Making War on Terrorists—
Reflections on Harming the Innocent*

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The countries of the developed West are fighting a war on terror. More accurately: the governments of some of these countries are conducting a war against terrorists. This war effort was stepped up dramatically after the terrorist attack of September 11, 2001, which killed about 3,000 people in New York, Virginia, and Pennsylvania. The most notable attack until then was the car bomb attack on the US embassies in Dar es Salaam and Nairobi of August 7, 1998, which killed about 257 people including 12 US citizens. Since the September 11 attack, 202 people, including 88 Australians, were killed in Kuta on the Indonesian island of Bali on October 12, 2002; some 191 people were killed in the Madrid bombing of March 11, 2004; and the terrorist attack of July 7, 2005, in London killed 52 people.

Why wage war against these terrorists? Offhand, one might think that such a grand response to terrorism is undeserved. This thought is supported by comparisons with other threats to our life and well-being—cardiovascular disease and cancer, for instance, annually kill some 250,000 and 150,000 people, respectively, in the UK alone (940,000 and 560,000 in the US), while traffic accidents kill over 3,000 each year (43,000 in the US). In the UK, only about one per 10,000 deaths in 2005 was due to terrorism. And even in the US in 2001, the corresponding ratio was about one in 750, that is, 0.13 percent. It would seem that even a small increase in the effort to combat cardiovascular disease, cancer, road accidents, or any of several other, similar threats would do much more to protect our survival and well-being, at lower cost, than revving up the war on terror.

This point has been made repeatedly with dramatic facts and figures.1 Since 2001, the Global Fund to Fight AIDS, Tuberculosis, and Malaria, funded by all

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1See Erica Frank, “Funding the public health response to terrorism,” British Medical Journal, 331 (2005), 526–27, arguing that recent shifts of public funds into counter-terrorism efforts have a large negative impact on morbidity and mortality from natural disasters and common medical conditions, and Nick A. Wilson and George Thomson, “Deaths from international terrorism compared with road crash deaths in OECD countries,” Injury Prevention, 11 (2005), 332–3.
willing governments and devoted to combating diseases that kill about 6 million people each year, has committed about $6.9 billion and spent about $4.4 billion.\textsuperscript{2} This expenditure comes to roughly $120 per fatality. Between 2001 and 2006, the US government alone has spent $438 billion on the war on terror.\textsuperscript{3} This amount comes to roughly $146 million per US fatality—over a million times more per fatality. Many millions of deaths from extreme poverty and curable diseases could be avoided each year, if the world’s governments were willing to spend even one quarter as much on combating these scourges as they are now spending on their war on terror. Such a war on poverty and disease would also avoid the substantial human costs of the war on terror: Some 5000 coalition soldiers have been killed and several ten thousand wounded in Iraq and Afghanistan. Fatalities among Iraqi and Afghan civilians have been vastly higher.

So why is terrorism being taken so seriously? This question requires nuances. We need to distinguish reasons and causes. And we need to differentiate the various groups involved in this war.

I see two main explanations. One is that public attention to terrorism serves important domestic constituencies. It serves most obviously the news media. Their economic success depends on their ability to attract the public’s attention; and it is vastly easier to attract the public to stories about terrorists and their plans and victims than to stories about cancer and cancer victims or to stories about traffic accidents.\textsuperscript{4}

Public attention to terrorism also serves the interests of politicians, especially incumbents. They can gain greatly increased attention, authority, and respect from a frightened public as well as acquiescence when they withhold information, increase surveillance, disrespect civil liberties, and curb political opposition. Many Western government policies—from the invasion of Iraq to the secret monitoring of citizens and the detention of political opponents at home and abroad—have been marketed as anti-terror measures.\textsuperscript{5} Many non-Western governments have eagerly followed our example, often defending severe violations of basic human rights as necessary responses to terrorist threats.

The politicians of some countries derive a further benefit from a major war on terror also in the international arena, namely the benefit that this war strengthens the political power of their country. Assume simplistically that a country’s
political power depends on three components: military might (capacity for violence), economic might, and international moral standing. Countries differ in regard to the composition of their political power: Russia and the US are strong militarily relative to their moral and economic strength. Japan is strong economically relative to its military and moral strength. And Iceland’s moral standing in the world is strong relative to its military and economic strength. Now, how much each of the three components contributes to political power depends on the regional or global environment. Military strength will be a much larger contributor to political power in the midst of a world war than in a time of universal peace; and a country’s moral reputation will matter much more in peaceful times than in a period of war or conflict. Therefore, governments of countries whose military strength is relatively larger than their economic and moral strengths will tend to benefit from heightened insecurity and tension by enjoying greater freedom of action due to greater acquiescence on the part of their own citizens and other countries. The political leaders of such countries with comparatively greater military strength therefore have a further incentive to foster an international climate of conflict and hostility. Such a climate stands to enhance not only their domestic standing, but also the power they wield on their country’s behalf internationally.

These points are worth further thought because, by playing up terrorism in pursuit of their own ends, our media and politicians are helping the terrorists achieve exactly what they want: attention and public fear. By helping to ensure that terrorist attacks are successful in the way their perpetrators want them to be successful, the media and politicians are multiplying the damage our societies suffer from terrorism and also encouraging further terrorist attacks.

II.

Those ordinary citizens in the UK and US who have been supporting the war effort, at least tacitly, are a different matter. Why have they been so supportive of the new war? One reason is, of course, that such citizens have been persuaded that this war enhances the security of themselves and their friends and relatives from terrorist attacks. But this more prudential reason does not explain the enormous public attention paid to terrorism, nor the great cost, in terms of money and basic freedoms, that many citizens seem willing to bear to combat terrorism, because the war on terror is not a cost-effective way of protecting our health and survival. Of course, citizens are not fully informed and perfectly rational. They may not realize how small the threat really is, and how costly the counter-measures. But I think an important part of the explanation is our moral judgment that these terrorist attacks are exceptionally heinous. This judgment lends special urgency to fighting this terrorism as the effort promises not merely a reduction in the risk of harm each of us is exposed to, but also the suppression of a dreadful moral evil. Because we perceive these terrorist attacks as so
exceptionally heinous, we attach to their suppression an importance that is greatly disproportional to the immediate harm they inflict.

Is it correct to consider these terrorist attacks especially heinous and thus to attach such disproportional importance to suppressing them?

Before examining this question, let us address a prior concern. Some find such an examination offensive. They find it obvious that these terrorist attacks are very wrong. And they feel that the self-evidence of this proposition is denied when we examine its meaning and grounds. They feel that the question: “What is wrong with these terrorist attacks?” suggests that these attacks are among the things about which people can reasonably disagree. And they firmly reject this suggestion.

Let me be clear then that, by asking what is wrong with these terrorist attacks, I am not suggesting that people can reasonably disagree about their wrongness, but merely that it is important to understand why these attacks are wrong. Even if we are perfectly certain they are wrong, understanding why is still important for two reasons. I will state one reason now, the other in section V.

