The Trouble with Terror

What is terrorism and can it ever be defended? Beginning with its definition, proceeding to its possible justifications, and culminating in proposals for contending with and combating it, this book offers a full theoretical analysis of the issue of terrorism. Tamar Meisels argues that, regardless of its professed cause, terrorism is diametrically opposed to the requirements of liberal morality and can only be defended at the expense of relinquishing the most basic of liberal commitments. Meisels opposes those who express sympathy and justification for Islamist (particularly Palestinian) terrorism and terrorism allegedly carried out on behalf of developing nations, but, at the same time, also opposes those who would tolerate any reduction in civil liberties in exchange for greater security. Calling wholeheartedly for a unanimous liberal front against terrorism, this is a strong and provocative attempt to address the tension between liberty and security in a time of terror.

TAMAR MEISELS is Lecturer in the Political Science Department at Tel-Aviv University. She is the author of Territorial Rights (2005).
The Trouble with Terror

Liberty, Security, and the Response to Terrorism

TAMAR MEISELS
For Abigail and Martha
Contents

Acknowledgments  ix
Introduction  1

Part I  Defining and Defending Terrorism  5
1  Defining terrorism – a typology  7
2  The apologetics of terrorism: a refutation  30

Part II  Freedom, Security, and Rights in a Terrorist Age: Liberal-Democratic Dilemmas  55
3  How terrorism upsets liberty  57
4  Combatants – lawful and unlawful  90

Part III  Fighting Terrorism  127
5  Targeting terror  129
6  Torturing terrorists  165
7  Torture and the problem of dirty hands  196

Bibliography  228
Index  234
Acknowledgments

This book consists of seven chapters written at various times throughout the six years following September 11, 2001. Most of these chapters are versions of articles that have already been published. I begin by thanking the editors of the following journals for allowing me to use these materials here:

I am grateful to Richard Bronaugh, editor of the CJLJ, for his detailed comments on this last article.

Next, I must thank my daughters, Abigail and Martha, for allowing me the time and quiet necessary to write all this. I thank them for agreeing to share my attention with this long and time-consuming project; for their support, understanding, and cooperation. Above all, I thank them for their friendship.

In the course of writing these articles, and later adapting them into this book, I have been fortunate to receive extremely helpful comments from a number of colleagues, who are also very dear friends: I am most grateful to David Enoch, Cecile Fabre, and Guy Sela, for their patience in reading previous drafts and versions of these chapters, and for their important suggestions and help throughout.

Special thanks are due to George Fletcher for comments on previous versions of Chapters 4 and 5, as well as for the very useful and enjoyable conversations we have had on war and terrorism during his visits.
to Israel. I am particularly grateful for his participation in a conference on terrorism that I organized at Tel-Aviv University in March 2004. I learned a great deal from the paper he presented there on “The Problem of Defining Terrorism,” which first called my attention to the questions I address in Chapter 1. His book *Romantics at War* had a great influence on me when setting out on this project. All this is greatly appreciated.

I am also indebted to Alan Dershowitz for his helpful points of clarification on an early version of Chapter 7. His comments have helped make this chapter much better, and more accurate, than it was in its original form.

Meir Dan-Cohen’s “acoustic separation” sparked some of the ideas in Chapter 7. A very memorable conversation we had with some others in the lobby of the Tel-Aviv Hilton, as army helicopters circled above at the beginning of operation “Defense Wall,” first raised the question, “What’s wrong with killing the bad guys?” which gave rise to Chapter 5 of this book. Aside from which, he deserves special thanks for being a real friend at a time of personal need, helping to resolve disputes and restore calm, without which I doubt this book could have been completed.

Last, and most important: my deepest thanks go to Jeremy Waldron for his invaluably helpful comments on the various chapters in this book. Though we do not always agree, the influence of his work on terrorism and torture is apparent throughout this book. I am especially grateful for the discussions we have had on these issues, and for the opportunity to benefit from his scholarly criticism, learned comments, and illuminating suggestions. Like Waldron himself, his contribution to this work is in a league of its own.