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Terror – The Fear Profiteers

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Editorial

Paris, Brussels, Istanbul, Nice, Berlin, Barcelona, London – the web of terror attacks across Europe is growing ever denser: "The fragments of images dissolve into each other, merging in the media perception into a gigantic phantasm – the phantasm of omnipresent violence." Nearly two decades after the twin attacks on the World Trade Center, the terrorists' psychological strategy seems to work: "The fear of attacks lives in people's minds, crawls through their imagination, and controls their expectations" (Thomas Assheuer in *Die Zeit,* July 28, 2016; translated from the German).

There is a pervasive feeling of fear, in which the danger can no longer be localized. Discussions of terrorism are shaped not by the measurable threat, but by the fear of deadly attacks that could come anywhere, at any time.

The balance between freedom and security is at the core of the ethical debate about appropriate ways to combat terrorism. Both need to be carefully weighed up against each other. But the diffuse and uncertain nature of the danger makes security susceptible to instrumentalization. In political wrangling over contentious counterterrorism measures, the need for security is often given top priority – after all, the prevailing creed in the fight against terrorism is that security is a prerequisite for freedom.

But if terrorist attacks upset the basic conditions for peaceful coexistence, because the need for state-guaranteed security conflicts with civil liberties, then terrorists have achieved one of their goals: to destabilize an order based on democracy and human rights, one of whose defining characteristics is the quality of life enjoyed by free citizens. Military patrols, travel restrictions, and ever closer surveillance are already part of everyday life in many democratic states.

The phenomenon of terrorism affects and influences every single citizen. On all kinds of levels, we have to deal with it, respond to it, and constantly re-justify our position in the debate between freedom and security.

At the same time, "terrorism" is one of the most controversial words in politics. What exactly defines terrorist activity? What mechanisms does global terrorism use? What are the causes and reasons that explain why – despite declarations of unity – international cooperation against terrorism is so difficult to achieve?

The authors of this edition of "Ethics and Armed Forces" examine these questions from a variety of academic perspectives – theology, ethics, social and political science, international law, and military science.

The articles offer readers a multifaceted discussion of the phenomenon of terrorism, its causes, and how it is dealt with.

I hope that you will find our e-journal both insightful and informative.

Dr. Veronika Bock
Director of zebis

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The Power of Terrorism

Andreas Bock

We are, so it would seem, living in times of Islamist terrorism – Paris, Brussels, Nice, Istanbul, and Berlin have all recently been the scene of Islamist attacks, for which the so-called Islamic State (IS) or "Daesh" has claimed responsibility. Not surprising, then, that Rob Wainwright, Director of Europol, warns that Europe is currently facing "the highest terrorist threat we have faced for over ten years."

Perhaps little wonder, but still surprising. Undeniably, the Islamist threat is omnipresent in the media and in the political debate. It is hard to find a politician who neglects to warn of the dangers of Islamist attacks; hardly a day goes by without the inevitable reference to Islam as a threat, or as having close links to terrorism. Wainwright's assessment itself, however, is surprising, because if we look at the data on terrorist attacks in EU member states that Europol has collected since 2007 in its "EU Terrorism Situation & Trend Report," we find that only one per cent of attacks have been carried out by Islamists.

This fact highlights the extent to which Islamist terrorism – to paraphrase Franz Wördemann – now occupies our thoughts and influences our perceptions. In the United States, an Italian professor of mathematics is accused of being a terrorist because he is seen writing "in Arabic" (in reality he was writing out mathematical formulas) and in Hamburg, a jogger in a weighted jacket triggers a terror alert because passers-by think it's an explosive vest. We see terrorists where none exist and feel threatened by terrorist attacks even though we are statistically more likely to die from accidentally eating poisonous mushrooms.

The power of perception

Al-Qaeda's attack on the Twin Towers in New York on September 11, 2001, was an act of unprecedented symbolic power. The sight of smoke billowing from the World Trade Center, before it finally crashed to the ground, signalled to the world the rise of a new, overwhelming Islamist terrorism. And yet, as the Israeli historian Tom Segev points out, the 1946 attack by the militant Zionist organization Irgun on the King David Hotel in Jerusalem essentially amounted to a comparable threat scenario. In 1977, the kidnap and murder of Hanns Martin Schleyer, President of the Confederation of German Employers' Associations, by the extreme-left Red Army Faction (RAF), had a similar effect on the West German public and political sphere: the RAF appeared to be the gravest threat to the country's internal security.

But, to keep terrorism in perspective, we have to acknowledge that there is a wide gap between the perception of violence and its actual destructive force. The numbers of victims, even from such large-scale attacks as those of 9/11, do not come close to the numbers of deaths and injuries that our societies accept practically without complaint, almost as a matter of fact. The German Federal Statistical Office estimates that in 2016 alone 3,214 people were killed and 396,700 injured in road traffic accidents.

