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978-0-521-72836-2 - Confronting Evils: Terrorism, Torture, Genocide

Claudia Card

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CONFRONTING EVILS

In this new contribution to philosophical ethics, Claudia Card revisits the theory of evil developed in her earlier book *The Atrocity Paradigm* (2002), and expands it to consider collectively perpetrated and collectively suffered atrocities. Redefining the agency of evil as a secular concept and focusing on the inexcusability – rather than the culpability – of atrocities, Card examines the tension between responding to evils and preserving humanitarian values. This stimulating and often provocative book contends that understanding the evils in terrorism, torture, and genocide enables us to recognize similar evils in everyday life: daily life under oppressive regimes and in racist environments; violence against women, including in the home; violence and executions in prisons; hate crimes; and violence against animals. Card analyzes torture, terrorism, and genocide in the light of recent atrocities, considering whether there can be moral justifications for terrorism and torture, and providing conceptual tools to distinguish genocide from non-genocidal mass slaughter.

CLAUDIA CARD is Emma Goldman Professor of Philosophy at the University of Wisconsin–Madison. She is the author of *The Atrocity Paradigm: A Theory of Evil* (2002), *The Unnatural Lottery* (1996), *Lesbian Choices* (1995), and more than 100 articles and reviews. She has edited several books, including *The Cambridge Companion to Simone de Beauvoir* (Cambridge, 2003).

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To my early philosophy teachers, in gratitude:

William H. Hay (1917–97)

Gerald C. MacCallum (1925–87)

Julius R. Weinberg (1908–71)

Robert R. Ammerman

Stanley Cavell

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Preface and acknowledgements

This book follows up on work that I began in *The Atrocity Paradigm: A Theory of Evil* (2002). There I began to develop a theory of evils intended to illuminate well-known atrocities that have occurred during my lifetime. The list is awesome. From my childhood, it includes Auschwitz, medical experiments by Japanese military unit 731 on prisoners and civilians in China, Stalin's gulags, and the firebombings of Japan by the United States. From my schooldays in Wisconsin it includes the Communist purges of Senator Joseph McCarthy and the murders of Ed Gein, said to be the inspiration for Alfred Hitchcock's film *Psycho* (1960). When I was in graduate school, President John F. Kennedy was assassinated, and the next year three civil rights workers were lynched in Mississippi. During the more than four decades that I have taught at the University of Wisconsin, Martin Luther King, Malcolm X, Robert Kennedy, and Harvey Milk were gunned down, and there were the Biafran war, Idi Amin's dictatorship in Uganda, apartheid in South Africa, the My Lai massacre, the killing fields of Cambodia, mass rape in war, the rise of factory farming in the US, massive destruction of rainforests, the Oklahoma City bombing of 1995, the terror bombings of September 11, 2001, and, closer to my home, the lethal protest bombing of the Army/Math Research Center on my campus in 1970, and the sex-crime murders by Caucasian Jeffrey Dahmer of Asian American youths in Milwaukee, followed by his own murder in 1994 in the prison at Portage, Wisconsin. These paradigms continue to inform my atrocity theory of evils. I now make sense of many of them under the headings of terrorism, torture, and genocide. This book aims also to make sense of evils less apt to make headlines, low-profile atrocities of domestic violence, prison rape, and other forms of terrorism and torture suffered daily by people whose names most of us will never know (although each of us probably knows some), and of the torture of animals.

The Atrocity Paradigm defined evils as reasonably foreseeable intolerable harms produced (maintained, aggravated, supported, tolerated, and

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so on) by culpable wrongdoing. Part I of this book modifies that theory and develops it further as background to taking up terrorism, torture, and genocide in Part II. Chapter 1 revisits enough of the main ideas of *The Atrocity Paradigm* that it is not necessary to read that book before this one. But chapter 1 is not mainly a review of *The Atrocity Paradigm*. It is mainly an attempt to refine, improve upon, and develop further some core ideas in the atrocity theory of evils.

Chapters in Part II apply, test, and extend ideas from Part I, and they explore the meanings of terrorism, torture, and genocide. Two themes run through Part II. The first is the danger of failing to preserve humanitarian values in responding to atrocities. Terrorism, torture, and even genocide have each been responses to perceived or alleged prior atrocities. Perpetrators seldom call those responses terrorism, torture, or genocide. The greatest moral challenges to those who respond to evils are, first, to recognize responses that would be evils and, second, to find or create alternative responses that are honorable. Initially, I had hoped to address both challenges. That goal proved too ambitious for one book. Part II of this book works on the first challenge: identifying evil responses. The second theme is more of a thesis: that appreciating the evils of international terrorism, political torture, and genocides, whether by governments or by political insurgents, enables us to recognize some of the same kinds of evils in more local, less publicized wrongs.