The first reason has to do with moral theorizing. We are often faced with moral questions or decisions that are difficult to resolve. When this happens, we engage in moral reflection. Such reflection looks at relevant empirical evidence and also at other, less difficult moral questions or decisions that may be analogous or related in some way to the problem at hand. John Rawls has analyzed this ordinary method in some detail and has compared it to how we make difficult judgments in linguistics: When we are doubtful whether some particular phrase is proper English, we can hypothetically formulate grammatical rules that would forbid or allow it and then test these general hypotheses against other phrases whose status is certain. In this way, some of the rules we try out will be confirmed and others refuted. Confirmed rules can then be brought to bear on the questionable phrase to resolve our doubt.6

With this method, which Rawls calls reflective equilibrium, our most firmly held convictions, collectively, are the standard by which we judge difficult questions. But the method can work only if we can bring some of our most firmly held convictions to bear on the difficult question or decision we confront. This requires that we generalize from these most firmly held convictions to bear on the difficult question or decision we confront. This can be done by hypothetically formulating more general moral principles that may then be confirmed or refuted by our firmest moral convictions, such as the conviction that these terrorist attacks are wrong. A confirmed moral principle helps us understand why these attacks are wrong, or what makes them wrong. And such a principle can then also be used to help resolve other, more difficult moral questions or decisions.

III.

So what is wrong with terrorist attacks such as the five I described at the outset? In first approximation we might say that what makes these attacks presumptively wrong is that, foreseen by the agent, they harm and even kill innocent people. I assume it is clear enough for present purposes what it means to harm or kill people. By calling a person innocent, I mean that this person poses no threat and has done nothing that would justify attacking her with lethal force. To be sure, the terrorists may have believed that some of those they attacked were not innocent in this somewhat technical sense and were thus justifiably subject to lethal attack. But they could not have believed this of the great majority of the people they attacked. They clearly foresaw that their conduct would harm and kill many innocent people. In fact, the time of day they chose for their attacks, and the lack of any prior warnings such as were often issued by the IRA and the ETA, strongly suggest that they not merely foresaw but even intended to harm and kill many innocent people.

We need not claim that it is always wrong to do what one foresees will harm or kill innocent people. It is enough that there is a firm presumption against it, which may be overcome by showing that so acting is necessary to achieve some greater good (which may consist in the prevention of some greater harm).

Justifications of this kind come in two types. Justifications of the first type assert that those who will be harmed stood to gain from the action ex ante. We can give this type of justification for a doctor who administers a live vaccine to 10,000 children while knowing statistically that roughly one or two of them will die from the resulting infection. This doctor’s conduct is nonetheless permissible if each child’s prospects of survival are expected to increase relative to no treatment and also relative to other feasible treatment options. With justifications of this type, it is enough that the expected good should outweigh the expected harm so that there is a net expected gain for each person affected. Since it is plainly false that each of the persons attacked by the terrorists stood to gain from this attack ex ante, we can set aside this type of justification in what follows.

Justifications of the second type assert that the harm done to innocent people is outweighed—not by some good for these same people, but—by a greater good of some other kind. Some philosophers reject justifications of this second type altogether. But I find such absolutism implausible. If the brutal reign of a tyrant who is killing many thousands can be ended with a violent strike that unavoidably also kills an innocent child, then this strike seems morally acceptable, perhaps mandatory, if indeed it can save thousands from being murdered and millions from being oppressed and brutalized. Similarly, the aerial bombardment of cities may be justifiable when this is the only means of defense against a horrible aggressor state. At the opposite end of the spectrum, some philosophers hold that justifications of the second type can succeed even when the greater good just barely outweighs the harm foreseen. Such philosophers might
approve of killing 19 children when this is the only way of saving 20 others. Like most, I find such an act-consequentialist standard too permissive. When the greater good an agent intends to achieve with her action will not be a good for the innocent persons this action will harm, then that good can justify the action only if it greatly outweighs the harm this action foreseeably inflicts. (This requirement is often thought to be especially significant when the harm to be inflicted is a means to attaining the purported good, rather than a foreseeable side effect.) In addition, a successful such justification also requires, of course, that the harm be necessary for achieving the greater good in question, so that the same good could not have been achieved using any other less harmful means.

Can such a justification be provided for the terrorist attacks at issue? I believe not. To show this conclusively, one would need to run through indefinitely many candidate “greater goods” that might be offered. This we cannot do. Instead, let us focus on three such candidate greater goods that have actually been appealed to by the terrorists or their supporters. This exercise may give us a clearer sense of how we might respond to other such justifications yet to be advanced.

One justification refers to various regimes in the Middle East—that of Saudi Arabia prominently included—which are regarded as dictatorial or un-Islamic or pro-Western. The terrorist attacks were meant to discourage the US and other Western countries from supporting these regimes, especially through the stationing of troops in their territories, and to boost the morale of those who are seeking to overthrow these regimes. A second justification appeals to the alleged good of weakening Israel by discouraging other governments from supporting it and by boosting the morale of Palestinians resisting the occupation of their lands. A third justification appeals to the alleged good of punishing Western countries for their past and present support of Israel and/or of dictatorial and un-Islamic Middle Eastern regimes.

To succeed, any such justification must discharge four burdens of proof: it must show that the alleged good really is a good; it must show that the terrorist attacks in question contribute to this good, at least probabilistically; it must show that the value of this contribution greatly outweighs the foreseen harms to innocent people; and, finally, any such justification must also show that all these harms were really necessary for the intended contribution to the greater good.

The quickest and clearest way of seeing that these justifications fail focuses on the fourth burden of proof. Equivalent contributions to all three candidate greater goods could have been achieved with far less harm to clearly innocent people. In fact, the manner and timing of the attacks suggest that such harm was intended. In any case, the terrorists at minimum displayed great disregard for what is often euphemistically called collateral damage. The terrorists could have attacked their US targets early on a Sunday morning, for instance, when the World Trade Center area would have been nearly deserted. Such a palpable effort to spare innocent people would not have reduced attention to the terrorists’ cause. On the contrary: By signaling clearly their intent to spare innocent people
as far as reasonably possible, the terrorists would have made local and Western citizens less unreceptive to their ends and grievances, and would still have demonstrated their terrifying capabilities and willingness to die for their cause. Most of the harm the terrorists inflicted on innocent people was not necessary for promoting the alleged good they sought and quite possibly even counterproductive.

We might remember in this context that the disregard for the lives of innocent persons is not a defining feature of terrorism and is in fact absent from much historical terrorism. The IRA and ETA frequently issued bomb warnings beforehand in order to minimize harm to persons. And some of the 1905–06 Russian terrorists—sometimes called moral-imperative terrorists and immortalized by Albert Camus in his play The Just as well as in his essay The Rebel—were absolutely determined not to harm innocents. Thus Kaliaev abandoned his first attempt to kill Sergei Aleksandrovich when he saw that the Grand Duke had his niece and nephew, two children, in his carriage.\(^7\)

Moral justifications of the terrorist attacks fail, then, because the fourth burden of proof cannot be discharged: The attacks inflicted great harms on far more innocent people than was, given the goal, reasonably unavoidable.

