

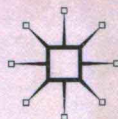
TWENTY-FIRST CENTURY PERSPECTIVES ON WAR, PEACE, AND HUMAN CONFLICT

THE ETHICS AND EFFICACY OF THE GLOBAL WAR ON TERRORISM

FIGHTING TERROR WITH TERROR



EDITED BY CHARLES P. WEBEL AND JOHN A. ARNALDI

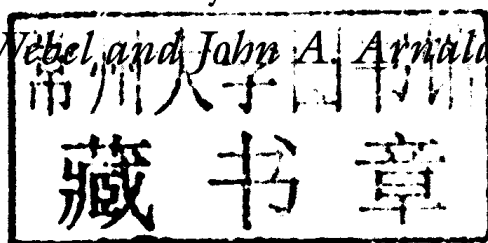


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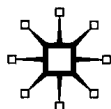
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INTRODUCTION: APPLIED ETHICS, HUMAN SECURITY, AND THE WAR ON TERRORISM

John A. Arnaldi

The history of modern war is also, in part, the history of the means by which war has been brought home to noncombatants.

—*New York Times*, April 15, 2011

On September 11, 2001, nineteen men hijacked four passenger jets to carry out attacks that killed more than 3,000 people in the United States, demonstrating the vulnerability of powerful nations to massive attacks by groups of violent extremists. This shocking example of “asymmetric warfare” between powerful nations and adversaries unwilling to confront them directly served as a warning that national security had to be reexamined and an effective, multilateral antiterrorism strategy made a top priority. However, rather than waiting for a full accounting of facts and for debate of dissenting views, in the “global war on terrorism” (GWOT) the U.S.-led coalition has fought violence with more violence and terrorism with massive state terrorism.

After nearly a decade of costly warfare and the erosion of human rights, a comprehensive, fact-based understanding of these extremely important challenges is still urgently needed. The aim of the present volume is to critically examine the West’s efforts to deter and counter nonstate terrorism from the perspectives of applied ethics, efficacy, and human security.

This volume begins with a section that explores the controversies of terrorism, counterterrorism, and antiterrorism. The articles in part one challenge widely promoted views that have favored the national security interests of states above other actors. The second part identifies ethical and legal concerns from a human security perspective and challenges arguments used by the coalition to justify its policies and

conduct. The third part explores information warfare: how political rhetoric and media dynamics have shaped public understanding of the GWOT. The fourth part focuses on specific controversies in the conduct of the GWOT, including the use of drone aircraft, disregard for the sovereignty of allies, extraordinary rendition, extralegal detentions, torture, unreliable paid informants, and sham trials and tribunals. The book concludes with a discussion of research findings on how terrorist groups end and recommendations for effective anti-terrorism strategies that prioritize the long-term “vital interests of human beings”¹ above short-term national self-interests.

The language of counter-terrorism incorporates a series of assumptions, beliefs and knowledge about the nature of terrorism and terrorists. These beliefs then determine what kinds of counter-terrorism practices are reasonable or unreasonable, appropriate or inappropriate.²

The language used to frame a problem also shapes the solution. After the attacks of September 11, the dominant Western narrative for terrorism, promoted by many top U.S., British, and other coalition decision-makers, held that terrorism, especially extremist Islamic terrorism, was the front line in a clash of civilizations—a new and grave threat to the “civilized” world. Framing the problem as a global war against “evil” implied that the only solution to terrorist attacks had to be a massive military response. Existing national security policies had already proven ineffective against this new threat, and had failed to prevent the attacks of September 11, and, therefore, new, tougher methods were ostensibly needed. Some high-level Bush administration officials, believing that “just war” concerns would handicap counterterrorism efforts, replaced them with a preventive war doctrine derived largely from a neoconservative version of *realpolitik*. This frame also justified questionable legal changes, such as passage and renewal of the *USA Patriot Act*, which grants U.S. government agencies greater powers to investigate, prosecute, or detain *potential* terrorists—but at the cost of limiting the civil rights of all citizens.

