

## MISREADING ISLAMIST TERRORISM: THE “WAR AGAINST TERRORISM” AND JUST-WAR THEORY

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**Abstract:** The Bush administration’s military war on terrorism is a blunt, ineffective, and unjust response to the threat posed to innocent civilians by terrorism. Decentralized terrorist networks can only be effectively fought by international cooperation among police and intelligence agencies representing diverse nation-states, including ones with predominantly Islamic populations. The Bush administration’s allegations of a global Islamist terrorist threat to the national interests of the United States misread the decentralized and complex nature of Islamist politics. Undoubtedly there exists a “combat fundamentalist” element within Islamism. But the threat posed to U.S. citizens by Islamist terrorism neither necessitates nor justifies as a response massive military invasions of other nations. Not only does the Bush administration’s war on alleged “terrorist states” violate the doctrine of just war, but in addition these wars arise from a new, unilateral, imperial foreign-policy doctrine of “preventive wars.” Such a doctrine will isolate the United States from international institutions and long-standing allies. The weakening of these institutions and alliances will only weaken the ability of the international community to deter terrorism.

**Keywords:** Islam, Islamist politics, terrorism, just wars, just-war theory, Iraq, Afghanistan, U.S. foreign policy, preventive wars, preemptive wars, imperialism, unilateralism, national-security doctrine.

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We live in an age of imperial war, in which the lone global superpower endeavors to impose upon the world “free market” liberalism as the only tolerated path to “freedom.” A likely outcome of this Sisyphean effort by the United States to transform the world in its own image could well be the very anti-Western Islamic rebellion against “liberty and democracy” that American policymakers erroneously claim is already in full swing. “American,” rather than “Western,” values now constitute the litany of imperial virtues. Much of Western Europe holds to a more nuanced conception of the democratic state’s responsibility to regulate transnational capital. Thus, the United States government is so isolated in its imperial arrogance that its only reliable allies are its junior partner in the Anglo-American alliance and a “new Europe” of states that formerly lived under the hegemony of the deceased alternative empire (the USSR).

These regimes, often governed today by a kleptocratic nationalist (former Communist) apparatus, have yet to establish democratic traditions comparable to those of the Western European nations that express severe doubts about the new American *imperium*.

While some terrorist movements pose a security threat to innocent civilians across the globe, the imperial overreach of the neoconservative cabal within the Bush administration promises to exacerbate that threat (Atlas 2003; Lind 2003). An adequate response to the neoconservative claim that there exists a massive Islamist (that is, fundamentalist Islamic) threat to American freedoms necessitates a rational critique of both the neoconservative misreading of the origins of anti-Western Islamist terror (until recently Islamist terror has almost exclusively been visited upon other Muslims) and the neoconservative doctrine of “just” preemptive wars (National Security Council 2002). According to the neoconservatives, there exists an imminent, massive threat to the American way of life from cooperation between “terrorist states” and stateless terrorists. Such a threat can only be deterred by a unilateral U.S. global war against both enemies. Such a literal war of massive military force—not simply a metaphorical war of intelligence and espionage—can be justly waged, according to the new National Security Doctrine, against any sovereign state that fails to conform to the foreign-policy prescriptions—or moral values—of the United States (National Security Council 2002).

### **1. The End-of-the-Cold-War Origins of Global Islamist Politics**

The U.S. global-war strategy—begun in Afghanistan, accelerated in Iraq—has transpired despite the reality that terrorist organizations are extremely decentralized; their strength is hard to estimate; and they operate frequently in weak states that can neither police terrorist organizations nor significantly aid them. The origins of the Al Qaeda terrorist network can be rationally discerned, even if we may not find particularly coherent or achievable its rhetorical goals of defeating the infidel West. Mideast experts, including the Middle East historian Bernard Lewis, the *bête noire* of many on the left, admit that the immediate demands of Al Qaeda, enunciated in its “Declaration of the World Islamic Front for Jihad Against the Jews and the Crusaders” issued on February 23, 1998, are less “irrational” than their maximalist rhetoric promoting the conversion—or extermination—of all infidel Christians and Jews. The three demands of the global declaration are feasible (and two of them are about to be achieved!): the withdrawal of U.S. troops from Saudi Arabia; an end to sanctions against Iraq; and Islamic control over Muslim holy sites in Jerusalem (Lewis 1998). The extent to which Al Qaeda could recruit significant numbers of cadres if all three demands were satisfied is an intriguing question, even if the totalistic ideology of Al Qaeda envisions an endless war against infidels within the

Muslim world and around the globe (Berman 2003a, 2003b).<sup>1</sup> Just as fears of “Islamic terror” misread the particular origins of Islamist politics, so does the doctrine of “just war” against terrorism threaten the excessive use of state military force instead of an efficacious, nuanced police response to a decentralized terrorist network. In order to comprehend how a small, defeated wing of Arab Islamist politics transformed itself into a global terrorist network, the analyst must deploy forms of historical and ethical analysis more particular and less global than the rhetoric of “the war against terror.”

The seeds of Al Qaeda and an Islamist politics with global—rather than purely national—ambitions arose from the denouement of the Soviet empire and the cold war. The events analyzed below exported Islamist politics beyond the borders of the Arab world. In 1979 and 1980, the Shi’ite Iranian revolutionary overthrow of the shah’s oppressive, modernizing, pro-Western regime brought the first Islamist state to power. That historic event, combined with the week-long Islamist takeover of Mecca in the fall of 1979, provoked a brutal response against Islamist politics among the authoritarian (often pro-American) regimes of the Middle East. The Saudi government brutally put down the Islamist revolt in Mecca by killing more than one thousand religious rebels. Following the Islamist threat to the Saudi regime, Syria, Algeria, and Egypt cracked down on their Islamist oppositions, with Syria’s President Hafaz al-Assad murdering twenty thousand people in the opposition stronghold of Hama. This repression led to the involuntary exiling of many Arab Islamist militants, who found a useful outlet for their repressed energies as mujahedin in the holy war against the Soviet invasion of Afghanistan. Saudi Arabia, along with the United States, heavily financed the mujahedin, as part of a long-term Saudi effort to export its fundamentalist Islamist Wahhabite ideology. To this day, the corrupt, Westernized Saudi elite—which blatantly violates the very Wahhabite puritanical practices it preaches in its government-controlled schools and mosques—gains cover for its domestic depredations by financing Islamic virtue abroad and exporting its disillusioned youthful idealists to foreign battlefields.

The other main sponsors of this *jihad* against the infidel Soviets were, of course, the U.S. Central Intelligence Agency (CIA) and the Pakistani

<sup>1</sup> Paul Berman locates the main intellectual inspiration for Al Qaeda in the writings of the Islamist intellectual Sayyid Qutb, who was put to death by Nasser’s Egypt in 1966 (Berman 2003a and 2003b). Berman admits—but then goes on to ignore—that Qutb focused almost all of his ire on “infidel” traitors among the leadership of Arab regimes. Also, while Islamism may well be as totalistic an ideology as Berman claims—and a modernist one that draws on vanguardist and nationalist elements of both Bolshevism and fascism—the absence of its holding national state power in regimes as powerful as Nazi Germany and the Soviet Union severely limits its power and reach. Terrorism is a weapon of the dispossessed and weak, not of strong states.

secret service. The mujahedin were considered pro-Western according to the inane cold-war logic that “the enemy of my enemy is my friend.” The mujahedin might have continued to accept U.S. largesse absent the collapse of the Soviet Union and its withdrawal from Afghanistan in 1991.

The collapse of the Soviet empire from 1989 to 1991 represents the second crucial historic origin of a global Islamist terrorist network. This collapse enabled the triumph of Islamist mujahedin in Afghanistan (only the second success of Islamist politics—and its first armed triumph). Most Western observers fail to note that the mujahedin in Afghanistan were disproportionately Sunni Muslim and that Iran backed the Shi’ite-dominated Northern Alliance, not the majority Pushtan insurgents supported by Pakistan (with its large Pushtan ethnic group) and the CIA. The ensuing warlord and tribal conflict in Afghanistan ended in the 1996 conquest of Afghanistan by the Taliban. The Taliban’s own inability to govern Afghanistan securely provided the third cornerstone for the emergence of Al Qaeda. The Taliban was more a fundamentalist religious movement than a fully governing party. Much of its military muscle came through a tactical alliance with the remaining foreign mujahedin, most of them loyal to Al Qaeda. Meanwhile, the post-Soviet-era repression by authoritarian governments that succeeded the fall of Communism gave rise to Islamist tendencies within broader nationalist movements opposed to post-Communist authoritarian regimes in Bosnia, Kosovo, Georgia, Chechnya, Dagestan, and the former Soviet Central Asian republics (Kepel 2002; Roy 1995).

