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*"It Produces More Wicked Men Than It Takes Away"*

## **The War on Terror and the Terror of War**

By BRETT BOWDEN

The world it is at war: an open ended 'War on terrorism'. Leaders across the world have repeated the declaration ad nauseam. We have been told just as many times that it is a 'war like no other'. The stakes are high. If Usama Bin Laden is to be believed it is the 'Third World War'; for George W. Bush the war is nothing less than a 'fight for civilization'. As to whether the terrorist attacks on the United States on September 11, 2001 were in fact an act of war demanding a military response, or a criminal act demanding a legal and justice based response is open to question and debate. Secretary of State Colin Powell's initial response suggests that he regarded it more in terms of a crime than an act of war: 'you can be sure that America will deal with this tragedy in a way that brings those responsible to justice', he is reputed to have said. But President Bush had other ideas, later telling journalist Bob Woodward that his immediate reaction was: 'They had declared war on us, and I made up my mind at that moment that we were going to war'. And thus, we are at war.

The casting of the war on terrorism as a war fought on behalf of or for Civilization against some less-than-civilized Other--terrorists and their cohorts--is a significant point that cannot be allowed to pass unexamined. The image being generated and marketed here is one of a war between the civilized defenders of everything that Civilization represents and the barbarous terrorists who oppose it and want to tear it down. Right or wrong this image is not exactly new, and thus the war on terror is not exactly a war like no other. Rather, history and precedents have a lot to tell us about the present and the conducting of this war on terror.

Throughout much of organized human history the peoples, societies and states of our world have been hierarchically divided on the basis of their approximation to the ideal of civilization. The most advanced collectives of peoples, civilized states, sit at the apex of civilizational hierarchy, those at the polar opposite are said to be not far removed from the state of nature. Somewhere in between these two poles at various stages of human and social development are barbarians and even less developed savage peoples. Along with a capacity for socio-political organization and self-government, means of warfare employed in the crucible of war have long been regarded as key markers of civilization--or the absence thereof.

Civilized societies, it is said, adhere to the generally accepted principles of international law, including the laws of war. By their very nature barbarians and savages are deemed incapable of abiding by such laws. While terrorists might be capable, they are unwilling to do so. In this respect they are something akin to modern day savages; at least in terms of their problematic place in the international system and international law. Just what I mean by modern-day savages will be outlined shortly, but it is not the pejorative term that is sloppily bandied about in much of the rhetoric that has accompanied the declarations of the war on terrorism.

Even prior to September 11, 2001, terrorism was regarded as some form of 'new barbarism' or contemporary 'savage war'. The military historian, Everett Wheeler, suggests that the 'shock of modern terrorism resembles the outrage of seventeenth- or eighteenth-century European regulars in North America when ambushed by Indians who ignored the European rules of the game'. This comparison urges us to recall the 'military horizon', a figurative line drawn in the sand to distinguish 'civilized' European warfare, which was supposedly organized, constrained, and chivalrous, from the chaotic nature of the undisciplined and opportunistic 'primitive' warfare practiced by savages and barbarians.

In the tradition of the savage war thesis, the contention is that conventional warfare requires, above all else, open battle and observance of the rules of war. Terrorism on the other hand, is thought akin to primitive warfare in that the perpetrators either lack or shun a set of values. Like the warfare attributed to the savages and barbarians found in the Americas, Australasia, Africa, Asia, the Middle-East, and even Eurasia, terrorists avoid open confrontation with regular armed forces, relying instead on primitive warfare tactics such as hit-and-run surprise attacks and deception.

In respect to the civilized-savage divide, Wheeler suggests that in the Western tradition of warfare there is some tension between these rival norms or modes of war-making. But the blanket aerial bombing of Dresden and the dropping of Atomic bombs on Hiroshima and Nagasaki, to take just two examples--which include the targeting of civilians--would indicate that this tension is very close to the surface. Or perhaps more accurately, it further exposes and undermines the much cherished myth of Western chivalry. It also relies on the problematic exclusion of Europe's fascists and Nazis from the Western camp. If there is a tension in the Western mindset when it comes to choosing between the rival norms of warfare, the nature of the combatants arrayed against it is a key determining factor.

I will return to the savage war thesis momentarily, but first I want to address the not altogether unrelated notion that the war on terrorism is a war like no other. When political and military leaders struggle to demonstrate the progress they claim is being made in the war on terror and that 'we are winning the war', more often than not they resort to the tired but trusted explanation: 'It is a war like no other'. In one sense they are right; it is a war like no other. But every war is a war like no other. At the same time, in a strange way every war is like every other war (in some respects at least). In recalling the military horizon and the European conquest of savage peoples around the globe, in the fighting of the war on terror there are some precedents and parallels in the characterization of combatants from conflicts past.

An equally important question is: Is the war on terrorism really a war at all? If we follow the widely acknowledged criteria set out by the eighteenth-century Swiss philosopher, Jean-Jacques Rousseau, then it is probably not a true war. Rousseau wrote: 'War is not a relation between men, but between states; in war individuals are enemies wholly by chance, not as men, not even as citizens, but only as

soldiers; not as members of their country, but only as its defenders'. In essence, a state's enemies can only be other states, likewise its friends and allies. But Rousseau's account seems a bit dated in a time of an open-ended war on terrorism in which one of the protagonists is not a state. Despite appearances and the various claims and counter-claims being made, this is far from a clear-cut issue, there is more gray than black and white. The war on terror is being fought on the ground; it is being fought in Afghanistan, but no longer against Afghanistan. It is being fought in Iraq, but not necessarily against Iraq (if there is still such a country or nation). And from time to time it is being fought in London, and Madrid, and Bali, and wherever else the terrorists choose to turn into a battlefield.

