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## TERRORISM

ON THE EVENING of the attack on the World Trade Center and the Pentagon, President Bush made a statement in his address to the nation:

Good evening. Today, our fellow citizens, our way of life, our very freedom came under attack in a series of deliberate and deadly *terrorist* acts. The victims were in airplanes, or in their offices; secretaries, businessmen and women, military and federal workers; moms and dads, friends and neighbors. Thousands of lives were suddenly ended by evil, despicable *acts of terror*. The pictures of airplanes flying into buildings, fires burning, huge structures collapsing, have filled us with disbelief, terrible sadness, and a quiet, unyielding anger. The *acts of mass murder* were intended to frighten our nation into chaos and retreat. But they have failed; our country is strong.<sup>1</sup>

The next day, Mr. Bush opened with another statement: “I have just completed a meeting with my national security team, and we have received the latest intelligence updates. The deliberate and deadly attacks which were carried out yesterday against our country were *more than acts of terror*. They were *acts of war*. This will require our country to unite in steadfast determination and resolve.”<sup>2</sup> Later, both

the Bush administration and the U.S. media fixed on the phrase War Against Terrorism (or Terror).

Many commentators asked why the deployment of organized violence against terrorism was being described as a war. Among those skeptical of this usage was Alain Badiou, who made the obvious point that in the past, when governments responded to terrorism—especially in the context of colonialism—they spoke not of war but of police action. Governments that had had to deal with the Baader-Meinhof group in Germany, the IRA in Britain, ETA in Spain, or the Red Brigade in Italy, typically described their responses as “security measures” or “police actions,” rather than using the term “war.” Badiou proposed that in its capacity as a world power the United States had privileged war as the sign of its presence. From the beginning, he said, its political formation was achieved through a long history of military encounters across the North American continent and abroad.<sup>3</sup>

I want to take up the other half of the question, however: why is the term “terrorism” so prominent today when talking about certain kinds of contemporary violence—not only in the United States but also in Europe, Israel, and other parts of the world? One suggestion has been that the previous violent groups in Europe were all operating within the framework of the nation-state and were therefore insiders; the present adversaries (Muslim terrorists) are outsiders—even when they are citizens of the liberal democratic state or inhabitants of its governed territories. On the other hand, however reprehensible it was to liberals, the violence of Marxists and nationalists was understandable in terms of progressive, secular history. The violence of Islamic groups, on the other hand, is incomprehensible to many precisely because it is not embedded in a historical narrative—history in the “proper” sense. As the violence of what is often referred to as a totalitarian religious tradition hostile to democratic politics, it is seen to be irrational as well as being an international threat.

The last written statements of the leading attacker against the World Trade Center apparently contained Islamic themes. Religion

was therefore a favorite explanation of what had happened, and the stream of articles and television programs grew, claiming to lay bare the Islamic roots of terrorism. The religious ideology behind terrorism that virtually everyone would come to hear about was *jihād*, described by university professors and journalists as the Islamic concept of holy war against the infidel. The Anglo-American orientalist Bernard Lewis popularized this view as a “clash of civilizations.” In the first, conquering phase of Islamic history—wrote Lewis—the organized violence called *jihād* was a culturally distinctive expression of Muslim intolerance and arrogance towards non-Muslims. Subsequently, with the decline of Islamic civilization and the triumph of the West, Islamist violence came to represent a fanatical resentment against modernity. Many commentators who have followed this line of thought have insisted that unless and until the Islamic world is radically reformed, the extreme danger of terrorism in our so-called age of jihadism will remain.

Yet another—more complicated—story can be told, one that doesn’t lend itself so easily to the popular drama of a clash of civilizations.

It is rarely noted in polemical accounts that for many centuries after the early conquests the majority of the populations in countries with Muslim rulers remained Christian, active as such in many spheres of public life, and that therefore public institutions and practices in the early Muslim empire were largely continuous with the Christian societies it incorporated. Indeed, in crucial respects, the Islamic empire was the inheritor of Byzantium, and the histories of both sides of the Mediterranean have always been intertwined through the exchange of ideas, practices, and commodities. It is true that in the earlier centuries Muslim armies penetrated Christian lands, but at first the European Christians did not regard the battles between themselves and Muslims as expressions of a cosmic struggle between good and evil.<sup>4</sup> It was only with the Crusades that the papacy promoted the ideology of a unified Christendom at war with a unified Islam. These were the first militant incursions of

European Christians into Muslim lands, and some centuries later they culminated in the great European empires of the nineteenth and twentieth centuries. The histories of Europe and Islam cannot be completely separated.

The trouble with the clash of civilizations talk is not simply that it ignores a rich history of mutual borrowings and continuous interactions among Christians, Jews, and Muslims. It is that the very identity of a people as European (or Islamic) depends on the definition of a selective civilizational heritage of which most of the people to whom it is attributed are in fact almost completely ignorant—a heritage with which even individual members of the elite (the civilization’s guardians) are only incompletely familiar. This legitimizes the internal inequality of those embraced by the civilization as well as their difference from other peoples. In other words, it is not simply that a heritage is invariably selective; it is that the people are defined by the civilization that is supposed to be their heritage. And yet, sociologically, the people who are said to belong to that civilization are highly differentiated by class and region and gender.

All histories are selective, of course, but what they leave out and how they interpret what they select are more interesting than the mere fact of selection. Thus when polemicists speak of Christianity as the essential core of Western civilization—or the origin of modern democracy—they do not have in mind the Orthodox churches of Eastern Europe or the ancient Christian congregations of the Middle East. And yet central doctrines of Christianity (the Trinity, Atonement, etc.) as well as major institutions (monasticism) first emerged there and not in Latin Christendom. This leaves it unclear as to whether talk about Christianity as the essential midwife of our modern secular world (“the point where, thanks to religion, a society with no further need for religion arises,” as Marcel Gauchet puts it)<sup>5</sup> is to be understood as a theological argument or a sociological one.