To this it may be objected that the terrorists and their supporters may feel that no justification is needed for their killing of innocent people. They see themselves as involved in a war in which their opponents have inflicted even greater harms upon the innocent. When one’s enemy in war employs immoral methods, then it is morally permissible to employ the same methods in return.

In earlier work, I have discussed this objection under the label “sucker exemption.”\(^8\) The basic idea is that an agent in a competitive context is not required to observe constraints that other, competing agents fail to observe. I believe that this idea can indeed be plausible, but only when the victims of an agent’s constraint violations are themselves previous violators of the constraint. If you have various agreements with another person, for instance, and he turns out routinely to violate these agreements whenever it suits him, then you are not morally required to honor your agreements with him when it does not suit you.

The sucker exemption is distinctly implausible, however, when those whom the agent’s conduct would victimize are distinct from those who have victimized

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\(^7\) Later, Voinarovski declares with respect to the planned assassination of Admiral Dubasov, the Governor-General of Moscow, that “if Dubasov is accompanied by his wife, I shall not throw the bomb” (Albert Camus, The Rebel: An Essay on Man in Revolt, trans. Anthony Bower (New York: Vintage, 1956), p. 140; Richard B. Spence, Boris Savinkov—Renegade on the Left (Boulder, CO: East European Monographs, 1991), pp. 45f.). Savinkov similarly opposes an attempt to kill Dubasov on the St. Petersburg-Moscow Express on the ground that “if there were the least mistake, the explosion could take place in the carriage and kill strangers” (Camus, The Rebel, p. 140). Later, when escaping from a Czarist prison, the same Savinkov reportedly “decides to shoot any officers who might attempt to prevent his flight, but to kill himself rather than turn his revolver on an ordinary soldier” (ibid.).

her. You are not morally permitted to violate your agreements with one person because some other person has violated his agreements with you. Similarly, an agent is not morally permitted to harm the friends or relatives of someone who has harmed her friends and relatives. A man is not permitted, for example, to rape the daughter of his own daughter’s rapist. And likewise for the terrorists and their supporters: They are not morally permitted fortuitously to harm and kill innocent compatriots of people who have harmed innocent compatriots or associates of theirs. A person can forfeit ordinary moral protections against being harmed only through something she herself has done, not through the actions of another. Therefore, whatever wrongful harms the terrorists or their associates or compatriots may have suffered do not alter their moral relations to third parties who are not culpable for those wrongful harms.

Interestingly, Osama bin Laden has professed to share these sentiments in his early denials of any involvement in 9/11. Thus he is reported as saying, in his *Daily Ummat* interview dated September 28, 2001: “I have already said that I am not involved in the 11 September attacks in the United States. As a Muslim, I try my best to avoid telling a lie. I had no knowledge of these attacks, nor do I consider the killing of innocent women, children and other humans as an appreciable act. Islam strictly forbids causing harm to innocent women, children and other people. Such a practice is forbidden even in the course of a battle.”

That bin Laden’s interpretation of Islam is at least a plausible one is confirmed by various passages in the Quran, such as this one: “whosoever kills a human being for other than manslaughter or corruption upon earth, it shall be as if he had killed all mankind.”

IV.

To show that the terrorist attacks were morally unjustifiable, I have focused on the weakest link in the purported justifications for them: Any plausible purpose of the attacks could have been achieved with much less harm to innocent civilians. This focus on the fourth burden of proof should not be taken to suggest that the other three burdens can be met. I do not believe that they can be met, but lack the space to discuss this here. I conclude that the five terrorist attacks in focus were morally unjustifiable acts of mass homicide. This conclusion could be further disputed. Other candidate greater goods might be adduced, or modifications of my account of what a successful justification would need to show might be proposed. A clever philosopher might be able to keep this game going a good while longer, and I cannot anticipate, let alone respond in advance to, all the moves such a philosopher might make.

9Interview with Osama bin Laden, *Daily Ummat* (Karachi), September 28, 2001; frequently reprinted, e.g. at www.robert-fisk.com/usama_interview_ummah.htm.
10Quran 5:32.
But this is no reason for us to suspend moral judgment. These attackers and their supporters have made clear that they take themselves to be engaged in justifiable political violence. Their pronouncements are laden with moral and religious language that presents their conduct as justifiable, even noble, and urges others to follow their example. Such statements give them a responsibility to justify their attacks. They may not owe such a justification to just anyone. But they do owe a justification to their innocent victims and to the innocent friends and families of such victims. And they owe a justification also to the sincere adherents of their religion, in whose name they have attacked their targets.

Put yourself in the position of someone who is involved in planning an attack that he foresees will kill many innocent civilians. And imagine this person to be someone who takes morality seriously—understanding morality broadly here as including any religion that provides moral guidance and constraints. Such a moral person would think very hard indeed before killing large numbers of innocent people. He would not do this without having assured himself, up to a very high level of confidence, that his planned action is really justifiable—in one of the ways I have sketched or in some other way he finds compelling on reflection. For a religious person, especially when he is about to act in the name of his religion, there is the further need to make quite certain that he has really used his God-given capacities to the fullest so as to reassure himself that his planned action really accords with God’s will. For a seriously religious person, what could be more terrifying than the possibility that one might not be careful enough and therefore make a mistake by killing, against God’s will but in God’s name, hundreds of innocent human beings?

With the cases before us, this is not a far-fetched possibility. As bin Laden has said, these attacks killed innocent human beings and Islam strictly forbids harming innocent human beings even in war. So it is—to put it mildly—not obvious that these attacks are permitted, let alone that they are God’s will. Some serious thought is certainly required for a genuinely religious person conscientiously to reach the conclusion that these attacks accord with God’s will.

Now suppose a genuinely religious person has conscientiously reached this conclusion. He would want to give his reasons, at least after the fact, perhaps posthumously. He would feel a responsibility to explain to his innocent victims and their innocent friends and relatives why he felt compelled to harm them. He would want other Muslims not merely to follow his example, but to do so with a full appreciation of why this really is the will of God. And, perhaps most important, he would want any mistake in his understanding of Islam to be identified and corrected. A genuinely religious person seeks to live in accordance with God’s will, in accordance with what his religion requires. This is distinct from seeking to live in accordance with what one believes to be God’s will and believes to be required by one’s religion. These two goals are distinct because of the possibility of error. To deny this possibility is to claim infallibility for oneself.
This would be hubris in regard to morality, and blasphemy in any theistic religion.\footnote{It might be objected that the possibility of error might not be a serious possibility in some cases. In the case of Moses, perhaps, when God appeared to him, or in the cases of Jesus or Mohammad or even their immediate followers or disciples. It is well to recall then that Mohammad, the final prophet according to Islamic teaching, lived some 1400 years ago. So the possibility of errors in understanding the Divine will as revealed by Mohammad is certainly a real possibility in our time, as the diversity of schools and interpretations amply confirms. Exempting oneself from this possibility would be to claim the status of prophet for oneself or for some contemporary from whom one is receiving direct instruction.}

Now it is true that all we have are our beliefs. We have no belief-independent access to the truth. Still, beliefs can be more or less well founded. To the person who seeks to live in accordance with what she believes to be God’s will, it does not matter whether her beliefs are well founded or not. To the person who seeks to live in accordance with God’s will, by contrast, nothing matters more. The more pains she takes to examine and correct her understanding and beliefs, the more likely she is to get it right. And even when she gets it wrong nonetheless, she will at least have done her best to get it right by making full use of the faculties and other resources God had endowed her with.