Prior to 1991, the Soviet Union’s support of anti-American, nationalist Arab authoritarian regimes (most notably Algeria, the Baathist regimes of Syria and Iraq, and Nasser’s Egypt) frequently led the United States to back Islamist oppositions as anti-Soviet surrogates. The United States preferred the politics of the Muslim Brotherhood (and the Wahhabite Saudi aristocracy) to the Arab nationalism of Nasser. The Americans initially supported the Baathists (and Saddam) as an alternative to the powerful Iraqi Communist Party, the main opposition to the post-World War II Hashemite monarch of Iraq (Telhami 2002). Perhaps the most notable, but underrecognized, collusion of the United States with Islamist forces came via the CIA’s sponsorship of anti-Chinese Indonesian Islamists in the anti-Sukarno Indonesian uprising of 1965. In the eyes of the U.S. foreign-policy establishment, the major sin of the semi-authoritarian, populist regime of Sukarno had been its tactical alliance with the (predominantly ethnic-Chinese) Indonesian Communist Party. In the week-long military and mob uprising against Sukarno, Islamist Indonesian mobs, spurred on by their mullahs and CIA “handlers,” slaughtered five hundred thousand ethnic Chinese. Most of the slaughtered were merchants and their families rather than members of the Indonesian Communist Party (Mortimer 1974).

The third watershed mark in the reversal of traditional U.S. support for antiseccular Islamist politics came with the 1991 Gulf War. The

disintegration of the Soviet Union negated the presence of a competing superpower, one often (opportunistically) allied with third-world nationalist regimes. This absence enabled the United States to create a broad global coalition against Iraq's violation of Kuwaiti sovereignty. Fearing its own Islamist opposition and the radicalization of underemployed college-educated youth, the Saudi government agreed, for the first time, to host American air bases and forward-positioned ground troops and supplies. In addition, the 1992 Algerian military overturning of the democratic election victory of the Islamic Salvation Front (a diverse Islamist party ranging from moderate and pragmatic elements to extreme Islamists) gave rise to the armed opposition of the Islamic Armed Group (Ghadbian 2000). In the next decade, more than twenty thousand Algerians—mostly civilians—would perish in this civil war. Despite this oppression, a moderate Islamist party, the Movement of Peace, currently cooperates with the secular coalition government in Algeria.

This hosting of infidel American troops within the Hijaz (the area of Saudi Arabia proximate to the holy cities of Mecca and Medina), combined with Muslim anger at the disastrous public-health consequences of the unduly tight economic sanctions against Iraq, radically increased anti-American sentiment within the Islamic world. (The banning of the importation of water-treatment-plant replacement parts, due to their alleged potential military applications, contributed to the death of tens of thousands of Iraqi children.) Even if Saddam's Baathist clique monopolized much of the oil-for-food revenues, the increased mortality rate caused by the broad sanctions even led Secretary of State Colin Powell, upon taking office in winter 2001, to call for "smarter sanctions" that would limit the damage to the civilian population.

The United States further incurred the ire of the Islamic world by its refusal to use its economic and military-aid leverage to pressure the Israelis to fulfill the 1993 Oslo accords by withdrawing most settlements from the West Bank and Gaza Strip. Thus, by 1995, in the eyes of even moderate Muslims, the Hijaz had been occupied by infidel troops; the possibility of regaining control over the Holy Rock in Jerusalem had faded from view; and a predominantly Islamic country suffered not only from the rule of a Baathist authoritarian nationalist regime but also from U.S.-inspired U.N. economic sanctions. By the time of Al Qaeda's 1998 "Declaration of the World Islamic Front for Jihad against the Jews and Christians," anti-American sentiment in the Islamic world was at an all-time high. While the number of individuals willing to act on Al Qaeda's call may be relatively small (two thousand to three thousand individuals by many guesstimates), their actions reflect a much broader base for an Islamist politics that no longer predominantly involved domestic opposition to corrupt Arab regimes. The realignment of global politics after the collapse of the Soviet Union and a U.S. foreign policy insensitive to Islamic sensibilities engendered a new form of global Islamism.

## 2. The Western Ideological Misreading of the Islamist Threat

The Islamist ideology of purity, sobriety, and patriarchy has clear affinities with the antimodernist reactionary politics of Western fascism and far-right Christian fundamentalism. The restrictive regulation of female sexuality is a common theme among moral-reform movements reacting to the social dislocation of modernization, urbanization, and mass education. Islamist politics, as with European fascism, is both a reaction against modernity and a product thereof. Absent modern means of communication, mass literacy, and postcolonial nationalism, there would be no global Islamism. For anti-Westernism depends upon an encounter with the West. But within the Arab world the reaction to modernity and the uprooting of rural traditionalist societies has varied, as has its tell-tale indicator—the status of women. The Baathist regimes of Syria and Iraq provided university education and professional opportunities for women; even Khomeini's Iran did not completely outlaw professional women (though it restricted them to serving only women).

The diversity within the Muslim world should come as no surprise to those who know the basic history of Islam. Much of Islamic history occurred under the Ottoman Empire and its *millet* system, which granted considerable cultural autonomy to regions. Islam is a decentralized religion; while there is no coherent doctrine of separation of church and state within Islam, there is also no central religious hierarchy. While the caliphates of the Ottoman Empire claimed to unite religion with state authority, ever since Islam's founding in the seventh century there have been numerous rebellions against central authority conducted in the name of Islam. These antistate rebellions usually reflected regional desires for political autonomy. On the other hand, it would be naïve to deny the element of “combat fundamentalism” present within Islam. Islam expanded globally across the centuries, mostly through conversion along trading routes but also through military conquest. But this armed conquest was mostly limited to preexisting tribal and kinship conflicts within the Arabian Peninsula. The Ottoman Empire's expansion had an economic and political dynamic similar to other empires, and it did not force upon its subjects a uniform or particularly fundamentalist form of Islam. But periodically competing caliphs used the ideology of Islamic “combat fundamentalism” to justify their expansionist aims (Mann 2001; Euben 2002).

The decentralized nature of the Islamic clergy and the divisions between Shi'ite and Sunni and between orthodox and moderate Islamic tendencies demand that any analysis of Islam and politics focus on the particular and the local (Geertz 2003a; 2003b). Western social scientists in the 1950s and 1960s often noted the relatively passive, apolitical nature of the Islamic clergy (particularly in rural areas, prior to mass literacy) (Telhami 2002). The fundamentalist emphasis on personal purity often takes an individual rather than a collective and political expression. If

fundamentalism inherently possessed an overt political message, the corrupt Saudi regime would not be willing to spread Wahhabite orthodoxy to leading Sunni mosques and university centers across the Middle East, including the Al Azhar mosque in Cairo, the theological center of Sunni Islam (Foer 2002).<sup>2</sup>

The very concept of jihad has been contested throughout the history of Islam. The dominant tendency has been to interpret “the greater” jihad as a personal quest for religious rectitude (jihad’s most literal translation is “struggle”) (Euben 2003, 6–7). The predominant reaction to Western colonization of the Islamic world—from the religious schools, or *madrasas*, of South Asia to the Wahhabist traditionalist reaction to colonization in the Arabian Peninsula—has been a retreat into private moral rectitude. While traditional Islam does not doctrinally separate the political from the religious, there is also a long tradition of Islamic revivalist withdrawal from politics, as well as opportunist Islamist political accommodation with dominant, nonfundamentalist political authorities. On the other hand, periods of politicized Islamism—a better word than the Christian import of “fundamentalism”—cannot be read as totally aberrant to Islam.<sup>3</sup>

Some may believe that violent struggles to “modernize” the West occurred long ago; but there are still millions of living victims of the West’s atavistic opposition to the dislocations of modernization and liberalization (the victims of fascism and Stalinism). Paul Berman correctly locates some elective affinities between the vision that Muslim Brotherhood ideologist Sayyid Qutb (Berman’s Islamist “totalitarian” theorist) has of a virtuous, postpolitical world and twentieth-century totalitarian ideologies. But Qutb aimed only to overthrow Nasser and other modernizing “infidel” secular rulers of the Arab world (Berman 2003a). Only in the Sudan, Iran, and Afghanistan (temporarily) have Islamist regimes come to power, regimes not comparable in their global destructive power to Nazi Germany or Stalin’s Soviet Union.

