

Chapter 8. Terrorism and Justice: Some Useful Truisms

On a highly controversial topic like this one, perhaps it is a good idea to begin with a few simple truths, with apologies because they are so elementary.

The first is that actions are evaluated in terms of the range of likely consequences. A second is the principle of universality: we apply to ourselves the same standards we apply to others, if not more stringent ones. Apart from being the merest truisms, these are also the foundation of Just War theory, which has undergone a revival in recent years; at least any version of it that deserves to be taken seriously. The truisms raise an empirical question: Are they accepted? Investigation will reveal, I believe, that they are rejected almost without exception.¹ An important matter, if true, with consequences that merit reflection.

The first truism may merit a word of elaboration. The actual consequences of an action may be highly significant, but they do not bear on the moral evaluation of the action. That is another truism, which we apply routinely, and properly, to official enemies, as already discussed. No one celebrates Khrushchev's success in placing nuclear missiles in Cuba because it did not lead to nuclear war, or condemns the fear-mongers who warned of the threat. Nor do we applaud North Korea's Dear Leader for developing nuclear weapons and providing missile technology to Pakistan, denouncing those who warn of the possible consequences because they haven't taken place. An apologist for state violence who took such positions would be regarded as a moral monster or lunatic. That's obvious, until it comes time to apply the same criteria to ourselves, adopting the universality principle. Then the stance of the lunatic and moral monster is taken to be highly honorable, indeed obligatory, and adherence to the truisms is condemned with horror. I have mentioned a few examples. Others are all too easy to find.

Let us, nevertheless, take the truisms to be what they are: truisms. And then think about a few crucial current cases to which they might apply.

8.1. Truisms and Terror

Take 9-11. It is widely argued that the terrorist attacks changed the world dramatically as the world enters a new and frightening "age of terror" -- the title of a collection of academic essays by Yale University scholars and others, which regards the anthrax attack as even more ominous.² The

¹ I know of only one case of explicit rejection: Michael Glennon, *Limits of Law, Prerogatives of Power: Intervention after Kosovo* (Palgrave, 2001), 171f. In this highly regarded work, Glennon rejects the first truism, with an argument based on the tacit assumption that responsibility cannot be shared. The remainder of his argument against "objectivist philosophies" fares similarly. For further comment, see my "Moral Truisms, empirical evidence, and foreign policy," *Review of International Studies* 29.605-620, 2003.

² Strobe Talbott and Nayan Chanda, eds., *The Age of Terror* (Yale Center for the Study of Globalization, Basic Books, 2001). The editors write that with the anthrax attacks, which they attribute to bin Laden, "anxiety became a certainty" --

message is that nothing will be the same as the US declares a “war on terror,” reorienting the course of history. It is also widely held that the term “terror” is very hard to define.

We might ask why the concept of terror should be considered particularly obscure. Terms of political discourse are not expected to be models of clarity. For the term “terror,” there are official US government definitions that fall well within the range of clarity of others that are considered unproblematic and commonly used. A US Army Manual defined “terrorism” as “the calculated use of violence or threat of violence to attain goals that are political, religious, or ideological in nature...through intimidation, coercion, or instilling fear.” The US Code gave a more elaborate definition, essentially along the same lines. The British government’s definition is similar: “Terrorism is the use, or threat, of action which is violent, damaging or disrupting, and is intended to influence the government or intimidate the public and is for the purpose of advancing a political, religious, or ideological cause.”³ These definitions seem fairly clear, close enough to ordinary usage, and appropriate when discussing the terrorism of enemies, as all seem to agree.

The official US definitions are the ones I have been using in writing about the topic since the Reagan-Bush administration came into office in 1981, declaring that a war on terror would be a centerpiece of its foreign policy, particularly state-supported international terrorism, which must be stamped out as we “drive evil from the world,” in the terms favored by the current reincarnation.

That raises another question: What happened to the first phase of the “war on terror,” declared in 1981, with much the same rhetoric as today, by pretty much the same cast of characters, or their tutors? As already discussed, elementary sanity would seem to dictate careful scrutiny of the ample record of the leadership that has regained political control, and is conducting a renewed “war on terror” and marching on to liberate suffering people throughout the world, so they inform us. That should be true whatever one thinks about their declared enterprise. It is an instructive exercise to see how frequently these matters arise in the immense literature devoted to these themes; effectively zero.⁴ Another fact that might merit reflection.

The official US definitions seem particularly appropriate because they were formulated when the first war on terror was declared. But almost no one uses them, and they have been rescinded, replaced by nothing sensible. The reasons do not seem obscure. The official definitions of “terrorism” are virtually the same as the definitions of “counterterror” (sometimes called “low intensity conflict,” or “counterinsurgency”).⁵ But this is official US policy, and it plainly will not do to say that the US is officially committed to terrorism.

not an unreasonable conclusion, at the time they wrote, before the attacks were traced, it seems, to US government weapons laboratories.

³ *US Army Operational Concept for Terrorism Counteraction*, TRADOC Pamphlet No. 525-37, 1984. US Code, Congressional and Administrative News, 98th Congress, Second Session, 1984, Oct. 19, volume 2; par. 3077, 98 STAT. 2707. For definitions, see “International Terrorism: Image and Reality”; 9-11. Britain, cited by Curtis, *Web of Deceit*, 93.

⁴ For a rare exception, which underscores the conclusion here, see below at note 24.

⁵ See “International Terrorism: Image and Reality.”

The US is by no means alone in this practice. It is traditional for states to call their own terrorism “counterterror,” even the worst mass murderers: the Nazis, for example. In occupied Europe they claimed to be defending the population and the legitimate governments from the partisans, terrorists supported from abroad. That was not entirely false; even the most egregious propaganda rarely is. The partisans were undoubtedly directed from London, and they did engage in terror. It is hard to conjure up a historical exception to that either. The US military had some understanding of the Nazi perspective. US counterinsurgency manuals from the `50s were modeled on Nazi manuals, which were analyzed sympathetically, with the assistance of Wehrmacht officers.⁶ That should also not be particularly surprising.

It is this practice that allows for the conventional thesis that terror is a weapon of the weak. That is true, by definition, if “terror” is restricted to their terrorism. If the doctrinal requirement is lifted, however, we find that like most weapons, terror is primarily a weapon of the powerful.

Another problem with the official definitions of “terror” is that it follows from them, quite directly, that the US is a leading terrorist state. That much is hardly controversial, at least among those who believe that we should pay some attention to such institutions as the International Court of Justice or the Security Council; or mainstream scholarship as the example of Cuba unequivocally reveals.⁷ But that conclusion won’t do either. When articulated it elicits most impressive tantrums. So we are left with no sensible definition of “terrorism” – unless we decide to break ranks and use the official definitions that have been abandoned because of their unacceptable consequences.

There is, then, a serious problem in defining “terrorism”: the problem of restricting it to unacceptable variants of terror, not a simple task.⁸

The official definitions do have defects. They do not answer every question precisely. They do not, for example, draw a sharp boundary between international terrorism and aggression, or between terror and resistance. These issues have arisen in interesting ways, which have direct bearing on the re-declared war on terror and on today’s headlines.

Take the distinction between terror and resistance. One question that arises, and is not answered by the official definition, is the legitimacy of actions to realize “the right to self-determination, freedom, and independence, as derived from the Charter of the United Nations, of people forcibly deprived of that right..., particularly peoples under colonial and racist regimes and foreign occupation...” Do

⁶ McClintock, *op. cit.*, chap. 3.

⁷ See the review of the record in Cuba and Nicaragua, in chap. 4. The facts are not always ignored in mainstream literature. See the two opening essays (Achin Vanaik, Mahmood Mamdani) in Eric Hershberg and Kevin Moore, *Critical Views of September 11* (Social Science Research Council and New Press, 2002). Vanaik objects to the locution “terrorist state,” but on narrow grounds irrelevant here.

⁸ On how the official definitions have been reformulated, and why, see Scott Atran, “Genesis of Suicide Terrorism,” *Science* 299, 7 March 2003. He notes that the revised definitions still make “no principled distinction between ‘terror’ as defined by the U.S. Congress and ‘counterinsurgency’ as allowed in U.S. armed forces manuals,” one of the perennial problems in defining “terror” in a doctrinally suitable way.

such actions fall under terror or resistance? The quoted word are from the most forceful denunciation of the crime of terrorism by the UN General Assembly; in December 1987, just as officially recognized international terrorism reached its peak. Hence it is obviously an important resolution. The resolution passed 153-2 (Honduras alone abstaining). The near-unanimity makes it even more important. The resolution assigned such actions to the category of resistance, not terrorism; more precisely, it stated that “nothing in the present resolution could in any way prejudice the right” so defined.⁹

The two countries that voted against the resolution were the usual ones, since the world fell out of step by the 1960s. Their reason, they explained at the UN session, was the paragraph just quoted. The phrase “colonial and racist regimes” was understood to refer to their ally apartheid South Africa, then consummating its massacres in the neighboring countries and continuing its brutal repression within. Evidently, the US and Israel could not condone resistance to the apartheid regime, particularly when it was led by Nelson Mandela’s ANC, one of the world’s “more notorious terrorist groups,” as Washington determined at the same time.

Granting legitimacy to resistance against “foreign occupation” was also unacceptable. The phrase was understood to refer to Israel’s US-backed military occupation, then in its 20th year. Evidently, resistance to that occupation could not be condoned either.

In both cases, the US and Israel stood alone in the world in their insistence that such actions cannot be legitimate resistance, but are terrorism. The practice extends beyond. Thus the US and Israel regard Hizbollah as one of the leading terrorist organizations in the world, not because of its terrorist acts (which are real) but because it was formed to resist the Israeli occupation of southern Lebanon, and succeeded in driving out the invaders after two decades of (US-backed) defiance of Security Council orders to withdraw. The US even goes so far as to call people “terrorists” if they resist direct US aggression: South Vietnamese, for example; or recently Iraqis.¹⁰

The public knows nothing about the major UN resolution on terrorism and its fate, by virtue of the usual double veto: the resolution is blocked, and it disappears from history, if it is even reported. Such was the fate of the most important UN resolution condemning Reagan’s “evil scourge of terrorism.”¹¹ To learn about such matters one has to wander into forbidden territory: the historical and documentary record, or marginalized critical literature.

Despite the unclarities, and the sharp divide between the US-Israel and the world, the official US definitions seem fairly adequate to the purposes at hand.

⁹ Res. 42/159, 7 Dec. 1987. The State Department’s annual review *Patterns of Global Terrorism (2001)* gives 1987 as the peak year (Bacevich, *American Empire.*, 118).

¹⁰ For a remarkable illustration concerning Vietnam, see below at note 26. On Iraq, see ABC Middle East correspondent Charles Glass, “I blame the British,” *London Review of Books* (17 April, 2003): “American military spokesmen call Iraqis who are resisting their invasion ‘terrorists.’ Who else on earth would call a man who fights a foreign soldier in his own country a terrorist?”

¹¹ See *Necessary Illusions*, 84, citing the resolution. I know of no report.