It is then of great importance to a genuinely moral or religious person to have a full justification for an action that he knows will kill many innocent civilians, and also to present this justification, at least after the fact, perhaps posthumously. Such a full justification will then be examined and discussed by others whom it will help either to follow the agent’s example conscientiously, with full appreciation of the reasons why it may or should be followed, or else to avoid the error he had committed in good faith.

It is stunning how far the terrorists and their supporters fall short of the conduct of persons with genuine moral or religious commitments and scruples. They traffic heavily in the language of morality and holiness, but there is no evidence that they have seriously thought about what their religion requires of them. What they give us are simple moral colorations of the world along with fervent professions of sincerity and commitment. They do indeed seem strongly committed—many of them are willing to die for the success of their attacks. But for this commitment to be a sincere commitment to Islam, there would need to be a serious effort substantively to connect their activities and colorations to Islamic teachings. There would need to be reflective answers to questions such as: Why is this a holy war? Who counts as an enemy in this holy war, and why? What is one allowed to do in a holy war to enemies and to the uninvolved? There is, and has been for centuries, sophisticated treatment of such questions among Islamic scholars.\footnote{See, for example, Khaled Abou El Fadl, “Islam and the theology of power,” \textit{Middle East Report}, 221 (2001), 28–33.} But the terrorists and their supporters are conspicuously absent from this discourse, even though their pronouncements and actions are highly controversial within it. They seem to be quite unconcerned to rule out what I have called the most terrifying possibility for a genuine believer: the
possibility that one might be mistakenly killing, in God’s name but against God’s will, hundreds of innocent human beings who, no less than oneself, are God’s creation.

V.

I have discussed two moral failings of those involved in the five terrorist attacks. It was wrong of them to harm large numbers of innocent civilians without sufficient justification. And they did wrong to perpetrate these attacks in the name of a religion without taking great care to work out whether their religion really justifies such attacks. Placing these two wrongs side-by-side, you may think that the latter pales to insignificance. But I will try to show that the latter wrong, too, is of great importance. This discussion will also bring out the second reason why it is so very important for us not merely to be certain that these terrorist attacks are wrong, but also to understand why they are wrong. We are in the same boat with the terrorists in this sense: We use moral language just as they do. Our moral judgments are fallible just as theirs are. And we have a moral responsibility, just as they do, to take great care to ensure that the important decisions we make are not merely ones that we, however sincerely, believe to be morally justifiable, but also ones that we can actually justify.

Moral language is all around us—praising and condemning as good or evil, right or wrong, just or unjust, virtuous or vicious. In all too many cases, however, such language is used only to advance personal or group interests. The speaker expresses the narrowest judgment that allows her to score her point while avoiding any further normative commitments that might encumber herself now or in the future. This is quite common in politics. Politician A criticizes politician B as unethical for accepting a free trip to a conference in Brighton courtesy of Shell Oil. Without any further explanation of what makes B’s behavior unethical, this is rather too easy a way of scoring political points. B gets tarred with the label unethical, while A can look good for her ethical concern without imposing any ethical constraints on her own conduct. A remains at liberty, should she be found to have accepted some free trip herself, to say that her conduct was not unethical because of its different purpose, different destination, different sponsor, or whatever.

A’s conduct is not atypical in our culture. Many seek to take advantage of morality to influence the sentiments and conduct of others while avoiding any interference by morality in the pursuit of their own ends. This is a moral failing, but one that may seem rather mild. And yet, this common abuse of morality is of great importance, as we recognize when we consider it, as I will now do, from the perspective of morality itself, from the perspective of agents, and from the perspective of our society and culture.

The imperative to take morality seriously is not a command merely of this or that morality, but one that any plausible morality—and again I include
religions—must make central. Though substantive in content, this central imperative flows from understanding what it means to have—not some particular moral commitments, but—any moral commitments at all.

In first approximation we might say that the central imperative to take morality seriously involves at least these three injunctions: One must try to integrate one’s moral judgments through more general moral principles, one’s religious beliefs, and commitments in order to form a coherent account of how to live. One must work out what this unified system of beliefs and commitments implies for one’s own life. And one must make a serious effort to honor these implications in one’s own conduct and judgments.

Some agents who disregard the central imperative are ones who simply set aside moral considerations and moral language altogether, typically behaving badly as a result. Let us set them aside, for they are fringe groups in the contemporary world. Much more important and much more numerous are those who take no interest in morality as such—in working out its content and living in conformity with it—but nonetheless employ moral language to influence the sentiments and conduct of others. They appeal to morality in bad faith, without a sincere willingness to work out what morality requires and thus in defiance of its central imperative. In order to advance their own ends, they falsely present themselves as friends of morality, as speaking on morality’s behalf. Abusing morality in this way, they are not merely bad people, behaving badly, but unjust people, behaving unjustly. Such people are the analogue to judges or police officers who use the law to advance their own ends: a judge who decides in the name of the people, but on the basis of what enriches himself or what advances his sectarian ideology; a police officer who falsely arrests a young woman for his own entertainment or to prevent her from expressing political views he dislikes. Such actions are not the worst violations of the law. And yet, committed under color of law, they are in one sense the most pernicious. Similarly, acting under color of morality—misrepresenting oneself as motivated by a sincere commitment to morality in order to advance one’s own ends—is not the worst violation of morality, but one that strikes at its very heart. Acting under color of Islam or under color of Christianity are instances of this—acts of supreme defiance where the agent puts himself in the place of God. The content of religion becomes whatever the agent declares it to be. The agent is not seeking the guidance of his religion but merely uses its moral language to color the world as suits his separate purposes.

Imagine a society whose public culture is dominated by such people—trafficking heavily in moral language without any respect for morality’s central imperative. There we get endless repetitions of specific moral assertions (“The United States is the great Satan” or “To withdraw our troops now would

be a cowardly capitulation to terrorism”), and endless repetitions of unexamined
generalities (“We must fight the infidels wherever they dishonor what is sacred”
or “We must defend freedom against the enemies of freedom”). Such moral
appeals are made on all sides. But since they remain unexplained and unjustified,
there is no substantive moral debate. The political effect of all the moral language
thrown around depends then on media access and acting skills. To have an
impact, one must manage to intone the relevant sentences with an honest face and
a good show of profound conviction, conveying to the audience that one cares
deply about moral considerations and is sincerely convinced that one is
defending the moral policy. And to remain unencumbered with regard to other
policies one might want to defend simultaneously or in the future, one must do
all this without assuming any further, possibly inconvenient substantive moral
commitments.