In Western histories of Islam, *jihād* has been a central theme, although in Islamic thought *jihād* is not a central notion. Nevertheless, it has been compared by Western historians to the medieval

Christian concept of the Crusade. The only difference, we are given to understand, is that while the Crusade is no longer part of Western modernity, *jihād* is integral to an Islamic civilization that is largely rooted in religion. But the differences are more complicated than this civilizational contrast would suggest. To begin with, the theory and practice of the Crusade were closely connected with the rise of the papal monarchy (and afterward with the sacralization of territorially based kingship), and there is no parallel story for the Muslim world in the case of *jihād*. The Arabic word for “holy,” *muqaddas*, is never applied to “war,” *harb*, in the classical texts. And because there has never been a centralized theological authority in the Islamic world, there was never a consensus about the virtue of religious warfare. Thus in the first two centuries of Islamic history jurists residing close to the revered sites of Islam (in Mecca and Medina) had a different view from those who lived in Damascus and Baghdad, the successive imperial capitals. The former maintained that the pursuit of *jihād* (and even stationing oneself in military camps at the frontier far from the original centers of Islam) was not an obligatory duty for all Muslims, that there was merely a requirement that some Muslims undertake the defense of Islamic territory, and that in any case other religious acts had greater merit. In later centuries the legal theory of *jihād* came to be articulated in the context of a distinction between *dār ul-harb* (the domain of war) and *dār ul-Islām* (the domain of peace) making *jihād* appropriate only to the former. Of course, this theory didn’t prevent Muslim rulers from waging war on one another in the domain of peace or from making treaties with Christian neighbors. Muslims fought Muslims, sometimes with Christian allies. But legal categories other than the ones I have mentioned were employed to legitimize or condemn such conflicts.

Islamic debates on this subject, in which jurists belonging to the different schools engaged one another, evolved in complex relation to historical events. The legal ideas put forward in these arguments cannot be reduced to the simple doctrinal binary (unremitting distance from and hostility toward all non-Muslims, unqualified

solidarity among and loyalty to all Muslims) that recent polemical writing in the West has made familiar. From very early on, another juridical category was established, called *dār ul-‘ahd* (the domain of treaties), that allowed for peaceful trade and social intercourse between Muslim and non-Muslim territories. Most premodern Islamic jurists ruled that it was fully permissible according to the *shari’a* (the religious law) for Muslims to live as subjects to a Christian prince (as in Spain), so long as they were able to practice Islam openly. The Ottoman Empire alone made a succession of treaties with Christian powers over the centuries that allowed European merchants to establish themselves within imperial lands with extraterritorial privileges. (The social situation of ordinary non-Muslim subjects within Muslim-majority countries varied at different times and in different places, but in general it tended to worsen when outsiders attacked Muslims.)<sup>6</sup>

In colonial times, a further reformulation of the doctrine of *jihād* took place: Muslims living under a non-Muslim government (and therefore technically in *dār ul-harb*) were not to undertake *jihād* as long as they were able to practice Islam and allowed to maintain its central institutions. Nevertheless, Muslim rebels against colonial regimes sometimes invoked *jihād*, and in recent years militant Islamists have raised *jihād* to the level of an individual religious duty (*fard al-‘ayn*). But such usages have not had the support of most Muslim jurists, for the legal preconditions of *jihād*—it has been argued by Muslim scholars—must include both the presence of a genuine threat to Islam and the likelihood of success in opposing it. Terms like *jihād*, *dār ul-harb* and *dār ul-Islām* are therefore not parts of a transhistorical worldview; they belong to an elaborate political-theological vocabulary in which jurists, men of religious learning, and modernist reformers debated and polemicized in response to varying circumstances.

In brief, there is no such thing as a clash of civilizations because there are no self-contained societies to which fixed civilizational values correspond. On the contrary, the penetration of European

economic, political, and ideological powers in the Middle East—especially since the beginning of the nineteenth century—led to many practices being changed. European states conducted their strategic and commercial rivalries throughout the lands of a weakened—and eventually a broken-up—Ottoman Empire, building and controlling transport systems (the Suez Canal being the most important), promising and establishing a national home in Palestine to the Jews, dividing up the Middle East into mandates and spheres of influence, making unequal treaties with sovereign Arab polities, exploiting petroleum resources, and so forth. The United States has simply continued in this interventionist tradition with its own strategic and economic interests in the Middle East and has invoked new justifications for intervention in the present.

My concern, I stress, is not to find culprits but to point to a few of the complicated connections that give us a better picture of contemporary problems in the area that Europeans first called the Middle East. Thus Saddam's cruelties were certainly his own, but the fact that the United States supplied him with vital military intelligence in his aggressive war against Iran and the Europeans helped him manufacture chemical weapons that he used against Iranians as well as Iraqi Kurds complicates the question of culpability—if culpability is to be assigned. Although the French support for the Algerian coup that suppressed the FIS after its electoral victories in 1991 did not determine the subsequent massacres, their support is not unconnected with what followed. Similarly, although the brutalities of the Islamic Republic of Iran are not caused by Western states, the regime's emergence is not unrelated to the CIA coup (supported by Britain) that inaugurated the dictatorship of the shah in the 1950s. And again, Mubarak's political repression and use of torture are not, of course, dictated by U.S. imperialism (although the Bush administration has made use of this skill by proxy), but the war against terror has certainly supplied him and other regimes in the region with greater justification for cruelty. As George Packer so nicely put it in his interesting essay on liberal internationalism: "How can the

U.S. fight jihadism without supporting dictatorships?”<sup>7</sup> In the case of Iraq, however, the United States decided to destroy a dictatorship and dismantle a state for its own reasons. No person who has followed the ensuing events can doubt that the rise in jihadism and the vicious sectarian killings are closely connected with the U.S. invasion and occupation.

In a densely interconnected world—more so than ever before—it is not sensible, in my view, to talk about the overriding need for reform in so-called Islamic civilization without at the same time reappraising the attitudes, institutions, and policies in Western countries. Clearly, if reform is needed in Muslim-majority countries—and reform is certainly being demanded by their populations—it is needed no less in Europe and the United States, *not least in the many ways that their policies impinge on the Middle East*. Yet the idea of autonomous civilizations is difficult to shake.

It is in this connection that one might turn to Richard Rorty’s recent worry.<sup>8</sup> Another major attack by terrorists in the West, he fears, would probably spell the end of historical democracy there: “The measures [Western] governments will consider it necessary to impose are likely to bring about the end of many of the sociopolitical institutions that emerged in Europe and North America in the two centuries since the bourgeois revolutions.” The connection between external violence and the sociopolitical institutions internal to Western democracy is, however, more complicated than Rorty suggests here. Long ago, Max Weber observed that European forms of freedom and democracy were made possible in part by the forcible expansion of the West over many centuries into the non-European world—and in spite of the simultaneous growth of a standardizing capitalism. This led him to fear that the ending of the West’s territorial expansion in which the drive for freedom was deeply embedded would seriously compromise its democracy.<sup>9</sup> Weber did not, of course, foresee the spread of neoliberal capitalism around the globe—largely through the activities of financial institutions internal to today’s Western democracy (the IMF, the World Bank, the



U.S. Treasury)—nor its fearful consequences in growing economic inequality and political instability compounded by global warming (aggravated if not caused by disproportionate energy use in the rich, industrially advanced countries). He could not anticipate the serious population dislocation and political instability in the poorer south that now encourage waves of illegal migration toward the north or the alarm and compassion that this would generate in Euro-American countries, leading to repeated calls for further military intervention in the south—to restore political order, to provide humanitarian aid, to punish so-called rogue regimes, to secure energy resources. At any rate, the implications of these tasks for Western democracy are at least as serious as the activities of terrorists, and both together inhabit a space of violence that is far more inclusive than Rorty's account suggests. If Weber's account of Western democracy is at all valid (and I am persuaded that it is), then what one finds is a shift in which the violence that yesterday facilitated freedom at home is today facilitating a creeping unfreedom. I stress that my concern here is not to blame the West but to substitute the idea of a historical space in which violence circulates, in which our wider aims are too often undermined by our own actions, for the simple agentive model that many commentators employ, in which rational democrats in the West react defensively to destructive terrorists from the East.