If a different narrative had been used, different solutions might have been prescribed. For example, if the attacks of September 11 had been framed as crimes perpetrated by a small group of violent extremists, a law enforcement narrative would have been more appropriate. This narrative would have explained that terrorism is an old problem, not limited to Muslim extremists, that is presenting a new ideological face, which might be fought effectively with methods that protect civil and human rights. Most significantly, a law enforcement model

might neither have disregarded domestic and international laws nor conducted the bombings and occupations of sovereign nations, which, in disregard for proportionality, have caused hundreds of thousands of casualties to date, far exceeding the small number of suspected terrorists. By combining law enforcement and human security models, strong multilateral antiterrorism strategies might still be developed and implemented at much lower financial and human costs than required for the “GWOT.”

Given the powerful influence of language in setting the parameters of discourse,³ we offer brief definitions for these key terms:

- *War* is the use of lethal force to “settle” political conflicts between two or more adversarial groups or nations. There are many forms, including: civil war, revolution/insurrection, terrorist and counterterrorist campaigns, genocide, and blockades resulting in dehydration, starvation, disease, or death for civilians and others.
- *Terrorism* is a tactic for violent conflict between unequal adversaries that employs shocking attacks (or threatened attacks) on civilian, government/military, and symbolic targets in order to generate terror, which then is used to attempt to influence key persons (i.e., leaders) otherwise unreachable. Although states commonly limit this term to attacks by nonstate extremist groups, it also applies to such attacks when conducted or supported by states.⁴ Both lethal and nonlethal actions can be used to systematically terrify targeted groups, for example, actual or threatened torture, disappearance, extrajudicial detention/imprisonment, seizure of property, and other violations of human rights.
- *Counterterrorism* employs methods of war to “fight fire with greater fire” to stop attacks by nonstate terrorists. The “GWOT” initiated by former president George W. Bush’s administration and continued by President Barack Obama’s as “Overseas Contingency Operations”⁵ is a notable example of recent U.S.-led counterterrorism campaigns that employ long-term warfare and the restriction of civil and human rights as principal methods.
- *Antiterrorism* is a multilateral approach to human security that ideally uses ethical, legally sanctioned methods for establishing effective communication and just relations between adversaries, resolving conflicts peacefully, and bringing terrorists to justice.

Conceptualizations of security as defined by the vital interests of human beings rather than of the state are long overdue—and still virtually absent from mainstream political and media deliberations.⁶

National security and human security are not equivalent terms. Within the traditional paradigm of national security, the nation-state arrogates to itself the principal authority for protecting the collective health and welfare of its citizens. In contrast, “human security” is an emerging paradigm that challenges “the traditional notion of national security by arguing that the proper referent for security should be the individual rather than the state. Human security holds that a people-centered view of security is necessary for national, regional and global stability.”⁷

From the perspective of human security, the costs of the war on terrorism have been unacceptably high: U.S. financial costs may exceed three trillion dollars just for the war in Iraq⁸; as of August 2011, 7,461 coalition troops have been killed in the wars in Afghanistan and Iraq⁹; and at least 100,000 civilians have been killed in Iraq alone.¹⁰ In Afghanistan, Iraq, Pakistan, and Somalia, millions of persons have been rendered homeless and additional millions continue to suffer from shortages of food, clean water, medicine, and electricity. Drone, missile, bombing attacks, and other state-sponsored military actions continue to take a toll on civilians. Globally, tens of thousands of innocent persons have been detained by coalition military and security forces, usually without charges and without legal representation. Increased security measures within the United States have by-passed constitutional rights and judicial processes, as in the case of domestic spying.

Promises that costly national security actions will save unknown numbers of hypothetical persons from potential threats at an unspecified future time sharply differ from the top human security priority to protect real persons from actual harms. Citing the interests of national security and self-defense, states make the utilitarian claim that the potential benefits of military violence outweigh the costs. However, as tempting as it may be to view the absence of successful terrorist attacks in the United States after September 11 as evidence that the war on terror has succeeded (at least in part) in its primary mission to protect the United States, there is no demonstrable causal relationship between the war on terrorism and the absence of attacks since it began—there may have been no additional attacks even if the war had never been waged—and nonmilitary reasons, such as good police work, may be responsible for this.