This imagined society is not so far from what we find in the real world today.
We find it in much of the Arab world. And we find it in the UK and in the US as
well. The model also resembles current international society pretty closely. To be
sure, there is a great deal of serious moral discourse going on, not merely in
universities, but also within other (for instance religious) associations and in
political fora such as in some committees of the United Nations and of various
national legislatures. But the public visibility and impact of such serious moral
discourse is small and diminishing, and the political fora in which it takes place
are therefore increasingly shunned and marginalized. This may not seem like a
calamity comparable to terrorism. Yet, such moral corruption may be a more
profound danger.

When moral language degenerates into just one more tool in the competitive
struggle for advantage, then this struggle becomes ultimately unconstrained. To
be sure, the power of political leaders and factions is limited by the power of
other leaders and factions, and is restricted also by procedural checks and
balances. But all these constraints are soft and flexible, themselves subject to
indefinite modification through the use of political power. Insofar as political
players understand that their competitive struggle for power is always also a
struggle over the rules governing this competition, they tend to be ruthless in this
competition because there is no other long-term protection of their interests and
values. This problem is well explicated in Rawls’s discussion of a *modus vivendi*.
Rawls’s preferred alternative model is that of an overlapping consensus focused
on firm, widely recognized social rules to which all major groups, perhaps for
diverse reasons, have a principled moral commitment.14 But even without such an
overlapping consensus, there can at least be that trust among adversaries which
comes from recognizing one another as genuinely moral agents who are at least

lecture 4.
committed to *their own* morality. The moral importance of avoiding a world without trust and without shared social rules gives us further moral reasons to honor morality’s central imperative in our applications of moral language to both domestic and international issues.

VI.

We can now appreciate the promised second reason for considering it important—even if we have not the slightest doubt—to articulate our understanding of what makes these attacks wrong, as I have tried to do earlier. We must do this to honor morality’s central imperative, which requires us to elaborate and extend our moral commitments so that they impose clear constraints on our own conduct. This is crucial for being moral persons, rather than persons acting under color of morality, and for being recognized as having genuine moral commitments that we are willing to discuss and are determined to live up to.

There is much skepticism outside the affluent West about the moral fervor with which we have condemned the terrorists and prosecuted our war against them. Occasionally, such skepticism comes with sympathy and even celebration of the terrorists. Far more frequently, however, the skeptics share our conviction that those terrorist attacks were very wrong—but believe that we are moralizing in bad faith, that we are using morality to win support or sympathy but have no interest in the moral assessment or adjustment of our own conduct and policies.

In my view, these skeptics are essentially correct. But before presenting some evidence to support their case, I should state clearly two points that I am not making and in fact strongly reject. I reject the view that wrongful conduct by our governments renders the terrorist attacks any less unjustifiable. My moral condemnation of such attacks is based on the harms they inflict on innocent civilians, who do not become permissible targets for lethal attack by wrongful policies of (even their own) governments. I also do not claim that it is impermissible for those who are doing wrong to fight the wrongs done by others. My main point in discussing our governments’ conduct and policies is to show that our politicians take momentous action, in our name, without any effort to apply the morality they profess in our name to decisions that cry out for moral justification. That they can get by, comfortably, without any such effort is our fault as citizens.

Let me illustrate the point by recalling some well-known highlights of the “global war on terror” (GWOT) as orchestrated by the US and UK governments. Central to the GWOT as they conceive it is the doctrine that the terrorist danger justifies pervasive secrecy and disinformation towards the media and the general public, and even towards the legislature. The suggestion was, and still is, that the success of the war effort requires that most of this effort be exempt from public
scrutiny and that even the scope of this exemption should not be disclosed. A well-known and typical example is UK Attorney General Lord Peter Goldsmith threatening British media with criminal prosecution for reporting that President Bush had proposed to bomb the Al Jazeera television station in peaceful Qatar.

An early episode in the GWOT was the overthrow of the Taliban regime in Afghanistan. In this initiative, our governments chose to rely heavily on the United Islamic Front for the Salvation of Afghanistan. This “Northern Alliance” had been losing the civil war against the Taliban, but massive Western air support, funding, and US teams of special forces turned the situation around in its favor. Thousands of Taliban fighters, who had laid down their arms in exchange for a promise of safe passage to their home villages in an orderly surrender negotiated with the participation of US military personnel, were instead crammed into metal shipping containers without air or water for several days. Between 960 and 3000 of them died in agony from heat, thirst, and lack of oxygen. Some of the survivors were shot dead and all bodies buried in a huge mass grave. The commander of Northern Alliance forces, Abdul Rashid Dostum, later used murder and torture to intimidate witnesses to the atrocity.

While insisting on a full investigation of the mass graves at Srebrenica, Western governments blocked any official inquiry into the mass grave at Dasht-e Leili; and the mass murder of surrendering Taliban has now been largely forgotten in most parts of the world. Implicated also in systematic and horrific crimes against

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15In 2005, the FBI issued 47,211 national security letter (NSL) requests requiring businesses to turn over private data about their customers. The Justice Department’s public report stated that the FBI issued 9,254 NSL requests in calendar year 2005. “The number of NSL requests we identified significantly exceeds the number reported in the Department’s first public annual report on NSL usage, issued in April 2006, because the Department was not required to include all NSL requests in that report” (“A review of the Federal Bureau of Investigation’s use of national security letters,” Department of Justice Office of the Inspector General, March 2007, p. xix, www.usdoj.gov/oig/special/s0703bfinal.pdf). See also American Civil Liberties Union: Hundreds of New Documents Reveal Expanded Military Role in Domestic Surveillance (October 14, 2007), www.aclu.org/safefree/nationalsecurityletters/32145prs20071014.html.


women and girls,19 Dostum currently serves as Chief of Staff to Hamid Karzai, Commander-in-Chief of the Afghan Armed Forces.20

The US and UK governments defended their 2003 invasion of Iraq, once again, as a necessary component of the GWOT. But the evidence for their claims that Saddam Hussein had weapons of mass destruction and ties to Al-Qaida was flimsy, and these claims are now known to have been false and preparations for the invasion are known to have been made well before 9/11. Hussein’s regime had been responsible for horrendous human rights violations, including massive chemical weapons attacks against Iraqi and Iranian civilians. But these were most severe in the 1980s when Iraq, with Western encouragement and chemicals delivered by Western states, fought a nine-year war against Iran. Then our governments were on friendly terms with Saddam Hussein—though the US, eager to prolong the war, sold weapons and intelligence to Iran as well (the “Iran-Contra Affair”).

The US and UK quickly took over the prisons of the defeated regimes and filled them with thousands of people they had taken captive in their war on terror. Labelled “unprivileged combatants,” “unlawful enemy combatants” or “security detainees,” these people have been routinely humiliated and degraded at will by coalition personnel: stripped naked, forced to masturbate and to simulate sex acts, abused with dogs, shackled in stressful positions, kicked and beaten with electric cables, and tortured with electric shocks, drugs, sleep deprivation, induced hypothermia and “waterboarding” (simulated drowning).21


Such abuse is partly explained by the large and increasing number of “moral waivers” that allow people with serious criminal records to join the US armed forces. Accounts from former prison personnel make clear that much of the abuse was systematic and deliberate, encouraged and condoned up the chain of command, with the objective of breaking resistance to the occupation trumping any concern for protecting the innocent. This is confirmed by former US Army interrogator Tony Lagouranis who, in his *Hardball* interview with Chris Matthews, estimated that 90 percent of the people he interrogated were wholly innocent—not merely in the technical sense of innocent until proven guilty, but really innocent of any armed resistance to the occupation of Iraq or any serious crime that might conceivably justify their horrendous treatment. Many were arrested for having once visited Afghanistan, for having had some association to an Islamic charity with suspected links to terrorists or their sympathizers, or even to help extract information from an incarcerated relative.