Critics who argue that the language of the clash of civilizations facilitates the discourse on terrorism are right. But the question remains: why is the term “terrorism” so prominent today? Before attempting an answer to this question, it is necessary to ask another: How is the difference between terrorism and war defined in contemporary public discourse? I begin by looking at some arguments by an eminent political philosopher who has tried to answer this question: Michael Walzer.<sup>10</sup> His most recent book on the distinction between kinds of political killing, *Arguing About War*, is addressed to a wide, educated audience.

Walzer takes it as unproblematic that war is a legal activity when it fulfills certain conditions (e.g., self-defense or fulfilling a treaty obligation toward a state that is attacked). He affirms existing international law (the law of force) that legitimizes certain types of violence and stigmatizes others—even as domestic law does within national boundaries. This immediately makes it quite clear what terrorism is for Walzer: terrorism is not only illegal and therefore morally worse than killing in war; it is worse even than the crime of murder. “This, then,” he writes, “is the peculiar evil of terrorism—not only the killing of innocent people but also the intrusion of fear into everyday life, the violation of private purposes, the insecurity of public spaces, the endless coerciveness of precaution.”<sup>11</sup> For Walzer, of course, it is not merely the deliberate creation of fear for political purposes that defines terrorism; the killing of innocents is a necessary (though not a sufficient) criterion. What Walzer condemns in war is excess and in terrorism its *essence*. States kill, too, of course, although they claim to kill only legitimately. But whether states, unlike terrorists, kill only those who are legitimately killable is partly what the rules of war address.

Walzer doesn’t approve of generals who win by ruthless means: “In all times, and in conventional as well as political wars, we ought to require of officers that they attend to the value of civilian lives, and we should refuse to honor officers who fail to do that” (p. 31). Yet, in common with many who have written on this topic, Walzer pays no attention to a curious contradiction at the heart of the liberal West’s culture of war to which I shall return later: on the one hand, the state’s need to legitimize organized violence against a collective enemy (including civilians) and, on the other, the humanitarian desire to save human lives.<sup>12</sup> To “attend to the value of civilian lives” is more ambiguous than appears at first sight.

It is in this context that Walzer argues for the limited character of the humanitarian principle, for overlooking it in the event of a supreme emergency: “There are moments when the rules can be and perhaps have to be overridden. They have to be overridden precisely

because they have not been suspended. And overriding the rules leaves guilt behind, as a recognition of the enormity of what we have done and a commitment not to make our actions into an easy precedent for the future" (p. 34). Now Walzer does not say so, but there is no reason why, in the war against terrorism, this permission cannot cover the use of torture against presumed terrorist captives, on the grounds that, however reprehensible it may be to liberal sensibilities, the extraction of information from the enemy by breaking humanitarian rules is vital to the conduct of such a war.

Like Bernard Lewis, Michael Walzer believes that the cause of terrorism is the failure of Muslim countries to modernize, a failure that explains the scapegoating of the United States and Israel by Muslim immigrants in Western countries and also the spawning of highly dangerous conspiracies among them: "The important battle against terror is being waged right here," he warns, "and in Britain and Germany and Spain, and in other countries of the Arab and Islamic diaspora" (p. 138). Walzer does not discuss what kind of politics might be called for in a time of global crisis and instead supports an extension of the battle against terror into immigrant communities as a priority, making the liberal assumption (which I discuss in my second chapter) that the problem of politics is radically separate from the problem of violence and that it is the primary task of the state to exclude violence from the arena of politics and confine it to the domain of war.

But Walzer wants to reassure his readers. He proposes that a public transgression in the domain of war should (will?) be accompanied by a sense of remorse and that when this happens, the feelings of guilt about what has been done may make it more difficult to repeat that transgression in the future. In this context, guilt is regarded as a sign of grace. The moral drama in which this redemption is played out is familiar to existential philosophy. "A morally strong leader," writes Walzer, "is someone who understands why it is wrong to kill the innocent and refuses to do so, refuses again and again, until the heavens are about to fall. And then he becomes a moral criminal

(like Albert Camus's 'just assassin') who knows that he can't do what he has to do—and finally does" (p. 45). How should one understand this tale? Certainly, the leader who has to act like a criminal a second time may do so with a bad conscience, and in greater anguish than before. That is what makes him a "morally strong" leader. If he killed the innocent without a flicker of conscience, he would simply be an immoral criminal. Now, for a Christian who kills unjustly in war, there is the theory of atonement that presupposes a life after death; for a subject who kills unjustly in peace, there is the theory of punishment that presupposes state law. When Walzer speaks of guilt in the context of "a morally strong leader" at war, it is unlikely that he has either of these theories in mind. Guilt here is not a legal judgment but a sensibility.

The morally strong leader can turn, when necessary, to what Walzer calls "emergency ethics." "This is the essential feature of emergency ethics: that we recognize at the same time the evil we oppose and the evil we do, and that we set ourselves, so far as possible, against both" (p. 49). What exactly Walzer intends by the phrase "so far as possible" is not clear. Perhaps it is a vague sense that in a war against an unjust enemy, one cannot condemn the use of any available weapon as strongly as one condemns the evil that confronts one without risking a wrong choice. But if the phrase "as far as possible" is intended to nudge the just warrior in the right direction, isn't Walzer's claim about the equal rejection of two evils brought into question? If the moral scruple he endorses must never be strong enough to inhibit successfully the use of evil means when necessary, is there any need for it to be present at all?