Let us turn to the major issue raised at once after 9-11: the belief that it signals a sharp change in the course of history. That seems questionable.¹² Much the same was true, I think, when the Cold War ended: there were new pretexts and rhetoric, tactics adapted to changed circumstances, but otherwise fundamental continuity in policies that are rooted in stable institutions.¹³

Nonetheless, there were sure to be important changes after 9-11. Something dramatically new and different did happen on that terrible day. The target was not Cuba, or Nicaragua, or Lebanon, or Chechnya, or one of the other traditional victims of large-scale international terrorism (or worse),¹⁴ but a state with enormous power to shape the future. For the first time, an attack on the rich and powerful countries succeeded on a scale that is, regrettably, not unfamiliar in their traditional domains. Alongside of horror at the crimes against humanity and sympathy for the victims, commentators outside the ranks of Western privilege often responded to the 9-11 atrocities with a “welcome to the club,” particularly in Latin America, where it is not so easy to forget the plague of violence and repression that swept through the continent from the early 1960s, much of it with roots in Washington, as Latin Americans know well.

The plague can in large measure be traced to a decision by the Kennedy administration to shift the mission of the Latin American military, effectively, from “hemispheric defense” – a holdover from World War II – to “internal security.”¹⁵ Perceptions of the consequences are similar among knowledgeable observers in Washington and Latin America. One is Charles Maechling, who led US counterinsurgency and internal defense planning from 1961 to 1966. He described Kennedy’s 1962 decision as a shift from toleration “of the rapacity and cruelty of the Latin American military” to “direct complicity” in their crimes, to US support for “the methods of Heinrich Himmler’s extermination squads.”¹⁶ Graphic depictions of the rapacity and cruelty should be too familiar to require mention.

¹² See Kenneth Waltz, “The Continuity of International Politics,” in Booth and Dunne, eds., *op. cit.* Also Colin Gray, “World Politics as Usual after September 11: Realism Vindicated,” same volume. While agreeing on the likely continuity, I think more attention should be given to the domestic structure of power, to what Waltz elsewhere calls the “internal dispositions” of states (*Theory of International Politics* (New York: McGraw Hill, 1979), 71). See also Eric Herring and Piers Robinson, “Too Polemical or Too Critical for the Mainstream,” *Review of International Studies* 29, 2003.

¹³ For an illuminating illustration, dealing with Colombia, see Doug Stokes, “Testing Chomsky’s Post-Cold War Continuity Thesis,” *ibid.* See chap. 2, note 148.

¹⁴ On the first three cases, see my article and others in George, ed., *op. cit.* On Cuba and Nicaragua, also chap. 4 above. On Lebanon, *Pirates and Emperors* and *Fateful Triangle* (the updated edition, carrying the story to the present), and particularly Robert Fisk, *Pity the Nation* (Oxford, 1991; updated edition, Thunder Mouth, 2002). On Russia in Chechnya, see regular reports of the major human rights organizations, among them: Human Rights Watch, *Memorandum to the United Nations Commission on Human Rights on the Human Rights Situation in Chechnya*, March 18, 2002; *Russia: Abuses in Chechnya Continue to Cause Human Suffering*, Jan. 29, 2003.

¹⁵ In 1962, Kennedy shifted the primary emphasis of the military assistance program in Latin America from “hemispheric defense” to “internal security.” Schoultz, *Human Rights and U.S. Policy*, 219. See chap. 4, at notes 62-3.

¹⁶ Maechling, “The Murderous Mind of the Latin Military,” *Los Angeles Times*, March 18, 1982.

Consider one case that has been particularly significant in the post-Cold War era, Colombia. As discussed earlier, Colombia has had by far the worst human rights record in Latin America since the early '90s, and has been the leading recipient of US military/police aid and training, in accord with a well-established correlation that goes back many years. It replaced Turkey as world leader in 1999 (Israel-Egypt aside). In 1962, Kennedy sent a Special Forces mission to Colombia, led by General William Yarborough. He advised "paramilitary, sabotage and/or terrorist activities against known communist proponents," which "should be backed by the United States." These activities are to be "employed now...If we have such an apparatus" in place; "we," because there is no need to prevaricate in secret communications.¹⁷

Paramilitary terror is also not unique to US doctrine. It was also the standard device for delegating atrocities in the Balkans and East Timor, to mention two recent cases. The device is a natural one, yielding "plausible deniability," much like crimes of intelligence agencies carried out under executive supervision.¹⁸

The phrase "communist proponents" has broad application in US counterinsurgency doctrine. Its meaning was spelled out by the highly respected president of the Colombian Permanent Committee for Human Rights, former Minister of Foreign Affairs Alfredo Vásquez Carrizosa. In his words, echoing Maechling, the Kennedy administration "took great pains to transform our regular armies into counterinsurgency brigades, accepting the new strategy of the death squads," ushering in "what is known in Latin America as the National Security Doctrine,...not defense against an external enemy, but a way to make the military establishment the masters of the game [with] the right to combat the internal enemy, as set forth in the Brazilian doctrine, the Argentine doctrine, the Uruguayan doctrine, and the Colombian doctrine: it is the right to fight and to exterminate social workers, trade unionists, men and women who are not supportive of the establishment, and who are assumed to be communist extremists. And this could mean anyone, including human rights activists such as myself."¹⁹

It is for this reason that Amnesty International chose Colombia to open its 1996 campaign to protect human rights defenders. Members of the mission had no difficulty seeing for themselves.²⁰

¹⁷ McClintock, *op. cit.*, 222. Correlation, see chap. 3, notes 30, 31.

¹⁸ These are not insignificant. The House Intelligence Committee reports that the CIA alone engages in about 100,000 "highly illegal activities" a year (a figure that seems hard to believe), breaking "extremely serious laws." John Kelly, "Crimes and Silence: The CIA's Criminal Acts and the Media's Silence," in Kristina Borjesson, ed., *Into the Buzzsaw* (Prometheus, 2002). The crimes include "terrorism, assassination, torture, and systematic violations of human rights."

¹⁹ *Colombia Update* (Colombian Human Rights Committee) 1.4, Dec. 1989. See *Deterring Democracy*, 130f. On US-backed National Security States since the 1960s, see chap. 4.4.

²⁰ As a member, I visited Vásquez Carrizosa, and a group of courageous activists from the Church and human rights groups, in his well-guarded home in Bogotá. Just before the mission arrived, a legislator was attacked by a bazooka in Bogotá; her bodyguard was killed, but she escaped and thus did not join the 3000 or more activists in her political party who were assassinated, including mayors and presidential candidates, destroying the party soon after it was allowed to participate as the sole dissident party. On returning home, I received an e-mail message from a US law student I had met in the Jesuit-based human rights center where he was working. He wrote that he was in hiding, trying to find a way out of the country. The reason was that he had witnessed an assassination of a Colombian human rights activist by a death squad and was therefore in danger of execution himself. The situation is far worse in conflicted areas. I had a personal glimpse of that on a visit in 2002; see chap. 3.1.

The categories of people who Vásquez Carrizosa identified are among the “known Communist proponents” against whom paramilitary terror should be unleashed, according to the 1962 military mission, and prevailing doctrine. And so it has been. The facts are well known to Latin Americans, just as they know that the primary victims are the poor and oppressed who dare to raise their heads

The National Security Doctrine reached Central America in the 1980s. El Salvador became the leading recipient of US military aid by the mid-1980s, as state terror reached its awful peak. Sometimes Congress hampered direct military aid and training by imposing human rights conditions, as in Guatemala after massive government atrocities, amounting to virtual genocide in the highlands. In such cases surrogates undertook the task, including Argentina as long as it was ruled by neo-Nazi generals, along with Taiwan, Israel, and other regular volunteers for state-supported international terrorism.

The facts are easily overlooked in the West, but the victims do not so quickly forget. Reactions to 9-11 like those of the editors of the Jesuit research journal and the Panamanian journalist quoted earlier²¹ were by no means uncommon. In the latter case, we do not know whether the common Latin American estimate of perhaps 3000 killed in Operation Just Cause is correct, thanks to another principle already discussed: the powerful do not investigate their own crimes. Like other unacceptable facts, these crimes too are subject “ritual avoidance.” That continued when the “war on terror” was re-declared on Sept. 11. As noted, there has been virtually no mention of the first phase of the war on terror and its consequences throughout much of the world.²² And it also passes without discussion that leading figures in the first phase of the war on terror, who were directly responsible for its crimes, are once again in leading positions as the war is re-declared. The list is pretty impressive, as already discussed.

Hardly a day passes without examples of ritual avoidance. Thus, a front-page story in the national press warns that the threat of Al-Qaeda is increasing, as it is turning from targets that are “well protected...to so-called soft targets, like resorts.”²³ Anyone who takes truism and fact seriously will instantly recognize the pattern. We have already discussed one highly relevant case: Washington’s official instructions to its terrorist forces to attack “soft targets” immediately after it was ordered by the World Court and Security Council (in a vetoed resolution) to terminate its terrorist war, and the reaction to these orders.

²¹ Chap. 4.5, at notes 108, 115.

²² The desperate need to avoid is commonly revealed in the rare references to books that mention the dread fact that the US is a leading terrorist state. See, e.g., Louis Menand, “Faith, Hope, and Clarity, September 11th and the American Soul,” *New Yorker*, September 9, 2002, reviewing texts that are “anti-American” by his standards, already discussed (see chap. 2, at note 32). Like others, he is outraged by the accurate statement of fact in *9-11*, and expresses his appropriate contempt for illustrations of US terrorism that he invents (e.g., the Iraq sanctions, a serious matter, but not international terrorism, obviously) while scrupulously avoiding those that are actually presented, including the one stressed to the point of boredom because it is so uncontroversial: Nicaragua.

²³ Raymond Bonner, “THE TERROR NETWORK: Southeast Asia Remains Fertile for Al Qaeda,” *NYT*, Oct. 28, 2002.

Whether attacking “soft targets” is right or wrong, terrorism or a noble cause, depends on who is the agent. The practice is routine. It is also unproblematic once moral truisms are deemed irrelevant and unwanted facts have been efficiently “disappeared.”

8.2. The Art of “Disappearing” Unwanted Facts

One participant in the Yale volume (Charles Hill) observed that 9-11 opened the *second* “war on terror,” the first having been declared by the Reagan administration 20 years earlier, a rare recognition of reality. And “we won,” Hill reports triumphantly, though the terrorist monster was only wounded, not slain.²⁴ How “we won” is someone else’s department: the Jesuit intellectuals in Central America, the School of the Americas, Truth Commissions, serious scholarship, activist and solidarity literature, and the memories of the survivors.

The first “age of terror” proved to be a major topic in international affairs through the 1980s, particularly in the two areas that were the focus of the Reagan-Bush “war on terror”: Central America and the Middle East/Mediterranean region; terrorism in the latter was selected by editors as the lead story of the year in 1985 and ranked high in other years as well.²⁵

We can learn a good deal about the current war on terror by inquiring into the first phase, and how it is now portrayed. One leading academic specialist describes the 1980s as the decade of “state terrorism,” of “persistent state involvement, or ‘sponsorship,’ of terrorism, especially by Libya and Iran.” The US merely responded with “a ‘proactive’ stance toward terrorism.” Others recommend the methods by which “we won”: specifically, the operations for which the US was condemned by the World Court and Security Council (absent the veto) are a model for “Nicaragua-like support for the Taliban’s adversaries (especially the Northern Alliance).” A prominent historian of the subject finds deep roots for the terrorism of Osama Bin Laden: in South Vietnam, where “the effectiveness of Vietcong terror against the American Goliath armed with modern technology kindled hopes that the Western heartland was vulnerable too.”²⁶

The villainy of the terrorists assaulting us everywhere is awesome indeed.