According to Wheeler terrorism should be recognized as a form of warfare, albeit a primitive form of warfare with close connections to guerilla modes of war. The question of whether terrorism and the concomitant war on terror are truly a war is an important one that goes right to the heart of the legal status of the combatants and the obligations imposed upon them. The issue of the legal status of combatants is in turn directly relevant to the connection of terrorism and guerilla warfare with primitive warfare. From Ancient Greece and Rome onwards soldiers have been legally defined enemies accorded certain rights and protection. Those recently adjudged 'enemy combatants', on the other hand, find themselves in a kind of legal Neverland, first at Camp X-Ray and then Camp Delta in Guantanamo Bay, Cuba; devoid of the legal rights and privileges afforded prisoners of war.

One of the critical questions arising out of the savage war thesis is one that was posed by the American jurist Quincy Wright in the wake of the French bombardment of Damascus in October 1925. Wright asked: 'Does international law require the application of laws of war to people of a different civilization?' Wright firmly believed so, despite the fact that the Ancient Greeks thought the rules of war inapplicable to barbarians, or that the Israelites are known to have been especially ruthless in warring with certain enemy tribes, or that medieval Christendom acted in a similar manner in wars with infidels.

On the other side of the argument, Eldridge Colby, a Captain in the United States Army, thought Wright missed a critical point; that civilizational differences exist. They are based, he argued, 'on a difference in methods of waging war and on different doctrines of decency in war. When combatants and non-combatants are practically identical among a people, and savage or semi-savage peoples take advantage of this identity to effect ruses, surprises, and massacres on the "regular" enemies, commanders must attack their problems in entirely different ways from those in which they proceed against Western peoples'. Setting aside the dubious point being made here, just one of the obvious problems with this line of argument is: how can one knowingly take advantage of something they do not know exists? And even if they do know--as today's terrorists do--does this give the other party the right to turn their back on a set of laws they claim to abide by and which are held up as a marker of their civilization. Colby concluded that as 'devastation and annihilation' is the principal method of warfare of savage tribes, civilized Westerners are justified in adopting 'more brutal' methods as they go about devastating and annihilating the uncivilized hordes.

In an address to the nation from Fort Bragg in North Carolina on June 28, 2005, George W. Bush further underlined the notion that tactics employed by parties to a conflict reflect their degree of civility: the civilized supposedly chivalrous and noble; the uncivilized barbarous and cowardly. President Bush declared: 'We see the nature of the enemy in terrorists who exploded car bombs along a busy shopping street in Baghdad, including one outside a mosque. We see the nature of the enemy in terrorists who sent a suicide bomber to a teaching hospital in Mosul. We see the nature of the enemy in terrorists who behead civilian hostages and broadcast their atrocities for the world to see. These are savage acts of violence'.

Bush went on to proclaim: 'We're fighting against men with blind hatred--and armed with lethal weapons--who are capable of any atrocity'. These modern savages, like the Amerindians and the Viet Cong before them, 'wear no uniform; they respect no laws of warfare or morality'. When combined with the mantra that the war on terror is a 'war like no other' against an enemy that is 'pure evil' and refuses to 'fight by the rules', the inference is that this war demands tactics and means of warfare that are necessarily more brutal than might otherwise be employed, possibly even torture.

Terrorists have indeed committed atrocious and criminal acts. As have those fighting the war on terrorism. For the former, atrocities and acts of callousness are prescribed policy. The latter insist that they are isolated incidents committed by a handful of rogue troops; such as the shameful events at Abu Ghraib prison in Iraq. But they still happened and continue to happen. There have also been many other unsavory incidents and instances, such as widespread 'collateral damage'; enough to suggest that there is something more going on than isolated incidences of brutality. The point to be made here is that just because one side, the terrorists, choose to abandon the rules of fair-play, that does not mean that the other party to the conflict has to follow suit and adopt more brutal and indiscriminate means of warfare. Let alone resort to torture.

It seems that what is really going on here is that in response to atrocities or acts of savagery by an uncivilized foe--the first being September 11 and then Madrid and Bali and London, and then Bali again and on the ground in Iraq everyday--the West, in the name of Civilization and the battle of good over evil, is seeking to justify a turn to any means necessary, including more brutal means of warfare. A war against such an evil and unscrupulous barbarous enemy cannot be won by conventional means; rather we must fight fire with fire--so the argument goes. Or at least this is what we try to convince ourselves. But perhaps it is more the case that those more base instincts and uncivilized means have been at our disposal and employed by us--the West--all along. History seems to suggest as much. All too regularly we dehumanize our enemy--the uncivilized savage who lacks virtue, chivalry, is beyond the pale materially and morally--in order to justify to ourselves the recourse to the more brutal means we claim to abhor and claim to be antithetical to our very ideal of Civilization. The dichotomy between the civilized, uniformed, chivalrous combatant and the opportunistic, treacherous barbarian is a false one. Perhaps there is something in the argument that all people, fundamentally 'good' people included, are capable of doing bad or evil acts given certain circumstances. Just as 'bad' people are capable of random acts of kindness.

As Immanuel Kant reminds us in *Perpetual Peace*, 'even some philosophers have praised it [war] as an ennoblement of humanity, forgetting the pronouncement of the Greek who said, "War is an evil inasmuch as it produces more wicked men than it takes away"'. We would also do well to take note of Walter Benjamin's poignantly made point that 'there is no document of civilization which is not at the same time a document of barbarism'. As with every other war that has been or will ever be fought, no belligerent has a monopoly on the barbarism and terror of war. The war on terror is no exception.

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