There are many facilities outside of Afghanistan and Iraq where perceived enemies of the West are held indefinitely. Best known among these is the US-operated compound at Guantánamo Bay, Cuba. United Nations officials have been trying to inspect this prison since it opened in 2002, but have declined the option to visit without full access and the opportunity to conduct private interviews with detainees. The US Defense Department has been compelled by the judiciary to issue a list of the people it has been holding at Guantánamo Bay,
and several people released from there have provided graphic accounts of how prisoners are treated.26

The US government asserts that the prisoners it holds at Guantánamo Bay are not entitled to Geneva Convention protections27 and intends to try them by military commissions. But the US Supreme Court overruled the government on both counts, emphasizing the severe flaws of the constituted military commissions:

The accused and his civilian counsel may be excluded from, and precluded from ever learning what evidence was presented during, any part of the proceeding that either the Appointing Authority or the presiding officer decides to “close.” . . . not only is testimonial hearsay and evidence obtained through coercion fully admissible, but neither live testimony nor witnesses’ written statements need be sworn.28

The Court concluded that trial by military commission, as envisioned, violates both the Geneva Conventions and the US Uniform Code of Military Justice, whose article 36(b) requires that all pre-trial, trial, and post-trial procedures must be uniform with those applied to crimes allegedly committed by US military personnel.29 The Court also found that trial by military commission as contemplated violates Article 3, common to all four Geneva Conventions, which requires that any punishments must be pursuant to a “judgment pronounced by a regularly constituted court affording all the judicial guarantees which are recognized as indispensable by civilized peoples.”30 In response to the Court’s decision, Congress has since passed the Military Commissions Act attempting to reinstate trial by military commission in modified form.31 Whether this legislation will survive impending Supreme Court scrutiny remains to be seen.32

Coalition forces have also maintained secret detention facilities around the world, reportedly in Jordan, Pakistan, Qatar, Thailand, Uzbekistan, various

30Ibid. p. 67.
locations in Eastern Europe, and on the British island of Diego Garcia. At these “black sites” our governments are imprisoning so-called ghost detainees—unknown numbers of unknown persons for unknown reasons under unknown conditions. Our governments are telling us that nothing untoward is going on at such sites. But it would be irrational and irresponsible to trust that basic human rights are being respected in locations no one else has access to when such rights are not being respected in locations from which a fair amount of information is leaking out. Common sense suggests that, once persons have been caught in the secret prison system, their captors are reluctant to release them even when they become convinced of their innocence: Wholly unaccountable for their actions, these captors prefer innocent persons to remain missing indefinitely over their resurfacing with information about conditions in the secret facilities and possibly with knowledge that might be used to identify particular torturers, interrogators, or collaborating doctors.

The UK is the main “partner country” in this system of secret detention and torturous interrogation whose victims have no rights of any sort. UK officials sit with their US counterparts on the Joint Detention Review Board in Iraq, UK officials have participated in coercive interrogations, and UK officials have asserted that human rights law does not bind UK forces in Iraq. The US government relied, in the first few years of the GWOT, on a 50-page memorandum signed by Assistant Attorney General Jay S. Bybee. This memorandum comments at length on the legal obligations of US military personnel under the International Covenant on Civil and Political Rights and the Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment—both ratified by the US—and under implementing national legislation. Appealing to a Reagan Administration precedent, Bybee declared it a defining characteristic of torture that it should result in “excruciating and agonizing” pain, such as “the needle under the fingernail, the application of electric shock to the genital area, the piercing of eyeballs”: “Torture . . . covers only extreme acts. . . . Where the pain is physical, it must be of an intensity akin to that which accompanies serious physical injury such as death or organ failure. Severe mental pain requires suffering not just at the moment of infliction, but it also requires lasting psychological harm, such as seen in mental disorders like posttraumatic stress disorder. . . . Because the acts inflicting torture are extreme, there is significant range of acts that though they might constitute cruel, inhuman, or degrading treatment or punishment fail to rise to the level of torture.” The

Bybee memo also asserts that, even when torture in this narrow sense is used, “necessity or self-defense could provide justifications that would eliminate any criminal liability” and that judicial review of “interrogations undertaken pursuant to the President’s Commander-in-Chief powers may be unconstitutional.”36 The memo proposes that the government should deny that extreme forms of torment count as torture, should declare clear-cut torture justifiable by appeal to necessity or self-defense, and should argue that the courts lack authority to stop torture ordered by the President.

The Bybee memo was superseded by a memo signed by Acting U.S. Assistant Attorney General Daniel Levin on December 30, 2004, stating that “we have reviewed this Office’s prior opinions addressing issues involving treatment of detainees and do not believe that any of their conclusions would be different under the standards set forth in this memorandum.”37 The main change from the Bybee memo is that the second and third lines of defense are now declared superfluous: Because the President has directed US personnel not to engage in torture, it is unnecessary to consider whether torture is justifiable and whether the courts have the authority to stop torture ordered by the President. The memo reiterates at great length that only the most extreme forms of inhuman and degrading treatment should count as torture. It thereby follows the Bybee memo in ignoring that what the US has signed and ratified is a convention against torture and other cruel, inhuman, or degrading treatment or punishment, and in ignoring as well that the US has signed and ratified the Geneva Conventions whose common Article 3 prohibits not only torture but also “cruel treatment” and “outrages upon personal dignity, in particular humiliating and degrading treatment.”38 This article is common to all four Geneva conventions, and its application can therefore not be refuted by claiming that detainees fail to qualify as prisoners of war.39

Among the treatments coalition partners use and officially classify as acceptable are:

**Long Time Standing:** This technique is described as among the most effective. Prisoners are forced to stand, handcuffed and with their feet shackled to an eye bolt in the floor for more than 40 hours. Exhaustion and sleep deprivation are effective in yielding confessions.

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36Ibid. p. 46.
39John Yoo, a major contributor to the Levin memo, provided this defense on May 2, 2005 (webcast.berkeley.edu/event_details.php?webcastid=12285). In its Article 4, the Fourth Geneva Convention specifies that “persons protected by the Convention are those who, at a given moment and in any manner whatsoever, find themselves, in case of a conflict or occupation, in the hands of a Party to the conflict or Occupying Power of which they are not nationals”—excepting only “Nationals of a state which is not bound by the convention” (www.icrc.org/ihl.nsf/7c4d08d9b287a42141256739003e636b/6756482d86146898c125641e004aa3c5).
The Cold Cell: The prisoner is left to stand naked in a cell kept near 50 degrees F. Throughout the time in the cell the prisoner is doused with cold water.