Keeping to convention, these analyses portray the US as a benign victim, defending itself from the terror of others: the Vietnamese (in South Vietnam), the Nicaraguans (in Nicaragua), Libyans and Iranians (if they had ever suffered a slight at US hands, it passes unnoticed), and other anti-American forces worldwide. If not everyone in the world shares that perception of history, that suffices to demonstrate that they too are “anti-American” and can therefore be safely disregarded.

²⁴ Talbott and Chanda, eds., *op. cit.*

²⁵ For review, see “International Terrorism: Image and Reality.”

²⁶ Martha Crenshaw, Ivo Daalder and James Lindsay, and David Rapoport, respectively, *Current History, America at War*, Dec. 2001. On mainstream interpretations of the terrorism in the ‘80s, see several essays in George, *op. cit.*

The plague of US-backed state terror that spread through Latin America from the early 1960s peaked in Central America twenty years later, as Reagan's "war on terror" took its deadly toll, under the pretext of combating terror. Central America was one focus of Reagan's "war on terror." The other prime focus was the Mideast/Mediterranean region. In this region, the worst single atrocity during the 1980s was the Israeli invasion of Lebanon in 1982, which - like the murderous and destructive Rabin-Peres invasions of 1993 and 1996 -- had little pretense of self-defense. It was, in fact, a textbook case of international terrorism, at the very least.²⁷ The operations were carried out with the crucial military and diplomatic support of the Reagan and Clinton administrations, and therefore add to Washington's record of state-supported international terrorism.

The US was directly involved in many other acts of terror in the region, including the three candidates for the prize of most extreme terrorist atrocity of the peak year of 1985: (1) the car-bomb outside a mosque in Beirut that killed 80 people and wounded 250 others, timed to explode as people were leaving, killing mostly women and girls, traced back to the CIA and British intelligence; (2) Shimon Peres's bombing of Tunis killing 75 people, Palestinians and Tunisians, expedited by the US and praised by Secretary of State Shultz, then unanimously condemned by the UN Security Council as an "act of armed aggression" (US abstaining); and (3) Peres's "Iron Fist" operations directed against what the Israeli high command called "terrorist villagers" in occupied Lebanon, reaching new depths of "calculated brutality and arbitrary murder" in the words of a Western diplomat familiar with the area, amply supported by direct coverage, total casualties uninvestigated and uninteresting in accord with the usual conventions. Again, all of these atrocities fall within the category of state-supported international terrorism, if not the more severe war crime of aggression. This accounting excludes many other atrocities, such as the regular kidnappings and killings on the high seas by Israeli naval forces attacking ships in transit between Cyprus and northern Lebanon, with many of those captured brought to Israel and kept in prison without charge as hostages, and numerous other crimes that are not crimes because they are backed by Washington, pursuing its first "war on terror."²⁸

In journalism and scholarship on terrorism, as noted, 1985 is recognized to be the peak year of Middle East/Mediterranean terrorism, but not because of these events: rather, because of two terrorist atrocities in which a single person was murdered, in each case an American.²⁹ Once again, the victims do not so easily forget.

²⁷ See chap. 7.1. By the standards applied to enemies, it would seem that the US-Israeli leadership should be tried not only for the war crime of aggression in this case, but also for genocide. See John Tagliabue, "Former Bosnian Serb Officer Admits Guilt in '95 Massacres," *NYT*, May 7, 2003, reporting the first conviction for genocide by the War Crimes Tribunal for the former Yugoslavia, finding Serb general Radislav Krstic "guilty of genocide in August 2001 for his role in the massacre at Srebrenica," where the death toll is alleged to be 6-7,000, a third of the toll in Lebanon during the 1982 Israeli invasion and its immediate aftermath.

²⁸ For details, see *Pirates and Emperors, Old and New*, including the added chapter from George, ed., *op. cit.* Some of the Lebanese who were kidnapped, some as teen-agers, and held for many years as "bargaining chips" for an Israeli air force navigator shot down over Lebanon are reportedly held in a secret prison in Israel that is off-limits even to members of Parliament, where prisoners do not know where they are and conditions and treatment are reported to be horrendous. See Aviv Lavie, "Inside Israel's secret prison," *Ha'aretz*, Aug. 22, 2003. This is the first report of these particular atrocities, though many like them have been known for decades without arousing interest or concern among the paymasters.

²⁹ Crenshaw, *op. cit.*, among many others.

In the worst of the two terrorist atrocities that passed through the doctrinal filters, a crippled American Jew, Leon Klinghoffer, was brutally murdered during the hijacking of the *Achille Lauro* cruise ship in October 1985 by a Palestinian terrorist group led by Abu Abbas. The murder “seemed to set a standard for remorselessness among terrorists,” *New York Times* correspondent John Burns wrote. Interviewing Abu Abbas in Baghdad, Burns described him as the “has-been monster” who may “finally have to face a day of reckoning with American Justice” for his role in the crime, which reached the front pages again after the conquest of Iraq. One of its heralded achievements was the capture of Abu Abbas, who now may be brought before the bar of stern American Justice.³⁰

The Klinghoffer murder is the most vivid and lasting symbol of the ineradicable evil of Arab terrorism and the unanswerable proof that there can be no negotiating with these vermin. The atrocity is very real, and is in no way mitigated by the plea of the terrorists that the hijacking was in retaliation for the far more murderous US-backed Israeli terrorist attack on Tunis a week earlier.³¹ That is as grotesque as the comparable US and Israeli pleas that we hear daily, often with ringing applause. But the bombing of Tunis does not enter the canon of terrorism because it is subject to the wrong-agent fallacy. It remained unmentioned when Abu Abbas was captured, having been “disappeared” along with other inappropriate facts. There would of course be no difficulty in apprehending the “monsters” Shimon Peres and George Shultz, who are far from “has-beens,” and bringing them to “a day of reckoning with American justice.” But that is beyond unthinkable. If, unimaginably, any effort were made to implement the principles we profess by bringing the criminals to judicial accounting, perhaps at the International Criminal Court, the President would presumably fulfill his duty to liberate them by force, in accord with the “Hague Invasion Act.”³²

Also efficiently “disappeared” are recent cases that bear more than a superficial similarity to the Klinghoffer murder, but elicited a rather different reaction. The reaction was silence when British reporters found “the flattened remains of a wheelchair” in the remnants of the Jenin refugee camp after Sharon’s Spring 2002 offensive. “It had been utterly crushed, ironed flat as if in a cartoon,” they reported: “In the middle of the debris lay a broken white flag.” A crippled Palestinian, Kemal Zughayer, “was shot dead as he tried to wheel himself up the road. The Israeli tanks must have driven over the body, because when [a friend] found it, one leg and both arms were missing, and the face, he said, had been ripped in two.” Or Jamal Rashid, crushed in his wheelchair when one of Israel’s huge US-supplied bulldozers demolished his home in Jenin with the family inside.³³

³⁰ John Burns, “Ringleader of ’85 Achille Lauro Hijacking Says Killing Wasn’t His Fault,” *NYT*, Nov. 8, 2002. Neil Swidey, “’85 hijack figure caught in Iraq,” *Boston Globe*, April 16, 2003, lead story, p. 1. Eric Lichtblau, “U.S. Considers Indicting Terrorist Arrested in Iraq On Achille Lauro Murder,” *NYT*, April 17, 2003.

³¹ On the lame effort to concoct a pretext for the Tunis bombing, see “International Terrorism: Image and Reality.”

³² The Act, signed into law in August 2002, authorizes the President to use “military force to liberate any American or citizen of a U.S.-allied country being held by the court” in the Hague; Human Rights Watch, <http://www.hrw.org/press/2002/08/aspa080302.htm>. The law shows that “the Bush administration will stop at nothing in its campaign against the court, Human Rights Watch warned today.”

³³ Justin Huggler and Phil Reeves, “Once upon a time in Jenin,” *Independent*, April 25, 2002. Amira Hass, *Ha’aretz*, April 19, 2002, reprinted in *Reporting from Ramallah*.

If even reported, such events would have been dismissed as inadvertent errors in the course of justified retaliation.

Kemal Zughayer and Jamal Rashid do not deserve to enter the annals of terrorism along with Leon Klinghoffer. His murder was not under the command of a “monster,” but a “man of peace,” who enjoys a soulful relation with the “man of vision” in the White House.

The basic principles were outlined 20 years ago by one of Israel’s most eminent writers, Boaz Evron, after an upsurge of settler-IDF violence that caused much consternation in Israel. Evron wrote a sardonic account of how to deal with the lower orders -- the "Araboushim" in Israeli slang. Israel should "keep them on a short leash," he wrote, so that they recognize "that the whip is held over their head." As long as not too many people are being visibly killed, then Western humanists can "accept it all peacefully," asking "What is so terrible?"³⁴

The guardians of journalistic integrity in the US understand that lesson without his advice. The most prestigious media watchdog, the *Columbia Journalism Review*, gave its cherished “laurel” award to the US media for ensuring that scrutiny of Sharon’s Spring 2002 offensive in Jenin, Nablus, Ramallah and elsewhere would focus on one primary question: Was there a purposeful massacre of hundreds of civilians in the Jenin refugee camp?³⁵ If not, then civilized people can "accept it all peacefully."

We might try a thought experiment. Suppose that Syria had occupied Israel for 35 years, employing the means and measures of Israel’s occupation, and then proceeded further to duplicate Sharon’s 2002 offensive: rampaging through Jewish towns, leveling large areas with bulldozers and tanks, keeping the population under siege for weeks without food or water or access to medical care, destroying cultural centers and the institutions of government and archaeological treasures while going out of their way to urinate and defecate everywhere in the Department for the Encouragement of Children’s Art, making it crystal clear to the Yids in every possible way that "the whip is held over their head"³⁶ -- but not slaughtering hundreds of them at once. According to the standards of the “laurel,” only an anti-Arab racist would object – and discovery of the scattered parts of a murdered Jewish cripple in a wheelchair crushed by a Syrian tank or the remains of another in a house systematically demolished by giant bulldozers would merit no notice, let alone “American Justice.”

Reviewing "the Jenin story," the *Review* berated the British press for "embracing Israel's guilt as established fact" and ridiculed the UN for “preparing an investigation by a team whose political sympathies ensured that its conclusions would be challenged,” certainly by the independent thinkers of the *Review*. “Amid all this confounding din,” the editors asked, “what was the world to believe?”

³⁴ See *Fateful Triangle*, 136.

³⁵ Gloria Cooper, “Darts and Laurels,” *Columbia Journalism Review*, July–August 2002.

³⁶ All amply reported in the Israeli press. See, e.g., Amira Hass, *Ha’aretz*, May 6, 2002, reprinted in *Reporting from Ramallah*, and reports from Israeli Human Rights organizations, among them Hamoked, *Annual Report* (Jerusalem, 2002), 44f.

Fortunately, all was not lost: "Enter the independent U.S. news media, on a fact-finding mission of their own," which refuted the anti-Israel slanders and revealed that there was "no deliberate, cold-blooded murder of hundreds" at Jenin. To translate to English, the "independent U.S. media" reached exactly the same conclusions about mass slaughter as the disreputable British media (and others), which, however, failed the test of "independence" by not adopting the framework of US-Israeli propaganda as rigidly as the editors of the *Review* demand, and looking beyond that single question.

