WHAT'S MORALITY GOT TO DO WITH IT? MAKING THE RIGHT DISTINCTIONS

By Jean Bethke Elshtain

I. Introduction

I will be arguing against a school of thought and an epistemology. The school of thought is 'scientific neorealism', as it is called in the study of international relations. This perspective is shaped by the insistence that ethics and international politics have nothing to do with one another, save insofar as morality is brought in as window dressing in order to disguise what is really going on: the clash of narrowly self-interested powers. The world of international relations is construed as a zone of self-help in a Hobbesian clash of a war of all against all. For more than twenty-five years now, I have argued that, to the contrary, ethics does not stop at the water's edge and morality is not silent during war.

The epistemology that I will contest is not so much argued against up front as challenged by a narrative that makes an antipositivist case. Contrary to the presuppositions of the political science in which I was trained, description and evaluation are not entirely separate activities. We do not layer evaluations onto a neutral description; rather, moral evaluation is embedded in our descriptions. How we describe is itself often a moral act. This is a case made eloquently in a book that seems to have disappeared from view, Julius Kovesi's *Moral Notions*.[1] The argument against positivism is also an argument against an account of moral evaluation named 'emotivism', which holds, roughly, that our moral evaluations are not rationally defensible and bear no serious cognitive content. Each of these contentions will be taken up in the context of a treatment of the current international crisis, specifically the struggle against terrorism.

II. Emotivism, Evaluation, and Description

There is a classic line associated with Sergeant Joe Friday, leader of the detective team that investigated and solved crimes on the classic television series *Dragnet*. At one point or another in every episode, stony-faced Sergeant Friday would turn to a witness or a suspect and intone flatly: "Only the facts, ma'am," or "Just give us the facts, sir." There is no substitute for the facts, nor for an attempt to achieve a description of

[1] Julius Kovesi, *Moral Notions* (London: Routledge & Kegan Paul, 1967).

events or phenomena that is as accurate and complete as possible. If we get our facts—hence, our descriptions—wrong, then our analyses and our ethics will be wrong, too. There are deep moral principles involved in this claim. Many heated debates in ethics and moral philosophy swirl around such matters. But most of us understand intuitively what is at stake. When Pope John Paul II described the September 11, 2001, attacks on the World Trade Center towers and the Pentagon as an "unspeakable horror," we nodded our heads: Yes, that seems right. Noncombatants, hence innocents under the international war convention, were attacked as they chatted with colleagues, drank the day's first cup of coffee, or called home to say they had arrived safely at work.

It follows from my characterization that we would be obliged to say the same thing if someone had flown commercial jetliners loaded with fuel and civilian passengers into crowded buildings anywhere in the world with the explicit aim of killing as many civilians as possible. It would be an "unspeakable horror" whether it happened in New York City or Moscow or Tokyo or Delhi or Karachi or Riyadh. But it happened in the United States. Americans bear a special burden to pay attention and to get the facts right. Our depiction of an event carries our moral evaluation of that event. "Unspeakable horror" is not a neutral description of what happened on September 11. The pontiff's words convey the viciousness of the perpetrators and the miserable fruits of their labor.

By contrast, a madman or the ideological fanatic who looks on September 11 as a glorious victory begins by misdescribing what happened. His words aim to draw our attention away from desperate people who plunged like birds with broken wings to their deaths in order to escape a certain death by fire, or from buildings imploding and shattering thousands of human beings into minute bits of rubble and dust. Innocent civilians will not be represented as who they were on September 11: human beings from more than eighty-six countries at work in the World Trade Center towers as well as in the Pentagon. Instead, the madman or the fanatic will represent these innocent people as "infidels" and revel in their destruction. He will strip them of their status as noncombatants and hence of the protection that this status affords in the laws of war and their provisions against intentional targeting and assault.

One description, the Pope's, condemns an intentional attack that used instruments of peaceful travel—commercial airliners—against buildings in which commerce was being conducted and people were working to support their families. The other description, the ideological fanatic's, revels in the attack. The fanatic's description is not just another way of saying the "same thing" as does a person whose description embeds a condemnation of the attacks. Instead, it is a strategy of exculpation, a way to let terrorists off the hook, or even to glorify what they have done. What of the hijackers themselves? How do we get the description right where they are concerned? Were they martyrs to their faith, as some claim? To be

