Defusing Fear: A Critical Response to the War on Terrorism

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At protests and rallies aimed at dissuading the Bush administration from going to war in Iraq, a common sign read War Is Terrorism. At first glance, this seems to be another example of the way in which political rhetoric oversimplifies complex ideas. Protest rallies demand pithy sayings designed to provoke action but they are not known for their philosophical complexity. However, upon reflection one wonders where the difference between war and terrorism exactly lies. It is clear that wars fought during the twentieth century have employed terror tactics to attain military and political objectives. One need only mention Dresden, Hiroshima, and Nagasaki to make this point. Consequentialist forms of military realism can be used to argue that terrorism might be justifiable in fighting a war. Indeed, on some interpretations of just war theory—such as those of Michael Walzer and John Rawls—terrorism might be justifiable under the rubric of the “supreme emergency principle.” This possibility should make us think critically about the very idea of a “war on terrorism.” If we are concerned to eliminate terrorism, then we should also be concerned to eliminate war or at least to restrain the tendency of military strategists to see terror tactics as an option. If terrorism is wrong, then it is wrong regardless of who practices it. In light of this, I argue that we

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must carefully guard the rhetoric of war, that we should avoid the militaristic tendency to slip beyond the limits imposed by the just war theory, and that we should insist that terrorists be prosecuted in a legal context that is as open as possible. In order to support these points, I argue that we should critique the rhetorical maelstrom that has created a state of anxiety and panic in the aftermath of the 9/11 attacks. Indeed, statistical analysis shows us that things are not as dire as most of us fear. Although I do not intend to downplay the evil of terrorism, I do intend to defuse our fear of it. Fear is a useful emotion. But terrorists abuse our fears and use them against us. Thus by defusing our fear of terrorism we can begin to think about it more rationally and more justly.

Defining Terrorism

Rhetorical problems intrude as we try to define both terrorism and war. Those who want to advocate and support certain activities use euphemisms to describe them; those who want to condemn certain activities use dysphemisms to describe them. We condemn “terrorists” and are fighting a “war on terrorism.” However, for the supporters of Al Qaeda or for supporters of the Palestinians, “terrorists” may be considered as “freedom fighters” or “martyrs.” Indeed, the U.S. has supported “freedom fighters” in Central America and in Afghanistan, whose destructive power was justified by the higher cause they served—although one supposes that from the opposite side, these looked like terrorists. The word “martyr” as used by supporters of recent suicide bombers is telling: it assumes that the suicide bomber is dying for a higher cause and that his use of violence is justified. Terrorism, on the other hand, is a dysphemism used as a rebuke that indicates that the terrorist’s acts are unjust.

We must think critically about our use of rhetoric. In times of distress, we have a tendency to manipulate language and to be manipulated by it. War and terrorism are both horrible and violent, involving harms to innocent people, including children. We must be careful as we discuss the justification of violence, terrorism, and war not to be misled by the rhetoric and ideology that can make these seem to be good things. At best violence is a regrettable means of last resort. When we must use violence, this is a tragedy, not a triumph. Osama bin Ladin’s fatwas are filled with religious rhetoric and pretentious claims designed to inspire his followers. And the language of supporters of military solutions to terrorism also utilizes religious and other rhetorical flourishes. But critical thinkers must attempt to see through euphemisms, which attempt to disguise the ugliness of war and the despicable wickedness of terrorism. We all have a tendency to blindly adhere to myths that portray “our” side as the side of truth and justice. And we easily succumb to negative, sometimes overtly racist, views of the “other” side. Such tendencies create a potential disaster for serious moral reasoning. As Chris Hedges has recently concluded: “Destruction of honest inquiry, the notion that one fact is as good as the next, is one of the most disturbing consequences of war.” This potential for bad judgment and self-deception is found on all sides in war.

But let us turn more explicitly to the question of terrorism. Terrorism, like violence, is a normative concept. It is, by definition thought to be wrong. Terrorists are those who commit criminal acts including kidnapping, hijacking, and murder. Thus, as a report issued in 1999 by the RAND corporation states: “an act of terrorism is first of all a crime in the classic sense.” Thus, even within war, terror tactics are usually ruled out by the principles of justice in war. Terrorism is destructive force deliberately directed at innocent targets, usually with the intention of instilling fear into the general population. The just war doctrine says that it might be permissible to harm innocent civilians if this harm is an unintentional side effect of a legitimate military goal. Such unintended killing might be justifiable by way of the “principle of double effect.” Terrorism, however, is not justified.