The "independent U.S. media" did not merit the insulting praise of their cheerleader. Careful readers could learn about the crimes that had taken place, though not in the shocking detail presented in the Israeli and European press. And they were carefully protected from the complicity of their own government, in routine fashion.

The standard reaction to state-supported international terrorism, when implicating the wrong agents, is silence, though it sometimes extends to open approval. The practice is not restricted to the two primary illustrations of Washington's "war on terror" in the 1980s. Southern Africa in the 1980s is another case, as we have seen. Much the same was true elsewhere, including the leading recipient of US military aid and training before Colombia moved ahead of it in 1999. "State terror" in Turkey was practiced on a massive scale. I borrow the term "state terror" from the Turkish State Minister for Human Rights, referring to the vast atrocities of 1994; and sociologist Ismail Besikci, returned to prison after publishing his book *State Terror in the Near East*, having already served 15 years for recording Turkish repression of Kurds.³⁷ As elsewhere, the state-supported international terrorism was expedited by silence and evasion, but it did not pass entirely unnoticed. The State Department's annual report on Washington's "efforts to combat terrorism" singled out Turkey for its "positive experiences" in combating terror, along with Algeria and Spain, worthy colleagues. This was reported without comment in a front-page story in the *New York Times* by its specialist on terrorism. In a leading journal of international affairs, Ambassador Robert Pearson reports that the US "could have no better friend and ally than Turkey" in its efforts "to eliminate terrorism" worldwide, thanks to the "capabilities of its armed forces" demonstrated in its "anti-terror campaign" in the Kurdish southeast. It thus "came as no surprise" that Turkey eagerly joined the "war on terror" declared by George W. Bush in 2001, expressing its thanks to the US for being the only country willing to lend the needed support for the terrorist atrocities of the Clinton years -- still continuing, though on a much lesser scale now that "we won." As a reward for its achievements, the US funded Turkey to provide the ground forces for fighting "the war on terror" in Kabul, though not beyond.³⁸

As noted, the voluntary censorship of Turkish state terror was lifted slightly in early 2003 during Turkey's democratic deviation, though the decisive role of the United States remained well concealed.³⁹

³⁷ See *New Military Humanism*, chap. 3.

³⁸ Judith Miller, "South Asia Called Major Terror Hub in a Survey by U.S.," *NYT*, April 30, 2000. Pearson, *Fletcher Forum* 26:1, Winter/Spring 2002.

³⁹ See chap. 3, at note 37.

These considerations suggest one way to reduce the threat of terror: stop participating in it. That would be a significant contribution. But that would not directly address terror in the doctrinally restricted sense of the term, an extremely serious matter. Let us put that aside for a moment, and consider a related domain in which attention to truisms may have some value.

8.3. Truisms and Just War Theory

The theory of Just War has enjoyed a revival in the context of the “new era of humanitarian intervention” and international terrorism. Consider the strongest case that is put forth: the bombing of Afghanistan, a paradigm example of just war according to the Western consensus. The respected moral-political philosopher Jean Bethke Elshtain summarizes received opinion fairly accurately when she writes that “Nearly everyone, with the exception of absolute pacifists and those who seem to think we should let ourselves be slaughtered with impunity because so many people out there ‘hate’ us, agrees” that the bombing of Afghanistan was clearly a just war.⁴⁰ To mention just one additional example, at the liberal end of the media spectrum, *New York Times* executive editor Bill Keller remarks that when “America dispatched soldiers in the cause of ‘regime change’” in Afghanistan, “the opposition was mostly limited to the people who are reflexively against the American use of power,” either timid supporters or “isolationists, the doctrinaire left and the soft-headed types Christopher Hitchens described as people who, ‘discovering a viper in the bed of their child, would place the first call to People for the Ethical Treatment of Animals’.”⁴¹

These are empirical statements, so despite the near-unanimity and interesting rhetoric of the declarations, we are entitled to ask whether they are true. Let’s ignore the fact that “regime change” was not “the cause” in Afghanistan -- rather, an afterthought late in the game.⁴² Were there opponents of the bombing who were not either absolute pacifists or absolute lunatics?

It turns out that there were, and it is an interesting collection. To begin with, it apparently included the great majority of the population of the world when the bombing was announced. So we discover from an international Gallup poll in late September 2001. The lead question was this: “Once the identity of the terrorists is known, should the American government launch a military attack on the country or countries where the terrorists are based or should the American government seek to extradite the terrorists to stand trial?” Whether such diplomatic means could have succeeded is

⁴⁰ “A Just War?” (referring to Iraq), *Ideas* section, *Boston Globe*, Oct. 6, 2002; “How to Fight a Just War,” in Booth and Dunne, eds., *op. cit.* Americans, she informs us, are “nothing if not self-critical, often to the point of self-flagellation.” Much of the world, particularly in the backyard, will also be interested to learn that the US has never engaged in the practice of “unleashing terrorists” or otherwise threatening or harming civilians.

⁴¹ Keller, *NYT*, Aug. 24, 2002. Then a regular columnist, Keller was appointed executive editor a year later.

⁴² At the outset, President Bush warned Afghans that they would be bombed until they handed over people the US suspected of terrorism. Three weeks later, war aims shifted to overthrow of the regime: the bombing would continue, Admiral Sir Michael Boyce announced, “until the people of the country themselves recognize that this is going to go on until they get the leadership changed.” Patrick Tyler and Elisabeth Bumiller, *NYT*, Oct. 12, quoting Bush; Michael Gordon, *NYT*, Oct. 28, 2001, quoting Boyce; both p. 1, apparently the first explicit announcement of the new US-UK war aims.

known only to ideological fanatics on both sides; tentative explorations of extradition by the Taliban were instantly rebuffed by Washington, which also refused to provide evidence.

Opinion strongly favored diplomatic-judicial measures over military action. In Europe, support for military action ranged from 8% in Greece to 29% in France. Support was least in Latin America, the region that has the most experience with US intervention: it ranged from 2% in Mexico to 11% in Colombia and Venezuela. The sole exception was Panama, where only 80% preferred peaceful means (16% military attack); and even there, as we have seen, correspondents had some further memories. Support for strikes that included civilian targets was much lower. Even in the two countries polled that supported the use of military force, India and Israel (where the reasons were parochial), considerable majorities opposed such attacks. There was, then, overwhelming opposition to the actual policies, which turned major urban concentrations into "ghost towns" from the first moment, the press reported.

The Gallup poll was not mentioned in the *Columbia Journalism Review*, or reported in the "independent U.S. news media" to which it grants its "laurels," though elsewhere, including Latin America, it was considered of interest to know what the world thinks about the planned bombing.⁴³

Notice that this minimal support for the bombing was based on a presupposition: that "the identity of the terrorists is known." As we were informed by the FBI eight months after the bombing, their identity and affiliation were still not known, but only surmised, and hence could not have been known eight months before, when President Bush ordered the bombing of Afghanistan.⁴⁴ According to the FBI, then, the bombing was a war crime, an act of aggression, based on mere supposition. It also follows directly that there was virtually no detectable world support for the policies actually undertaken, since even the minimal support recorded by polls was based on a presupposition that Washington and London knew to be false, as did the authors of the declarations on just war, at least if they read the mainstream press.

Perhaps the former director of Human Rights Watch Africa, now a Professor of Law at Emory University, spoke for many others around the world when he addressed the International Council on Human Rights Policy in Geneva in January 2002, saying that "I am unable to appreciate any moral, political or legal difference between this *jihad* by the United States against those it deems to be its enemies and the *jihad* by Islamic groups against those they deem to be their enemies."⁴⁵

What about Afghan opinion? Information is scanty, but not entirely lacking. In late October, 2001, after three weeks of intense bombing, including cities and other civilian targets, 1000 Afghan leaders gathered in Peshawar, some of them exiles, some coming from within Afghanistan, all committed to

⁴³ <http://www.gallup.international.com/terrorism-poll-figures.html>; data from Sept. 14-17, 2001. A media review by Jeff Nygaard found one reference to the Gallup poll, a brief notice in the *Omaha World-Herald* that "completely misrepresented the findings." *Nygaard Notes Independent Weekly News and Analysis*, Nov. 16, 2001, reprinted in *Counterpoise* 5.3/4, 2002. See *Envío*, Oct. 2001, reporting the poll results in Latin America.

⁴⁴ See chap. 2, at note 61.

⁴⁵ Abdullah Ahmed An-Na'im, "Upholding International Legality Against Islamic and American Jihad," in Booth and Dunne, eds., *op. cit.*

overthrowing the Taliban regime. It was "a rare display of unity among tribal elders, Islamic scholars, fractious politicians, and former guerrilla commanders," the press reported. They had many disagreements, but unanimously "urged the US to stop the air raids," appealed to the international media to call for an end to the "bombing of innocent people," and "demanded an end to the US bombing of Afghanistan." They urged that other means be adopted to overthrow the hated Taliban regime, a goal they believed could be achieved without further death and destruction.

A similar message was conveyed by Afghan opposition leader Abdul Haq, who was highly regarded in Washington, and received special praise as a martyr during the post-war Loya Jirga, his memory bringing tears to the eyes of President Hamid Karzai. Just before he entered Afghanistan without US support, and was then captured and killed, he condemned the bombing that was then underway and criticized the US for refusing to support efforts of his and of others "to create a revolt within the Taliban." The bombing was "a big setback for these efforts," he said, outlining them and calling on the US to assist them with funding and other support instead of undermining them with bombs. The US, he said, "is trying to show its muscle, score a victory and scare everyone in the world. They don't care about the suffering of the Afghans or how many people we will lose." The prominent women's organization RAWA -- which received some belated recognition when it became ideologically serviceable to express concern (briefly) about the fate of women in Afghanistan -- also bitterly condemned the bombing.⁴⁶

There were a great many more opponents of the bombing, also pretty hard to miss. Among them were the major aid and relief agencies, including those of the UN and charitable and development organizations, deeply concerned over the likely effect on the population, millions of whom were on the brink of starvation even before 9-11. As noted, academic specialists agreed, and the evidence available easily justified their warnings of the "grave risk" to millions of people from the threat and then reality of bombing.

In short, the lunatic fringe was not insubstantial. But even the fragments that reached public attention can easily be put aside by those who prefer to comfort themselves with the conviction that "We went to war, not because we wanted to, but because humanity demanded it"; President McKinley in this case, as he ordered his armies to "carry the burden, whatever it may be, in the interest of civilization, humanity, and liberty," as they marched off to a glorious campaign of slaughter and war crimes in the Philippines, responding to the demand of humanity and the will of the Lord, and to the applause of the media and commentators, with the usual fringe of skeptics.⁴⁷

⁴⁶ Karzai on Abdul Haq, Elizabeth Rubin, *New Republic*, July 8, 2002. Abdul Haq, interview with Anatol Lieven of the Carnegie Endowment, *Guardian*, Nov. 2, 2001. The Peshawar gathering was reported: Barry Bearak, *NYT*, Oct. 25; John Thornhill and Farhan Bokhari, *Financial Times*, Oct. 25, Oct. 26; John Burns, *NYT*, Oct. 26; Indira Lakshmanan, *Boston Globe*, Oct. 25, 26, 2001. RAWA, website. The information was available throughout in independent ("alternative") journals, published and electronic, including Znet (www.zmag.org). For additional quotes see my "World After September 11," talk at conference of AFSC at Tufts university, Dec. 8, 2001, reprinted in *Pirates and Emperors*, chap. 6.

