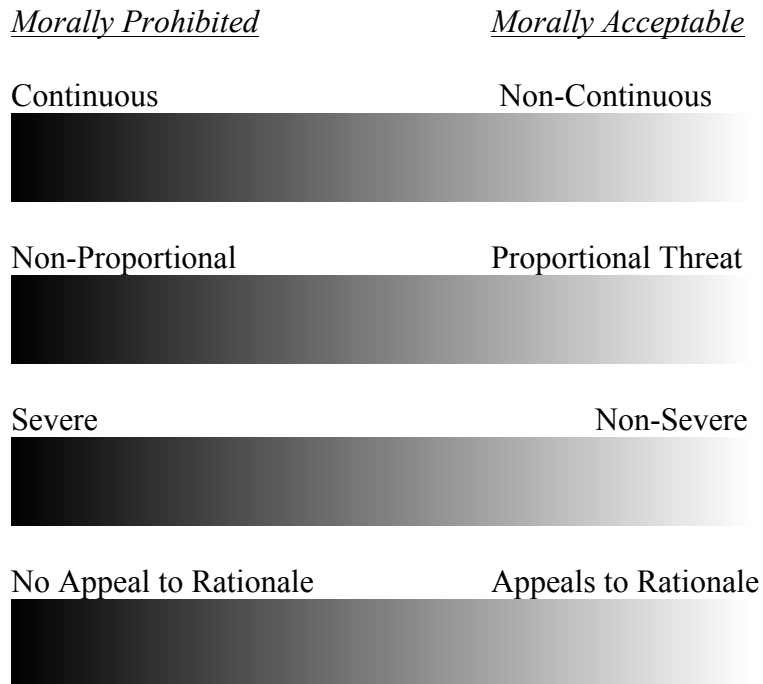
nature of fear, and yet has such strong implications for what is morally acceptable fear and what is illegitimate fear.

Finally, the rationality principle simply states that the clearer a rationale the political elite provide to the public, then the more legitimate the fear becomes, as it intrinsically respects the individuals' rational autonomy. We can more adequately see how each of these principles works when we apply them back to Carmageddon and the color coded terror alert system.

### *Spectrum of morality of fear*

Notice that these are principles that exist on a spectrum and not as conditions to be met because in talking about morality there is gray area. The extremes are relatively easy to categorize, but when particular instances fall somewhere in the middle it becomes a more subtle distinction. Representing this visually, we find a spectrum upon which to place individual instances in order to evaluate their moral acceptability or prohibition based upon how much the fear in question would undermine rational autonomy within the four categories of the principles.





We see, then, that there is a spectrum from that which undermines rational autonomy and is morally prohibited to that which is morally acceptable. Similarly, we find parallel spectrums from continuous to non-continuous fears, from non-proportional to proportional to threat, from severe to non-severe threats, and from that which has no appeal to rationale to that which does appeal to rationale.

#### *Application to Case Studies*

We can apply these principles back to the case studies and see that carmageddon clearly falls on the morally benign or morally acceptable side. It was a fear that was non-continuous, with only a few month build up for a weekend-long closure of the freeway. It was proportional to the threat since the local governments claimed traffic and safety as the main issues. There was no life-or-death sort of fear employed. Along these lines, it was not severe fear. And it appealed to the public's rationality by explaining that if a major freeway is closed then there will be traffic.

In the same way, the color coded terror alert clearly falls on the morally illegitimate side. It was continuous and so people became desensitized to the fear. At the same time, the intent was to drum up a constant fear by having the threat level raised and lowered but never go away entirely. Some argue that the terror level was not adjusted up or down in response to some real threat. The fear it created was meant to be severe fear of fatal attacks from a foreign enemy. And finally, there was little appeal to a rationale for why the level was raised or lowered. Of course, for national security reasons it is problematic to reveal too much information, but at the same time, the public only saw that the threat level was raised or lowered, not the reason behind the change.

### **Conclusion**

We can conclude then, that within a liberal democracy, when we use deontology as a moral framework to examine the fear political elites rouse of an external impending crisis, such a fear is ethical or legitimate if it follows the four principles we have outlined.

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