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3 One problem is the way in which rhetorical forces can blind us to the horrors of war. Orwell noted that “political language has to consist largely of euphemism, question-begging and sheer cloudy vagueness. Defenceless villages are bombarded from the air, the inhabitants driven out into the countryside, the cattle machine-gunned, the huts set on fire with incendiary bullets: this is called pacification.” George Orwell, “Politics and the English Language,” in George Orwell: Essays (New York: Knopf, 2002), 963. Likewise, Aldous Huxley wrote, “All war propaganda consists in the last resort, in substituting diabolical abstractions for human beings. Similarly, those who defend war have invented a pleasant-sounding vocabulary of abstractions in which to describe the process of mass murder.” Aldous Huxley, “Pacifism and Philosophy,” in The New Pacifism, ed. Gerald K. Hibert (New York: Garland Publishing, 1972), 35.
4 Chris Hedges, War Is a Force That Gives Us Meaning (New York: Public Affairs, 2002), 149–50. For further discussion of the way in which propaganda is used in war (with a focus on the Gulf War), see Jonathon Glover, Humanity: A Moral History of the Twentieth Century (New Haven, CT: Yale University Press, 2001), chap. 20.
5 Ian O. Lesser et al., Countering the New Terrorism (Santa Monica, CA: RAND Corporation, 1999), v.
by the doctrine of double effect because it aims directly at killing innocents.6

It should be noted that the discussion of the idea of justice in war assumes that some forms of violence can be justified and that others are not. A “war on terrorism” that was guided by the principles of just war thinking would thus be guided by ideas about appropriately limited uses of force. There are other approaches to violence. Some argue that in war any means are suitable for intended ends. This perspective, usually known as “realism,” might be appealing in the context of the war on terror, if it seems that terrorists whom we are fighting have no respect for ideas about justice in war. Terrorist’s acts are, according to standard definitions of justice in war, war crimes. “Terrorist tactics, in most cases, violated the rules that governed armed conflict—for example, the deliberate targeting of noncombatants or actions against hostages.”7 The assumption here is that it is possible for just warriors fighting a war against terrorism to adhere to the principles of justice in war so that the war on terrorism does not itself become another form of terrorism.

One of the questions raised by the war on terrorism is whether we want to classify terrorists as ordinary (if horrible) criminals, as war criminals, or according to some other classification scheme. The issue of classification is important for a number of reasons.8 One issue has to do with the rhetoric of war. Those we call “terrorists” may seem engaged as engaged in a war. These terrorists may thus want to be afforded a certain status as warriors whose actions could be dignified by the idea of a just or holy war, despite the fact that they do not have the power or authority of a state agency. More importantly, the question of criminality brings up issues about proof, jurisdiction, and due process. The Bush administration’s policy is to use military tribunals to prosecute terrorists, thereby treating terrorists as war criminals. Moreover, as we’ve seen in the Abu Ghraib prison scandal in Iraq, the Bush administration has utilized methods of coercion that go beyond the limits imposed by just war convention. From a realist perspective, there may be no intrinsic reason not to abuse prisoners in this way: any means are necessary in order to attain the end of eradicating terrorism. But for those who accept the principles of just war theory, such methods themselves begin to look suspiciously like terrorism.

Military tribunals are the preferred method for dealing with those captured in the war on terrorism because they allow for easier trials and convictions, while also ensuring the possibility of the death penalty. Those who object to this approach might insist that we ought to try suspected terrorists in nonmilitary courts, whether domestic or international. I am sympathetic to this latter approach for two reasons. Just as we should not become terrorist in our pursuit of terrorism, we should also not let the terrorists make us lose faith in the fairness and efficiency of either the domestic or international legal system. Nor should we support the use of military tribunals because we should not set a precedent that encourages their use in other, more mundane, domestic cases. While I am in no way condoning acts of terror, I am interested in protecting liberty from the expansion of the military and the security state. Moreover, open criminal proceedings are important political strategies aimed at legitimizing the condemnation of terrorism by disclosing the truth. Terrorists should be tried as openly as possible in order to show the world the atrocity of terrorism. Unbiased prosecution is essential to eliminate the misconception that “might makes right,” a thesis that undergirds terrorist strategy. At the very least we need to work to ensure the appearance of impartial justice—perhaps only available in an international court that included at least some Islamic jurists—in order to get the message out that the vast majority of the world condemns such actions. Finally, an appeal to universal principles of justice that go beyond the law of the sword is crucial if we want to show potential terrorists that what they propose to do is wrong based on principles that they themselves would accept.