The writing of this book was facilitated by a Senior Fellowship at the Institute for Research in the Humanities in Madison, Wisconsin, from 2002 to 2007 (which, by agreement with university departments, releases fellows half-time from teaching duties), two semesters of sabbatical leave (2008–09) supported by the University of Wisconsin, and summer support from the University of Wisconsin Graduate School. Ancestors of several chapters had trial runs at Institute seminars, where I benefited from the expertise of international groups of colleagues in fields ranging from literature, history, and history of science to anthropology, Asian studies, and African languages and literatures. From those discussions I especially thank Paul Boyer, David Chan, Anne Enke, Nan Enstad, Johannes Heil, Robert Kingdon, Ullrich Langer, David Loewenstein, Florencia Mallon, David Morgan, Jack Niles, Tom Safely, Mike Shank, Frank Solomon, David Sorkin, and Lee Wandel for great suggestions, amazing references, and stimulating conversation.

Computer equipment and other research materials, as well as travel to present papers in Barcelona, Beijing, and Gothenburg and to many conferences in the US, were supported from 2001 to 2007 by a Wisconsin

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Alumni Research Foundation professorship (named, at my choice, for Emma Goldman), for which I am most grateful. A warm thank you also to Christopher Feeney for expert editing of the manuscript.

In my home philosophy department, colleagues Paula Gottlieb, Lester Hunt, Steve Nadler, Russ Shafer-Landau, and Elliott Sober generously read and commented on ancestors of various chapters, as did my colleague in the law school, Leonard Kaplan. Paula Gottlieb gave me written comments on papers that preceded these chapters and directed me to relevant passages in Aristotle. Harry Brighthouse heard an ancestor of chapter 1 and raised a point that led me to rethink what I wanted to say about the death penalty debate. Dan Hausman shared his own work on well-being and groups, and gave me helpful references. Philosophy graduate students and former graduate students contributed many helpful comments, especially Mohammed Abed, Jaime Ahlberg, Paraceve Atkin, David Concepcion, Sara Gavrell, Fred Harrington (who directed me to Shakespeare's *Titus Andronicus*), Holly Kantin, Matt Kopec, Kathryn Norlock, Tasia Persson, Alan Rubel, Andrea Veltman, and, from Beijing, Gao Shan, who did an oral paragraph-by-paragraph consecutive translation of papers I presented there. I thank all of them.

Colleagues from other universities and colleges in the US who read or heard and responded helpfully to ancestors of various chapters include Sharon Anderson-Gold, Bat-Ami Bar On, Sandra Lee Bartky, Ann Cudd, Howard Curzer, Victoria Davion, David Estlund, Marilyn Friedman, Thomas E. Hill, Jr., Alison Jaggar, Eva Kittay, Hilde Lindemann, Armen Marsoobian, James Nelson, Carol Quinn, John K. Roth, Robin Schott, Lissa Skitolsky, Elizabeth V. Spelman, Margaret Urban Walker, and a faculty member in the audience at Smith College who called to my attention the case of Beatrice Cenci.

It will be evident how much I have learned from other philosophers who are working on the concept of evil, especially Richard Bernstein, John Kekes, Berel Lang, Maria Pia Lara, Robin Schott, and Laurence Thomas. I learned much about the history of torture and questionable methods of intelligence-gathering from my colleague in the history department, Alfred McCoy, whose specialties include the Philippines, and from activists Hector Aristizabal and Jean Maria Arrigo, both torture survivors, at a symposium on torture at California State University in Fullerton. Reflections on collective evils were aided by tutorials over a two-year period with post-doctoral fellow Todd Calder. I continue to benefit from the work on collective wrongdoing by Margaret Gilbert, Christopher Kutz, Larry May, Arne Johan Vetlesen, and the late Iris Young.

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Many chapters have early roots in conference presentations and shorter essays that are published in journals and anthologies. None of those materials is simply reproduced here. All have been rethought, heavily reorganized, rewritten, substantially expanded, and integrated into a continuous treatment of the themes of this book. A rough history of the evolution of the chapters is as follows. No chapter has been presented or published anywhere as it appears here.