What is it precisely that allows the leaders of a political community to confront a potential evil by doing evil? According to Walzer, it is the protection of the community itself. "Not, I want to stress, of the state," he observes, "the state is nothing more than an instrument of the community, a particular structure for organizing collective action that can always be replaced by some other structure. The political community (the community of faith too) can't be similarly

replaced. It consists of men, women, and children living in a certain way, its replacement would require either the elimination of the people or *the coercive transformation of their way of life*. Neither of these actions is morally acceptable” (p. 49, my emphasis). In those situations, says Walzer, we may act immorally—but “only at the last minute and under absolute necessity” (p. 50). I’ll return shortly to this idea, but first I want to ask whether the license to kill can be separated so casually from the state. The modern state is not, after all, simply an instrument of the community. It is an autonomous structure that regulates, represents, and protects a community of citizens. The state authorizes the killing of human beings, demands the ultimate sacrifice of its citizens when they are at war. It seeks to maintain the correct demographic character and the desired territorial extent for the community that is its object.

Walzer’s virtual dismissal of the state at this point is curious because his overall argument is essentially state-oriented. Thus he insists that the militant who carries out acts of terror against civilians is never faced by the “last resort” and he is therefore not coerced. It is precisely a quality of the terrorist that he moves precipitately to death dealing as a political means. “It is not so easy to reach the ‘last resort,’” says Walzer. “To get there one must indeed try everything (which is a lot of things) and not just once. . . Politics is the art of repetition” (p. 53). But then why doesn’t this observation apply to the state that launches a war? In the case of war, Walzer is reluctant to apply the stringent conditions he imposes on the militant. He pleads that by demanding that war be declared only as a last resort, one is in effect making it impossible to declare war, because “we can never reach lastness, or we can never know that we have reached it. There is always something else to do: another diplomatic note, another United Nations resolution, another meeting” (p. 88). Walzer is right. But how does this plea for decisiveness on the part of the state on the verge of war relate to his strictures against terrorist violence on the grounds that the would-be terrorist can never claim to have reached the limit? Is it plausible to assume—as Walzer evidently

does—that the possibility of liberal politics is always a given? Thus the recently elected Hamas government in occupied Palestine will not be allowed by the United States, Israel, and the European Union to practice “the art of repetition,” and the reason given for this is not that Hamas does not recognize democratic politics but that it does not recognize Israel.

Unlike Walzer, I am not interested here in the question, “When are particular acts of violence to be condemned as evil, and what are the moral limits to justified counterviolence?” I am trying to think instead about the following question: “What does the adoption of particular definitions of death dealing do to military conduct in the world?” For example, if state killing is authorized on the basis of due proportionality and military necessity (as humanitarian law requires of conduct in war), and if the question of what is proportional or necessary cannot be determined without regard to overall war aims as well as military strategy (there are always war aims in every war), every kind of forceful means can be—and is—used in war on that basis, including the destruction of civilians and the terrorizing of entire populations.

International law specialist David Kennedy has written a searching study of the ways in which humanitarian policy making blends into the strategic logic of warfare—although he remains, in the end, surprisingly optimistic. At one point, speaking of state violence, he observes:

We can easily call to mind historical examples of “wanton violence” in war. And of course they have sometimes been sanctioned by military leadership. But rare is the commander who orders “unnecessary” “wanton violence” “disproportional” to any legitimate military objective. Far more often the tactics employed by *other* forces will seem excessive. The vocabulary in which this charge is made, and defended, is the vocabulary of humanitarian law. Indeed, whatever tactics seem extreme—carpet bombing, siege, nuclear first use, suicide bombing, terrorizing the civilian population—the condemnation and the

defense seem to converge on the vocabulary of necessity, proportionality, and so forth. Think of Hiroshima.<sup>13</sup>

Kennedy is right about the humanitarian vocabulary of necessity, proportionality, and humanity that is now commonly used in arguments over particular events in war in the attempt to subject military conduct to transcendent rules. But it is worth bearing in mind that terrorists themselves often talk about what they do in the language of necessity and humanity. The Red Brigades in 1970s Italy, for example, mirrored the judicial authority of the state and challenged its monopoly of violence, trying kidnapped victims for crimes against the people and then executing them. Such acts not only transcend the limits of (state) law in the name of revolutionary justice, they do so by explicitly invoking a wider humanity. Thus when the Italian prime minister was kidnapped and killed, the incident was described by a Red Brigade ideologist as “the highest act of humanity possible in this class-divided society”<sup>14</sup> and therefore as necessary. The ruthlessness of terrorists often matches the effects achieved in the strategic strikes made by state armies, even when the latter use the language of humanitarian law in which a liberating or self-defensive purpose can be claimed.

Pointing out that the new law of force is a field of argument rather than a set of absolute rules (e.g., civilians must not be harmed), Kennedy suggests that the consequent flexibility makes for an advance on the previous position. I would suggest, however, that the sense that this constitutes an advance may be connected to the increased importance given to the sovereignty of individual conscience in this matter. Law is always a matter of argument because it requires interpretation, but here emphasis is placed not so much on what the military commander *does* (which is comparatively easy to determine in relation to absolute rules) but on *what he has judged necessary and then chosen to do*, an interpretive process that lies at the heart of modern ethics. And yet what matters primarily here is not a vocabulary of moral argument or the conscience of the virtuous warrior but

the existence of an independent institutional structure that has the ability to set a legal process into motion and apply its legal verdict in relation to conduct in war regardless of who is to be judged. But it is a banal fact that powerful states are never held accountable to such institutions, that only the weak and the defeated can be convicted of war crimes and crimes against humanity.

Walzer is adamant that, unlike the aerial bombing of German civilians during World War II, suicide bombing is terrorism and that, as terrorism, it is an evil in need not of analysis and understanding but of moral condemnation and firm practical response. Particular wars may be unjustly declared, wars may sometimes use immoral means and be concluded in a vindictive way, but wars as such are not in principle immoral. Terrorism, on the other hand, is always and in principle evil. Thus the definition of war and terrorism as opposites makes it possible to speak of a war on terror and to assume that the state can conduct itself freely toward the terrorist precisely because he does not respect the law.

Walzer's fundamental concern throughout his book is to articulate and clarify his moral intuitions rather than to question and analyze them. Thus he believes that terrorist operations in Israel are a product of evil (exactly like those of al-Qaeda against the West) because they are part of the Palestinian war to destroy a sovereign political community. The assaults of the Israeli army and airforce in the West Bank and Gaza are therefore to be seen as preemptive self-defense and thus in principle as just war. Walzer's account of the Palestine/Israel conflict provides, I think, a central example of how some liberal intellectuals conceive of the difference between war and terrorism. The century-long history of the conflict (expansion on the one side, dispossession on the other) is set aside, and attention is directed instead at present feelings. "For all their military strength, Israelis feel terribly vulnerable" (p. 108), Walzer observes, whereas "for the Palestinians, the years of occupation have been [felt as] years of disgrace" (p. 107). Walzer doesn't hesitate to convey his own feelings about the settlements that he thinks make peace with



Palestinians difficult: “the [Jewish] settler movement is the functional equivalent of the [Palestinian] terrorist organizations. I hasten to add that it is *not the moral equivalent*. The settlers are not murderers, even if there are a number of terrorists among them” (p. 119, italics in original). The haste and emphasis with which this point is made reveals some of the feelings behind the notion of terrorism: proud identification with a flourishing political community—a liberal democracy—and with its military and economic successes and a fear for its safety. What this rhetorical move does, of course, is to prohibit the use of the appellation “terrorist” for the Israeli settlers and to invest the Israeli army with the aura of defenders engaged in a just war against Palestinian terrorists.

