BOOK REVIEWS AND NOTICES

Terrorism and the Ethics of War. By Stephen Nathanson. Cambridge UK: Cambridge University Press, 2010. Pp. 328. $76.00 cloth.

A decade ago, debates about war decisions were so robust that some enthusiasts even heralded a new era of war. In this new era, only war with humanitarian aims and global approbation will be truly just. In debates concerning the Iraq war—launched in the national interest and without a specific UN mandate—humanitarian advocates headed for the hills rather than lend theoretical credibility to the war. Important humanitarian considerations went missing, along with the opportunity to publicly engage such considerations.

While many ethicists dropped out of war debates, some vigorously pursued the critique of war conduct, particularly against the U.S.-led war on terrorism. Stephen Nathanson has caught a spark from the embers of the just war debates with his timely, methodical, and clearly written new book *Terrorism and the Ethics of War.*

The central question for Nathanson, a professor of philosophy at Northeastern University, is: “Why is moral condemnation of terrorism so often met with skepticism?” The reason, according to Nathanson, is that most people believe that terrorist acts by non-state actors are always morally evil whereas collateral damage done by professional military men and women is sometimes justified. Unhappy with this assessment, Nathanson says that until we recognize the moral equivalence of terrorism and collateral damage, we cannot credibly condemn terrorism.

Nathanson notes that he had set out to prove that all attacks on civilians are morally unjustifiable but admits this proved too ambitious. Exceptions to the noncombatant immunity rule afforded by the major ethical schools of thought are reasonable, Nathanson believes, but too weak. His purpose is to create a new, sufficiently sturdy ethical rule.

Nathanson defines terrorism as the intentional killing or injuring by governments or non-state actors of a group of innocent people through acts or credible threats of violence in order to influence a larger group and to promote a political or social agenda. To arrive at this definition, Nathanson rejects any moral definition that considers the perpetrators of terrorist acts. He maintains that terrorism is simply a tactic, and that its acts in aggregation can be considered a war. This definition is important from a political and legal point of view because it eliminates the distinction between terrorists and sovereign states, which alone in international law have the authority to wage war. In the course of his book Nathanson shows that what makes terrorism especially wrong is that by intentionally injuring and killing civilians terrorism violates the norm of noncombatant immunity.

A second purpose of this book is to show the superiority of rule utilitarianism in addressing this contemporary conundrum. Nathanson methodically critiques four other types of ethics: political realism, commonsense morality, act utilitarianism, and Michael Walzer’s theories in *Just and Unjust Wars*. Finding each too permissive, he seeks to define a proper “precautionary rule.” Nathanson also criticizes the U.S. Catholic Bishops’ 1983 document *The Challenge of*

Peace for wrongly assuming a pacifist stance on just war. Conversely, Nathanson criticizes Walzer's precautionary rules for coming too close to realism's "anything goes" approach.

In fact, Walzer reinforces the strictness of the principle of double effect by emphasizing intention: the evil effect may not be an end or means to an end, and the soldier must accept increased risks to himself in order to avoid killing civilians. Nathanson dismisses this precaution when asserting that intention does not always matter, since the effect can be devastating even if unintended. To illustrate his point, he proposes an alternate scenario for the 2001 attacks on the Twin Towers in which the terrorists intended only to destroy the buildings and not to harm civilians. In such a case, he says, the attacks would have been justified by Walzer's measure. This conclusion, however, does not give sufficient credit to the strictness of Walzer's proportionality principle.

Nathanson also analyzes Walzer's "supreme emergency" exception and points out what he considers a major contradiction. Whereas Walzer condemns all terrorism early in his book, he later says that British bombing of German cities was justified as a supreme emergency. Nathanson argues that the allied bombings of German cities were in fact terrorist acts, and that the German threat to Britain did not constitute a supreme emergency because there was no immediate prospect of annihilation or enslavement. Since debunking Walzer's theory is central to the success of Nathanson's argument, no doubt many will find these assumptions overreaching because Nathanson's definition of terrorism does not take into account the specific situation or the actors involved. In the end Nathanson says that what differentiates his noncombatant rule from the rest is that in order to be morally justified, civilian deaths not only must be unintended, but also must be unforeseen.