⁴⁷ Pérez, *op. cit.*

Let us turn now to the most elementary principle of just war theory, universality: we must subject ourselves to the standards we apply to others (at the very least). Those who cannot accept this principle should have the decency to keep silent about matters of right and wrong, or just war.

If we can rise to this level, some obvious questions arise: for example, have Cuba and Nicaragua been entitled to set off bombs in Washington, New York, and Miami in self-defense against ongoing terrorist attack? Particularly so when the perpetrators are well known and act with complete impunity, sometimes in brazen defiance of the highest international authorities, so that the cases are far clearer than Afghanistan? If not, why not? Certainly one cannot appeal to scale of crimes to justify such a stand; the merest look at the factual record bars that cowardly move, matters well understood outside privileged Western circles.

If these questions are not answered, we know that “just war” pronouncements cannot be taken seriously; still more so if the questions are not even raised. I have yet to discover a single case where the question is even raised. That leads to some conclusions that may not be particularly attractive, but that might merit serious attention, self-examination, and concern.

Related questions are sometimes raised, in a manner that gives some useful insight into the prevailing moral and intellectual culture. The Latin American correspondent of the *New York Times* informs us that Latin American intellectuals have “reflexively accorded” Castro, Ortega, and other “anti-American leaders immunity to the moral standards applied to other leaders.” His evidence is a statement by Latin American intellectuals warning against a post-Iraq invasion of Cuba. He believes a “psychological explanation” may be necessary to account for their astonishing failure to adopt “universal moral standards.”⁴⁸ The reasoning is interesting, but that aside, no psychological explanation seems necessary when he and his associates “reflexively accord” their leaders “immunity to the moral standards” they apply to others: specifically, the moral standards that would call for severe punishment for anyone else who dared to carry out terrorist wars comparable to those that their leaders have conducted against Cuba and Nicaragua.

Putting aside unacceptable fact and unthinkable moral truisms, consider how Elshain’s argument on Afghanistan fares within her own framework. Suppose that we adopt the criteria of just war that she formulates. First, force is justified if it “protects the innocent from certain harm,” as when a country has “certain knowledge that genocide will commence on a certain date” and the victims have no means of self-defense (the only example cited).⁴⁹ Secondly, the war “must be openly declared or otherwise authorized by a legitimate authority.” Third, it “must begin with the right intentions.” Fourth, it “must be a last resort after other possibilities for the redress and defense of the values at stake have been explored.”

The first condition is inapplicable. The second is meaningless: declaration of war by an aggressor confers no support whatsoever for a claim of “just war.” The third is also meaningless: the worst criminals claim “right intentions,” and there are always acolytes to endorse the claims. The fourth

⁴⁸ Larry Rohter, “In Latin America, the Cult of Rebellion Wanes,” *NYT Week in Review*, May 18, 2003.

⁴⁹ The example is curious. It’s hard to think of a possible case. Perhaps it was contrived to bring Kosovo under the mantle of just war, but if so, the effort plainly fails.

obviously does not apply in Afghanistan. Therefore her paradigm case collapses entirely, under her own criteria.⁵⁰

That aside, whatever one thinks of Elshtain's belief that the bombing of Afghanistan met her conditions, they hold with far greater clarity for many of the victims of US state-supported international terrorism, and on her grounds, should therefore grant them the right to wage a "just war" against the US by bombing and terror, as long as it is openly declared and accompanied by pronouncement of "right intentions." The reduction to absurdity, however, presupposes that we adopt the principle of universality: unmentioned in her historical/philosophical study, and tacitly rejected in the standard fashion.

Let's bring in some further relevant facts. When some of the most respected Afghan opponents of the Taliban were condemning the US bombing, along with the major aid and relief agencies and others, its official motive was to force the Taliban to hand over people that the US suspected of involvement in the crimes of 9-11 (see note 41). As noted, we have no way of knowing whether tentative Taliban moves towards extradition were serious, since the US rejected them with contempt, refused to provide evidence, and presumably would have refused even if it had had credible evidence instead of only the suspicions shared by everyone.

At the time when Taliban reluctance to hand over suspects without evidence was the lead story of the day, arousing much fury, Haiti *renewed* its request for extradition of Emmanuel Constant, leader of the paramilitary forces that had primary responsibility for the brutal murder of thousands of Haitians during the early 1990s, when the military junta was supported, not so tacitly, by the first Bush and Clinton administrations.⁵¹ The request apparently did not even merit a response, or more than the barest report. Constant had been sentenced in absentia in Haiti; it is widely assumed that the US is concerned that if he testifies, he may reveal contacts between the state terrorists and Washington.⁵² Does Haiti therefore have the right to set off bombs in Washington? Or to try to kidnap or kill Constant in New York, where he lives, killing many others who happen to be nearby in approved Israeli style? And are similar actions legitimate targeting other state terrorists who enjoy safe haven in the US? If not, why not? Why is the question not even raised? And if the question is considered too absurd even to consider (as it is, by elementary moral standards), where does that leave the consensus on the resort to violence by one's own leaders?

⁵⁰ Elshtain, *Just War Against Terror*, 57ff. Throughout, evidence cited is slight and dubious. And there is little effort at coherent argument. Consider, for example, her denunciation (14) of the moving account by Middle East correspondent Robert Fisk of how he was badly beaten by Afghans fleeing from US bombing, then saved by a Muslim cleric. By comprehending the reaction of the refugees to someone they understandably took to share responsibility for their misery, Fisk carried absurdity to a "preposterous extreme," Elshtain charges. Worse still, he is also guilty of "racism" for claiming that his white skin "sanctifies any evil perpetrated by the oppressed race" (quoting Andrew Sullivan). This is not untypical of the level of argumentation throughout. The book has received awed acclaim for its remorseless logic and scrupulous attention to fact; e.g. Paul Berman, "Listening to Terrorists," *NYT Book Review*, April 27, 2003, scrupulously avoiding any evidence for the accolades, though not sparing in the flow of invective against unidentified enemies for undocumented crimes.

⁵¹ *NYT*, Oct. 1, 2001. See *9-11; New Military Humanism*, 70f. More generally, Farmer, *Uses of Haiti*.

⁵² Daniel Grann, "Giving 'The Devil' His Due," *Atlantic Monthly*, June 2001.

The answers to the questions, again, seem fairly clear, and the refusal even to consider them requires no comment.

Referring to 9-11, some argue that the evil of terrorism is "absolute" and merits a "reciprocally absolute doctrine" in response: ferocious military assault in accord with the Bush doctrine that "*If you harbor terrorists, you're a terrorist; if you aid and abet terrorists, you're a terrorist -- and you will be treated like one.*"⁵³

The collection of academic essays where the argument is presented reflects elite opinion in the West in taking the US-UK bombing of Afghanistan to be justified and properly "calibrated." In fact, it would be hard to find anyone who accepts the doctrine that massive bombing is a legitimate response to terrorist crimes. That follows at once from the principle of universality, and attention to the factual record. No sane person would agree that bombing of Washington would be legitimate in accord with the "reciprocally absolute doctrine" on response to terrorist atrocities, or a justified and properly "calibrated" response to them. If there is some reason why this observation is inappropriate, it has yet to be articulated, even contemplated, as far as I have been able to discover.

Consider some of the legal arguments that have been presented to justify the US-UK bombing of Afghanistan. Let us put aside their soundness, and keep to their implications if the principle of universality is accepted. Christopher Greenwood argues that the US has the right of "self-defense" against "those who caused or threatened...death and destruction," appealing to the ICJ ruling in the Nicaragua case. The paragraph he cites applies far more clearly to the US war against Nicaragua than to the Taliban or al-Qaeda, so if it is taken to justify intensive US bombardment and ground attack in Afghanistan, then Nicaragua should have been entitled to carry out much more severe attacks against the US. Another distinguished professor of international law, Thomas Franck, supported the US-UK war on grounds that "a state is responsible for the consequences of permitting its territory to be used to injure another state"; the principle is surely applicable to the US in the case of Nicaragua, Cuba, and many other examples, including some of considerable severity. Another version is that in the "age of terror," Article 51 of the UN Charter must be extended to permit "anticipatory self-defense" against potential terrorist acts, basically the Bush doctrine of September 2002,⁵⁴ a proposal that would elicit justified horror if universalized to apply to the powerful.

Needless to say, in no such case would appeal to the right of "self-defense" against continuing acts of "death and destruction" be remotely tolerable: *acts*, not merely threats.

The same holds of more nuanced proposals for an appropriate response to terrorist atrocities. Military historian Michael Howard proposes "a police operation conducted under the auspices of the United Nations...against a criminal conspiracy whose members should be hunted down and brought

⁵³ Talbott and Chanda, eds., *op. cit.*, xvf. Their emphasis. They add that the problem and solution are "more complicated," but appear to accept the conclusion cited.

⁵⁴ Greenwood, "International law and the 'war against terrorism'," *International Affairs* 78.2 (April, 2002), appealing to par. 195 of *Nicaragua v. USA*, which surely is more appropriate to the US terrorist war that the Court was considering (though it did not use par. 195 in this connection) than to the case that concerns Greenwood. Franck, "Terrorism and the Right of Self-Defense," *American J. of International Law* 95.4 (Oct. 2001). Mikael Nabati, "Anticipatory Self-Defense: The Terrorism Exception," *Current History*, May 2003.

before an international court, where they would receive a fair trial and, if found guilty, be awarded an appropriate sentence." Reasonable enough, though the idea that such measures be applied to the US or Britain is utterly unthinkable. The director of the Center for the Politics of Human Rights at Harvard argues that "The only responsible response to acts of terror is honest police work and judicial prosecution in courts of law, linked to determinate, focused and unrelenting use of military power against those who cannot or will not be brought to justice."⁵⁵ That too seems sensible, if we add Howard's qualification about international supervision, and if the resort to force is undertaken after legal means have been exhausted. The recommendation evidently does not apply to 9-11 (the US refused to provide evidence and rebuffed tentative proposals about transfer of the suspects), but it does apply very clearly in other cases: say, to Nicaragua, Cuba, Haiti and many others.

A call for implementation of "the only responsible responses" where it is plainly applicable would elicit only fury and contempt. That is clear, if not self-evident; and instructive.

Some have formulated different principles to justify the US war in Afghanistan. Two Oxford scholars propose a principle of "proportionality": "The magnitude of response will be determined by the magnitude with which the aggression interfered with key values in the society attacked"; in the case of 9-11, "freedom to pursue self-betterment in a plural society through market economics." That value was viciously attacked on 9-11 by "aggressors...with a moral orthodoxy divergent from the West." Since "Afghanistan constitutes a state that sided with the aggressor," and refused US demands to turn over suspects, "the United States and its allies, according to the principle of magnitude of interference, could justifiably and morally resort to force against the Taliban government."⁵⁶

If the moral orthodoxy of the West accommodates the principle of universality, it follows that Cuba and Nicaragua (in fact, many others) can "justifiably and morally resort to" far greater force against the United States. Uncontroversially, the US terrorist attack and other illegal actions against Cuba and Nicaragua "interfered with key values in the society attacked," far more dramatically than in the case of 9-11, and furthermore were intended to do so, facts not concealed, and a basis for the explicit and very broad ruling of the ICJ condemning forceful intervention. Also uncontroversially, the US refuses even to consider demands to turn over terrorists who are responsible for very severe crimes. Furthermore, since Britain "sided with the aggressor," Oxford too should be subject to attack, at least by Nicaragua.