This is made formally explicit in Walzer’s classification of the conflict into four concurrent wars: “The first is a Palestinian war to destroy the state of Israel. The second is a Palestinian war to create an independent state alongside Israel, ending the occupation of the West Bank and Gaza. The third is an Israeli war for the security of Israel within the 1967 borders. The fourth is an Israeli war for Greater Israel, for the settlements and the occupied territories” (p. 113). This simple classification presents readers with a balance between the two sides—terrorists/extremists on one side and protagonists of just war on the other—a political and moral equivalence between occupier and occupied. One can recount the story of conflict in a different way, however: there is a single unequal struggle (not four wars) stretching over at least sixty years in which each side has pursued different strategies and rhetoric at different times that have not met with equal success. Thus the distinction between the third “war” (for the settlements) and the fourth (for the security of Israel) is not as clear-cut as Walzer’s classification suggests, because, on the one hand, virtually no significant Israeli political party is prepared to return conquered East Jerusalem and all its surrounding settlements and, on the other hand, arguments for Israel’s security are closely bound up with claims to large parts of occupied Palestine, which accounts for the widespread popularity in Israel of what

is known there as “disengagement”—whose visible symbol is the wall. It is not clear how far disengagement is related to a sense of desperation and how far to a desire not to be seen to be ruling over a non-Jewish majority, but it has certainly been successful in isolating the Palestinian population geographically and politically.

What is evident is that the feeling of vulnerability among Israelis and their supporters is not equivalent to the objective gains (territorial, military, economic, cultural, etc.) that the Jews have made in Palestine over a century. By this, I don’t mean to say that Israeli feelings should be dismissed or that they are insignificant but simply that the two are literally incomparable. Indeed, the reality of such feelings, their importance, must be recognized. How that feeling of vulnerability has been achieved is, of course, another matter, because it is rooted not in an evaluation of contemporary Palestinian power but in a collective trauma resulting from genocide—perpetrated against Jews in Europe by European Christians. (But is there such a thing as collective trauma? Or is there really only the traumatized condition of several individuals represented down the generations as the experience of a unified nation?)<sup>15</sup> It is also perhaps rooted in a suppressed sense of guilt on the part of many liberal Israelis at the destruction of Palestinian society wrought by the establishment of a Jewish state, even if they justified this as historically necessary. After all, Walzer himself proposed that when liberals act immorally in the conduct of collective violence against enemies, this “leaves guilt behind, as a recognition of the enormity of what we have done and a commitment not to make our actions into an easy precedent for the future.” What he does not say, of course, is that the guilt may be accompanied by deep resentment against those whom one has wronged.

At any rate, it is evident that Walzer does not examine the detailed interconnections between power and the emotions but the so-called rational principles by which present violence should be morally judged. He is right: most settlers are not murderers. But from a Palestinian perspective their existence as settlers isn’t independent of the Israeli government’s legal, administrative and mili-

tary apparatuses, and that connection is what enables “the coercive transformation” of the Palestinian “way of life.” I noted above that, according to Walzer, a fatal threat to political community, whether by ethnic cleansing or by “the coercive transformation of their way of life,” could be the ground for engaging in otherwise morally unacceptable violence. Walzer, alas, fails to relate this ground for Palestinian militancy to his own argument.

In a review of the Spielberg film *Munich* published recently, Henry Siegman tries to do what Walzer fails to do. He argues that the bombings by Palestinian terrorists should be compared not with the retaliatory strikes by the IDF but with “how Israelis acted during their struggle for independence and statehood.” Drawing on the archival researches of the Israeli historian Benny Morris,<sup>16</sup> Siegman cites the widespread massacres of Palestinian civilians perpetrated by the Irgun in the 1930s and by the IDF in 1948. “Of course,” writes Siegman, “Israel’s resort to ethnic cleansing and the massacre of civilians in its War of Independence does not confer any legitimacy on the morally indefensible atrocities committed by terrorists in the Palestinians’ ongoing struggle for their independence,” but—he goes on—it does expose the double standard of many commentators on the subject.<sup>17</sup> My reason for citing Siegman here is not polemical, however. It is not his call for even-handedness that interests me but his distinction between the violence integral to the founding of a political community and the violence used to defend and extend it—as in the military assaults by the IDF against Palestinians. I will pursue later the point that at a profound level the familiar separation between permissible and impermissible violence is more problematic than it appears at first sight.

So, war is a legally sanctioned concept, and the hateful killing perpetrated by unlicensed militants is not. And yet soldiers are taught to hate the enemy they are required to kill; the fact of killing being legally sanctioned is an abstract irrelevance. In this regard, soldiers are no different from terrorists. Of course, the latter are often militarily incompetent, not to say politically infantile, but

that's not what is held against terrorism by state apologists, for the use of terror as such is not always inept: think of the firebombing of German and Japanese cities in World War II—in which hundreds of thousands of civilian men, women, and children were terrified and slaughtered—that accomplished exactly what it was designed to do.<sup>18</sup> What I want to stress is simply this: the sincerity of the terrorist's conscience, of the excuses he makes, is of no significance in the categorization of his action; the military commander's sincere conscience, on the other hand, may be crucial to the difference between an unfortunate necessity and a war crime.<sup>19</sup> That is why the unresolved argument about the World War II strikes against civilian targets tends to revolve around the question of its necessity—around whether without them more innocents would have perished in a war against an unjust and ruthless enemy.

So the word "terrorism" not only signifies culpability under state law but also, as Walzer's disquisition indicates, feelings of vulnerability: a terrorist is someone who creates a sense of fear and insecurity among a civilian population for political purposes. As such, the term and its cognates are certainly valid. My argument, however, is directed against thinking of terrorism simply as an illegal and immoral form of violence and advocates an examination of what the discourse of terror—and the perpetration of terror—does in the world of power.

