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*War on terror! The Oxford Amnesty Lectures.*

Chris Miller (Ed.). Manchester, University Press, 2009 . 292 pp. ISBN: 978 07190 7975 7 (pbk) pp., £ 16.00

This volume, based mainly on a series of seven 2006 Oxford lectures and the responses to them has, been edited by Chris Miller, the co-founder of the Oxford Amnesty Lectures. It covers topics such as “Terrorism, war and international law” (Michael Byers), “Human Rights and counter-terrorism” (Conor Gearty) and “Islamic Law, Human Rights and Neo-Colonialism” (Khaled Abou El Fadl). The introduction by the editor alone already makes the volume worthwhile. In masterly fashion, Miller (a freelance author) addresses some of the grievances of jihadists, showing how the situation looks through non-Western eyes, pointing out, inter alia, that an injustice frequently stands at the beginning of terrorism and “that the survivors of injustice are not prepared simply to concede defeat, abandon their own dignity and accept the new status quo” (pp.1-2). Amnesty International has described the ‘war on terror’ as a war on human rights (p.28). However, it is humanitarian law (the first additional protocol to the Geneva Protocols) that states that “The civilian population as such, as well as individual civilians, shall not be the object of attack. Acts or threats of violence the primary purpose of which is to spread terror among the civilian population are prohibited” (Art. 51 (2)). While human rights law applies (predominantly but not exclusively) to peacetime situations, humanitarian law applies to wartime situations. The two have, however, begun to overlap just as the lines between war and peace have become fuzzy. The volume discusses these and other distinctions, such as the one between *jus in bello* [justification for going to war] and *jus ad bellum* [justification of acts of violence during a war], noting also the paradox that Michael Walzer identified, namely that “It is perfectly possible for a just war to be fought unjustly and an unjust war to be fought in strict accordance with the rules”. While terrorism, though variously defined in regional treaties but still undefined by the United Nations, often consists of (war) crimes, the limits of counter-terrorism have become ill-defined after eight years of the Global War on Terror. There are those who argue that “either we fight evil with evil or we succumb”. On the other hand, there are those who fear that we too would become monsters when fighting terrorism in kind. The volume raises and discusses questions like whether or not we should guarantee ‘to respect the rights of those who have shown no respect for rights at all, to show mercy to those who are merciless, [and] to treat as human those who have behaved inhumanly’ (p. 93) . Not only legal crimes but also moral wrongs (the two do not always overlap) are discussed in the volume. Thomas Pogge, for instance, argues with regard to those behind the 9/11 attacks that they were “wrong...to harm large numbers of innocent civilians for no compelling purpose. 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” (p.115). However, there is also no lack of criticism for Western governments. The same author notes how remarkable it is “that our governments show so little interest in justifying, in moral terms, the great harms they are clearly inflicting on innocent persons” through collateral damage of the war on terror (p.124). Much of the discussion turns around the question under what circumstances “ends are (not) justifying means” in both terrorism and

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counter-terrorism. Part of the discussion focuses on the distinction between war and terrorism and the question whether or not they have a shared logic. Warfare as conducted under the laws of war attempts to minimize civilian casualties, while some forms of (religious) terrorism, including al-Qaeda's, engage in violence without constraints, seeking to maximize civilian casualties. Some argue that since terrorists deliberately attack non-combatants, they cannot be considered as combatants themselves; rather their deeds ought to be classified as war crimes. But what if there is no war, if terrorists attack in times and zones of peace? The obvious category is that of (political) criminals. In that case they should, according to Jeff McMahan, be treated under the norms of law enforcement rather than the laws of war (p. 170). Yet most terrorists are unlike ordinary criminals, as they tend to be motivated, at least initially, by ideology rather than personal greed. The volume raises many intriguing questions and answers some of them. It is a very scholarly volume. Despite its association with an action-oriented NGO like Amnesty International all contributions are of a very high quality. However, it is a pity that almost four years have passed between the series of lectures that form the heart of this volume and their actual publication. Updating is, in such a situation, highly desirable. However, that is one of the very few shortcomings of this really worthwhile collection of lectures by many outstanding scholars. *(Reviewed by Alex P. Schmid, TRI)*