Chapter 1 responds, in part, to concerns about the theory of *The Atrocity Paradigm* voiced by my former teacher Marcus G. Singer and by social psychologist Leonard Berkowitz. Both thought the agency component of my earlier conception of evils was too broad. I came to think some of their concerns well founded. Marilyn Frye thought the account of evils in *The Atrocity Paradigm* placed too much importance on intentions, and Alfred McCoy thought my account was not layered enough to do justice to political evils. I came to see issues underlying their concerns that I needed to address. That led me to attend more carefully to structural evils and to revise the agency component of my initial definition of evils to center moral indefensibility rather than culpability. No ancestor of this chapter has been published anywhere, although I read an early draft to an interdisciplinary audience at my university in the lecture series, "Focus on the Humanities."

Chapter 2 has roots in a paper presented at the conference "Moral Choices in the Age of Terrorism: Kant on Religion, Ethics, and Politics" that I co-organized in 2004 with my colleague Klaus Berghahn of the German department, at his invitation, to commemorate the 200th anniversary of Kant's death. Descendants of that paper were discussed at a Purdue University conference on evil (2005), the Chapel Hill Philosophy Colloquium (2005), Michigan State and St. Louis Universities, and the Universities of Victoria and Illinois-Urbana. An abbreviated version with a narrower focus appears in *Kant's Anatomy of Evil* (Anderson-Gold and Muchnik 2009).

Chapter 3 is mostly new. But it received jump-starts from a short response paper I wrote for the Eastern Division American Philosophical Association (APA) Convention in 2005 and a short panel discussion paper presented to the Canadian Society of Women in Philosophy in Saskatoon in 2006. One of those early short pieces is published in *Dancing with Iris*, a volume on the work of Iris Young (Ferguson 2009).

Chapter 4 includes a reworking, reorganizing, and substantial expansion of some material from a journal article, "Environmental Atrocities and Non-Sentient Life," that appeared in *Ethics and the Environment* (9:1;

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2004). The discussion in that chapter of evils suffered by human groups, including the Murder, Inc. problem, is entirely new.

Chapter 5 has early roots in very short panel presentations at the International Association of Women Philosophers (IAPh) symposium in Barcelona (2002) and the Feminist Ethics and Social Theory (FEAST) conference in Tampa (2003). These panels led to a brief symposium piece, "Questions Regarding a War on Terrorism," published in the special issue of *Hypatia* edited by Robin Schott (18:1; 2003). A slightly expanded version of that symposium piece appears as "Making War on Terrorism in Response to 9/11" in *Terrorism and International Justice* (Sterba 2003), and a related essay with a different focus appears as "Responding to 9/11: Military Mode or Civil Law?" in *Feminist Philosophy and the Problem of Evil* (Schott 2007). Chapter 5 is more ambitious than any of these precursors.

Early drafts of chapter 6 were presented at the Rocky Mountain Philosophy Conference in Boulder (2006), the University of Victoria, and Washington University-St. Louis. An ancestor of parts of this chapter appears as "Recognizing Terrorism" in the *Journal of Ethics* (11:1; 2007).

The inspiration for chapter 7 was a short invited paper for a Central APA session on torture (2006), at which David Estlund pressed some helpful objections. A later version, presented at the 2007 British Academy symposium on criminal law and philosophy and to the Jowett Society at Oxford University, appears in *Criminal Law and Philosophy* (2:1; 2008). I am grateful for comments and questions in London and Oxford from John Tasioulas, Clare Chambers, Shlomit Harrosh, Douglas Husak, Onora O'Neill, and Ralph Wedgwood. Later drafts benefited from audience discussions at the University of Wisconsin at Stevens Point, Marquette University, Union College, Kent University in Canterbury, Westminster University in London, the University of Chicago Law School, and the symposium on torture at California State University in Fullerton (2007).

Some of the material on everyday torture in chapter 8 is reworked from an essay published in *Moral Psychology* (DesAutels and Walker 2004). Revised and expanded essays on everyday torture were discussed at the University of North Carolina-Charlotte, Texas Tech University, Pacific Division APA meetings, the Society for Analytical Feminism in Toronto (2004), the IAPh symposium in Gothenburg (2004), Santa Catarina University in Florianopolis, Brazil (2004), St. Mary's College of Maryland, Smith College, and the University of Oregon. The discussions in this chapter of "clean tortures" and torture at the dark sites are entirely new.