a 'martyr', in ordinary language, is to be one who dies for one's faith. A person who kills wrongly, meaning a person who kills outright and intentionally in a civilian context, is not usually called a martyr but a murderer—rightly so. To glorify those whose primary aim is to murder thousands of unsuspecting civilians is to perpetuate an odious view of the world. The *Oxford English Dictionary* defines a 'martyr' as one who "voluntarily undergoes the penalty of death for refusing to renounce the Christian faith or any article of it." In the classic understanding, a martyr is a witness. A martyr is, therefore, one who undergoes death "in behalf of any religious or other belief or cause." Nowhere is a martyr defined as one who "tries to kill as many unarmed civilians as possible and, in the process, meets his or her own end." Why should one accept a radical redefinition of an old and noble term? When we think of a martyr we rightly think of an unarmed individual who meets death bravely because he or she will not recant the faith. If we extend the use of the term 'martyr' from brave victims of unearned suffering to perpetrators of mass murder, we traffic in a distortion of language that leads to contortions of moral meaning.

Here is another example of what I have in mind. In a talk at Columbia University in 1946, Albert Camus characterized the crisis "in human consciousness" forced upon humanity by World War II. He illustrated that crisis through four vignettes, spare descriptions of events. One vignette went like this:

> In Greece, after an action by the underground forces, a German officer is preparing to shoot three brothers he has taken as hostages. The old mother of the three begs for mercy and he consents to spare one of her sons, but on the condition that she herself designate which one. When she is unable to decide, the soldiers get ready to fire. At last she chooses the eldest, because he has a family dependent on him, but by the same token she condemns the two other sons, as the German officer intends.[2]

Here Camus locates us in the heart of darkness. He laid the crisis he described on the doorstep of an unchecked will to power. From an untrammeled will flows the terrible notion that one can remake the world in precisely the way that one wants, purge it of all that is undesirable and unclean in one's eyes, cleanse it, and reconstitute it. Camus' vignette forces us to look evil in the eye and not to deflect our gaze. Given his deep and abiding moral concerns, Camus would have resisted with all his might any description of this event from World War II that attempted to make the horror look good, or exemplary, or like a fine day's work.

[2] Albert Camus, "The Human Crisis," *Twice a Year* 1, no. 16–17 (1946–47): 21. Lecture delivered at Columbia University, Spring 1946.

There are those who would disagree, claiming, as they do, that description is a more or less arbitrary thing. There is no such thing as getting 'right' right because we are simply imposing our own subjective opinions when we claim that we are doing so. It follows that John Paul II's language of "unspeakable horror" and Osama bin Laden's language of a glorious deed are both descriptions of what happened on September 11. Each description comes from a purely subjective point of view. There is no compelling way to distinguish between them. There is no ground of truth on which to stand in such matters.

Thus, philosopher Richard Rorty, a leader of a dominant tendency of contemporary thought that holds that our descriptions are more or less arbitrary, argues that one could describe the German officer in Camus' vignette in ways that make his compulsion of the mother look not only acceptable but heroic. Rorty asks us to imagine that the German officer and his friends were college students before the war who had learned to "rise above slave morality" and to "outdo each other in scorn for the weak . . . and a concomitant contempt for everything stemming from Platonism and Christianity. Home on leave, the officer tells his friends the story of how he broke a Greek mother's heart. . . . His friends, hearing his story, are envious of the robustness of his moral stance. . . . They swear to themselves that, when they return to their posts, they will imitate the good example their friend has set." Everybody, Rorty continues, "tries to whip up a story according to which he or she did the right thing," and nobody "knowingly does evil." (He says that this is a bit of truth derived from Socrates, with whom he otherwise disagrees.)[3]

Let us grant Rorty one of his points, namely, that many people, at least some of the time, try to "whip up" stories according to which they did the right thing. But surely we are obliged to call them on it when they do, otherwise we are in a world in which nothing can be definitively distinguished from anything else. Let us take this one step further and ask: What are the implications of calling Camus' description of that horrid tale from World War II and Rorty's reconstruction in which the German officer tells friends that he did a noble day's work, just two different descriptions of the same event?

It means, first, that we treat the German officer, driven by ideological certainty, and Albert Camus, a moralist who prizes lucidity and insists on humility in moral judgments, as equally reliable describers of the world. Each is self-interested, whipping up a story to make himself or a cause look good. What finally settles the matter is not whether one description is apt and the other a distortion, but, rather, whoever has the biggest guns

[3] Richard Rorty, "Robustness: A Reply to Jean Bethke Elshtain," in Daniel W. Conway and John E. Seery, eds., *The Politics of Irony: Essays in Self-Betrayal* (New York: St. Martin's Press, 1992), 219–20. Rorty was responding to my essay, "Don't Be Cruel: Reflections on Rortyian Liberalism," which likewise appeared in *The Politics of Irony* and was critical of his work (199–217).