The fascist, antimodernist movements in Germany, Italy, and Japan drew support from displaced middle strata, a struggling petty bourgeoisie, and displaced peasants—the same social base of Islamist political movements in Iran, Algeria, and Egypt. No doubt the civil war against the

<sup>2</sup> For an analysis of the Saudi funding of the “ahl-ah-hadith” (puritanical literalist) tendency in Islamic theological circles and this tendency’s control of the Al Azhar mosque, see Foer 2002. Foer’s article provides a good introduction to contemporary Islamic theological conflicts among rationalists (*mu-tazila*), puritanical literalists, and strict constructionists (*usulis*). Foer argues that the *usulis* favor a form of ethnical humanism and theological pluralism that is opposed to terrorism.

<sup>3</sup> As Euben (2003, 16) points out, the “lesser jihad” of armed struggle against infidels takes primacy during periods of external, non-Islamic occupation of the Islamic heartland in the Middle East, such as by the Mamluks in Egypt and the Mongol invaders of the thirteenth century.

Christian and animist southern Sudanese has killed close to two million Sudanese over the past twenty years (with nary a peep from the West, which may be lax in its opposition to the fundamentalist regime because of the Sudan's massive potential oil reserves). And in the war between Islamist Iran and secular, Baathist Iraq (enemies of Qutb's Muslim Brotherhood) both Islamist Iran and authoritarian secular Iraq sent hundreds of thousands of soldiers to their death in massive human-wave attacks. The Reagan administration, of course, aided secular Iraq in its battle against religiously totalitarian Iran. Unless Berman projects the most extreme forms of Islamic fundamentalism gaining and sustaining state power in a powerful Islamic state (say, Pakistan), it would be hard to imagine the crimes of Islamist fundamentalism (real as they are) being comparable to the crimes of Stalinism and Nazism (Sciallaba 2003). And Iran may well be the exception to the rule; it is the only country with mass literacy and industrial development in which an Islamic fundamentalist regime came to power (courtesy of the vicious repression of the modernist, secular shah's regime). Yet younger, educated strata, women, and most urban middle-class and working-class strata long ago lost their initial enthusiasm for Iran's Islamist government. In Turkey, Pakistan, Jordan, Yemen, Indonesia, and elsewhere, when Islamist parties have gained mainstream political influence their political stance has evolved in a strikingly moderate and pragmatic direction.

### 3. Jihad, the Taliban, and Al Qaeda: The Saudi-Pakistani-U.S. Connection

The virulent antimodern opposition of the Afghani Taliban to any and all public visibility for women is an extreme within Islamist politics. The ultra-purism of the Taliban derived from the encounter in the 1980s between the three million Afghani refugees in Pakistan with the apolitical, but extremely socially conservative *deobands* (religious schools for male youths) and madrasas (seminaries) of Pakistan's Sunni Islamic community. The missionaries of the Tablighi Jama'at, a mass fundamentalist current originating from these South Asian religious educational institutions, conduct mass religious gatherings across the Islamic world (including the North American diaspora). But these apolitical gatherings focus exclusively upon the quest for a religiously pure, personal lifestyle, as well as on the conversion of individuals. Though a Tablighi Jama'at-inspired mosque in Marin County, California, spiritually recruited John Walker, it took the atypical, politicized offshoot, the Taliban (and eventually Al Qaeda), to train Walker in the arts of combat (Metcalf 2001).

The deoband religious schools of South Asia, whence the Taliban (*talib* means student in Urdu) emerged during the mass Afghan exile in Pakistan in the 1980s, inculcate a traditionalist Islam centering upon the rectitude of individual behavior (particularly with regard to the behavior of women). Many South Asian *ulama* (the South Asian

equivalent of *mullah*, but without its sometimes political implications) of the Tablighi Jama'at movement pragmatically supported the Indian Congress Party during the independence struggles before World War II. In the 1930s and 1940s the ulama of South Asia mostly opposed the formation of an independent Islamic Pakistani state. And even the pro-Pakistani and Muslim League offshoot, the Jamiat Ulema-I-Islam, has often made pragmatic alliances with the major Pakistani secular parties, including the People's Progressive Party (PPP) under the notoriously Westernized political leadership of the landlord Bhutto clan. (Benazir Bhutto, the most powerful political woman in the Islamic world, is a Harvard and Oxford product known for her high "Western" lifestyle.) The Jamiat Ulema-I-Islam never achieved more than minor party status in Pakistan until it recently participated in an Islamist coalition that won regional power in some of the Northwest Territories (in reaction to the U.S. invasion of Afghanistan).

Initially the Taliban regime adopted a pragmatic orientation to the United States. The Clinton administration originally believed that the Taliban promised to overcome the chaotic warlordism Afghanistan experienced after the 1991 Soviet withdrawal. The Sunni traditionalism of the Taliban attracted the U.S. government because it made them natural enemies of the Shi'ite Northern Alliance warlords, who were allied with Iran. This traditionalism also inclined the Taliban to work closely with the Sunni-majority Pakistani military regime. Pakistan has long been the United States' client partner in South Asia, ever since Henry Kissinger's famous 1970 "tilt" toward Pakistan in its conflicts with India. The rule of the Taliban (under their minders from the Pakistani secret service) both limited Iranian influence among the Shi'ites of northeast Afghanistan (whom the Taliban mercilessly persecuted) and held open possible cooperation in the transnational efforts of the United States to construct an oil pipeline from Central Asia to the Indian Ocean, a pipeline that could conveniently avoid crossing Iran (Metcalf 2001).

An irony of post-cold-war history is that U.S. support for an anti-Soviet, pan-Islamic mujahedin may have home to roost in the 1995 Taliban–Al Qaeda alliance in Afghanistan. The Taliban did not have a particular ideological or political agenda for Afghanistan other than quashing warlordism and restoring *shari'a*, ritual purity, and the subjugation of women. In fact, the Taliban seemed willing to be directed by the Pakistani secret service; the Taliban leadership preferred the spiritual life of Kandahar to worldly administrative duties in Kabul. The Taliban were also strongly backed by a Saudi government that consciously viewed the Taliban (and their foreign mujahedin supporters) as a means for expanding Saudi influence in South Asia and for continuing to export as mujahedin the disillusioned, underemployed Saudi youths who had been politicized by the Wahhabist morality of Saudi schools. The origins of the mujahadin and Al Qaeda are in Egyptian and Saudi circles that either

participated in or ideologically supported the fall 1979 fundamentalist uprising in Mecca against the corrupt Saudi oligarchy—a regime that has long been the lynchpin of U.S. alliance politics in the Middle East.

During the 1970 India-Pakistan war, Kissinger tilted U.S. foreign policy against secular, religiously pluralist, Indian democracy in favor of a repressive, anti-Communist, Islamic Pakistan. India's sins were its strong nonaligned position and economic and military relations with the Soviet Union. This two-decade support in the "great game" of Soviet-U.S. contests in South Asia led the United States to subsidize and train many of the individuals who would eventually form Al Qaeda. This reality, combined with the neoconservative cabal in the Reagan administration (Cheney, Wolfowitz, and Rumsfeld) garnering administration support for the secular Baathist Iraqi war against the "more dangerous" Iranian Shi'ite regime, renders "chickens-coming-home-to-roost" analyses of 9/11 somewhat plausible (though the frequent insensitivity of U.S. scholars to the desires of their fellow citizens for security against further attacks has lessened the audience for such analyses). In fact, if we ever discover "weapons of mass destruction" (WMDs) in Iraq, they are likely to be chemical agents left over from the 1980s war against Iran (and used against the Kurds in 1988). Not surprisingly, the largest suppliers of chemical agents to Iraq were the Western powers—French, German, and, yes, U.S. transnational chemical corporations.

The origins of pan-Islamic global terror partly derived from U.S.-backed regimes suppressing their moderate Islamist political opposition. Then in the late 1970s, Sadat's brutal suppression of a fairly moderate Muslim Brotherhood, Saudi hostility to any religiously inspired dissent, and Algerian suppression of the Islamic Salvation Front engendered a pan-Islamic political sensibility, as nationally based Islamist parties were no longer viable. Despite the United States supplanting the Soviet Union as the patron of the Sadat regime after 1973, the United States never counseled Sadat against suppressing the Muslim Brotherhood. Sadat would die at the hands of its more militant offspring, Egyptian Jihad, an organization that has integral ties with Al Qaeda. Egyptian Jihad drew upon the pan-Islamic potential of Sayaab Al-Qud's ideology of the "lesser jihad" of the sword. But even here Al-Qud and the original Muslim Brotherhood focused almost exclusively upon eliminating corruption and Western cultural influences within post-World War II Egypt, Syria, and Iraq. There was little, if any, talk of a global war on the West. The struggle against the "*jihillya*" (Arabic for those who lived in ignorance before Islam) was limited to the fight against corrupt, pro-Western Arab rulers (Berman 2003a). But the suppression of Islamist politics by secularist, often pro-Western regimes and the failure of both Arab socialist and Arab nationalist projects helped introduce global and anti-American elements into the strategy of "lesser jihad." In the seminal first period of Islamist radicalization (1979–1981) the brute oppression of the

Muslim Brotherhood simultaneously by the House of Saud, Sadat, and Syria's Hafaz Al-Assad did not yield one word of protest from the U.S. government. Egypt and Saudi Arabia were U.S. allies, and Reagan and Bush Sr. were in the midst of attempting rapprochement with the formerly pro-Soviet Syrians.