Not to mention the unparalleled destructiveness of wars. According to the Global Terrorism Index, terrorist attacks killed 29,376 people globally in 2015. That same year, 440,000 people fell victim to non-terrorist violence including war and murder. Even in regions that suffer most from Islamist terrorism, there is a significantly higher risk of being harmed through an

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act of non-terrorist violence: IS/Daesh and Boko Haram killed around 11,900 people in Iraq and Nigeria in 2015. Yet between 2003 and 2011 in Iraq alone, at least 405,000 civilians were killed as a result of direct or indirect hostilities – an average of 45,000 deaths per year.

Terrorism's power is that it takes over our thoughts and influences our perceptions, making it seem stronger and more dangerous than it really is. Media reporting and reactions by the state make for an unholy alliance. Terrorism appears so dangerous precisely because so much attention is given to it and because the response to it becomes repressive to the point of violating basic rights. And this is part of the terrorists' plan.

What is terrorism?

Intuitively we answer that terrorism is terribly wrong, a criminal act, and that terrorists are murderers. This is how the term "terrorism" is generally used. When we say that someone is being terrorized, we are saying these actions are fundamentally wrong. No surprise, then, that a clear view of terrorism prevails in the specialist literature, too. According to Peter Waldmann, a sociologist, almost all authors can at least agree that terrorism is characterized by a "particular inhumanity, arbitrariness, and brutality." But when we describe terrorism as a crime and murder, as most of the more than 150 definitions do, we are not defining terrorism. We are merely judging it. Thus, it is still not clear what distinguishes terrorism from ordinary (non-terrorist) crime. And so, we are still in the dark as to what actually constitutes terrorism.

After the Riyadh bombings of May 13, 2003, U.S. Secretary of State Colin Powell declared: "We should not try to cloak their […] criminal activity, their murderous activity, in any trappings of political purpose. They are terrorists." But it was precisely because the perpetrators were pursuing political objectives with the attacks that they were terrorists and not simply just criminals. This at any rate seems to be the smallest common denominator that people agree on amid all the other differences in definitions: terrorist violence is a form of political and anti-state violence.

Although non-state groups and states can use the same means – i.e. both can be perpetrators of terror – there is a key difference in so far as we regard state violence as fundamentally legitimate, even if people are killed and injured. In contrast, we consider non-state violence to be fundamentally illegitimate. To talk about a just or justified war is far less problematic than talking about justified terrorism. And, as history shows, even the systematic oppression of a particular group within a state (whether on the basis of skin colour, gender, or religion) does not automatically result in condemnation of that state. Somewhat ironically, it is the state's monopoly on violence that seems to make questioning state violence taboo. The apartheid regime in South Africa, for example, found strong allies particularly in the United States and Great Britain. On the United Nations Security Council, the U.S. blocked resolutions against South Africa on no less than 21 occasions. And the future Bavarian Minister-President Franz-Josef Strauss, during his time as German defence minister, was not the only prominent figure who refused to acknowledge that the white apartheid regime was a racist police state.

Political violence

Terrorism is violence by a non-state group aimed at achieving a political goal: the separation of a region, a change in the political or economic system, the end of a regime. Many examples can be cited: the Red Army Faction (RAF), the Palestine Liberation Organization (PLO), Euskadi Ta Askatasuna (ETA), the Irish Republican Army (IRA), the African National Congress (ANC), al-Qaeda, the Chechnyan rebels, the mujahideen in Afghanistan, and currently IS/Daesh.

However how much the aims of these organizations differ – fighting for an independent state, resistance against an (allegedly or actually) unjust regime, or even the regional and global supremacy of their own religion – at their core, all of these organizations have two things in common: they are all fighting for political or public objectives (and not for a private purpose such as robbing a bank to get rich), and all of them base their objectives on ideas or ideologies which radically call into question the respective social and political order.

Distinguishing between political and religious terrorism is therefore pointless, as it is simply a tautology: terrorism is a form of political violence aimed at achieving a particular objective. Whether this objective is founded on a political or religious belief or any other kind of belief is irrelevant with regard to what constitutes terrorism. Consequently, "Islamic terrorism" is not a special form of terrorism. It is merely one subset of terrorist violence – in a group that includes extreme left-wing and extreme right-wing terrorism.

The ANC's goal of abolishing the apartheid system in South Africa was incompatible with racial segregation in that country, in the same way that the RAF's goal of transforming the basic order in Germany into a communist system was and is incompatible with the German Basic Law. And, in exactly the same way, the goal of IS/Daesh of establishing an Islamist caliphate wherever possible does not mesh with notions of order in the targeted countries (currently Iraq and Syria).

Terrorist violence aims to change the prevailing political order. Achieving a political goal requires broad public support, which in turn can be voluntary or coerced. Support for terrorist violence is coerced as a social and political reaction; this may take the form of political negotiations with representatives of terrorist organizations – such as with Sinn Féin (the political wing of the IRA),

or the PLO – or it may mean voting a particular way, for instance after the Madrid bombings of March 11, 2004, when opposition leader José Zapatero gained a surprise electoral victory.