War and Justice

My worry about rhetoric extends to the idea of a “war on terrorism.” In declaring war on terrorism the condemnation and pursuit of terrorists becomes confused with a military strategy aimed at supremacy, rather than an approach that is aimed at justice. At the very least one hopes that in declaring war on terrorism, our leaders—

6 Alison McIntyre has recently clarified that the doctrine of double effect only applies to those rare occasions when the harm caused is indeed unintended, is only a side effect (and is not a direct means), is unavoidable given the intention, and is proportional to the good intended. She uses terrorism as an example and contrasts terrorism with strategic bombing campaigns—a distinction that I am calling into question in the present essay. See Alison McIntyre, “Doing Away with Double Effect,” Ethics 111 (January 2001): 219–55.
7 Lesser et al., Countering the New Terrorism, v.
civilians and military—would explicitly and forcefully disavow the use of terror tactics in the prosecution of the war. Just means must be employed to bring terrorists to justice. We must be careful about the propagandistic tendency of political language here. The distinction between terrorism and justifiable force is a slippery one that depends upon the question of whether civilian casualties are directly intended. During World War II, terror tactics were employed by both sides: deliberate bombing of civilian population centers is a form of terrorism. The fire bombings of Tokyo and Dresden were terror attacks. And the two atomic bomb blasts that destroyed Hiroshima and Nagasaki represent perhaps the most destructive terrorist attacks in history. It might be the case that in the era of total war—in which whole populations are mobilized in the war effort—the distinction between combatants and noncombatants has been effaced. In which case, either there is no such thing as terrorism per se or all war is terrorism. Realists might adopt the first part of this disjunction, when they claim that any means are suitable to the end of victory. Pacifists, of course, worry about the other side of the disjunction. This can be seen in those signs that read, War Is Terrorism. The just war theory attempts to find a third option that distinguishes between justifiable and unjustifiable uses of violence. Justifiable use of violence would not be terroristic, while unjustifiable uses would be.

It is important to note that the realist approach that would allow terrorism is not irrational. Most politically motivated terrorists are not merely pathological. Political terrorists should be distinguished from what we might call “nihilistic terrorists,” that is, those who, like the shooters at Columbine High School in Colorado, aim only at disrupting and destroying. Political terrorists are rational agents who utilize what might be called a calculus of terror. The terrorist uses destructive force in order to antagonize a people and destabilize a social structure in order to make a political point aiming at some future political end. This is why political agents who use terrorism are rational: they know how to do cost-benefit analysis in order to maximize the results of their activity. Like those who planned the bombing of Hiroshima and Nagasaki, the September 11 terrorists were quite efficient. This one act, which involved only a handful of Al Qaeda operatives, resulted in a radical change in U.S. policy and a sense of anxiety and destabilization that continues today. Since consequentialist reasoning can support terror as a tactic, if we are to condemn it, we must appeal to some deontological principles such as the in bello limitation on means found in the just war theory.

Some philosophers have argued that terrorists might justify their actions as necessary for the good they intend or they might redescribe their activities in an effort to appeal to something like the doctrine of double effect. I think that, ultimately, these efforts to justify terrorism must fail because terrorists aim directly at creating civilian casualties as a means. Thus the doctrine of double effect does not apply. I doubt that the World Trade Center bombers only meant to destroy the buildings and create panic without directly intending to kill innocent human beings, as would have been required if this act could have been justified by the principle of double effect.