Even among pro-terrorist tendencies within Islamist politics one must be careful not to create artificial uniformity. The Khomeini wing of the Iranian revolution (now under Supreme Council President Ayatollah Ali Khatamei) has clear ties to the Shi'ite-based Islamic Jihad and Hezbollah in southern Lebanon (both groups arose in reaction to U.S. and Israeli support of the Lebanese Christian militias). But those political, social, and terrorist movements have limited their armed attacks to Israeli targets and U.S. troops, business people, and diplomats in Lebanon. Neither group has been involved in any documented attacks beyond Lebanon and northern Israel. The politicized wing of Shi'ite Islam has been in conflict with the Sunni-based Muslim Brotherhood for generations. Only a U.S. foreign policy that demonizes an allegedly homogenous Islamic world could create "unholy" alliances between Shi'ite and Sunni Islamist politics. The recent joint mass Sunni-Shi'ite prayer meetings in Baghdad are unique in Islamic history.

#### **4. Analyzing the New Global Terrorism: Is It Inexplicably "Irrational"?**

What renders late modern, global terrorism distinct from prior, nationally based revolutionary and terrorist organizations is the openness of the global economy; the ability to travel and live abroad rather cheaply; and the ability to communicate secretly via satellite and computer networks. And the absence of specific geographic targets and feasible demands upon opposing states is also new. Recent global Islamist terror targets have been vacation resorts serving Israelis and Australians in Kenya and Indonesia; synagogues in Tunisia; U.S. military ships in Yemen; U.S. embassies in Tanzania and Kenya; and expatriate Protestant churches in Pakistan.

Hundreds of Muslims were killed in these bombings, in part because the global Islamist terrorist movement has no geographic home and, therefore, does not need to compete for the hearts and minds of a national populace that it potentially wishes to govern. Thus, it can be—and has been—extremely cavalier about civilian deaths, even Islamic ones. Suicide bombers are not easily deterred; and decentralized cells that hide themselves by integrating themselves into diaspora student and immigrant communities are not easy to penetrate. But the global intelligence and security cooperation necessary to combat such a diffuse global network must be politically and diplomatically sensitive in a manner that a dystopian global terrorist movement need not be. Governments do have to fight for the hearts and minds of people at home and

abroad, particularly since terrorists need a sea in which to swim among Islamic communities across the globe. Thus, overt, indiscriminate targeting of Islamic diaspora communities for surveillance and harassment may well result in increased covert support for terrorists—even in recruitment—than would a discreet policy that focused on behavior rather than racial profiling.

Obviously, political grievances do not motivate most of the individuals who hold them to attack innocent civilians. But it is ludicrous to think that the Arab-Israeli conflict and the U.S. military presence in Saudi Arabia had nothing to do with the motivation of Al Qaeda operatives (Ignatieff 2003). The announcement by the United States that it will end most of its military presence in Saudi Arabia represents an implicit admission of this reality, though its continued support for the Saudi oligarchy will continue to fuel that grievance. The United States would be more likely to enhance its security through diplomatic and economic pressures in favor of liberalizing Middle Eastern and South Asian regimes—pressuring not just for more liberal treatment of secular dissidents but also for the expansion of political space for nonviolent Islamist movements. Such domestically rooted parties must win over a domestic public—and eventually share in the responsibility of governance. The pragmatic realities of governance have defanged many a terrorist or revolutionary movement—witness the experience of the Sandinistas in Nicaragua and the FDR/FMLN in El Salvador.

There remains, however, an inhumane fanaticism in Al Qaeda and a chilling totality in its Islamist ideology, sufficient to render the term *Islamic fascism* not a complete misnomer. Al Qaeda's tactics reflect the nihilistic rage of displaced middle-stratum *narodniks* and prior vanguardist, "substitutionist" terrorist movements. As Seyla Benhabib points out, if Al Qaeda militants really are universally committed to eliminating the infidel West, then anything short of mass conversion will not deter them (Benhabib 2001). But such movements are not simply the creation of warped, irrational minds. Terrorist rage, no matter how ineffective, often arises from totally comprehensible political grievances. To treat Al Qaeda as an irrationalist cult of slaughter is to ignore the potential rational logic behind its attack on the World Trade Center, a logic that the United States played into by subsequently attacking Afghanistan. As political scientist Michael Doran has argued, Al Qaeda hoped that an ensuing U.S. invasion of Afghanistan would drive the nuclear-armed Islamic nation of Pakistan into alliance with the Taliban and Al Qaeda (whom Pakistani security services had long nurtured). In addition, Al Qaeda believed that U.S. "overreaction" would render the Islamic world even more hostile to U.S. interests and presence abroad (Doran 2002). Pakistan did not join the side of overt Islamist rebellion, and it is allegedly cooperating with the United States in the "war on terrorism." But it is not clear if Pakistan's security agencies have broken all ties with the Taliban

and Al Qaeda, both of which are making a comeback in the Northwest Territories of Pakistan and in southern Afghanistan. Al Qaeda's goals are not totally unfeasible; already the United States is being forced to withdraw much of its military presence from Saudi Arabia; how long will it be able to maintain bases in Turkey, Abu Dhabi, Qatar, and Iraq without incurring further terrorist assaults?

Terrorists have memories. The "Black Hawk down" fiasco in Mogadishu in late 1992, which cost more than twenty American lives, and Hezbollah's suicide attack that killed two hundred and forty Marines in Lebanon in 1984 both led to rapid U.S. military withdrawals. American tolerance for loss of life in the "war" against terrorism may be greater; but already there seems little willingness upon the part of the Bush administration to mobilize the public in favor of the economic sacrifice, public investment, and troop commitment that true "reconstruction" and provision of basic security in Afghanistan and Iraq would entail.

The U.S. invasion of Iraq marked a dangerous transformation of the "war against terrorism" into a war against "terrorist states." The use of the "war" metaphor to describe the fight against terrorism has been unhelpful from the start, as the most effective tactics in combating decentralized networks of terrorists are not those of traditional warfare but, rather, interstate cooperation among police, intelligence, and espionage agencies. Sleuthing aimed at rendering transparent covert financial networks is another crucial method, made difficult by the hostility of transnational banks and neoliberal governments to regulation. Terrorist financing is frequently tied to illegal drug trafficking and kidnapping, as well as the laundering of ostensibly legal "charitable" contributions. Treating terrorism as a form of international crime facilitates the cooperation of police networks across cultural and national lines. Dealing with terrorism through a military "war" polarizes nation-states in ways that will hamper effective antiterrorist efforts.

## **6. Can There Be a "Just War" against Terrorism?**

The causes of terror are sociological and political, and they are more analogous to the origins of international criminal syndicates than to the causes of wars among states. Fighting wars against states with significant Islamic populations will curtail security cooperation with states in the Islamic world. And a war against a state—even a weak state that cannot (or is unwilling to) close terrorist bases—is likely only to drive terrorist operations into other weak states. As a result of the war in Afghanistan, Al Qaeda moved its bases and operations into the Northwest Territories of Pakistan, the Sudan, Kenya, Indonesia, the Philippines, and elsewhere. The post-9/11 spate of attacks—on the Saudi foreign-residents compound, Moroccan Jewish and Spanish cultural institutions, the Tunisian synagogue, the Mombassa resort and airport, and the Bali tourist

disco—indicate that Islamic terrorist operations have not been noticeably curtailed. Winning a struggle against active terrorists means killing or apprehending them. The large number of civilian casualties caused by conventional wars between states are likely to be self-defeating, as they potentially enlarge the recruitment pool for terrorist groups. And such “collateral damage” can be ethically justified only if such attacks were absolutely necessary to curtail terrorism and if the casualties were unintended, as well as unavoidable in achieving a particular military objective (that is, in accord with the just-war doctrine of “double effects”). The civilian casualties from high-altitude bombing in Afghanistan were not absolutely necessary to uproot Al Qaeda and its Taliban-government hosts (the use of more ground troops would have been ethically preferable). And the Bush administration has yet to make a convincing case why killing perhaps more than five thousand Iraqi civilians and perhaps ten thousand or more Iraqi soldiers was necessary to curtail terrorism (Crawford 2003).