We are entitled to ask why the conclusion cannot even be contemplated (quite properly, of course), and what that implies about the elite intellectual culture.

The conclusions extend far beyond these cases, including even such minor escapades (by US-UK standards) as Clinton's bombing of the al-Shifa pharmaceutical plant in Sudan in 1998, leading to

⁵⁵ Howard, *Foreign Affairs*, Jan/Feb 2002; also talk of Oct. 30, 2001 (Tania Branigan, *Guardian*, Oct. 31). Ignatieff, "The Golden Section: Terror, Rights and Reason," *Index on Censorship* 2, 2002.

⁵⁶ Frank Schuller and Thomas Grant, "Terror: Measuring the Cost, Calculating the Response," *Current History*, April 2002.

"several tens of thousands" of deaths according to the only reputable estimates we have, conclusions consistent with the immediate assessments and later reports of knowledgeable observers.⁵⁷ Technically, this was not international terrorism, only a crime that would elicit fury, even on a fraction of the scale, if the target were the US, Israel, or some other worthy victim, and retaliation of a kind that one hesitates to imagine, which would furthermore be acclaimed as a paradigm example of just war. The principle of proportionality therefore entails that Sudan had every right to carry out massive terror in retaliation. The conclusion is strengthened if we adopt the more extreme view that Clinton's missile attack had "appalling consequences for the economy and society" of Sudan,⁵⁸ so that the atrocity was much worse than the crimes of 9-11, which were appalling enough, but did not have such consequences.

Almost all of the limited commentary on the Sudan bombing keeps to the question of whether the plant was believed to produce chemical weapons. True or false, that has no bearing at all on the crime; specifically, on "the magnitude with which the aggression interfered with key values in the society attacked." Many point out that the resulting deaths were unintended. That is true, though they were surely anticipated, and clearly of no concern. We may put aside the question of where lack of concern places the act on a moral scale, simply noting that many of the atrocities we (rightly) denounce are unintended, though that is considered irrelevant when the perpetrator is someone other than ourselves; crucially so when the atrocities are anticipated, as in this case. We can hardly doubt that the likely human consequences were understood by US planners; the CIA knew as well as others that they were destroying the country's major source of pharmaceuticals and veterinary medicines, and could anticipate as well as Human Rights Watch what the likely effects would be. The acts can be excused or considered insignificant, then, only on the Hegelian doctrine that Africans are "mere things," whose lives have "no value." Observing the attitudes and practice that prevail, those outside the ranks of Western privilege may draw their own conclusions about the "moral orthodoxy of the West."

8.4. Confronting Terror

⁵⁷ Werner Daum, German Ambassador to the Sudan, "Universalism and the West," *Harvard International Review*, Summer 2001. See also his "Democracy, Human Rights and Secure Oil Supply," estimating again that "several tens of thousands seems to be a reasonable guess" of deaths; ms., Weatherhead Center for International Affairs, Harvard, 2000/2001. The same estimate is given by Jonathan Belke, regional director of the Near East Foundation, who has field experience in the Sudan, "Year later, US attack on factory still hurts Sudan," *Boston Globe*, Aug. 22, 1999. Human Rights Watch warned at once that the bombing had disrupted assistance to 2.4 million people at risk of starvation, and had forced the indefinite postponement of "crucial" relief efforts in places where dozens of people were dying daily. Kenneth Roth, letter to President Clinton, September 15, 1998. On these and other assessments and related material, see 9-11, 45ff.

⁵⁸ Christopher Hitchens, *Nation*, June 10, 2002. Ian Buruma dismisses the idea that the strike was worse than 9-11 as "plain silly." He attributes this not to Hitchens, who takes this position, but to me; with no citation, because none exists, in fact no comparison at all apart from a few words of mine pointing out that the number of casualties may have been similar. The comment, which has spawned the usual stream of hysteria, is perhaps "silly" in that it underestimated Clinton's crime by perhaps a factor of 10. Buruma, review of Paul Berman, *Terror and Liberalism*, *New York Review*, May 1, 2003. Buruma may be relying on the book he is reviewing, a most astonishing collection of fabrications as we learn from reviews concerned with truth; for a sample, see George Scialabba, "Clash of Visualizations," *Nation*, April 28, 2003.

Let us now restrict the term “terror” – improperly, but in accord with near-universal convention – to the subcategory that passes through the doctrinal filters.

The wars that are contemplated in the re-declared "war on terror" are to go on for a long time. "There's no telling how many wars it will take to secure freedom in the homeland," the President announced.⁵⁹ That's fair enough. Potential threats are virtually limitless, everywhere; even at home, as the anthrax attack and the failed investigations of it illustrate. The report of the Hart-Rudman task force, cited earlier, suffices to reveal the awesome nature of the threats.

Not only is the “war on terror,” as conceived, likely to go on for a long time, but it also did not suddenly become a crucial issue on 9-11. The terrorist attacks of that day were not entirely unexpected, yet another reason to question the widely held belief that 9-11 signaled a sharp change in the course of history. Even readers of newspaper headlines, and surely government planners, were well aware years earlier that atrocities of the 9-11 variety might occur. After all, in 1993, one almost *did* occur. Organizations presumably related to those responsible for 9-11 came perilously close to blowing up the World Trade Center, killing perhaps tens of thousands of people. It was also known, at once, that they had far more ambitious plans that were barely aborted in time. Even with the hideous consummation of these plans on 9-11, risk assessments did not significantly change.

As already reviewed, prospects of major terrorist attacks had been publicly discussed well before 9-11. And there could have been little doubt of the nature of the radical Islamist terrorist organizations since at least 1981, when elements that formed part of the core of al-Qaeda in later years assassinated President Sadat of Egypt; or a few years later when groups that may have been loosely related drove US forces out of Beirut, killing hundreds of troops and civilians in separate attacks. Furthermore, the thinking of those involved in these and other similar actions was reasonably well understood, certainly by the US intelligence agencies that had helped to recruit, train, and arm them from 1980 and continued to work with them even as they were attacking the United States. The Dutch government inquiry into the Srebrenica massacre revealed that while radical Islamists were attempting to blow up the World Trade Center, others from the CIA-formed networks were being flown by the US from Afghanistan to Bosnia, along with Iranian-backed Hizbollah fighters and a substantial supply of arms, through Croatia, which took a cut of the arms. They were being brought to support the US side in the Balkan wars, while Israel (along with Ukraine and Greece) was arming the Serbs (possibly with US-supplied arms), which explains why "unexploded mortar bombs landing in Sarajevo sometimes had Hebrew markings," British political scientist Richard Aldrich observes, reviewing the Dutch government report.⁶⁰

The atrocities of 9-11 serve as a dramatic reminder of what has long been understood: the rich and powerful no longer are assured the near monopoly of violence that has largely prevailed throughout history; and with modern technology, the prospects are horrendous indeed. Though terrorism is rightly feared everywhere, and is indeed an intolerable "return to barbarism," it is not

⁵⁹ Anthony Shadid, *Boston Globe*, Aug. 6, 2002.

⁶⁰ Aldrich, “America used Islamists to arm the Bosnian Muslims,” *Guardian*, 22 April, 2002; Richard Norton-Taylor, “Official Dutch report says that Pentagon broke UN embargo,” same issue.

surprising that perceptions about its nature differ rather sharply at opposite ends of the guns, facts that will be ignored at their peril by those whom history has accustomed to immunity while they perpetrate terrible crimes, quite apart from the moral cowardice so starkly revealed.

There are broad tendencies in global affairs that are expected to enhance the threat of terror, still keeping to the doctrinally approved subcategory. Some are discussed by the US National Intelligence Council (NIC) in its projections for the coming years.⁶¹ They expect “globalization” to continue on course: “Its evolution will be rocky, marked by chronic financial volatility and a widening economic divide.” In a technical sense of the term, “globalization” should lead to convergence to a single market with a single wage and price; the NIC is predicting less globalization in this sense, but more in the doctrinally preferred sense of investor-rights economic integration, with benefits for the more privileged. “Financial volatility” very likely means slower growth, extending the pattern of the neoliberal globalization period (among those who followed the rules), and harming mostly the poor.⁶² The NIC goes on to predict that as this form of globalization proceeds, with the “widening economic divide” that it will bring, “deepening economic stagnation, political instability, and cultural alienation [will] foster ethnic, ideological and religious extremism, along with the violence that often accompanies it,” much of it directed against the United States. “Unsurprisingly,” Kenneth Waltz observes, the weak and disaffected “lash out at the United States as the agent or symbol of their suffering.”⁶³ The same assumptions are made by military planners, a matter to which we return in the next chapter.

Those concerned to reduce the threat of terror will attend carefully to such factors as these, and also to specific actions and long-term policies that exacerbate them. And they will also observe elementary distinctions. Specifically, they will distinguish carefully between the terrorist networks themselves, such as al-Qaeda, and a larger community that provides a reservoir from which radical terrorist cells can sometimes draw. That includes the poor and oppressed, who are of no concern to the terrorist groups and suffer from their crimes, but also wealthy and secular elements who are bitter about US policies and quietly express support for bin Laden, whom they detest and fear, as “the conscience of Islam,” because at least he reacts to these policies, even if in horrifying and disastrous ways.⁶⁴

⁶¹ *Global Trends 2015*.

⁶² Causal relations cannot be determined with any confidence, but many economists argue that the financial liberalization that initiated the neoliberal globalization era was a contributing factor to the significant deterioration of growth and other macroeconomic indices that generally accompanied it. See among others John Eatwell and Lance Taylor, *Global Finance at Risk* (New Press, 2000); David Felix, “Asia and the Crisis of Financial Globalization,” in Dean Baker, Gerald Epstein and Robert Pollin, eds., *Globalization and Progressive Economic Policy* (Cambridge, 1998), and other articles in the same volume; Timothy Canova, “Financial Liberalization, International Monetary Dis/order, and the Neoliberal State,” *American University International Law Review* 15.6: 1279-1319, 2000; essays by Joseph Stiglitz, Mark Weisbrot, and Christian Weller-Adam Hersh, in *Globalism and Poverty*, *American Prospect* special supplement, Winter 2002. On the correlation between following the rules and economic failure (e.g., Latin America vs. East Asia), see José Antonio Ocampo, Executive Secretary, Economic Commission for Latin America and the Caribbean, “Rethinking the Development Agenda,” address at the American Economic Association annual meeting, Jan. 2001. Much more clear is the impact of financial liberalization on restricting democracy; see chap. 5, at notes 109-11.

⁶³ Waltz, see chap. 5, at note 49.