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Some of the ideas for chapter 9 have roots in a very short IAPh paper, “Pernicious Injustice: The Case of Genocide” (Zurich 2000), which led to a panel discussion at a FEAST conference in Tampa (2001). An expanded version, “Genocide and Social Death,” appears in Robin Schott’s guest-edited special issue of *Hypatia* and in her book expanded from that issue (Schott 2007). The *Hypatia* version is reprinted in *Genocide’s Aftermath: Responsibility and Repair*, which I co-edited with Armen Marsoobian (2007). Rewritten, rethought, and greatly expanded, that version evolved into chapter 9.

Some ideas for chapter 10 germinated in a short invited paper presented to the Society for the Philosophical Study of Genocide and the Holocaust at a convention of the Society for Phenomenological and Existential Philosophy in Philadelphia (2006). A rewritten and expanded version for the Spindel Conference in Memphis (2007) appears, together with comments by Ann Cudd, in the *Southern Journal of Philosophy* (46; Supplement 2008). A shorter version of that one was presented and discussed at the University of Southern Connecticut. Further work on the complexities of non-homicidal genocide and on ethnic cleansing led to chapter 10.

I dedicated *The Atrocity Paradigm* to five of my teachers from many stages of my education, including my undergraduate and graduate advisers Marcus G. Singer and John B. Rawls. The guidance and example of all of them produced turning points in my intellectual development. Their lives and work also embody the humanitarian values to which I aspire. This book is dedicated to more of my philosophy teachers who serve also as my models of humanitarian values. In alphabetical order, first is Robert R. Ammerman, whose skepticism, humor, and faith in the common sense of ordinary folk provide a counterbalance to philosophical speculations that threaten to lose touch with the real world. He introduced me to Ludwig Wittgenstein’s idea of “family resemblance” concepts, of which I have made generous use in these chapters. Next is Stanley Cavell, also a Wittgensteinian, who, in the first year of his permanent appointment at Harvard (my second year of graduate school), set an inimitable example of generosity, receptivity, creativity, and synthesis in his lectures on the philosophy of religion. That course introduced me to the concept of demythologizing, which I also use in this work. The next three are no longer with us. William H. Hay was my first philosophy teacher and thereafter unfailing supporter. He had one of the most omnivorous minds and taught more philosophical subjects than anyone else I have known. Gerald C. MacCallum first grounded me in the classics of Western political philosophy and taught me patience and precision as well as (however

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inadvertently) never to be satisfied with my work. Julius R. Weinberg encouraged me with his own life story in the fall semester of my senior year when a graduate student informed me that no university would hire a woman to teach philosophy. To such teachers I owe so much of my enthusiasm for teaching and for philosophy, as well as my cautious optimism in the face of evil.

Acronyms and abbreviations

9/11	September 11, 2001
AI	Amnesty International
ALF	Animal Liberation Front
APA	American Philosophical Association
BWC	Biological Weapons Convention
CF	Coalition Forces
CIA	Central Intelligence Agency
CUP	Committee of Union and Progress
DOD	Department of Defense
EU	European Union
FACE	Freedom of Access to Abortion Clinic Entrances
FBI	Federal Bureau of Investigation
FEAST	Feminist Ethics and Social Theory
IAPh	International Association of Women Philosophers
ICC	International Criminal Court
ICRC	International Committee of the Red Cross
ICTY	International Criminal Tribunal for the Former Yugoslavia
ICTR	International Criminal Tribunal for Rwanda
IHL	International Humanitarian Law
IMT	International Military Tribunal
KGB	Russian abbreviation for Committee for State Security (Komitet Gosudarstvennoj Biezopasnosti)
KKK	Ku Klux Klan
NGO	Non-Governmental Organization
PD	Prisoner's Dilemma
PETA	People for the Ethical Treatment of Animals
PHS	Public Health Service
POW	Prisoner of War
PTSD	Post-Traumatic Stress Disorder

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SERE	Survival, Evasion, Resistance, and Escape
SLA	Symbionese Liberation Army
SPE	Stanford Prison Experiment
SPLC	Southern Poverty Law Center
SS	German abbreviation for Hitler’s bodyguard (later, elite guard of the Third Reich) (<i>Schutzstaffel</i>)
STD	Sexually Transmitted Disease
UN	United Nations
US	United States
WAR	Women Against Rape
WMD	Weapons of Mass Destruction
WW I	World War I
WW II	World War II