Only if it were extremely likely that a military attack on a nation-state would radically decrease the chances of an imminent terrorist attack would a preemptive military attack be justified by the doctrine of just war. Preemptive war is only justified if the threatened nation’s attack is absolutely necessary to repel an imminent attack that would likely bring either large-scale loss of life or loss of territorial sovereignty in the absence of such a preemptive strike (Walzer 2000, 85). Thus, the doctrine of preemptive war enunciated in the September 2002 National Security Doctrine is, in reality, a “preventive-war” doctrine. Preventive war—which has never been recognized as moral by the just-war tradition—involves a nation attacking a regime that has the potential to develop into a threat to the attacker’s “way of life” or a rival to its power status. Cheney himself said that “the risk” of WMDs falling into the hands of terrorists justified a unilateral preemptive attack on Saddam Hussein. The administration never claimed that there was an imminent threat of Saddam’s delivering WMDs to terrorists or of his attacking the United States or its installations abroad (in a manner that could only be deterred by a first strike against Iraq). The administration admitted that it did not know for sure what types of WMDs Saddam possessed; nor was it demonstrated by the United States that his ties to terrorist groups were so strong that he would likely deliver WMDs to them.

Thus, Cheney’s rationale for the war reflected the hypothetical logic of preventive-war doctrine rather than the more demanding logic of a preemptive strike: the existence of an imminent attack by an opponent that only can be successfully repelled by a “first strike.” Cheney’s preventive-war criteria used the name *preemptive war* but utilized the much less rigorous justificatory standards of “preventive war.” Cheney’s justificatory language spoke of potential, grave threats, rather than evidence of imminent use: “Deliverable weapons of mass destruction in

the hands of a terror network or murderous dictator or the two working together constitutes as grave a threat as can be imagined. The risks of inaction are far greater than the risks of action” (Cheney 2002). The administration never advanced (or demonstrated) the traditional justificatory criteria for a preemptive war—of an imminent threat upon the territory and population of the United States (or any other nation) that could only be repulsed successfully by a preemptive U.S. military strike against Iraq. Rather, the administration implied that there was a high likelihood that somewhere down the road Iraq and its alleged cooperation with terrorist groups might pose a serious threat to U.S. (and global) security. But just-war theorists have traditionally objected to preventive wars against a hypothetical or alleged long-term threat because no nation can ever achieve total security. Any nation trying to do so will not only fail; it is likely to engage in massive, unjust violence in its quest for imperial certitude (Crawford, 15).

President Bush contends that an attack on any nation “who knowingly harbors or provides aid to terrorists” is morally justifiable. Yet this policy would justify any invasion of a state that does not readily and successfully apprehend terrorists in its midst. But what if such a state does not possess the capabilities to do so or disagrees with the United States’ judgment of who constitutes a terrorist? A doctrine of preventive war against terrorism essentially disavows the doctrine of national sovereignty at the heart of just-war theory since the Treaty of Westphalia in 1648. The United States did not receive prior sanction from the Yemenite government for its attack on an alleged Al Qaeda jeep in the Yemen desert. Furthermore, the United States strongly implied to the governments of both the Philippines and Indonesia that if they did not “host” U.S. Special Forces units it would send them anyway. The United States also knew that the militaries of these countries longed to reestablish direct military cooperation with it, even though their civilian governments were disinclined to do so. Furthermore, the United States has used an anti-terrorist justification for increasing military aid to Colombia, even though such aid exacerbates the right-wing paramilitary oppression that drives peasants into the hands of a violent guerrilla movement that the United States claims (without any substantial proof) to be part of the international terrorist network.

Whereas the cause of preventing terrorist attacks on civilians is undoubtedly just, attacking sovereign states in the name of such action is not—unless it can be demonstrated that such an attack was necessary to deter a very likely and imminent attack that could not be deterred by more selective diplomatic, police, and security measures. The CIA admitted that Iraq was years away from developing a deliverable nuclear device; and the last time Iraq came close to producing fissionable material, the Israelis unilaterally destroyed that capacity by bombing a reactor in 1981.

As I mentioned earlier, if we find chemical weapons in Iraq they are likely to be very similar to the ones used in the Iraq-Iran war from 1980 to 1988 and against the Kurds in 1988. Not only did the French, with indirect help from U.S. transnationals, supply these weapons; at the time, the Reagan administration viewed Iraq as a deterrent against the Islamic revolution in Iran. Iraq does not have the means to deliver such weapons beyond its immediate regional neighborhood. And U.S. intelligence recognizes that both Syria and Iran have a chemical-weapons capacity that can readily deter this Iraqi capacity. No one outside the U.S. government believes there have been any ties of operative significance between the militantly secular Baathist regime and the Islamist Al Qaeda. Not to stoke the grounds for further misguided imperial overreach, but Iran is years closer to developing deliverable nuclear devices than was Iraq (the Iranian capacity being courtesy of Russian reactors and Pakistani know-how; the U.S. “ally” Pakistan also supplied North Korea with an intermediate-missile capacity). Iran and Syria have demonstrable ties to Islamic Jihad and Hezbollah. But neither Islamic Jihad nor Hezbollah has been accused of engaging in terrorist activity beyond Lebanon and Israel.

Traditional warfare against nation-states is such an obviously poor (and unjust) counterterrorism strategy that none of America’s major NATO allies, except the British, accepted the administration’s rationale for the war against Iraq. The Bush administration’s *ex post facto* justification of the war against Iraq has rested almost exclusively on the notion of a human-rights intervention against a horrid, genocidal regime. This demonstrates how weak the preemptive-war argument proved to be (as the United States scurries to find WMDs). The administration implicitly admits that its evidence for Iraqi possession of WMDs and ties to international terrorism is flimsy, as its predominant justificatory rhetoric after the invasion focused almost exclusively on the human-rights benefits for the Iraqi people of the overthrow of Saddam’s regime. No doubt these benefits have been great; but, given the dangers unilateralism poses to the stability of the international order, traditional just-war theorists have only justified broad, multilateral invasions against genocidal regimes.

## **7. Just-War Theory and the Invasion of Afghanistan: A “Hard Case”**

The U.S. invasion of Afghanistan could possibly be justified morally for having overthrown a Taliban government that permitted Al Qaeda to operate training bases within its territory. But many observers argue that the Taliban’s alliance with Al Qaeda was purely tactical and that Al Qaeda’s operations were more dependent on the support of the U.S.-backed Pakistani secret service than it was on the support of the Taliban government. American diplomatic and economic pressure might have been

able to sever the links between America's Pakistani "allies" and Al Qaeda without engaging in major aerial bombardment of Afghan civilians. In part, the United States did not heavily pressure the Pakistanis because of the volatility of the situation in Kashmir and because of Pakistan's possession of nuclear weapons (and its wish to dissuade Pakistan from providing nuclear-related technologies across the globe). The lesson of U.S. coddling of the Pakistani regime—coupled with an understandable reluctance to take military action against North Korea—is that the United States is wary to engage in preemptive "regime change" against "rogue states" with nuclear weapons. Thus, current U.S. policy improves the chances of nuclear proliferation rather than deters it!

But even as great a military and economic power as the United States would not be able to deny any and all terrorist sanctuaries through the occupation of each and every weak state (not even the United States can really be "the cop of the world"). It is not even willing to spend the necessary tax dollars to reconstruct Afghanistan and Iraq and provide basic physical security for their populace. Even if it could guarantee basic security to the populations of Afghanistan and Iraq, would the United States succeed in radically decreasing terrorist threats to its own civilian population? The war in Afghanistan could be justified in just-war terms if and only if denying Al Qaeda terrorist bases in Afghanistan significantly decreased the threat to innocent civilian lives across the globe. In addition, civilian casualties in Afghanistan would have had to be consciously minimized, resulting only from unintended accidents in the course of attacks on strictly military targets (Crawford 2003, 18–19). The most cautious of "collateral-damage" estimates put the civilian deaths in Afghanistan at well over one thousand. Was the taking of these innocent lives (at least one-third of the total killed at the World Trade Center) absolutely necessary for enhancing global security against terrorism? Could not the expenditure of comparable tens of billions of dollars on nonmilitary forms of antiterrorist measures—such as securing U.S. ports and containerized shipping against vulnerability to terrorism—have been more prudent?