⁶⁴ International lawyer for multinationals quoted by Neil MacFarquhar, “Saudi Dilemma,” *NYT*, Oct. 5, 2001. These comments are drawn from *9-11*, where the matter is repeatedly stressed, including the crucial distinction between the

The distinction is indeed elementary. Among those who wish to mitigate terrorist threats, it is understood that "Unless the social, political, and economic conditions that spawned Al Qaeda and other associated groups are addressed, the United States and its allies in Western Europe and elsewhere will continue to be targeted by Islamist terrorists." Accordingly, "the US should, for its own self-protection, expand efforts to reduce the pathology of hatred before it mutates into even greater danger," seeking to "moderate... conditions that breed violence and terrorism." "The key to strategically weakening [al-Qaeda] is to erode its fledgling support base – to wean away its supporters and potential supporters." Top Washington planners add that it is crucial to eliminate policies that have been "a huge recruiting device for al Qaeda."⁶⁵

Nothing can appease those "who believe a 'clash of civilisations' with the west will restore Islam as a world power," the editors of the *Financial Times* write. But to "crush them ... successfully they must be separated from their widening constituency," they add: "Put another way, while only might can destroy al-Qaeda, its expanding support base can be eroded only by policies Arabs and Muslims see as just." Even destruction of al-Qaeda will do little if "the underlying conditions that facilitated the group's emergence and popularity – political oppression and economic marginalization – will persist." Correspondingly, continuation of Washington's support for "sordid governments" and other "distasteful concessions" can only "bolster al-Qaeda's claims that the US supports the oppression of Muslims and props up brutal governments."⁶⁶ That is quite aside from specific policies regarding Palestine and Iraq, and others, which have converted "a generation of Arabs wooed by the United States and persuaded by its principles [to] among the most vociferous critics of America's world view, [including] affluent businessmen with ties to the West, U.S.-educated intellectuals and liberal activists."⁶⁷

Terrorist networks can be severely weakened. That has happened to Al Qaeda after 9/11, thanks to the kind of police work that Michael Howard recommended: notably in Germany, Pakistan, and later Indonesia and elsewhere. But their "support base" has to be approached in radically different ways: by considering grievances, and if they are legitimate, addressing them in a serious way, as should be done irrespective of any threat. "Delicate social and political problems cannot be bombed or 'missiled' out of existence," two political scientists point out: "By dropping bombs and firing

terrorists and the potential reservoir of support. It is intriguing to observe the resistance to recognizing these elementary facts, even when they are spelled out explicitly and repeatedly. For a rather striking illustration, see Menand, *op. cit.*

⁶⁵ Sumit Ganguly, "South Asia in the Balance," *Current History, America at War*, Dec. 2001. Philip Wilcox, US Ambassador at Large for Counterterrorism, 1994-97, "The Terror," *New York Review*, Oct. 18, 2001; Rohan Gunaratna, quoted by Thomas Powers, *ibid.*, Oct. 10, 2002. Paul Wolfowitz, interview with Sam Tanenhaus, *Vanity Fair*, May 9, 2003, referring specifically to the US presence in Saudi Arabia.

⁶⁶ "Leader: Death in Riyadh," *Financial Times*, May 14, 2003. P.W. Singer, "America and the Islamic World," *Current History*, Nov. 2002. Daniel Byman, "The war on terror requires subtler weapons," *FT*, May 27, 2003. There should be no need to discuss the outlandish idea that such familiar observations "sanitize...bin Laden's call to kill Americans..."; Elshstain, *Just War against Terror*, 215, referring to a similar comment in *9-11*.

⁶⁷ Anthony Shadid, "Old Arab Friends Turn Away From U.S.: Policies Toward Iraq and Palestinians Alienate Pro-American Generation," *Washington Post*, February 26, 2003.

missiles, the United States only spreads these festering problems. Violence can be likened to a virus; the more you bombard it, the more it spreads.”⁶⁸

The *Financial Times* editors are right to say that the terrorist atrocity in Jiddah, which occasioned their comments, was “not unexpected.” And more generally, that “it had long been obvious” that the “network inspired by Osama bin Laden would use the upheaval of the Iraq war to relaunch attacks against western targets and drum up support for its jihad.”

As we have seen, it was widely predicted by intelligence services and analysts in the mainstream that the invasion of Iraq was likely to be a gift to bin Laden, and to inspire further terrorism, either in revenge or for deterrence.⁶⁹ It is therefore also “not unexpected” that “since the United States invaded Iraq in March, [US] officials said, the [al-Qaeda] network has experienced a spike in recruitment,” and “There is an increase in radical fundamentalism all over the world.” A UN report indicated that recruitment for al-Qaeda picked up in 30-40 countries as the US “began building up for the Iraq invasion,” and reported that terrorist recruiters “tell researchers that volunteers are beating down the doors to join.”⁷⁰ An intelligence report by a European ally warns that the invasion “could have a cataclysmic effect on the mobilization for Al Qaeda.” Former Australian chief of army John Sanderson, now West Australia Governor, warned that having joined Washington's "coalition" in the Iraq war and no longer "operating under the umbrella of the United Nations [as] part of the total international community," Australia can expect to be targeted by increased terrorism: "If you go to war with anybody, you have got to expect that they are going to fight by whatever means they can," he told the press. The International Institute for Strategic Studies, in its annual report, concluded that war in Iraq has probably inflamed radical passions among Muslims and thus increased al Qaeda's recruiting power and morale and, at least marginally, its operating capability.”⁷¹ “Intelligence officials in the United States, Europe, and Africa report that al Qaeda has stepped up its recruitment drive in response to the war in Iraq,” with a new “target audience” that has an even more “menacing attitude,” younger and including more women.⁷² “That the conflict in Iraq led to a rise in recruitment for radical groups is now so clear that even US officials admit it,” a close observer of Al-Qaeda and terrorism writes: “This is a huge setback in the 'war on terror'” – again, as predicted by

⁶⁸ James Bill (College of William and Mary) and Rebecca Bill Chavez (Naval War College), “The Politics of Incoherence: The United States and the Middle East,” *Middle East Journal*, Autumn 2002.

⁶⁹ On the assessments of US and British intelligence, and other knowledgeable sources, see chap. 5, sec. 2.

⁷⁰ David Johnston and Don Van Natta, “U.S. Officials See Signs of Revived Al Qaeda in Several Nations,” *NYT*, May 17, 2003. Don Van Natta and Desmond Butler, “Anger on Iraq Seen as New Qaeda Recruiting Tool,” *NYT*, March 16, 2003. Scott Atran, “Who Wants to Be a Martyr,” *NYT* op-ed, May 5, 2003.

⁷¹ Faye Bowers, “Al Qaeda may be rebuilding: US has captured key operations, yet the war in Iraq may spawn a new army of recruits,” *Christian Science Monitor*, May 5, 2003. Steve Pennells, “Terror Alert by Governor,” *West Australian*; AFP, “Expect more terror, warns Australia's former army chief,” Aug. 30, 2003. Peter Graff, “Iraq War Swells Al Qaeda's Ranks, Report Says,” Reuters, Oct. 15, 2003.

⁷² Jessica Stern, terrorism specialist at the Harvard Kennedy School of Government, “The Protean Enemy,” *Foreign Affairs*, July/August 2003.

intelligence agencies and specialists. The war has, in fact, created a new “terrorist haven”: Iraq itself.⁷³

Evidently, none of this was of much concern to Bush administration planners, who also expected to be able to claim, without fear of exposure, that they had struck a blow against al-Qaeda by invading Iraq – the basic theme of Bush’s stage-managed performance on the *Abraham Lincoln* aircraft carrier, launching his 2004 presidential campaign.⁷⁴

With regard to the terrorist networks themselves, scholarship is virtually unanimous in taking them at their word, which matches their deeds from the days when they were organized by the CIA and its associates. Their goal, in their terms, is to drive the infidels from Muslim lands, to overthrow the corrupt and brutal governments the infidels impose and sustain, and to institute an extremist version of Islam. They despise the Russians with passion, but ceased their terrorist attacks against Russia based in Afghanistan when Russia withdrew, though these continue from Chechnya. And as bin Laden announced in 1998, “the call to wage war against America was made [when it sent] tens of thousands of its troops to the land of the two Holy Mosques over and above...its support of the oppressive, corrupt and tyrannical regime that is in control. These are the reasons for the singling out of America as a target.”⁷⁵ But their goals may well become more ambitious, and their recruiting base more expansive as well, if the enthusiasts for a “clash of civilizations” prefer to try to “missile’ delicate social and political problems out of existence” rather than address the problems, and thus infringe on power and privilege.

The post-Iraq war Jiddah bombing fits the earlier pattern. The target (Camp Vinnell) was the civilian compound of Vinnell Corp., a subsidiary of Northrop Grumman, which provides retired US military officers “to train the elite armed forces that protect the royal family,” the Saudi National Guard, “considered by some analysts to be the most effective armed force in Saudi Arabia,” not protecting the royal family from foreign invasion. A Vinnell-National Guard building had been bombed in 1995. The bombing “makes the point that you are going after aspects of the military presence in Saudi Arabia,” a British risk analyst observed: the military “contractors who play a very important supporting role.”⁷⁶

Michael Ignatieff of the Harvard Kennedy School, who supported the US invasion of Iraq and advocates a US imperial role in the Middle East, reflects a broad consensus in writing that the “larger challenge” for the US, and “the chief danger in the whole Iraqi gamble,” is “to enforce a peace on the Palestinians and Israelis.” The US-enforced peace “must, as a minimum, give the Palestinians a viable, contiguous state” and rebuild “their shattered infrastructure,” perhaps under

⁷³ Jason Burke, “Terror’s Myriad Faces,” *Sunday Observer*, May 18, 2003. Jessica Stern, “How America Created a Terrorist Haven,” *NYT* op. ed., Aug. 20, 2003.

⁷⁴ See chap. 2, at note 41.

⁷⁵ For further quotes, and background, see Gilbert Achcar, *The Clash of Barbarisms* (Monthly Review, 2002), 58f. That these are their goals is also assumed by Washington planners; see Wolfowitz, note 64.

⁷⁶ Michael Kranish, “US company has long history with Saudis,” *Boston Globe*, May 15, 2003; Joseph Treaster, “Compound Was a Lure for Terror, Experts Say,” *NYT*, May 14, 2003.

UN auspices. To leave “the Palestinians to face Israeli tanks and helicopter gunships is a virtual guarantee of unending Islamic wrath against the United States.”⁷⁷

Ignatieff writes that “Americans have played imperial guarantor” since the 1940s, but does not explain what the US has “guaranteed” since it assumed the mantle. He also overlooks the fact that the Israeli gunships are US gunships with Israeli pilots, and that the tanks would also not be doing their work without US largesse and authorization. Also unexamined is why the US should be expected to reverse so dramatically the policy of unilateral rejectionism tracing back over 30 years, without more than tactical change, as already discussed. Putting these and other not inconsequential matters aside, the perception has considerable plausibility.

Those who have an interest in mitigating rather than “enhancing terror” (to borrow again the President’s words, referring to enemies) might do well to attend to the advice of those with the most experience in confronting it. None have more experience than Israel’s General Security Service (Shabak), responsible for “counterterror” in the occupied territories. The head of Shabak from 1996-2000, Ami Ayalon, observed that “those who want victory” against terror without addressing underlying grievances “want an unending war” – much as Bush II proclaimed. The former head of Israeli military intelligence (1991-1995), Uri Sagie, draws similar conclusions. As the Lebanon invasion and other military actions illustrate, he wrote, Israel will get nowhere by following the slogan “We will teach you what is good for you,” by our superior force. “We must see things from the perspective of the other side.... Those who hope for mutual survival with the Arabs must accept a minimum of respect for Arab society,” which will not be brought to heel by superior strength or offers of benevolent treatment. The alternative is unending war.⁷⁸

Ayalon and Sagie are speaking of Israel-Palestine, where the “solution of the problem of terrorism [is] to offer an honorable solution to the Palestinians respecting their right to self-determination.” So Yehoshaphat Harkabi – former head of Israel military intelligence and a leading Arabist -- observed 20 years ago, at a time when Israel still retained its substantial immunity from retaliation from within the occupied territories to its harsh and brutal practices there.⁷⁹

As we have seen, these perceptions are shared among knowledgeable observers within the civilian sector.⁸⁰

The observations generalize in obvious ways, and are familiar elsewhere as well. Northern Ireland, to mention one case, far from a paradise; but vastly improved over the days when Britain ignored legitimate grievances in favor of force.