In the first nine years of the war on terrorism, the number of deaths on American soil due to terrorist attacks remain at the approximately 3,000 killed on September 11, 2001, averaging out to 333 deaths per year. From a utilitarian perspective of seeking the greatest

good for the greatest number of persons, the high costs of the war on terrorism are hard to justify based on 333 terrorist-caused deaths per year when compared to examples of four possibly preventable causes of death that kill nearly half a million persons each year, but which are not afforded a level of national and global attention and resources proportionate to what have been devoted to fighting non-state terrorism. The four categories accounting for 531,000 deaths annually in the United States are: abuse and neglect causing the deaths of more than 1,740 children,¹¹ vehicle-related accidents causing at least 43,000 deaths,¹² medical errors causing a minimum of 44,000 deaths,¹³ and the use of tobacco causing 443,000 deaths.¹⁴

One becomes a killer by killing.¹⁵

Morality is concerned with the nature of right and wrong, good and bad actions; and ethics (or moral philosophy) studies the groundwork of morality. *Applied ethics* seeks an understanding of the moral dimensions of specific, real-life controversies and their potential solutions.

A brief overview of general approaches to ethics may be helpful. *Deontology* argues that the morality of an act is determined by an actor's goodwill—the *intent* to fulfill a moral duty or obey an applicable moral rule. From a Kantian deontological perspective, a rule is ethical when: (1) it is *categorical*—there are no exceptions to its application; (2) it exhibits *universality*—when the rule is applied to one person or group, the resulting good must equal the good obtained when the same rule is applied to any other persons or groups; and (3) it does not use persons as the means to gain specific ends—it respects all persons as the specific end.¹⁶

Utilitarianism is a version of consequentialism in which morality is determined by an act's utility (efficacy) in producing the greatest good for the most people. Good ends justify the means. The efficacy of an act has greater moral significance than the actor's intentions. The morality of an act is dependent upon how the outcome criteria are defined; for example, a drone attack may be judged a success by the nation that launched it because it met its criterion for killing alleged enemy combatants, while the villagers where the attack took place may judge it an immoral act because civilians were killed. The same would be true for judging the ethics of using nuclear weapons and other weapons of mass destruction—the outcome might be judged a success by the attackers, but the survivors and other members of the global community probably won't agree. Additionally, judgment of results often depends upon the length of time between the act and the evaluation of its consequences. For example, in the

case of the drone attack, immediately afterward it may be judged a success because it killed the targeted group of alleged terrorists, but over a period of several years it may be judged a failure because many of the family, friends, and community of those killed subsequently supported or joined terrorist groups, or failed to cooperate with the nation that launched the drone.

Specific applications of ethics to war usually encompass three ethical traditions: realism/realpolitik, just war, and pacifism, each relevant to ethical analysis of the GWOT. All three traditions presume that an individual has a “natural” right to life; however, they differ in the extent to which war is acceptable as a moral means of protecting lives designated as innocent and of preserving “national security.”

Realism or *Realpolitik* argues that the political behavior of nations and their adversaries is based, not on civilian private morality, but on pragmatic considerations of national self-interest and power. An alternate version is that the moral duty to protect the greatest number of innocent persons from harm justifies using virtually any means necessary, including total war. In realism, it makes no sense to fight under rules that might give an advantage to the enemy and thereby prolong the war, when unrestricted military action might end the war more quickly and efficiently. Universality is not a consideration, as the only obligation is to the nation’s defense of its own citizens and interests.

The ethical criteria of the *Just War Tradition* presume that it is in the interests of all nations to restrict war within certain limits that will minimize harm to persons, especially to civilians and other noncombatants. Two phases of warfare are considered: *Jus ad bellum* stipulates the criteria for initiating a just war, while *jus in bello* describes just conduct during war. Unfortunately, the just war criteria have failed to reduce the frequency or destructiveness of war, in part due to the ease with which nations can interpret the criteria in favor of their own interests.

Pacifism is an ethical system that tends to be absolutist about the inviolability of the sanctity of human life—war is never defensible as a moral exception to society’s standard prohibition against killing. Designating groups of persons as innocent or guilty is irrelevant because all persons have a natural right to life that is not dependent upon the fallible determinations made by human authority.

The disheartening fact that each year brings hundreds of thousands more civilian war deaths worldwide¹⁷ points to an urgent need to reconsider the efficacy of lethal military solutions. This applies particularly to the “Fourth World War,” the GWOT.