Although war is a defined activity in international law, an activity that has a formal cause and a formal conclusion, this is clearly not to be confused with the beginning and end of organized killing by the state. The state's violence against civilians may precede and succeed war in the formal sense—especially in a war of independence (by whose unauthorized use of terror a sovereign state is founded) or in a "small war" (against so-called uncivilized populations, in which terror may be used precisely because they lack a sovereign state). Such violence is inseparable from the primary duty and the absolute right of the nation-state (or would-be nation-state) to defend, or achieve, or deny the claim of others to sovereignty. But as

a specific *legal* category, “terrorism” is difficult to define because in doing so complicated *political* choices have to be made regarding the limits to established state authority and the rights of popular movements that challenge state authority. It was for this reason that the International Criminal Court rejected pressure by India, Turkey, and Sri Lanka to include terrorist acts as punishable offenses.<sup>20</sup>

In contrast, terrorism experts who are employed by the state, or would like to offer their services to it, propose that the definition of terrorism is an easy matter having nothing to do with politics. “Terrorism,” writes one such expert, “is a generalized construct derived from our concepts of morality, law, and the rules of war, whereas actual terrorists are shaped by culture, ideology, and politics—specific inchoate factors and notions that motivate diverse actions.”<sup>21</sup> In other words, the discourse of terrorism is dependent on a constructed object (*not* an imaginary object) about which information can be collected.

Every war requires the making of human killing machines, and the question of its legality tends to distract attention from this fact. “Basic training itself was often extremely brutal, even for conscripted recruits,” writes Joanna Bourke.

The most notorious training regimes were those conducted by the U.S. Marine Corps, but even in the other branches of the armed forces, violence was a common component of military training. In all these training programmes, the fundamental process was the same: individuals had to be broken down to be rebuilt into efficient fighting men. The basic tenets included depersonalization, uniforms, lack of privacy, forced social relationships, tight schedules, lack of sleep, disorientation followed by rites of reorganization according to military codes, arbitrary rules, and strict punishment. These methods of brutalization were similar to those carried out in regimes where men were taught to torture prisoners: the difference resided in the degree of violence involved, not its nature.<sup>22</sup>

The torture of prisoners is integral to the violence that the soldier in training learns. The *practice* of terror thus produces efficient soldiers and is an important part of the conduct of war, in the battlefield as well as in interrogation centers where vital information is obtained.

The *discourse* of terror enables a redefinition of the space of violence in which bold intervention and rearrangement of everyday relations can take place and be governed in relation to terror,<sup>23</sup> a space that presupposes new knowledges and practices. “Before the terrorist attacks of 9/11, there was no field called ‘homeland security,’” writes Richard Falkenrath.

Today, homeland security is a multibillion-dollar enterprise and the motivating force behind countless reforms across dozens of heretofore separate government activities. The need for this enterprise is not tied to the fate of al-Qaida or any other particular terrorist group; instead, it derives from the structural—and hence, for all intents and purposes, permanent—vulnerability of free and open societies to catastrophic terrorist attacks. This vulnerability existed before 9/11 and will continue to exist indefinitely. . . . Homeland security has no epistemic community to speak of, but needs one. Men and women from dozens of different disciplines—regional experts, terrorism analysts, law enforcement officials, intelligence officers, privacy specialists, diplomats, military officers, immigration specialists, customs inspectors, specific industry experts, regulatory lawyers, doctors and epidemiologists, research scientists, chemists, nuclear physicists, information technologists, emergency managers, firefighters, communications specialists, and politicians, to name a few—are currently involved in homeland security, but it is not enough merely to aggregate specialists. . . . Only a team of individuals with genuine crosscutting knowledge and experience will be able to understand the complexity of any particular homeland security challenge, devise an efficient and viable strategy for dealing with the problem, and implement this strategy effectively.<sup>24</sup>

The new epistemic community being called for is necessary to name and deal with what is claimed to be a new object in the world of liberal democracy—terror. Most of the activities of those already involved in countering terror may appear quite familiar: mass surveillance, individualized interrogation, transporting suspects to domestic and foreign torture centers, targeted assassinations, and military invasions on the grounds of preemptive self-defense. And yet the fact that a new epistemological object can be constructed through a war on terror is something new.

It is important to my argument that these actions not be seen as simple abuses of the executive branch, partly because the judiciary and the legislature can cooperate actively with the latter to uphold the rule of law in an overarching national endeavor and also because the constitutional scope of executive powers is subject to legal interpretation and political contestation.<sup>25</sup> In proposing that the space of violence enables the state in its triple aspect to extend its presence, I do not want to oppose the state to a passive civil society. It is not only the executive branch that occupies this space. All constitutional states rest on a space of violence that they call legitimate. In a liberal democracy, all citizens and the government that represents them are bound together by mutual obligations, and the actions of the duly elected government are the actions of all its citizens. When the government acts against suspected terrorists and inferior military opponents, everyone is (rightly or wrongly) involved in the space of violence. There may be criticism by particular citizens of the government's actions on moral or legal grounds, but until these are conceded constitutionally by the government, all citizens remain bound to the space of violence that its representative government inhabits.



Terror is also integral to modern subjectivities that fear not only the disruption of orderly life but also and especially the end of demo-

cratic institutions under the assault of barbarians, whether immigrants or terrorists.

Acts of war are not disturbing to most civilians when the human damage perpetrated by their armies occurs abroad. The Allied invasion of Nazi Germany in World War II was applauded by civilians at home. Terrorist acts, on the other hand, create anxiety because they occur at home. Talk of terrorism and the need to defend oneself against it can have a similar effect. When terrorists are seen as people engaged in conspiracies, one is induced to look for signs that point to something hidden (their motives are unexpressed).<sup>26</sup> How might these be found? Alternatively, how can one do a proper reading of signs to discover the threats posed by secret motives? In the United States, the Patriot Act, passed to deal with terrorists, provides the practical framework for undertaking such readings. According to many critics, the Patriot Act is an attack on constitutional rights.<sup>27</sup> But this kind of complaint rarely attends to the working of power/knowledge in the modern state. The project of "Defending America" calls for techniques aimed at discovering the objects that threaten.<sup>28</sup> The interrogation center is not merely a source of information and a place where abuse may happen. It is the site where a particular kind of identity is typified and dealt with and where the secrets of a danger are laid bare in the war against terror, which is a permanent state.

