

Terrorism and International Justice

James P. Sterba, ed.

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The articles in this timely collection share a conviction that references and responses to terrorism need clarification and critique. The contributors agree on little else, however. They work out of different specialties, pursue different agendas, and in effect disagree about how to subject the concept to serious scholarly analysis. Several see terrorism as a leitmotif to guide legitimate military action. Several others concentrate on ways in which it serves as a suspect tool of militaristic propaganda. Between fall the other writers, who focus on the need to contextualize the concept of terrorism by relating it to relevant religious or secular world views or to international law. The latter approach is mined most assiduously by Professor Sterba, who adds considerable gravity to this work both in his own article and in his introductory commentary. By virtue of his meticulous efforts, the book lives up to its titular linkage with international justice.

The book's twelve contributions are divided into three parts: two articles about the definition of terrorism; four that examine the nature and motives of terrorists; and six proposals about a moral response to terrorism. This division, which envisions successively defining, examining, and confronting terrorism, is misleading in its simplicity: the definition of terrorism remains unsettled throughout the book and thus explanations of and responses to it are never fully grounded. I propose to consider the different presentations as falling along a spectrum from most to least critical of the concept of terrorism as used in political and media discourse.

Key definitions of terrorism have been put forth in both academic and governmental circles, and commonly require the use or threat of violence as a means to political ends. According to some but not all analyses, a terrorist targets innocents or noncombatants. However defined, terrorism is seldom applied without some contextual framing. Tomis Kapitan, in particular, sees it as a biased label that one applies only to others' violent actions, never to one's own, as in the case of Israeli rhetoric regarding Palestinian responses to occupation. Noam Chomsky also undermines customary use of the concept but by means of a strategy just the opposite of Kapitan's: taking the standard definition of terrorism as a given, he shows that it applies *a fortiori* to the actions of U.S. and other nation-states more readily than to those usually so labeled.

Most of the other articles leave the concept of terrorism unexamined and focus instead on why it occurs and/or what to do about it. The etiological approach involves examining religious beliefs; the pragmatic seeks ties to existing or possible law. Zayn Kassam, for example, attributes Islamist activism to a minority's misreading of the mainstream's peaceful understanding of *jihād*. David Burrell, analogously, argues that Israelis' historical interpretations of their situation to justify their oppression of Palestinians amounts to

self-serving denial of reality. Louis P. Pojman views the 9/11 events in clash-of-civilizations terms, so looks to heightened secularist dedication as a necessary response to the attitudes of hostile religious fundamentalists. Robert L. Phillips agrees about the religious origins of 9/11, but he explains the emergence of terrorism on 9/11 as a punishment of the West for adopting secular pluralism, so believes that the West's proper response would be to (re)establish a religion-guided state. Other pragmatic responses are more secular in nature, one being apolitical, others nationalist, and still others more focused on international law.

Martha Nussbaum offers an apolitical response, namely, a plea for more compassion towards others who are different, as a way to minimize hostility and hatred in the world. Nation-states dominate other analyses. Richard W. Miller seems to assume (contrary to fact) that both the Taliban in Afghanistan and the government of Saddam Hussein in Iraq were responsible for 9/11 so were *prima facie* targets for response; then he applies the just war principle of proportionality to condone attacking the former but not the latter. James Sterba also appeals to just war theory—specifically, what he calls just war pacifism—to conclude that neither US attacks against al Qaeda nor Israeli attacks against Palestinians are justified because in neither instance have non-belligerent alternatives been exhausted. Focusing on the concerns of the military professional, Shannon E. French avers that the morality of military killing depends on having combatant status and not targeting noncombatants, not on whether one's cause is deemed just nor on the level of one's technical proficiency nor on one's being an agent of a nation-state.

Two contributors, finally, look to criminal law as a preferable way of responding to a terrorist attack. Claudia Card draws an analogy between a terrorists' response to oppression and that of a woman who kills a long abusive spouse, concluding that each should be subject to adjudication before an appropriate court of law. Daniele Archibugi and Iris Marion Young attempt to denationalize our understanding of 9/11 by arguing that it is better viewed as a crime than as an act of war and that as such it should have been dealt with through a criminal investigation and a prosecution under the rule of law, not as a *casus belli*.

It is hard to fault either the sincerity or the attempt at objectivity these articles display. Taken together, especially as reviewed by the editor, they exemplify how philosophers can shed light on complex concepts by sorting out their inherent or relational inconsistencies. More problematic, however, is the risk of legitimating such a politically abused concept by devoting so much philosophical energy to its elucidation. The point here would perhaps be easier to grasp if this book were compared to one published, say, in 1843 to clarify the concept of "manifest destiny," or in 1903 in Britain to elucidate the concept of "the white man's burden," or in 1933, in Germany, to develop a clear understanding of *Lebensraum*. What, in other words, are philosophers really doing when they in effect elevate a manifestly propagandistic defense of systematic violence to the level of rational discourse? And what might they have better done instead? In addressing these and related questions, one would generate a set of topics truly worthy of a political philosophy syllabus.

A key issue that most contributors to this book do not address directly, then, concerns the obligation of the political commentator to look beyond what the proponents of military violence offer as rationales for dealing out death and destruction in the world. In this instance, the principal actions in question were the U.S. invasions of Afghanistan and Iraq. The former occurred before and the latter (except for a decade of bombings and sanctions) only after most contributions to this collection had been written. The U.S. government had, however, already linked both rhetorically to terrorists; and some evidence of its duplicity had already appeared, e.g., Jean-Charles Brisard and Guillaume Dasquie, *Forbidden Truth: U.S.-Taliban Secret Oil Diplomacy and the Failed Hunt for Bin Laden*, trans. Lucy Rounds (New York: Thunder's Mouth Press/ Nation Books, 2002). Other more recent publications that further counteract "war on terrorism" propaganda are the following: Rahul Mahajan, *Full Spectrum Dominance: U.S. Power in Iraq and Beyond* (New York: Seven Stories Press, 2003); Paul Sperry, *Crude Politics: How Bush's Oil Cronies Hijacked the War on Terrorism* (Nashville: WND Books, 2003); Research Unit for Political Economy, *Behind the Invasion of Iraq* (New York: Monthly Review Press, 2003); and Trudy Govier, *A Delicate Balance: What Philosophy Can Tell Us About Terrorism* (Boulder, Colo.: Westview Press, 2002). Works that directly examine the validity of justificatory rhetoric include: David Spurr, *The Rhetoric of Empire: Colonial Discourse in Journalism, Travel Writing, and Imperial Administration* (Durham, N.C.: Duke University Press, 1993); and Edmund F. Byrne, "The Post-9/11 State of Emergency: Reality versus Rhetoric," *Social Philosophy Today*, vol. 19, forthcoming. And for a model use of historical evidence to deconstruct justifications of brutality, see Jonathan Glover, *Humanity: A Moral History of the Twentieth Century* (New Haven, Conn.: Yale University Press Yale Nota Bene, 2001).

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