Unfortunately, the dominant war narrative in much of the advanced industrial world today acts as a filter through which the frequency and severity of recent wars and “terrorist” threats tend to be narrowly construed as evidence of this narrative’s validity. Without the influence of that narrative, past and ongoing wars might be regarded as evidence of the catastrophic failure of lethal force to save lives and resolve political conflicts. This recognition might free decision-makers to seek, and the public to demand, solutions that have demonstrated long-term efficacy in preventing, reducing, and resolving violent conflicts. In the conclusion of this book, we offer a possible alternative to the GWOT, a partial solution to the unresolved conflict underlying it.

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PART I

UNDERSTANDING ETHICAL
CHALLENGES IN THE WAR
ON TERRORISM

OVERVIEW

Charles P. Webel and John A. Arnaldi

Terrorism is a vexing term. Any actual or threatened attack against civilian noncombatants, and, arguably, against soldiers, police, and political leaders, may be considered an act of "terrorism." "Terrorists" are people who typically feel unable to confront their perceived enemies directly and who accordingly use violence, or the threat of violence, usually against noncombatants, to achieve their political aims.

Placing "terrorist" in quotation marks may be jarring for some readers, who consider the designation self-evident. This is done, however, not to minimize the horror of such acts but to emphasize that often one person's "terrorist" is another's "freedom fighter." Thus, who is or is not a terrorist and what may or may not be acts of terrorism depend largely on the perspective of the person or group using these terms.

Although it is possibly the most contested concept in the contemporary political lexicon, "terrorism" has been used most often to denote politically motivated attacks by subnational agents (this part is virtually uncontested among Western scholars) and states (this is widely debated, but increasingly accepted outside the United States) on noncombatants, usually in the context of war, revolution, and struggles for national liberation. In this sense, "terrorism" is as old as violent human conflict.

"Terrorism" is also a contemporary variant of what has been described as guerrilla warfare, dating back at least to the anticolonialist and anti-imperialist struggles for national liberation conducted in North America and Western Europe during the late eighteenth and early nineteenth centuries and continuing after World War II in Africa and South Asia against such European empires as the British, French, Dutch, and Portuguese. Many attacks committed by insurgents against occupying forces in Afghanistan, Iraq, Palestine, and elsewhere are similarly considered as anti-imperialist, not "terrorist," by their perpetrators.

Hence, “terrorism” is at bottom a political construct: a historically variable and ideologically useful way of branding those who may violently oppose a particular policy or government as beyond the moral pale, and hence “not worthy” of diplomacy and negotiations. Moreover, yesterday’s “terrorist” may become today’s or tomorrow’s chief of state—if successful in seizing or otherwise gaining state power.

Terrifying acts of political violence, whether from above (state terrorism) or from below (nonstate terrorism), are usually “justified” by their perpetrators, and hence viewed as “ethical” by terrorist agents. Nonstate terrorists often claim they’re responding to state oppression and foreign occupation, or retaliating for violence perpetrated by states against their people. Governments defend terrorizing internal measures against their own citizens with appeals to national security. And they justify attacks on foreign nationals and the military occupation of other nations by claiming the right of self-defense. For the victims, though, such acts are *prima facie* unethical.

The “global war on terror,” having just entered its second decade, presents special challenges for mainstream and heterodox ethical traditions. Consequentialists, deontologists, and pacifists must all grapple with the dilemmas posed by terrorist violence in general, and by the uncertainties and tensions generated by responding to terrorist attacks, whether from below or from above.

In this section, Noam Chomsky situates the current war on terrorism in an historical context. Chomsky argues that the current “war on terror” is a redeclaration of a “war,” or a “particularly virulent form of international state terrorism” initially declared 20 years earlier by the Reagan administration, against “the evil scourge of terrorism.” Chomsky claims that U.S. administration policy has inspired, not defeated, radical Islamist terrorism, and continues to violate such elementary moral principles as universality.

Charles Webel explores the links between the politics of terrifying political violence—perpetrated both by states and their agents (TFA, or “Terrorism from Above”) and by nonstate terrorists (TFB, or “Terrorism from Below”)—and the subjective experiences of the victims of terrorism. He focuses on terror, the root of terrorism, which has been widely neglected. Webel argues that state and state-supported acts of terrorism (TFA) are more, not less, unethical than what the mass media equate with terrorism—namely, the violence committed by non- and antistate agents—and that there are more ethical means to address the roots of all forms of terrorism. One possibility is to replace counterterrorist violence with antiterrorist