or the most clout. There is no way to get it right, for all of us arbitrarily pick and choose as we see fit in order to make ourselves or our cause look good. Literary scholar and academic gadfly Stanley Fish illustrates this point nicely, if chillingly: "The moral vision of Hitler is a moral vision. We have to distinguish between moralities we approve and moralities we despise. A morality simply means that someone who has one has a world view in which certain kinds of outcomes are desired and certain kinds of strategies are necessary."[4]

As distinguished constitutional scholar Stephen Carter puts it, at the end of this line of thinking "lies a pile of garbage." Here are Carter's words in full, in the context of African-Americans confronting directly the crimes that some among their number commit:

> We must never lose the capacity for judgment, especially the capacity to judge ourselves and our people. We can and should celebrate those among us who achieve, whether in the arts or in the professions, whether on the athletic field or the floor of the state house, whether publicly fighting for our children or privately nurturing them; but we must not pretend that they are the only black people who make choices. Standards of morality matter no less than standards of excellence. There are black people who commit heinous crimes, and not all of them are driven by hunger and neglect. Not all of them turn to crime because they are victims of racist social policy. . . . We are not automatons. To understand all may indeed be to forgive all, but no civilization can survive when the capacity for understanding is allowed to supersede the capacity for judgment. Otherwise, at the end of the line lies a pile of garbage: Hitler wasn't evil, just insane.[5]

The important point here at the outset is not that we more or less arbitrarily describe events and then decide which morality applies, but that the moral point is embedded in the description. As theologian Robin Lovin puts it:

> To say that a person or a state of affairs is morally good, to conclude that an action is the right thing to do, to identify a goal as better than the existing conditions—all these moral statements express our understanding that a particular constellation of facts links aspirations and limitations in that peculiarly satisfying way that we call "good." *If we get the facts wrong, we will be wrong about the ethics, too; for the*

[4] Said during Fish's television appearance on *The O'Reilly Factor*, October 17, 2001; as cited by *The New Republic*, November 5, 2001, 12.

[5] Stephen L. Carter, *Reflections of an Affirmative Action Baby* (New York: Basic Books, 1991), 144–45.

> *reality to which moral realism refers is not a separate realm of moral ideas, independent of the facts. Moral realities are facts about the world, properties that we judge persons, actions, and situations to have precisely because they have identifiable factual characteristics that link up in appropriate ways with other sets of facts and possibilities.*[6] (Emphasis added.)

This is not so mysterious. Let me offer one final example to clarify my point before we turn to the hotly contested question of what it means to call someone a terrorist. Imagine that a group of people is gathered around listening to a speaker's description of an event in which young children were tortured systematically by sadistic adults. The account is replete with details of the desperate pleas of the children and the imperious cruelty of their torturers. One listener, who believes there is no relationship between descriptions of events and how we evaluate them, insists, when the speaker is finished, that he then tell the group whether he is sympathetic to the plight of the children or to the actions of the torturers.

Would such a demand make sense? The speaker has already characterized the situation on the basis of those features that are most relevant. These include the details of the suffering of the children at the hands of their torturers, and one knows from the simple recounting of what happened that these persons are remorseless, brutal, and sadistic. The description of events embeds a moral claim. A speaker devoid of a moral compass would have described the torture of the children in another, and wildly incorrect, way. Or, enchanted perhaps by the supposed arbitrariness of the original description, the speaker would have said, "Of course, I don't want children to be tortured. But a sadist would describe this differently, so we can't go by the speaker's description." Again, would this make sense? As with the tale of the German officer's actions as "heroic," accepting the sadist's description makes evil a co-equal interlocutor. *Why would one do that?*

All of us evaluate descriptions of events depending, in part, upon the past deeds and descriptions of whoever is doing the describing. If I have a friend who specializes in hyperbole, then I am going to discount a good portion of what she says. If, sadly, I have an acquaintance who is an inveterate liar, then I am going to discount all of what he says. If I am in the presence of a known fanatic who disdains any distinction between combatants and noncombatants and argues that Americans to the last man, woman, and child should be killed wherever they are found, I am not going to put his depiction of September 11 on a par with the characterization of it by John Paul II, an ecumenist who has opened up a dialogue between Christianity and Islam, and a near-pacifist who has often

[6] Robin W. Lovin, *Reinhold Niebuhr and Christian Realism* (Cambridge: Cambridge University Press, 1995), 106–7. It is a version of moral and political realism on which this book rests. This will become clearer as we go along.

criticized U.S. military action. So when John Paul II calls September 11 an "unspeakable horror," and I add this to what I witnessed with my own eyes, heard with my own ears, and read in dozens of magazines and newspapers, here and abroad, an unspeakable horror it is.