It is not only the physical pain and death caused by terrorism that is bad, but terrorism is also an assault on the integrity, autonomy, and dignity of its victims. The spiritual harm that results from terrorism is ultimately more important than whatever physical harm is caused by violence. The result of terrorism is both death and terror. The aim of the terrorist is to intimidate and overwhelm by strategically creating fear and panic. Thus terror tactics are not primarily aimed at military targets—although, of course, the destruction of important strategic targets can produce terror effects. Rather, terror targets are those that have some symbolic significance. On 9/11 the targets were large substantial buildings, symbolizing the invulnerability of America. In Israel, Palestinians target civilians in buses and in other public places, because these produce the feeling of fear that is the main goal of terrorism.

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9 For a discussion of the morality of the atomic bomb blasts and the erosion of moral resources that paved the way see Glover, Humanity, chap. 12.
10 For a discussion of the distorted view of reality of Harris and Klebold, the Columbine, Colorado terrorists, as well as other terrorists such as McVeigh and Kaczynski, see Suzanne Laba Cataldi, “Making a Game of Killing,” Philosophy in the Contemporary World 9, no. 1 (2002): 19–26.
11 Of course, it is possible that the changes in U.S. policy brought about by the terrorists were counterproductive to their ends. The declaration of a war on terrorism and the destruction of the Taliban regime were undoubtedly unanticipated negative outcomes for the terrorists.
12 Virginia Held (“Violence, Terrorism, and Moral Inquiry,” 619–20) has suggested that terrorism may be justifiable in light of the just war tradition.
Because terrorism aims to create massive spiritual disruption with minimal exertion, it might be justifiable on consequentialist grounds. Kai Nielsen, for example, has argued, “There are circumstances when such violence must be reluctantly assented to or even taken to be something that one, morally speaking, must do.” The example he has in mind here are those “terrorists” or “freedom fighters” who fought for Algerian independence in the 1960s using terror tactics. One assumes that Palestinian suicide bombing and perhaps the World Trade Center bombings could be justified on consequentialist grounds as promoting the general welfare of the Palestinian people or as working toward the freedom of Islam from foreign intervention. A consequentialist might argue that if these actions serve some further legitimate purpose for a person or group, then they are justifiable. However, if violence is always a violation of autonomy, and if autonomy is something to which we all have a right by virtue of being human, then violence against innocents can only be indirectly justified by something like the principle of double effect.

I must admit here that I am suspicious of the just war tradition’s doctrine of double effect, just as I am suspicious of those who would argue that anyone should be willing to sacrifice oneself for a larger political end. I have a hard time imagining how it might be possible to justify actions that cause harm to innocents without their consent, even if these actions are not intended, or if these harms can serve some higher purpose. I think we are safer adopting something like a presumption of nonviolence and setting a very high burden of proof to justify all forms of violence. I thus argue for what I call “practical pacifism.” This idea is derived from the idea that modern warfare—

its general tendency to exceed the limits of in bello proportionality and discrimination—is prima facie wrong based upon commonly accepted just war criteria. It is up to those who propose wars to ensure us that these wars will be fought justly; and it is up to ordinary citizens to question and resist until we are sure that a war fought in our names will be fought justly.

The further problem is that recourse to war or terrorism represents a breakdown of consensus about ideas and ends. We fight because we disagree. Thus again, we return to the problem that one man’s terrorist is another man’s heroic martyr. And terror tactics that are thought to be necessary according to the objectives of those on one side of the war might be viewed as evil from the perspective of those on the other side. Military strategists deliberately plan the killing of innocents in designing bombing campaigns. A rhetorical disconnect makes us find “terrorism” unimaginable, while allowing us proudly to celebrate the accomplishments of our military forces by hiding their destructive force behind the doctrine of double effect. I think we would be better off admitting that both terrorism and war are violent and can intentionally cause the destruction of innocent lives. Likewise, even the use of economic sanctions can be a form of violence that deliberately causes the destruction of innocents, by depriving them of the means of life. It might be that by appealing to the just war theory we might accept certain of these activities as justifiable. But if violence is bad and if unjustified uses of violence are wicked, we must be very careful to be certain that any proposed

15 The doctrine of double effect is complex and includes issues such as the problem of defining negative vs. positive actions; the distinction between killing and letting die; the problem of intentionality of harm vs. foreseeing harm; and the question of whether or not the numbers matter (see McIntyre, “Doing Away”). There are no easy answers to these questions, but I assume that there is a prima facie obligation not to harm innocents without their consent. In this regard I am also sympathetic to Wolff who holds that no violation of autonomy can be justified and who thus roudly condemns violence: “If ‘violence’ is taken to mean an unjustified use of force, then the answer to the question [of when it is permissible to resort to violence] is obviously never. If the use of force were permissible, it would not, by definition, be violence, and if it were violent, it would not, by definition, be permissible.” Robert Paul Wolff, “On Violence,” Journal of Philosophy 66 (October 1969): 601–16; 608.