It has been widely reported that viewing the famous images of the towers under attack on September 11 was traumatic for Americans and that Americans have been understandably anxious ever since. Anxiety regarding the real motives of people (especially anxiety in Euro-America about Middle Easterners who are in process of assimilating Western culture) rests on the polysemy of signs. Roland Barthes once claimed that "traumatic images are bound up with an uncertainty (an anxiety) concerning the meaning of objects or attitudes. Hence in every society various techniques are developed [that are] intended to fix the floating chain of signifieds in such a way as to counter the terror of uncertain signs."<sup>29</sup> But Barthes did not note



that authority seeks sometimes to eliminate uncertainty in signs, at other times to create it. Had he done so, he might have acknowledged that uncertain signs do not in themselves cause anxiety or terror—it is suspicion about their meaning that may do so. To take people in familiar situations innocently is to live without suspicion. It is to read people literally, to take their behavior as unproblematic, as harmless. To do a literal reading of texts (of what people say and do in their ordinary life) is not, of course, to repudiate figurative language; it is to be so familiar with the relevant grammar that one is unconcerned with the need to fix meaning. On the other hand, to ask suspiciously about the real meaning of the verbal and behavioral signs displayed by people one knows is to enter into the world of symbolic interpretation. And while hermeneutics doesn't necessarily spring from hostile suspicion, it always presupposes that what appears on the surface is not the truth and seeks to control what lies beneath. Through interpretation, it converts absences into signs.

A form of official hermeneutics—an official suspicion about meaning—has flourished in the United States since September 11 as part of the war against terror: namely, the interrogation of captured Muslims by U.S. officials. Here fear, uncertainty, and the ambiguity of signs are part of the space of violence to which I referred above. More than that, they are its precondition, for they allow state power to penetrate the density of ordinary life.

Much has been written about the fact that terrorism feeds off the disclosure of torture or cruel, inhumane, or degrading treatment in U.S. detention centers, that torture is illegal, immoral, and inefficient. Less attention has been paid to the role the idea of torture plays in the distinction between war and terrorism. For decades, the CIA has produced and distributed interrogation manuals in Latin America to personnel involved in counterinsurgency. Take, for example, the *Human Resource Exploitation Training Manual*—1983.<sup>30</sup> In response to criticisms of abuse, it carefully distinguished noncoercive from coercive methods. It now warns against using the latter and then describes the former in detail. The manual's overall concern is

to teach interrogators ways in which the subject's "internal motivational strength" can be "exhausted" so that he/she is made to yield the necessary information.<sup>31</sup> "Inwardness" is assumed, cultivated, and targeted.<sup>32</sup> One has to know the subject's type well enough to read the signs that are useful for the regulation of organized violence—one's own and that of the enemy. One begins with a human body having an appropriate appearance and origin: racial, sexual, and religious categories are what give the interrogator his starting signs. But he has to go beyond the words spoken by the subject to other signs—mode of speech, gesture, posture, etc.—that indicate hidden meanings. How should the interrogator draw out these meanings given the constraints of humanitarian law?

The humanitarian discourse that denounces unnecessary suffering rests on assumptions both of what is unnecessary and of what constitutes *suffering*. In effect, it invites interrogators to devise techniques in which the suffering of detained subjects is necessary—that is, techniques for getting prisoners to yield actionable information efficiently. "Efficiency" is always contextual, and it presupposes attention to detail: Should the techniques here be mental or physical? How intense or light should they be? What if they leave body marks or lead to trauma—does either matter, and, if so, to whom? These uncertainties parallel those that the military commander in the field of battle faces and in relation to which he must make his strategic judgments. The prisoner's necessary suffering (which may be glossed as "not really cruel treatment") is directed at crippling his motivational strength. Techniques in the conduct of the war against terror—whether in the interrogation center or in the field of battle—require the redefinition of "necessary violence." Despite humanitarian principles that forbid torture, however, the use of painful methods remains important. Whether the systematic torture of captives is always inefficient is a topic of considerable debate in the liberal media, but what it certainly does do is produce two categories of human being: torturables and nontorturables.

These paired notions first appeared in Graham Greene's novel *Our Man in Havana* (1958), set in prerevolutionary Cuba. In a dialogue between Segura, the local chief of police, and Wormold, a British Secret Service agent, the former refers casually to certain persons not belonging to the "torturable class." Who does? asks Wormold. "The poor in my own country, in any Latin American country," replies Segura.

The poor of Central Europe and the Orient. Of course in your welfare states you have no poor, so you are untorturable. In Cuba the police can deal as harshly as they like with emigres from Latin America and the Baltic States, but not with visitors from your country or Scandinavia. It is an instinctive matter on both sides. Catholics are more torturable than Protestants, just as they are more criminal. . . One reason why the West hates the great Communist states is that they don't recognize class-distinctions. Sometimes they torture the wrong people. So too of course did Hitler and shocked the world. Nobody cares what goes on in our prisons, or the prisons of Lisbon or Caracas, but Hitler was too promiscuous. It was rather as though in your country a chauffeur had slept with a peeress.

That, interrupts Wormold, doesn't shock us any longer. To which Segura responds: "It is a great danger for everyone when what is shocking changes."<sup>33</sup> It is precisely such a shift in what is shocking, when the U.S. administration readily resorts to torture in contravention of the Geneva Convention and human rights law, that seems evident today. But one should note that the torture of prisoners in Guantánamo, Afghanistan, and Iraq (as well as the outsourcing of torture to the Egyptian, Syrian, and Pakistani regimes) affects torturables only. More remarkable than the use of torture by a U.S. regime that is said to be undermining the rule of law in several respects is the absence of any sustained public outrage in the democratic societies of the West. The liberal sensibility is more discriminating in this matter than one may have thought. In a war against barbarians, the use of cruelty has always been more acceptable than

it has been against civilized enemy populations. And, even today, there is no general sense of horror (as I elaborate that term in my final chapter) at the numerous atrocities committed or condoned by democratic governments. So perhaps there hasn't been a shift after all in popular Western notions of what is shocking.

The sensitivity to humanist criticism that is directed at interrogation procedures is also found in the conduct of war. The modern Western army is concerned with engaging efficiently with dangerous, because underdeveloped, peoples, in ways that are at once ruthless and humane, in which brutal attack may become a civilizing sign. Nineteenth-century Europeans typically saw the world divided into civilized and uncivilized nations, in which the former should stand as a moral light for the latter. But this worked the other way, too: it was held that the behavior of civilized nations should not fall to the level of the uncivilized. Hence Gustave Moynier, one of the founders of the Red Cross, could speak explicitly about the organization's "evangelical morality" in its effort to "civilize" European warfare. But this idea of achieving humane standards logically required a contrast: "Compassion," he wrote, "is unknown among savage tribes that practice cannibalism. . . . It is said that even their language doesn't have the words to express the idea, so alien is it to them. Savage peoples . . . make [war] to excess and give in without a thought to their brutal instincts, whereas civilized nations, seeking to humanize it, even admit that everything that happens is not [morally] allowable."<sup>34</sup> Civilized nations, being refined in manners and restrained by morality and law, are quite unlike the uncivilized. They should not fight as savages do, in brutal and terrorizing ways.