As in the subsequent Iraqi case, the Bush administration increasingly relied on the human-rights benefits that the overthrow of the Taliban regime wrought as its moral justification for the invasion of Afghanistan. It is ironic that a Republican government that appeals in domestic politics to patriarchal conceptions of state regulation of female sexuality has become the tribune for the oppressed women of Afghanistan. But outside the confines of Kabul, patriarchal warlord rule has returned, and both the Taliban and Al Qaeda are reemerging in southern Afghanistan. A case could have been made for multilateral military intervention against a Taliban regime that grossly violated human rights. But unilateral interventions (particularly against a nongenocidal regime) greatly threatens international stability (and thus human life), particularly when the

invading country does not assume its moral and fiscal responsibility to repair the damage it caused to the civilian infrastructure, and does not provide security assistance beyond the capital city.

### 8. Forging New Ground: Just-War Theory and Global Terrorism

Just-war theory does not have a lengthy history of application to cases of military interventions allegedly aimed at global terrorist networks. Except for the Palestinian hijackings of the 1970s and some Kurdish attacks on West European targets, most terrorist activity has occurred within the boundaries of the state upon which the terrorist demands are focused. Al Qaeda is somewhat of a *sui generis* global terrorist network; its grievances are focused not upon the politics of one particular nation-state but against Judeo-Christian civilization itself.<sup>4</sup> Yet U.S. foreign policy is at the root of Al Qaeda's more immediate grievances—foreign troops in Saudi Arabia; economic sanctions against Iraq; and infidel control over the Muslim holy sites in East Jerusalem (Lewis 1998). The United States' withdrawal of troops from Saudi Arabia and its reengagement in the Middle East peace process is, in part, an implicit recognition that a change in Middle East policy might shrink the size of the aggrieved Islamic sea in which Al Qaeda swims (*The Economist* 2003).

Unlike previous terrorist groups, Al Qaeda acts not on alleged behalf of a particular, geographically specified constituency but in the name of the Islamic world. Nor does Al Qaeda have to worry about winning “hearts and minds,” as it is not a revolutionary organization aiming to garner support from a particular populace in order to overthrow a specified government. The quest for popular, national support has always been a constraining influence on the actions of revolutionary and terrorist organizations. When these movements wantonly kill innocent people they invariably lose popular support and fail to achieve their ends. Thus, Sendero Luminoso utterly failed in Peru, even though mass poverty among indigenous peasants provided it an initial mass base of support. And the level of gratuitous violence used by the armed gangs operating in weak West African states today precludes any of them gaining secure state power.

Unlike the IRA, the Colombian FARC, Hamas, the PLO, or the Tamil Tigers, Al Qaeda does not recruit from a particular national or ethnic group. Rather, its operatives are recruited from among the disillusioned children of elite Saudi families; exiled Egyptian Islamist dissidents; former

<sup>4</sup> Glib far-left analyses of Al Qaeda's actions contend that they were solely motivated by U.S. foreign-policy injustices, as if all that Al Qaeda represents is mass rage against U.S. imperialism and America's chickens coming home to roost. But this line of analysis denies the theocratic fascist elements in Al Qaeda ideology and also ignores the oppressive and patriarchal nature of fundamentalist antimodernist politics, including the “theocratic” totalism of extreme Islamism. For a sober analysis of the uniqueness of Al Qaeda (by an avowed left theorist) see Benhabib 2001.

international mujahedin who fought in Afghanistan; and alienated, educated Islamic professionals in the European and American diaspora. Undoubtedly, U.S. foreign policy has played an integral role in sustaining a corrupt Saudi regime that alienated many of its educated youth. And the United States also financed the anti-Soviet Afghan foreign mujahedin from whom Al Qaeda would recruit. But whatever the historical etiology of Al Qaeda, it does not deny the United States and other nations the moral right to protect their population from terrorist attack. But the American public has not debated in an open and productive fashion after 9/11 what tactics will best (and justly) fulfill that legitimate government purpose.

The extent to which a network of some two thousand to three thousand Al Qaeda-influenced terrorists may exist around the globe—in loose alliance with Abu Sayef in the Philippines, Jamaah Islamiya in Indonesia, and Egyptian Jihad—provides the United States and other nations reason to intensify international police and intelligence cooperation. Those opposed to a military response to terrorism must have empathy with the day-to-day security concerns of our fellow citizens; we also have a moral and civic responsibility to say which security policies are likely to be an effective deterrent against terrorism. “No” is not a convincing moral or political program. Opponents of the Bush administration’s “war” on terrorism must pose an alternative antiterrorist policy and speak to the fears of fellow residents of the United States, unless they view those who worked in the World Trade Center as “others” with whom they share no bonds of solidarity or vulnerability. On the other hand, the exaggeration of the terrorist threat abets the terrorist’s aim of engendering external and internal repressive acts by the United States, particularly against Muslims. Domestic forms of oppression and racial and ethnic profiling countervene the very liberal values that Al Qaeda abhors. Certainly, individuals or groups with a demonstrable history of terrorist ties must be kept under surveillance; but democratic governments are justified only in profiling actual behavior, not ethnic, religious, or racial characteristics.

Necessary governmental action to detect and disrupt terrorist planning and operations is, of course, morally justifiable. But terrorism, historically, has been defeated more by containing it than completely obliterating it. This is the lesson one learns from the relatively successful British, German, Italian, and Spanish government policies toward their own domestic terrorist movements, ones that have caused as much—or more—fear among their citizenry as 9/11 has among residents of the United States. Terrorism cannot be totally destroyed by means of one massive military blow. And failure to address the political and sociological causes of terrorist recruitment will only lengthen the life of—and increase the effectiveness of—terrorist groups. If military power alone could end terrorism, the Israeli government’s policies would have ended Palestinian terror long ago.

Just-war theory developed as a moral doctrine to govern conflict among sovereign nation-states. It is a utilitarian, consequentialist logic which holds that just wars must be a last resort, aimed at preserving the territorial integrity and security of a nation under attack (or under threat of an imminent attack that can only be successfully repulsed by a preemptive strike). Wars of aggression are unjust; national self-defense is the only unambiguously legitimate justification of the use of force. But not only must a just war have just cause (*jus ad bellum*); the means of warfare must also be just (*jus in bello*) (Crawford 2003, 6–8). Just wars must be carried out by competent state authorities who can be held responsible for decisions made in warfare. *Jus in bello* calls for proportionality of means to ends, as even a just war does harm to human beings. Thus, the overall good of war must outweigh the (absolutely necessary) harm caused by it. Force can only be used to preserve national sovereignty and must be proportionate to that purpose.

The aims of a just war must be limited to self-defense and cannot involve transforming the internal politics of other nation-states, except if so-called regime change is necessary to preventing future aggressive attacks. Of course, this “exception” potentially opens a Pandora’s box, as the victor usually controls any international legal judgment following the war. After World War II, international tribunals found the German and Japanese regimes to be guilty of crimes against humanity and of being expansionist regimes that threatened world peace. Thus, the Allied powers, acting in the name of a new international organization, the United Nations, determined that only a regime transformation to democracy could eliminate the possibility of a revanchist Germany and Japan. There is a strong case to be made for truly international (or representative domestic) trials of the Baathist leadership for crimes against humanity. But it remains to be seen whether unilateral U.S. efforts to aid the Iraqi transition to a representative, democratic regime will garner legitimacy for that regime among its own people and in the eyes of world public opinion.

The doctrines of self-defense, proportionality, and limited aims govern *jus ad bellum*. Only absolutely necessary violence is justified; gratuitous violence must be avoided, including violence that threatens the prospect of postwar peace (such as assassination and breach of surrender). The doctrine of discrimination enjoins avoiding injury to noncombatants. The doctrine of “double effects” holds that injury to civilians can only be morally justified if both the military goal of the action was just and all efforts were made to avoid civilian casualties. Noncombatant injuries, to be just, must meet the double effects of being unintended and of the resulting saving of lives in warfare outweighing the unintended effects on noncombatants (for example, it would be morally justifiable to have attacked a nuclear-arms factory and killed innocent civilians that one did not know lived in the area; but to attack a storage area for conventional

weapons that one knew was in a heavily populated area would be subject to moral and, if possible, international legal censure).

Just-war doctrine frequently must adjust to changes in military technology. Thus, with the emergence of aerial bombardment in World War II, the harm to civilians from the bombing of war-related industries located in urban centers emerged as an ambiguous question for traditional just-war theory. But despite the willingness of some consequentialist just-war theory to justify injuries to civilians living proximate to “legitimate” industrial targets, the fire bombings of Tokyo and Dresden by the allies at the end of World War II are frequently judged to have been unjust. According to some just-war theorists, these bombing raids (which killed more individuals in one week than did the Hiroshima and Nagasaki nuclear attacks) served no obvious military purpose other than demoralizing (and killing) the civilian population. Just-war doctrine condemns such action (even by a state engaged in a just war) because the moral doctrine of just war aims to sustain some degree of moral behavior amidst the amoral—if not immoral—world of a “just” war. That is, the killing of others, even in self-defense, should not be morally capricious (or unlawful).