III. What Is a Terrorist?

Why have I been belaboring the matter of getting our descriptions right? For the simple reason that there are many among us who resist calling things by their right names, and such distortions are deeply damaging to political life, which begins with trying to get the facts right. There were those during the Cold War who proclaimed a moral equivalence between the United States and the Soviet Union. These proclamations began with a wildly inaccurate characterization of the two respective systems. Brave dissidents in the Soviet Union and the occupied satellite states of Central Europe did not do that.

On my pre-1989 trips to behind the Iron Curtain, I was struck by the fact that none of the dissidents I spoke with had a problem with President Ronald Reagan's characterization of the Soviet Union as an "evil empire." Of course, they knew about America's racial problems and the debacle in Vietnam. They also knew that democratic protest against Jim Crow laws led to the 1964 Civil Rights Act and a profoundly altered American social and political system. They knew that American political leaders had to take the language of rights seriously because that was the lingua franca of American political culture. You cannot keep talking about rights and systematically deny a minority of your population those rights on the arbitrary basis of skin color. Americans had a way to put things right.

In his 1985 essay, "Anatomy of a Reticence," Vaclav Havel, Czech dissident, playwright, and later president of the Czech Republic, noted the irony that representatives of Western peace groups tracked him down to gain his support for their cause, yet they uttered views that indicated that they were suspicious of dissidents, including Havel himself. The dissidents were regarded as "suspiciously prejudiced against the realities of socialism, insufficiently critical of Western democracy and perhaps even sympath[etic] . . . with those detested Western armaments. In short, for peace activists the dissidents tended to appear as a fifth column of Western establishments east of the Yalta line."[7]

The Western visitors were unmoved when Havel tried to explain how even the word "peace" had been drained of its meaning and corrupted in empty, official slogans like the "struggle for peace" against "Western imperialists." The dissident, "unable to protect himself or his children, suspicious of an ideological mentality, and knowing firsthand where ap-

[7] Vaclav Havel, from *Open Letters: Selected Writings 1965–1990*, ed. Paul Wilson (New York: Knopf, 1991), 292.

peasement can lead," positioned himself against "the loss of meaning," including a diminution in the meaning and power of words. Draining words of meaning is a mark of what Havel called "pseudoideological thinking," which separates the words we use from the realities they purport to describe. As a consequence, "evasive thinking" has "separated thought from its immediate contact with reality and crippled its capacity to intervene in that reality effectively."[8]

This pertains directly to how we talk about 'terror' and 'terrorist'. Just as the language of 'martyr' and 'martyrdom' is distorted when it is applied not to those who are prepared to suffer, even to die, as witnesses to their faith but, instead, to those who are prepared to kill as many civilians as they can while killing themselves in the process, so 'terrorist' is twisted beyond recognition if it is used to designate anyone anywhere who fights for a cause.

The word 'terror' first entered the political vocabulary of the West during the French Revolution. Those who guillotined thousands in the Place de la Concorde in Paris and called it "justice" were pleased to speak of revolutionary terror as a form of justice. 'Terrorist' and 'terrorism' entered ordinary language as a way to designate a specific phenomenon: killing directed indiscriminately against all ideological enemies and outside the context of a war between opposing combatants. A 'terrorist' is one who kills because someone is an "objective enemy," no matter what that person may or may not have done. If you are a bourgeois, or a Jew, or a religious nonconformist—the list of victims of terror is long—you are slated to die in revolutionary violence. And as long as you are an enemy, you can be killed, no matter what you are doing, no matter where you are, no matter whether you are two years old or ninety.

A complex, subtle, and generally accepted international language emerged to make critical distinctions where violence and its use are concerned. Combatants are distinguished from noncombatants. A massacre is different from a battle. An ambush is different from a firefight. When Americans look back with sadness and even shame at the Vietnam War, it is horrors like the My Lai *massacre* that they have in mind. People who called the slaughter of more than three hundred unarmed men, women, and children a *battle* were regarded as having taken leave of their senses, perhaps because they were so determined to justify anything that Americans did during the Vietnam War that they had lost their moral moorings. To be sure, it would only be fair to point out that the Vietnam War was a terrible one in part because it was often difficult to distinguish combatants from noncombatants, and because noncombatants often harbored, willingly or not, combatants who lay in wait to ambush American soldiers. The soldiers at My Lai were inflamed, having just lost comrades.

[8] This quotation of Havel is drawn from my essay, "Politics without Cliché," *Social Research* 60, no. 3 (1993): 433–44.