⁷⁷ Michael Ignatieff, “The American Empire: the Burden,” *NYT Magazine*, Jan 5, 2003.

⁷⁸ Ayalon, interview, *Le Monde*, Dec. 22, 2001, reprinted in Roane Carey and Jonathan Shanin, *The Other Israel* (New Press, 2002). Sagie, *Lights within the Fog* (Hebrew, *Orot ba-‘Arafel*; Tel Aviv, Yediot Ahronot-Chemed, 1998), 300ff.

⁷⁹ Harkabi, cited by Israeli journalist Amnon Kapeliouk, *Le Monde diplomatique*, Feb. 1986.

⁸⁰ Chapter 7, at note 85.

The specific policies that inflamed the potential “support base” for Islamic terrorism (even among those deeply integrated into the US-dominated system) were Israel-Palestine and the murderous US-UK sanctions regime in Iraq, so inquiries have revealed. But long before, there were more fundamental issues. Again, it makes little sense to ignore these, at least for those who hope to reduce the likelihood of further terrorist crimes. In George Bush's plaintive phrase, "Why do they hate us?"

The question is wrongly put: they do not "hate *us*," but rather policies of the US government, something quite different. If the question is properly formulated, however, answers to it are not hard to find. In the critical year of 1958, President Eisenhower and his staff discussed what he called the "campaign of hatred against us" in the Arab world, "not by the governments but by the people." The basic reason, the National Security Council advised, is the recognition that the US supports corrupt and brutal governments and is "opposing political or economic progress," in order "to protect its interest in Near East oil."⁸¹

The *Wall Street Journal* and others found much the same when they investigated attitudes of westernized “Moneyed Muslims” after 9/11: bankers, professionals, managers of multinationals, and so on. They strongly support US policies in general, but are bitter about the US role in the region: its support for corrupt and repressive regimes that undermine democracy and development, and the more specific and recent issues concerning Israel-Palestine and Iraq sanctions.⁸²

These are attitudes of people who like Americans and admire much about the United States, including its freedoms.⁸³ What they hate is official policies that deny them the freedoms to which they too aspire. Attitudes in the slums and villages are probably similar, but harsher. Unlike the "moneyed Muslims," the mass of the population have never agreed that the wealth of the region should be drained to the West and local collaborators, rather than serving domestic needs.

Many commentators prefer a more comforting answer: anger in the Muslim world is rooted in resentment of our freedom and democracy, their cultural failings tracing back many centuries, their inability to take part in the form of "globalization" in which, in fact, they happily participate, and other such deficiencies. More comforting, perhaps, but not too wise.

⁸¹ For sources and background discussion, see *World Orders Old and New*, 79, 201f. Now also Salim Yaqub, “Imperious Doctrines: U.S.-Arab Relations from Dwight D. Eisenhower to George W. Bush,” *Diplomatic History* 26.4, Fall 2002. On US-imposed barriers to development, see Nathan Godfried, *Bridging the Gap between Rich and Poor: American Economic Development Policy Toward the Arab East, 1942-1949* (Greenwood, 1987), and other sources cited in *World Orders*, back to the European imperial role from the early 19th century.

⁸² Peter Waldman et al., *WSJ*, Sept. 14, 2001; also Waldman and Hugh Pope, *WSJ*, Sept. 21, 2001. *WSJ* and other recent surveys, see *9-11* and for more detail, *Middle East Illusions*, chap. 10.

⁸³ “[P]olls show Moslem and Arab opinion strongly favoring America’s forms of government, personal liberty, education and economy, despite overwhelming support for Al-Qaeda’s actions.” Studies find “Arab attitudes to American culture most favorable among young adults (regardless of their religious feeling) – the same population that terrorist recruiters single out.” “For up to 80% of Palestinians, Israel is considered to have the most admirable form of government, with America next, although 60-70% of Palestinians also express support for suicide attack.” Scott Atran, ms. 2003, to appear in *Science*.

Little has changed since 9-11. Washington's increased support for the dictatorships of Central Asia is only one illustration, arousing deep hostility among democratic forces. Asia correspondent Ahmed Rashid reports that in Pakistan as well "there is growing anger that U.S. support is allowing [Musharraf's] military regime to delay the promise of democracy." A well-known Egyptian academic traced hostility to the US to its support for "every possible anti-democratic government in the Arab-Islamic world... When we hear American officials speaking of freedom, democracy and such values, they make terms like these sound obscene." An Egyptian writer added that "Living in a country with an atrocious human rights record that also happens to be strategically vital to US interests is an illuminating lesson in moral hypocrisy and political double standards." Terrorism, he said, is "a reaction to the injustice in the region's domestic politics, inflicted in large part by the US." The director of the terrorism program at the Council of Foreign Relations agreed that "Backing repressive regimes like Egypt and Saudi Arabia is certainly a leading cause of anti-Americanism in the Arab world," but warned that "in both cases the likely alternatives are even nastier."⁸⁴

There is a long and illuminating history of the problems in supporting democratic forms while ensuring that they will lead to preferred outcomes, not just in the Middle East. And it doesn't win many friends.

Opinion surveys reveal that from Morocco to Lebanon to the Gulf Emirates, "a huge majority...said that, if given the choice, they would like their Islamic clergy to play roles bigger than the subservient ones currently prescribed by most Arab governments." Almost 95 percent dismissed the idea that the US is committed to "a more democratic Arab or Muslim world," believing instead that the war in Iraq was waged to ensure "control of Arab oil and the subjugation of the Palestinians to Israel's will," and "overwhelming margins" expect terrorism to increase as a consequence of the invasion. Throughout the Arab and Muslim worlds, as far as Indonesia, Islamic fundamentalism is reported to be on the rise, appealing not only to the poor but increasingly to more privileged and educated sectors as well, while "America's natural friends, who could provide liberal alternatives" share the "deep mistrust of U.S. intentions and policies."⁸⁵ Attitudes remain rooted in the same perceptions as half a century ago, for substantial reasons.

Bush even succeeded in overturning the image of Saddam Hussein as a despised tyrant, even among wealthy Christian Arabs, who condemn Bush as an "occupier and terrorist [who] thought he was playing a video game," and say "We hate Americans more than we hate Saddam now." US academic Middle East specialist Fawaz Gerges warned that "The American invasion has alienated most of the moderates, who now appear to be united with the radicals against the United States... this war [in Iraq] is a God send, a gift, to people like Osama bin Laden." These developments do "not portend well for the United States," the *Washington Post* observes. A veteran Middle East correspondent reports that the criminal who was hated as a "thug and despot" in relatively westernized Jordan was later praised, because he was "facing the American Muslim-killers all alone." "George Bush is despised even by those who used to admire the US," reports Jonathan

⁸⁴ Rashid, *Far Eastern Economic Review*, Aug. 1, 2002. AUC professor El Lozy, writer Azizuddin El-Kaissouni, and Warren Bass of the CFR, quoted by Joyce Koh, "'Two-faced' US policy blamed for Arab hatred," *Straits Times* (Singapore), Aug. 14, 2002. For a partial record of US support for Middle East tyrannies, see "Preaching Democracy, Rewarding Authoritarian Rule," *Middle East Report*, Spring 2003, 35.

⁸⁵ Youssef Ibrahim, "Democracy: We must be careful what we wish for," *Washington Post Weekly*, March 31, 2003.

Steele, another experienced correspondent, also from Jordan: “anger with Britain and America has grown” and “Blair’s promises of action to solve the Palestinian-Israeli conflict are not taken seriously.” Many fear that the “bitterness across the board, among the rich, the poor, the young, the old, the US-educated” will lead to more extremism and “suspicion of the West” (former Jordanian Prime Minister Taher al Masri), and probably more radical Islamism. Even the most Western-oriented Jordanians believe that the war “set [democracy] back across the Middle East” and placed “advocates of modernisation and secular values... on the defensive.” The more privileged may emigrate, while “the rest will retreat into a shell of suppressed rage, from which few doubt that yet more violence will emerge.”⁸⁶

Americans seem to share some of these perceptions. A poll released for the second anniversary of the 9-11 attacks found that a majority felt that Bush administration policies, particularly in the Middle East, had increased the threat of terrorism against the United States.⁸⁷

A prominent Egyptian intellectual for whom the US “was a ‘dream’, a paragon of liberal values to be emulated by Arabs and Muslims,” and who “has devoted decades of his life to modernizing Islamic life and promoting understanding between Muslims and non-Muslims,” regards the Bush administration as “narrow-minded, pathological, obstinate and simplistic.” It is to blame for the fact that “To most people in this area, the United States is the source of evil on planet earth,” he says, thus setting back hopes for democracy and modernization. “Similar opinions can also be heard these days from wealthy Arab businessmen, university professors, senior government officials and Western-leaning political analysts”⁸⁸ -- very much as before, but now with far greater intensity and despair.

If the voice of the people is allowed a hearing in the “New Middle East,” it might turn out to be the voice of radical Islamists calling for *Jihad*, and of secular nationalists whose perceptions of history, and current practice, are not quite those of Anglo-American elites.

What has been reviewed here is the barest sample of what we readily discover if we pay some attention to elementary fact, and agree to apply to ourselves the standards we impose on others. More follows if we are willing to enter the moral arena in a serious way, going beyond the merest truisms and recognizing the obligation to help suffering people as best we can, a responsibility that naturally accrues to privilege. It is not pleasant to speculate about the likely consequences if

⁸⁶ Terry Neal, “Beneath the Surface: Will Iraq War Create Long-Term Problems for U.S. in Middle East?,” *Washington Post*, April 2, 2003. Colin Nickerson, “Once reviled, Hussein now winning many Arabs’ support,” *Boston Globe*, April 2, 2003. Jonathan Steele, “For Arabs, a sense of humiliation is added to decades of frustration,” *Guardian*, April 9, 2003. On the impact of the Iraq war on dislike and fear of the US, in the Muslim world particularly, see Christopher Marquis, “World’s View of U.S. Sours After Iraq War, Poll Finds,” *NYT*, June 4, 2003, reporting the Pew center study findings that “The war has widened the rift between Americans and Western Europeans, further inflamed the Muslim world, softened support for the war on terrorism, and significantly weakened global public support for the pillars of the post-World War II era – the U.N. and the North Atlantic alliance” (Pew center director Andrew Kohut).

⁸⁷ Edward Alden, “US stance ‘making terrorism more likely’,” *Financial Times*, Sept. 10, 2003. Most felt that the threat had increased because of the administration’s aggressive military pursuit of the war on terror, almost 2/3 felt that the US military presence in the Middle East had that effect, and by 5-4, the public felt that the Iraq war had done so.

⁸⁸ Susan Sachs, “Egyptian Intellectual Speaks of the Arab World’s Despair,” *NYT*, April 8, 2003.

concentrated power continues on its present course, protected from the scrutiny that would be second nature if we were to take seriously the legacy of freedom we enjoy.