17 This argument has been forcefully made by Joy Gordon in “Economic Sanctions, Just War Doctrine, and the ‘Fearful Spectacle of the Civilian Dead,’” Cross Currents 49 (Fall 1999), no. 3.
use of violence is in fact justifiable. Moreover—and here we return to the tragic element in the use of violence—we must recognize that the terrorist has a theory of justification of his own.

To be clear, I am not claiming that terrorism, such as occurred in Oklahoma City or on September 11, is justifiable. And I am not claiming that all uses of military force are unjustifiable. The just war theory should be interpreted as aiming to prevent justifiable military force from becoming terrorist. Thus my thesis is that we must be very careful when we propose using military force, so that on those tragic occasions when we must resort to violence, we do not become terrorist in our pursuit of a war against terrorism. One way of ensuring that we do not become terrorist is to be very clear about our language and our methods. We should avoid euphemism and frankly describe the facts of violence. We should also demand transparency and honesty from our political and military leaders, so that we can assess military actions done in our names and on our behalf. Finally, when we are unsure that certain military actions are not terrorist, we should protest and resist.

The Problem of Fear

A further problem arises if we feel that the just war theory is simply not sufficient to respond to the magnitude of the threat posed by terrorists. Indeed, Huntington’s notion of the clash of civilizations might make it seem as if 9/11 was the beginning of a final war in which our very existence was at stake.18 In such a case one might follow Walzer and Rawls by invoking the idea of a “supreme emergency,” which would exempt us from the limits imposed by the just war theory. A supreme emergency is one that confronts a people with the impending fact of their own annihilation. The example, which Rawls borrows from Walzer, is Great Britain in the early 1940s. The phrase “supreme emergency” draws upon Winston Churchill’s rhetorical flourish in which he called Britain’s predicament in 1939 a “supreme emergency.” The point of this is that in case of a supreme emergency, violations of the standard principles of jus in bello could be justified. As Walzer describes this, it is the “back-to-the-wall” argument: “when conventional means of resistance are hopeless or worn out, anything goes (anything that is ‘necessary’ to win).”19 When a supreme emerg-

gency is recognized, we are thrown back upon the laws of necessity and, as Walzer indicates, “necessity knows no rule.”20 Walzer’s discussion of the supreme emergency indicates a point at which consequentialist reasoning mixed with a dose of political realism overrides other principles of justice. This form of reasoning seems to be found in much of the Bush administration’s recent reasoning about the necessity of expanding the war on terror to include Iraq, where Iraq’s supposed possession of weapons of mass destruction was the primary rationale behind a war.

There are epistemological problems that should make us reluctant to invoke the idea of a supreme emergency. It is very difficult to know that the present moment is really a supreme emergency of world-historical significance. Moreover, our judgments about such matters are often biased by emotions, especially fear. Fear can be a useful emotion: it can serve as a “wake up call” (to use the language that many Americans used to describe the events of September 11). But fear that is unanalyzed from a less emotional and more rational perspective should not guide our actions. This is a truism about how to make good judgments. But it is important to remember when thinking about terrorism because terrorists deliberately aim to provoke fear, hoping to use fear against us. We can avoid being misled by fear by employing reason. We must stick to principles that the cool light of reason tells us are right. And we must dispassionately examine the facts.