But none of this exculpates or mitigates what happened. Massacre it was. Anyone who claimed a glorious victory over My Lai villagers and chortled at their suffering would rightly be regarded as a moral monster.

A 'terrorist' is one who sows terror. Terror subjects its victims or would-be victims to paralyzing fear. In the words of political theorist Michael Walzer,

> [terrorism's] purpose is to destroy the morale of a nation or a class, to undercut its solidarity; its method is the random murder of innocent people. Randomness is the crucial feature of terrorist activity. If one wishes fear to spread and intensify over time, it is not desirable to kill specific people identified in some particular way with a regime, a party, or a policy. Death must come by chance. . . .[9]

Remember this: 'terrorism' is the random murder of innocent people. Those who died in Stalin's Great Terror were victims in this sense. One must add another terrible word—purge—to characterize the killing of high party, government, and military officials. These officials were not innocent in the sense of being nonculpable for the crimes of the Stalin regime, though they were certainly innocent by any decent legal standard of the concocted crimes of espionage and conspiracy with which they were charged. 'Innocence' in a context of terrorism is best reserved for "people in no position to defend themselves." The designation is not a reference to moral innocence, for none among us is fully innocent in that way, but to the fact that civilians going to work, taking a trip, shopping, or riding a bus are not armed to the teeth and ready to defend themselves. In other words, they are not combatants.

Terrorists are not interested in such distinctions, nor in the subtleties of diplomacy, nor in compromise solutions. Terrorists have taken leave of politics.[10] They are ready to kill anyone simply because he or she is an American or a Jew or a Kurd or a Kosovar.

IV. Why Making the Right Distinctions Is So Important

Needless to say, the designation of terrorism is contested because terrorists, and their apologists, would prefer not to be depicted accurately. It is important to distinguish between two cases here. In some hotly contested political situations in which each side has a lot at stake and each resorts to force, it may be in the interest of one side to try to label its opponents as "terrorists" rather than "combatants" or "soldiers" or "fight-

[9] Michael Walzer, *Just and Unjust Wars: A Moral Argument with Historical Illustrations* (New York: Basic Books, 1977), 197.

[10] That terrorism, then and now, has always had its apologists says nothing about how one accurately defines the phenomenon.

ers." But one must ask who such men (and women) attack. Do they target soldiers at outposts and in the field? Do they try to disable military equipment, killing soldiers in the process? As they carry out such operations, are they open to negotiation and diplomacy at the same time? If so, then it seems reasonable to resist any blanket label of "terrorist" or "terrorism" for what they do.

Contrarily, in a situation in which noncombatants are *deliberately* targeted and the wholesale murder of noncombatants is the *explicit* aim, labelling the perpetrator a "fighter" or "soldier" or "noble warrior" is language that is not only beside the point, but also pernicious. It collapses the distance between those who plant bombs in cafes or fly civilian aircraft into office buildings filled with innocent people and those who fight other combatants, taking the risks that are inherent to such forms of fighting. There is a nihilistic edge to terrorism: it aims to destroy. Period. War, by contrast, presents specific political aims. This does not mean that fighting in a legitimate war may not descend into moments of terrorism. It can and it has.

The distinction between war and terrorism is vital to observe. It is the way we assess what is happening when force is resorted to. It is a distinction marked in historic moral and political discourses about war and in the norms of international law. This is why those who call the attacks of September 11 acts of "mass murder" rather than terrorism under international law, and then go on to claim that the United States has also engaged in "mass murder" in its legally authorized counteroffensive, are guilty of serious factual distortion. To equate removing the Taliban from power in Afghanistan and disrupting the al Qaeda network and its training camps to the knowing mass murder of civilians perpetrates a moral equivalence that amounts to the "pile of garbage" that Stephen Carter noted.[11] (If we could not distinguish between an *accidental* death, say, resulting from a car accident, and an *intentional* murder, then our criminal justice system would fall apart.)

If we cannot distinguish combatants who fight other combatants while assiduously trying to avoid noncombatant casualties from those who deliberately target civilians and sow the maximum amount of terror among them, then we are in a world in which everything reduces to the same shade of gray. In fact, the United States military trains its soldiers in strict rules of engagement that compel them to practice the principle of discrimination, separating combatants from noncombatants and never knowingly and deliberately putting civilians in harm's way. That the U.S. military operates in this way is known by its adversaries, who have tried to use this compunction to their advantage. For example, in the 1991 Persian Gulf War, occasioned by Iraq's invasion of Kuwait, the Iraqis put their

[11] On some international debates about terrorism, see Todd S. Purdum, "What Do You Mean 'Terrorist'?" *New York Times*, Sunday April 7, 2002, sec. 4, p. 1, col. 5.