Until now, just-war doctrine has not been applied to the actions of a state that is fighting terrorists who are not state-based or directly state-sponsored (or who are “hosted” by nations too weak to kick them out, even if they desired to do so). The Bush administration’s new National Security Doctrine of preemptive war aims to apply the just-war tradition to the “war against terrorism.” The administration’s arguments, however, seem oblivious to the doctrine that just wars can only be fought for the limited aim of national defense (or to aid a nation violated by external aggression). The goals of the National Security Doctrine implemented in fall 2002 are strikingly—and dangerously—unlimited: “The United States national security strategy will be based on a distinctly American internationalism that reflects the fusion of our values and our national interests” (National Security Council 2002). According to this dangerous, revolutionary change in foreign-policy doctrine, the United States is justified in intervening against regimes that oppose our “values.” In an aggressive appropriation of the controversial doctrine that democracies do not war against one another, the new national-security doctrine implies that wars to install regimes that conform to U.S. norms of a “free and open” global market economy can be justified because regimes that do not conform to such norms pose a constant threat to global peace.

The administration’s rationale for these limitless foreign-policy aims is that terrorist actors who threaten the United States have transformed modern warfare. No longer does the main threat to the security of the United States derive from states that must mobilize their citizens and resources for war in a lengthy, observable process. Given the covert

nature of terrorist attacks, the United States is now justified in intervening against any regime that might aid terrorist organizations: “The only way to deal with the terrorist network is to take the battle to them. That is in fact what we’re doing. That is in effect self-defense of a pre-emptive nature” (Rumsfeld 2001). The most recent Quadrennial Defense Review speaks of using military force to defend our “enduring national interest,” of “contributing to economic well being” through the “vitality and productivity of the global economy” and “access to key markets and strategic resources” (Department of Defense 2001). Thus, according to official Defense Department doctrine, the United States has a right to go to war to preserve the global neoliberal economic order.

The fall 2002 National Security Doctrine also contends that in the “war against terrorism” both terrorist organizations and “terrorist” or “rogue” states are “imminent threats” to American citizens. Citizens can only be fully defended against these organizations if they are defeated by “pre-emptive” military attacks. As both terrorist organizations and rogue states mobilize in secret (and through deceit), and as they do not engage in the visible mobilization of state-governed armies, navies, and air forces, we must strike at them before a clandestine suitcase bomber (or other lone-rider suicide attacker) rains mass death upon innocent civilians. Thus, the Bush administration’s assumption that there exists an imminent threat posed by (the unspecified possible acts) of rogue states, cooperating with terrorist organizations, overturns the traditional just-war logic of limited preemptive wars against imminent attackers. The Bush National Security Doctrine advocates a potentially unlimited series of preventive wars against anyone, any group, or any nation that at some point might threaten the United States (National Security Council 2002). Just-war theory only justifies truly preemptive wars against hostile nations on the verge of attack, against whom the victim would not be able to survive unless it struck first. But the doctrine of preventive war—which justifies a nation initiating a war against a potential enemy that might someday gain the ability to inflict harm upon the attacking state—has always been rejected by just-war theorists (Crawford 2003, 15).

Defense against terrorist organizations cannot neatly be subsumed under just-war doctrine, for terrorists are not responsible sovereign states whose purpose is to defend a specific territory and protect innocent civilians. Thus, terrorist organizations, particularly ones with no national political aims, are less constrained in the use of force than are nation-states. And a global network of terrorists—rather than a more traditional, nationally based terrorist or revolutionary organization—is less likely to make demands upon one nation-state that can (at least in theory) be met (Benhabib 2001). Integral to most revolutionary action (and even domestically based political terrorism) is a desire to garner popular support. But terrorist individuals or cults that have no realizable political agenda (such as Timothy McVeigh or Aum Shinrikyo or Al Qaeda, if its

goal is truly the elimination of the “infidel” West) do not admit of political solutions to their grievances (unlike, say, the Tamil Tigers, who may end their terrorism in return for regional autonomy for the Tamils within a federated Sri Lanka, or an IRA that may destroy its arms in return for greater rights for Catholics within Northern Ireland) (Post 2001; Potoniere 2001).

The Bush administration’s doctrine of wars against “rogue” states contends that such states are highly likely to use weapons of mass destruction to coerce other states, and that they willingly harbor terrorists. But who is the U.S. government to judge that North Korea or Iran is more likely to use its WMDs for either diplomatic coercion or military gain than is Pakistan, India, Israel, or China (or the United States, France, Russia, or Britain)? And how does the U.S. government know that diplomatic measures, nuclear deterrence, or economic sanctions could not dissuade nations from engaging in high-jinks nuclear threats or from actively supporting terrorist groups? Has not diplomacy worked to contain Iran, China, Pakistan, India, and North Korea thus far? And did it not work against the only other global military and nuclear power the United States has ever faced—the former Soviet Union? At present, the United States is sending a powerful message in favor of nuclear proliferation by responding to North Korea’s possession of nuclear weapons through diplomatic means, while attacking an Iraq that clearly possessed no nuclear weapons and did not use its alleged chemical and biological weapons against an overpowering, conquering opponent.

If the U.S. invasion of Afghanistan contributes to a long-term decrease in Al Qaeda’s effectiveness—and the civilian and military casualties incurred were absolutely necessary to end the use of Al Qaeda’s bases—then that invasion may be deemed just. How indispensable were the Afghan training bases for the success of the 9/11 attacks? Only history can judge, though the United States’ unwillingness to expend the necessary funds (and troop commitments) for reconstruction and security (particularly beyond Kabul) likely dooms the possibility of such judgment being retrospectively favorable. Could Al Qaeda bases elsewhere, such as those in the Northwest Territories of Pakistan (America’s alleged ally in the “war against terrorism”), in Somalia, or in the outlying islands of Indonesia or the Philippines, not play a similar role? And would this justify the United States in occupying the entire planet—assuming it had the capacity to do so? And did not the operations aspect of 9/11 originate more in Saudi Arabia, Germany, Maine, and Florida than in the training camps of Afghanistan? Lax domestic security measures on the part of both the United States and its allies played a far greater role in the success of the 9/11 attacks than did the lessons learned in the training camps of Afghanistan (lessons easily taught elsewhere).

The Afghan case is unique in that the Taliban abdicated many security roles to Al Qaeda’s foreign mujahedin. The Taliban leaders proved more

interested in living the spiritual life in Kandahar than in exercising administrative and police powers from Kabul (Doran 2002). Al Qaeda provided many of the shock troops in the wars between the Taliban and the warlords of the Northern Alliance. But this may well have been a purely pragmatic alliance, as the Taliban also worked closely with the Pakistani Security Service (which also aided Al Qaeda), and the Taliban maintained relatively cordial relations with the United States until 1998. In the immediate run-up to the U.S. attack on Afghanistan, the United States never seriously investigated the Taliban's offer to turn over Osama bin-Laden to "neutral" third parties. Perhaps this was not a serious offer to turn over bin-Laden to a party that would cooperate in detaining him and his allies and prosecuting them before an effective international tribunal. But the United States never explored the option. Again, if the administration had truly followed the moral precepts of just-war theory it would have pursued all possible solutions short of armed conflict before using the deadly means of war.

The administration could have made a case for a humanitarian multilateral intervention against the gross violations of human rights committed by both the Taliban regime and the Iraqis. Developing such an international consensus would have been difficult (though the United Nations did, retroactively, endorse the belated NATO intervention in Bosnia). Sometimes unilateral humanitarian acts can be morally justified without multilateral action, such as the Vietnamese invasion that overthrew the genocidal Khmer Rouge. But just as ten years of pro-Vietnamese puppet rule in Cambodia tainted the humanitarian claims of the Vietnamese, so will the United States' humanitarian justification of the Iraqi invasion be tainted if it uses its occupation to pursue narrow strategic and economic advantage, such as expanding bases in the Persian Gulf and gaining greater control over Iraqi oil (not to mention massive reconstruction contracts for U.S. firms). If Iraq did not play a crucial role in the geopolitics of oil, would the United States have unilaterally intervened on behalf of human rights? After all, the oil-less Sudan has not witnessed a U.S. invasion on behalf of the close to two million (predominantly Christian) victims of a war carried out by a brutal Islamic fundamentalist regime.