Water Boarding: The prisoner is bound to an inclined board, feet raised and head slightly below the feet. Cellophane is wrapped over the prisoner’s face and water is poured over him. Unavoidably, the gag reflex kicks in and a terrifying fear of drowning leads to almost instant pleas to bring the treatment to a halt.\(^{40}\)

Another instrument in our war on terror is “extraordinary rendition” in which persons are transferred, without any legal process, to regimes known to practice even more severe forms of torture. According to former CIA officer Robert Baer, the CIA captures individuals it suspects of ties to terrorism and puts them on a plane. “The ultimate destination of these flights are places that, you know, are involved in torture. . . . If you send a prisoner to Jordan, you get a better interrogation. If you send a prisoner, for instance, to Egypt, you will probably never see him again, the same way with Syria.”\(^{41}\) Maher Arar, software engineer and Canadian citizen, was fortunate enough to be seen again. Coming from Tunis and headed for Montreal, he was detained during a stop-over at John F. Kennedy Airport and delivered to Syria where he was held in solitary confinement and brutally tortured on a regular basis. He was released more than a year after his arrest, completely cleared of any terrorism charges by a Canadian commission of inquiry.\(^{42}\) The US ambassador to Canada, Paul Cellucci, commented that “the US government will continue to deport Canadian citizens to third countries if they pose a risk to American national security.”\(^{43}\) Khaled el-Masri, a German citizen abducted by the CIA while vacationing in Macedonia, also resurfaced after five months of detention in Afghanistan where he was shackled, beaten, and injected with drugs. He was released somewhere in Albania when his captors realized that his abduction was a case of mistaken identity.\(^{44}\)

\(^{40}\)Brian Ross and Richard Esposito, “CIA’s harsh interrogation techniques described,” ABC News, November 18, 2005, available at: abcnews.go.com/WNT/Investigation/story?id=1322866&cpage=1. These techniques were used and refined by the Nazi Gestapo, and waterboarding was a technique commonly used by Pol Pot’s Khmer Rouge in Cambodia.

\(^{41}\)BBC, *File on 4: Rendition*, aired February 8, 2005, available at: news.bbc.co.uk/nol/shared/bsp/hi/pdfs/15_02_05_renditions.pdf. Cf. Adrian Levy and Cathy Scott-Clark, “One huge US jail,” *Guardian*, March 19, 2005, available at: www.guardian.co.uk/afghanistan/story/0,1284,1440836,00.html: “Robert Baer, a CIA case officer in the Middle East until 1997, told us how it works. ’We pick up a suspect or we arrange for one of our partner countries to do it. Then the suspect is placed on civilian transport to a third country where, let’s make no bones about it, they use torture. If you want a good interrogation, you send someone to Jordan. If you want them to be killed, you send them to Egypt or Syria. Either way, the US cannot be blamed as it is not doing the heavy work’.”


As with regard to the terrorist attacks, we should ask whether all this barbarity, much of it inflicted on innocents, is necessary to protect our societies from terrorist attacks. If we did examine this question, we would find that most of it is actually counterproductive by inciting more terrorism than it deters. In fact, however, the moral costs are barely noted in the media, and George W. Bush, the person bearing greatest responsibility for these costs, can safely convey the nation’s sentiments on the UN International Day in Support of the Victims of Torture: “The victims often feel forgotten, but we will not forget them. America supports accountability and treatment centers for torture victims. We stand with the victims to seek their healing and recovery, and urge all nations to join us in these efforts to restore the dignity of every person affected by torture.”

VII.

What is remarkable is that our governments show so little interest in justifying, in moral terms, the great harms they are clearly inflicting on innocent persons. Of course, they traffic heavily in moral and specifically religious rhetoric, on both sides of the Atlantic. But is there any evidence that those who design and implement coalition methods in the global war on terror have thought carefully about their moral justifiability? Such serious reflection is what they would engage in if they were genuinely concerned that their conduct—or let me say, our conduct, for they are acting as our elected representatives in our names—be morally justifiable. And had they engaged in such serious moral reflection and convinced themselves that these methods are indeed morally justifiable under existing conditions, would they not want this justification to be publicly known so that we all can appreciate that what is being done in our names is, appearances notwithstanding, really morally justifiable?

The conduct of our politicians is better explained by their desire to act under color of morality. This requires no more than the bald assertion that we are doing the right thing, presented in appealing tones of sincerity and commitment. What is most astonishing here again is that our politicians get away with this so easily. This is astonishing not merely in the GWOT case here under discussion, but in US and UK foreign policy more generally.

In the 1990’s, the United Nations maintained a stringent regime of economic sanctions against Iraq. These sanctions greatly reduced access to foodstuffs and

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45A secret poll conducted in Iraq for the UK Ministry of Defence and later leaked to the media found that “forty-five per cent of Iraqis believe attacks against British and American troops are justified—rising to 65 per cent in the British-controlled Maysan province; 82 per cent are ‘strongly opposed’ to the presence of coalition troops; less than one per cent of the population believes coalition forces are responsible for any improvement in security; 67 per cent of Iraqis feel less secure because of the occupation; 43 per cent of Iraqis believe conditions for peace and stability have worsened; 72 per cent do not have confidence in the multi-national forces” (Sean Rayment, “Secret MoD poll: Iraqis support attacks on British troops,” Daily Telegraph, October 22, 2005, available at: www.telegraph.co.uk/news/main.jhtml?xml=/news/2005/10/23/wirq23.xml).

medicines for poor Iraqis and further degraded Iraq’s heavily damaged infrastructure, preventing the provision of electricity, water, and sanitation with devastating effects on the incidence of contagious diseases. Madeline Albright, then US Ambassador to the UN, defended the sanctions regime on 60 Minutes:

Lesley Stahl: We have heard that a half a million children have died. I mean, that’s more children than died in Hiroshima. . . . Is the price worth it?
Albright: I think this is a very hard choice, but the price—we think the price is worth it. . . . It is a moral question, but the moral question is even a larger one. Don’t we owe to the American people and to the American military and to the other countries in the region that this man [Saddam Hussein] not be a threat?
Stahl: Even with the starvation?
Albright: I think, Lesley, it is hard for me to say this because I am a humane person, but my first responsibility is to make sure that United States forces do not have to go and re-fight the Gulf War.47

The interviewer left it at that, and the remarks drew scant media attention in the US and Europe and were not noted in Albright’s Senate confirmation hearings for Secretary of State that same year. The remarks were much reported and discussed in the Arab world, however, and apparently motivated at least one of the terrorists.48 In her biography, Albright expresses deep regret about her remarks: “Nothing matters more than the lives of innocent people. I had fallen into a trap and said something that I simply did not mean.”49

But if nothing matters more than the lives of innocent people, then why were these very severe sanctions continued without regard to their effects on Iraqi civilians? Despite considerable variation in the estimates, it was clear from the start that the sanctions’ health impact on Iraqi civilians would be devastating.50 The most careful studies I have found are Richard Garfield’s, who estimates that mortality among children under 5 rose from about 40–45 per 1000 in 1990 to about 125 per 1000 during 1994–1999 and stresses that many of the surviving children sustained lasting damage to their health.51 Garfield estimates excess deaths among children under 5 at around 3000 per month for the 1991–2002 period, with a confidence interval of 343,900 to 525,400 deaths for this entire period.52