Thus we must remain committed to the principles of just war theory as we combat terrorism. To employ terror tactics against terrorists is to become terrorist. We should not let fear and the heat of battle distract us from principles we know are right. And we should consider the true risks of terrorism and admit that the facts do not support the idea of a supreme emergency in the case of terrorism. One analysis of the statistical risk of death by terrorism in the United States after September 11 concluded: “Even the terrible death toll of September 2001 implies a risk of death from terrorist attack that is well below that of death from ordinary murder or traffic accident in the United States. Indeed, even in that year, the probability of being killed by terrorism in the United States was less than that of being run over by a car while walking.”21

19 Walzer, Just and Unjust Wars, 252.
20 Walzer, Just and Unjust Wars, 254.
21 Roger D. Congleton, “Terrorism, Interest-Group Politics, and Public Policy,” The Independent Review 8:1 (Summer 2002): 59. Along these lines, Richard Rorty has recently argued that terrorism is perhaps more similar to a natural disaster such as an
This conclusion should be reassuring and should make us question whether in fact the vigorous response of the war on terror is justified. I am not saying that we should ignore the risk of terrorism. Rather, we should keep a sane perspective on the problem. Terrorism is a horrible thing; indeed, the idea that terrorists could obtain weapons of mass destruction is even more horrifying. Thus we should act vigorously to combat terrorism. But we should not let the fear generated by terrorism cause us to give up on our principles; nor should we let our fear of terrorism drive us into an unnecessary series of foreign adventures.

Conclusion

Understanding terrorism can help us to defuse our fears and ensure that in waging a war on terrorism we do not resort to terror tactics ourselves. The key to understanding terrorism is to recognize that terrorists utilize small amounts of force to produce large amounts of fear and that the impact of terrorism is linked to the perception of fear on the part of the masses. We should also note that the government and the media can magnify our fears, either inadvertently or deliberately. When we understand this, we may begin to react more rationally and more easily uphold the idea that the war on terrorism should proceed in a principled manner that aims to prevent terrorism and bring justice to terrorists without violating the principles of justice.

After September 11, cynics have argued that the Bush Administration has cultivated fear in an Orwellian bid to gain support for its foreign and domestic agenda. Such a conspiracy theory approach is ultimately a matter of unfounded speculation that itself requires careful critical analysis. It has not, then, been my intention to engage in such speculation. Rather, my point is that what is needed in general is critical analysis and education about the risks of terrorism and about the principles of justice that would restrain our use of force. Education can decrease our anxieties, reinforce the basic principles of justice, and help us begin to imagine creative responses to the terrorist threat.

The "war on terrorism" is not a war between peoples or states. Because of its very unconventional nature it risks becoming unprincipled. Ideally the war on terrorism would be understood as a law-enforcement concern aimed at infiltrating, arresting, and prosecuting terrorists while also establishing security systems to prevent further attacks. This means that it should be conducted within the limits established for law enforcement, including restraint of force, due process, certain conventions about the burden of proof, and a great deal of respect for individual liberty. The U.S. has previously supported established legal channels—both domestic and international courts—to prosecute terrorists (as we did, for example, in the response to the 1988 terrorist attack on the Pan Am flight over Lockerbie, Scotland). The current situation may require a more creative, active, and perhaps militaristic approach. However, in dealing with Islamic terrorists, we should appeal to Islamic jurists to pass judgment on terrorism, so that the war on terrorism will be perceived as legitimate by Muslims, who may feel threatened by a more unilateral approach. Only in this way—by condemning terrorism on principles that terrorists themselves and citizens of the world might agree to—will potential terrorists be deterred (if those who are willing to commit both suicide and homicide can ever be deterred).

The rhetoric of war must be carefully guarded in order to avoid what Jonathan Glover has called "military drift."22 Once a war is declared we tend to slip toward the perspective that aims at victory at any cost. However, if we are committed to ideas about restraint of force, we should always be careful about using the indiscriminate destructive force of modern warfare. And we must be judicious about using the rhetoric of war, lest we become too willing to sacrifice principles of justice for success in killing. The rhetoric of war tends to incline us toward a realist point of view where supreme emergencies loom. War utilizes violent methods and these methods can easily become terrorist, as we've seen, for example, in the excesses of the Abu Ghraib prison. We should thus be skeptical of the rhetoric of war and conclude that war is prima facie to be avoided. And we must demand that our military and civilian leadership does their best to uphold the same principles of justice, which we use to condemn terrorists. If we are not to become terrorists ourselves, we must demand that the war on terrorism be conducted in a just manner, that terrorists be tried in open courts so that the truth might come out, and that our leaders honestly apprise us of the real risks of terrorism so that we are not seduced by fear to demand more than justice requires.

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22 Glover, Humanity, 75.