But the savage was not merely an abstraction for purposes of logical contrast; he was someone toward whom one could and should behave appropriately in war. Writing in 1927, U.S. Army captain Elbridge Colby noted: "The real essence of the matter is that devastation and annihilation is the principal method of warfare that savage tribes know. Excessive humanitarian ideas should not prevent harshness against those who use harsh methods, for in being over-

kind to one's enemies, a commander is simply being unkind to his own people."<sup>35</sup> Captain Colby belongs to a dominant line of thinking and practice in Western colonial warfare. To him as to others, it is self-evident that since uncivilized opponents do not abide by international law, they cannot be protected by it; today, of course, this is said about those seen as, or suspected of being, terrorists.<sup>36</sup>

For many today, this seems to be vindicated by the claim that "terrorism has become bloodier," as it perpetrates "large-scale indiscriminate violence."<sup>37</sup> At the same time, it is claimed that in this war against an uncivilized opponent, the use of increasingly sophisticated information technology has allowed the military to identify its targets more accurately and thus to minimize collateral damage. What is certain is that by fighting the enemy at a distance, it has been able to minimize its own casualties. Unchallengeable air supremacy and precision weaponry make virtual impunity of the pilot possible. Furthermore, domestic public opinion in liberal democracies is critical of excessive war casualties in its armies. This humanitarian concern means that soldiers need no longer go to war expecting to die but only to kill. In itself, this destabilizes the conventional understanding of war as an activity in which human dying and killing are exchanged. The psychological effect of this unequal killing is mitigated by the fact that there is a long-standing tradition of fighting against militarily and ethnically inferior peoples in which it is proper that the latter die in much larger numbers. Since they do not value human life as the civilized do, they will expose themselves to greater risks, even undertake suicidal operations, and therefore suffer more casualties.

In fact, little attention has been paid in the growing literature on new military technologies and strategies to the continuities of the new wars with earlier colonial wars that were often called "small wars." In them, Euro-American soldiers discovered that the opportunities for killing were much greater than the risks of dying in battle and that "uncivilized" enemies were not entitled to be treated with the same restraint as "civilized" ones. A notable exception to

the contemporary literature on new wars is Max Boot's *The Savage Wars of Peace*,<sup>38</sup> which argues that "small wars" have been—and still are—essential to the spread of freedom, progress, and peace. Therefore, insofar as military interventions by Western powers continue this colonial tradition, it should be evident that their primary aim is not the protection of life as such but the construction and encouragement of specific kinds of human subjects and the outlawing of all others.<sup>39</sup>

Despite the civilizing project of many new wars, their conduct produces contradictory results. Thus, in deference to humanitarian law, the military of a liberal state—unlike the terrorist—does not normally target civilians, *unless it is compelled to do so*, but overriding concern for its own military casualties (again, partly in response to humanitarian sensitivities) means it must choose a strategy in which more enemy civilians die. So, too, in the matter of dual-use targets. Because of military necessity, the military must inevitably target facilities such as electrical power plants that are crucial to the enemy's military but also to its civilians. The destruction of electricity-generating centers cripples water purification plants, hospitals, and so on, causing widespread death and disease among the civilian population. One interesting consequence of this contradiction (the killing of noncombatants that results from the new doctrine of striving for zero military losses as well as from bombing dual-use targets) is that motive becomes crucial to the distinction between collateral damage and war crimes.<sup>40</sup>

The just modern soldier incurs guilt when he kills innocent people; the terrorist does not. Or so modern theorists of just war tell us. Thus, in a recent article defending the Israeli invasion first of Gaza and then of Lebanon, Walzer writes: "When Palestinian militants launch rocket attacks from civilian areas, they are themselves responsible—and no one else is—for the civilian deaths caused by Israeli counterfire."<sup>41</sup> The political theologian Oliver O'Donovan has explained why state armies are morally superior by making a distinction between what he calls terrorism and insurgency in terms

of motive: "The terrorist makes his point by slaughtering the innocent intentionally; the insurgent makes his by forcing his opponent to slaughter the innocent unintentionally."<sup>42</sup> This is precisely Walzer's point. Zbigniew Brzezinski, however, has recently commented on this matter by reference to the most recent Israeli invasion of Lebanon: "I hate to say this but I will say it. I think what the Israelis are doing today for example in Lebanon is in effect—maybe not in intent—the killing of hostages. Because when you kill 300 people, 400 people, who have nothing to do with the provocations Hezbollah staged, but you do it in effect deliberately by being indifferent to the scale of the collateral damage, you're killing hostages in the hope of intimidating those that you want to intimidate."<sup>43</sup> Walzer, however, insists that there may be good reasons ("prudential as well as moral") for this kind of intimidation: "Reducing the quality of life in Gaza, where it is already low, is intended to put pressure on whoever is politically responsible for the inhabitants of Gaza—and then these responsible people, it is hoped, will take action against the shadowy forces attacking Israel. The same logic has been applied in Lebanon, where the forces are not so shadowy."<sup>44</sup> Punishing civilians may be the only way to obtain results—given, of course, that an appropriate sense of guilt accompanies the action, because unlike barbarians civilized nations know what compassion is.

The moral advantage O'Donovan and Walzer give state armies over insurgents is evident. If the motive of military commanders is complex (they kill noncombatants but wouldn't if they didn't have to), however, couldn't the same be said of the terrorist whose killing of civilians is at once deliberate and yet coerced? He has reached the limit; he has no other option left—or so he claims, when he argues that in order to try to prevent "the coercive transformation of [his people's] way of life," he must carry out immoral killings. If he kills enough civilians (so he reasons), perhaps those who are politically responsible will respond in the desired way.

So: it is not cruelty that matters in the distinction between terrorists and armies at war, still less the threat each poses to entire

ways of life, but their civilizational status. What is really at stake is not a clash of civilizations (a conflict between two incompatible sets of values) but the fight of civilization against the uncivilized. In that fight, all civilized rules may be set aside. Captain Colby observes of war with savage enemies: "If a few 'non-combatants' . . . are killed, the loss of life is probably far less than might have been sustained in prolonged operations of a more polite character. *The inhuman act thus becomes actually humane, for it shortens the conflict and prevents the shedding of more excessive quantities of blood.*"<sup>45</sup>

Clearly, Colby thinks the savage is incapable of such acts of humanity, and he is probably right. But what is especially intriguing is the ingenuity of liberal discourse in rendering inhuman acts humane. This is certainly something that savage discourse cannot achieve.