Even if NATO's motives for the belated Bosnian and Kosovo intervention partly involved providing a post-Soviet justification for NATO, in retrospect, if the intervention saved lives, then it may be justified by just-war theory's moral consequentialism. Though the West was complicit in the disastrous break-up of post-Tito Yugoslavia, only the most fundamentalist critics of U.S. "imperialism" would deny that the belated U.S. intervention saved Bosnian Muslim and Kosovar lives. A unified multi-ethnic government that respected minority rights in both Kosovo and Bosnia may not be possible in the near future. This raises the provocative question as to what the responsibility is of the international community

for providing basic security—the Hobbesian minimal right to life itself—in ethnically riven, dysfunctional states. How long would foreign peacekeeping forces have to remain in Bosnia and Kosovo, given the likelihood that ethnic violence would return once they left?

In light of the unilateral U.S. attack on Iraq (with the junior partner, Britain, in tow), the veneer is off any U.S. pretense to work through the United Nations to disarm Iraq. The war against Iraq is an ideological assertion of the right of the American Empire to use brutal force to restructure the globe in its own image. The imperial vision of the Bush administration conceives of the “free world” as regimes that follow neoliberal economic-development policies and support U.S. foreign-policy aims. Thus, such noted “democracies” as Saudi Arabia and Pakistan remain in the U.S. camp of “freedom.”

### **9. After the War on Iraq : Future Opposition to the Bush Doctrine**

With the successful initial phase of the invasion of Iraq over, the relevant question remains how best to restore international norms with regard to the use of force and how best to promote greater autonomy for the Iraqi people. The only legitimate aims for an occupying power (particularly one that did not follow international law when invading and overthrowing an admittedly despicable regime) would be to work multilaterally to restore domestic security; to apprehend and try—by lawful domestic or international judicial institutions—those suspected of committing crimes against humanity; and to facilitate, as expeditiously as possible, the restoration of a representative Iraqi government. Not only should the United States allow U.N. inspections to resume; it should invite nations experienced in peacekeeping operations (Canada, India, Fiji, and so on) to carry out these tasks in accordance with international law. It would be particularly wise to bring in security forces and aid organizations from the Arab and Islamic world. That the United States has refused to do this bodes ill for the chances of any Iraqi constitution and government formed under the U.S. occupation to garner popular legitimacy. Any truly democratic regime must also be free to choose its own foreign policy; a democratic Iraq would likely be highly critical of U.S. policy in the Middle East. And a legitimate and stable Iraqi government would need both to control the oil revenues of Iraq (including the right to have a previously very competent state corporation continue to produce and refine the oil) and to be free to take competitive bids from both domestic and foreign corporations for reconstruction projects. U.S. pressure to denationalize the Iraqi state oil industry clearly violates international law.

Despite some serious initial resistance in southern Iraq, the Anglo-American invasion went sufficiently “smoothly” for people around the globe to fear that the Bush doctrine may now be extended into armed invasions of Syria and/or Iran. Only the international outcry that

preceded the Iraqi intervention and the present difficulties confronting the occupying powers in restoring basic services and security in Iraq preclude this possibility (plus the formidable nature of a unified Shi'ite Iran of one hundred million people). The nuclear capacities of North Korea and Pakistan have led the United States, thus far, to opt for diplomatic and economic pressure as the means to influence these nations' foreign and strategic policies. The Bush administration may realize that the lesson developing nations may take from the Iraqi affair is that their national autonomy is best secured by the possession of nuclear weapons. Thus, some in the Bush administration advise that we must risk a military confrontation with North Korea in order to curtail the threat of massive nuclear proliferation.

Rather than continuing with a relatively successful multilateral exercise in the disarmament of Iraq, the Bush administration engaged in the first unilateral war sanctioned by its arrogant and irrational national-security doctrine of preemptive war. Beginning in 1996, a small group of right-wing policy operatives, gathered under the name of the Project for a New American Century (led by William Kristol, Richard Perle, and Paul Wolfowitz), articulated the concept that the twenty-first century should be an American century in which U.S. military and economic power would dominate the world, making it safe for "free markets" and "democracy." Globalization backed by American power would make the world safe for "the American way of life." The influence of this group and their policy centers has been so profound and so obvious that Bush officials in key positions, such as Secretary of State Powell, have found it necessary to deny its influence (Lind 2003).

The new National Security Doctrine contends that the United States is justified in attacking preemptively any nation that it conceives of as a "long-run threat" to U.S. interests anywhere. It is a vision of imperial arrogance mirrored in the United States' disregard both for world public opinion and for the majority of states in the U.N. Security Council. It is a doctrine that threatens to negate the very principle of national sovereignty that underpins global stability. If Iraq is first, will Iran be next? What of North Korea? Pakistan? Venezuela? Colombia? Brazil? And how can a United States that has violated numerous international treaties (the Kyoto accords; the International Criminal Court; the ABM treaty) caution a Pakistan or an India (or an Egypt or an Israel) not to engage in preemptive strikes against one another?

The neoconservatives have long believed that brute military superiority is readily fungible for political change. They remain under the delusion that it was only massive U.S. military spending that led to the collapse of the Soviet Union. It is as if Gorbachev never existed. Only U.S. military might, and not the unproductive and oppressive nature of the Soviet socio-economic system, caused the Soviet collapse. Little mention is made of the crucial role played by Gorbachev's refusal to order Soviet troops to

put down the massive peaceful revolts of Eastern Europeans against Soviet domination. Today, in an era when small, nonnational groups of terrorists can threaten the civilian population of any nation, the neoconservative faith in the omnipotence of traditional military power is as stunningly ignorant as was the cold-warrior belief that the military could win the “hearts and minds” of the third world.

It does not take a left-wing analyst, merely *The New York Times*, to illustrate how Al Qaeda is already using the U.S. threats against Islamic Iraq to step up recruitment across the Islamic world. Terrorism cannot be fought by traditional “wars” (hence the dangerous misnomer of “the war on terrorism”). It can only be fought by sophisticated police methods; by cooperation among national intelligence agencies; and by espionage and financial sleuthing. What are the chances that the intelligence agencies of nations with large Islamist opposition movements, such as Pakistan, Egypt, and Saudi Arabia, can continue to cooperate with the “great infidel” in its “war on terrorism”? There exists a blatant contradiction between effective multilateral cooperation against terrorism and a unilateral war on the “axis of evil.” But a Bush regime that believes it can both balance the budget and hand tax giveaways to the rich long ago demonstrated that consistency is the hobgoblin of feeble minds.

Those who believe that the post-cold-war era poses the tenuous possibility of multilateral action on behalf of human rights should agitate for U.N. administration of postwar Iraqi economic, political, and military reconstruction. This is not yet an achievable demand, as there still does not exist a coalition of nations strong enough to take on U.S. hegemony. The United States has considerable economic leverage over the governments of China and Russia. However, in the case of North Korea, security concerns about an unbridled U.S. military response have led China, Russia, Japan, and South Korea to pressure the United States to abandon its opposition to unilateral negotiations with North Korea. Similar international pressure—from both civil society and democratic nation-states—may be sufficient to guarantee that a democratic Iraqi government would be able to utilize its national oil revenue for its own democratic development, rather than for paying the costs of the U.S. military expedition and occupation.

The unilateral attack on Iraq is part and parcel of the neoconservative worldview that conceives of the United States as the sole force for good in the world. In this parochial worldview, the city on the hill will bestow the benefits of its neoliberal economic model—and its military power—upon global humanity. The last time American imperial hubris reached this height it led to the disastrous overextension and defeat of the United States in Vietnam (not to mention more than three million Vietnamese and fifty thousand American deaths). Similar grave costs to global peace—and the United States’ domestic well-being—could be visited upon us if domestic “regime change” does not occur in the near future. The neoconservative

posture of permanent war abroad is part of the same ideology that calls for the gutting of the domestic public sector; redistribution of income and wealth upward to the rich; and deregulation of the global economy in the interests of transnational corporations. The economic crisis spawned by such policies may facilitate regime change at home.

Thus, the responsibility of the intellectual is to outline—as publicly and as accessibly as possible—the distinction between an intelligent multilateral effort to combat terrorism and a counterproductive, unilateral war on terrorism. In the early days of the Vietnam War, academic and student opposition laid the intellectual groundwork for the eventual public delegitimizing of U.S. foreign policy in Southeast Asia. Without a similar response by the academy today, it is conceivable that a Democratic presidential victory in 2004 would not yield any significant change in U.S. foreign policy. Without a regime change in post-cold-war U.S. foreign-policy doctrine, the prospects for global peace and justice will remain dim.

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