Nathanson's link between intention and foresight is not new. G. E. M. Anscombe most notably addressed the gap between intention and foresight in her seminal work *Intention*. This consideration leads to a general problem with Nathanson's premise, namely, that while he seeks to show the superiority of rule utilitarianism, he does so by invoking Kantian, Thomist, and various ethical theories in support. For example, Nathanson claims that adherents to these ethical schools should not object to his fitting Kantian or Thomist positions into his utilitarian logic since they desire the same outcome, the protection of the innocent. However, utilitarian ethics is vastly different from the theoretical points of departure typical of Kant and of Aquinas, and attempts to combine them in this way cannot succeed without more justification than this book provides.

While Nathanson is correct that it is easier to uniformly condemn the killing of innocents with an absolute rule, it is ultimately hard to see how his rule is more useful than Walzer's theory. After all, his precautionary rule is a refined articulation of the just war principles of proportionality and discrimination. And there is some trouble with shifting the referent from the absolute value of the human person to the maximum utility created by obedience to the rule. Chiefly, it takes insufficient account of the context in which moral actors make choices.

There are also practical problems with Nathanson's argument. According to Nathanson, condemnation of terrorism would be more credible if military and civilian leaders were more detailed about the precautions taken against collateral damage. But commanders cannot reveal sources and methods of intelligence or the rules of engagement in any given operation without compromising other morally weighty considerations such as the probability of success and the risks to personnel. Additionally, the moral equivalence Nathanson proposes between terrorism and some counter-terrorist operations dismisses the moral and legal weight of proper authority reserved to sovereign states.

Nathanson rightly wants to strengthen and restrict the noncombatant immunity norm so that it no longer "allows, encourages, or requires killing civilians." Nathanson's evidence,

however, is too inconclusive to support the claim that current norms encourage killing civilians. He offers only one report from an advocacy group citing forty-two civilian deaths in Afghanistan from an aerial bomb. In the end, it is not clear that it is the existing norms that encourage such killings or the changing nature of war, which is increasingly urban and more technological.

From my personal military experience in wartime I know that most military officers are well-versed in the noncombatant immunity principle and scrupulously apply it. Fighter pilots often report aborting missions to kill known enemy combatants if even one civilian enters the target zone, despite enormous costs and detriment to the mission. Some will agree with Nathanson that discussion of collateral damage appears "mechanized and ritualistic." On the other hand, top civilian and military leaders have increasingly adopted ethical thinking into their directives over the last forty-five years, according to James Turner Johnson's analysis.

Examination of today's most egregious violations of noncombatant immunity would have been an asset to the book. These include genocide in Rwanda, mass rapes and abduction of children in Democratic Republic of Congo, targeting of civilians in Sudan, and mass starvation in North Korea. Surely forced abortions in China meet every single one of Nathanson's required components in his definition of terrorism. Because the book is limited to condemning Western violations of noncombatant immunity, a reader may be tempted to assume a certain degree of political correctness in its focus.

Nathanson says his book sprang from "conflict and confusion," namely, his horror at the September 11, 2001 terrorist attacks and revulsion toward leaders who, he says, callously dismissed civilian deaths during the U.S.-led war in Afghanistan. He admits that as a result he sets the bar high, and yet he asserts that we will only know it is high enough when citizens "feel ashamed and guilty"—and not patriotism and pride—during wartime, since their militaries inevitably take innocent life." Nathanson thus joins a long line of philosophers who have sought to revolutionize attitudes about war.

I commend the book to the attention of ethicists interested in war debates. While military and political decision makers will balk at its assumptions about counter-terrorist operations, they can benefit from its insight into theoretical bases for anti-war arguments. Regardless of its controversial premise, I am grateful for this book since it may help rekindle once-lively war debates and spark a more thorough discussion of the human costs of war.

Catholic Family & Human Rights Institute *Susan Yoshihara*

100 Years of Pragmatism: William James's Revolutionary Philosophy. Edited by John J. Stuhr. Bloomington IN: Indiana University Press, 2010. Pp. 228. $24.95 paper.

This stimulating collection of essays attests to the continuing vibrancy of William James's pragmatism a century after its birth. The eleven essays, with an introduction by editor John Stuhr, are loosely classifiable as addressing pragmatism's cultural impact, its location in intellectual history, and its adequacy as a method, as a theory of truth, or as a general attitude.

On pragmatism's cultural impact, historian James T. Kloppenberg provides a splendid account of how James's admirers transformed American life. In politics, former students (Walter Lippmann, W. E. B. DuBois, Alain Locke, Horace Kallen, et al.) and friends (Jane Addams, Oliver Wendell Holmes, Jr., Louis Brandeis, et al.) placed experience and experiment before authority and abstract principle, thereby giving an explicitly Jamesian flavor to the progressivism and multiculturalism of the age. Recent evidence of James's effect