47CBS, 60 Minutes: Punishing Saddam, aired May 12, 1996.
52See www.pbs.org/frontlineworld/stories/iraq/sanctions.html, also reporting Garfield’s earlier estimate that the sanctions had killed 227,713 children in the 91 months from August 1990 until March 1998.
In 1998, Denis Halliday, co-ordinator of humanitarian relief to Iraq and Assistant Secretary-General of the United Nations, resigned after 34 years with the UN. Explaining his resignation, he wrote: “I am resigning, because the policy of economic sanctions is totally bankrupt. We are in the process of destroying an entire society. It is as simple and terrifying as that... Five thousand children are dying every month... I don’t want to administer a programme that results in figures like these.” He added in an interview: “I had been instructed to implement a policy that satisfies the definition of genocide: a deliberate policy that has effectively killed well over a million individuals, children and adults. We all know that the regime, Saddam Hussein, is not paying the price for economic sanctions; on the contrary, he has been strengthened by them. It is the little people who are losing their children or their parents for lack of untreated water. What is clear is that the Security Council is now out of control, for its actions here undermine its own Charter, and the Declaration of Human Rights and the Geneva Convention. History will slaughter those responsible.”

In 2000, Halliday’s successor, Hans von Sponeck, also resigned, after 32 years of UN service, while harshly criticizing the sanctions regime as well as the dishonesty of the relevant officials in the Blair and Clinton governments. Jutta Burghardt, director of the UN World Food program in Iraq, also resigned for the same reasons.

Nothing matters more than the lives of innocent people. Most of us would agree with Albright on this point. Most of us would also agree that her, and our, first responsibility is to our own country. And most of us endorse these two commitments in such a shallow way that, like Albright, we do not even notice the tension. Then, when a choice must be made between promoting the interests of our country—our government, citizens, or corporations—and those of innocent people abroad, we routinely prioritize the former without so much as examining the cost that our choices will impose on the lives of the innocent.

In this spirit, the US and UK governments have stated that they do not track civilian deaths in the aftermath of their invasions and occupations of Afghanistan and Iraq. And in the same spirit our governments press their favored economic

54Ibid.
57“The Pentagon... has no plans to determine how many Iraqi civilians may have been killed or injured or suffered property damage as a result of U.S. military operations in Iraq” (Bradley Graham and Dan Morgan, “U.S. has no plans to count civilian casualties,” Washington Post, April 15, 2003, p. A13, available at: www.washingtonpost.com/ac2/wp-dyn/A26305-2003Apr14). Jack Straw, UK Secretary of State for Foreign and Commonwealth Affairs, concurred, stating that “in the conditions
rules and policies upon the rest of the world: Structural adjustment programs required by the IMF have deprived millions of African children of elementary schooling. Protectionist trade barriers are unfairly depriving poor populations of a decent livelihood. Loans and arms sales are keeping brutal and corrupt rulers in power in developing countries, and lax banking laws facilitate massive embezzlement by these countries’ public officials. Intellectual property rights mandated by the WTO cut off hundreds of millions of poor patients worldwide from cheap generic medicines. In these cases and many more, our politicians take momentous action, in our name, without any effort to apply the morality they profess in our name to decisions that cry out for moral justification. Their bald assurances that their conduct is alright, morally, are accepted by the vast majority of citizens who are similarly inclined to avoid further thought about how our “first responsibility” to benefit our own might be constrained by the interests of innocent people abroad. It appears that, outside a few insulated fora, the distinction between what is morally right and what is believed and proclaimed to be so has all but collapsed. This is a disastrous flaw in our public culture— one that, quite apart from its horrific effects, fundamentally undermines our ambition to be a civilization that strives for moral decency.

that exist in Iraq... it would be impossible to make a reliably accurate assessment... of the overall civilian casualties” and that, in any case, the UK has no obligation under international humanitarian law to make such an assessment (Jack Straw, written ministerial comment, 17 November 2004, Hansard, 426/57 (2004), available at: http://www.cbc.ca/news/background/iraq/casualties.html). Unofficial tallies of civilian deaths in Iraq record some 75,000 reported deaths since the 2003 invasion with the assumption that the true number is considerably larger (www.iraqbodycount.org). A recent survey estimates 654,965 excess civilian deaths between March 18, 2003, and June 2006 (with a 95% confidence interval of 392,979 to 942,636), including 601,027 deaths from violence. See Gilbert Burnham, Riyadh Lafta, Shannon Doocy, Les Roberts, “Mortality after the 2003 invasion of Iraq: a cross-sectional cluster sample survey,” Lancet, October 11, 2006, available at: www.thelancet.com/webfiles/images/journals/lancet/s0140673606694919.pdf, p. 6. This survey was roundly rejected by the US and UK governments, but found to be well-grounded in internal communications within the UK government. See Owen Bennett-Jones, “Iraqi deaths survey ‘was robust’,” BBC News, 26 March 2007, available at: news.bbc.co.uk/2/hi/uk_news/politics/6495753.stm.

60 Raymond W. Baker, Capitalism’s Achilles Heel (Hoboken NJ: John Wiley & Sons, 2005).
Thomas Pogge, “Making War on Terrorists –- Reflections on Harming the Innocent,” The Journal of Political Philosophy 16 (2008), p. 1, compared the threats of disease and traffic accidents with post-9/11 terrorism, in terms of lives lost, to show the discrepancy.CrossRefGoogle Scholar. 39. For the view that US policy on the Israeli–Palestinian conflict, reflecting the power of the Israel lobby in America, is not only unjust but undermines US interests in the war on terrorism, see John J. Mearsheimer and Stephen M. Walt, “The Israel Lobby and US Foreign Policy,” London Review of Books (2006).Google Scholar The war on terror is important insofar as terrorism is the end result of a belief system gone array. No country, no group, has the right to inflict harm on innocent individuals to prove their point.Â Two wrongs don’t make a right. By killing the innocent people in Iran and Afghanistan you are just doing to them what they did to you. Bringing the same hurt you felt to people who weren’t involved in 9/11 or any attacks just because they live in a country where people like that exist does not mean they are like those people. Just because Nikolas Cruz lived in America does not make all Americans terrorists, not everyone has the same views, but no one in their right mind should be able to justify the thought of killing innocent people. Report Post. Like Reply. 4 Terrorism: reflections on harming the innocent. (pp. 105-135). Thomas Pogge. The countries of the developed West are fighting a war on terror. More accurately: the governments of some of these countries are conducting a war against terrorists. This war effort was stepped up dramatically after the terrorist attack of 11 September 2001, which killed about 3,000 people in New York, Virginia and Pennsylvania. The most notable attack until then was the car bomb attack on the U.S. embassies in Dar es Salaam and Nairobi of 7 August 1998, which killed 257 people including 12 U.S. citizens.