Violence in these cases is merely a strategic means of creating terror to manipulate the public and force support. While this support forms part of the plan and is one of the reasons for perpetrating terrorist violence, voluntary support is the real unit in which the strength of a terrorist organization is measured.

The extent of voluntary support – in the form of donations, volunteers, or safe houses – is critical for a group's or organization's threat potential, which in turn reflects the social power that an organization acquires through support and which enables it to terrorize a society – or, if we assume that all terrorist groups who call themselves fighters for IS/Daesh are actually part of this terrorist organization, to even terrorize multiple societies concurrently. Support is so important with regard to a terrorist organization's power and influence because it is crucially significant for the actual means of terrorism, i.e. creating terror. The more support an organization has, the more futile it must seem to fight it: for every terrorist captured or killed, new volunteers come forward; for every terrorist cell destroyed, new cells continue the struggle.

The potential threat – meaning the danger that we ascribe to a social actor – is therefore a psychological category which correlates with the public perception of terrorist violence. The more terrorism is reported on and the stronger the state's reaction is, the more dangerous the terrorists appear. And the more we mistake mathematicians and joggers for terrorists.

Terrorist or freedom fighter?

Some of the entries on the list of terrorist organizations – ranging from the ANC to IS/Daesh – may seem out of place. Surely the ANC isn't a

terrorist organization and Nelson Mandela isn't a terrorist? Indeed, the ANC today is generally regarded as a legitimate freedom movement that fought to abolish racial segregation in South Africa. The fact that violence was used in the fight for freedom does nothing to change this view.

Nevertheless, Mandela was seen as a terrorist not only in South Africa but also in the United States and Great Britain. In the United States, Mandela – winner of the Nobel Peace Prize and South Africa's first black president – was not taken off the terror watch list until July 2008, a fact that even President George W. Bush's conservative Secretary of State Condoleezza Rice criticized as "embarrassing."

This just goes to show that the question of what constitutes terrorism and especially what constitutes a terrorist, remains highly controversial. And this is why Nelson Mandela, Yasser Arafat, and Menachem Begin are viewed in some countries as terrorists, in others as freedom fighters.

Fighting fire with fire?

Hardly less controversial is the question of the right way to combat terrorism. The intuitive answer is: "With force!" What other response can there be to a terrorist threat? Force is also the answer that states usually give. And the outcome is practically always the same: force only makes terrorists stronger and spawns more instability. Experiences in Gaza, Lebanon, and Northern Ireland could teach us this: all-out repression leads to greater support for the terrorist groups and strengthens the belief that they are fighting for a just cause.

During the 1970s, the British government deployed as many as 30,000 troops to defeat the IRA by (para)military means. They did not succeed. Israel had similar experiences during decades of confrontation with the PLO,

Hezbollah, and Hamas. These groups could not be defeated militarily. Military measures, ranging from targeted killings to war, only increased backing and support for the individual organizations in the Palestinian territories, Gaza, the West Bank, and Lebanon.

The question of who is actually right in the specific case, who is using force legitimately, is of only secondary importance when it comes to perceptions and assessments of the respective actions. What matters is which side is more capable of exploiting and capitalizing on the emotions that the violence generates. Probably the most recent example of this is the Islamist Al Shabaab group, which uses Donald Trump's anti-Islamic rhetoric to gain new recruits for their armed struggle.

A catalyst for support

As they respond to terrorism with all-out repression, many states are actually playing into the terrorists' hands. Terrorist violence in these cases acts as a catalyst. It aims to force the state into a massive counter-reaction, so that it puts itself in the wrong in the eyes of potential supporters.

By responding with repression, the state becomes an accomplice to the terrorists, essentially advertising the terrorists' goals and activities, and driving followers into their arms. Which is why wide-scale retaliatory measures by states are likely to have the terrorists secretly rubbing their hands in glee. Georgios Grivas, leader of the National Organization of Cypriot Fighters (EOKA), which fought for Cyprus's independence in the 1950s, recalls the repression carried out by the British army: "The security forces set about their work in a manner which might have been designed to drive the population into our arms. [...] The population were bound more closely to the organization and the young scorned the threat of the gallows."

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Lose to win

What does this mean for the struggle against IS/Daesh? To win in this war, IS/Daesh does not need a military victory. It needs only to lose spectacularly, in a battle that produces ugly pictures of corpses, with the deaths attributable – rightly or wrongly – to the anti-IS alliance.

"Cast Lead," the Israeli military operation of 2008/9, illustrates the point. It was carried out with the aim of weakening Hamas, the militant Islamist movement, to such an extent that it would be unable to launch further rocket attacks on Israel. Yet military intervention produced a surge of support for Hamas. Reports of bombs dropping on UN facilities and more than 1,300 fatalities – women and children among them – played right into the movement's hands. Volunteers for the fight against Israel were recruited from as far away as Afghanistan and Indonesia.

The origins of the Paris or Brussels attackers could be taken as a warning sign that IS/Daesh is already able to recruit followers and potential fighters in Western societies. As historical experiences from more than half a century show, precisely this support for IS/Daesh will likely only benefit from being arrayed against a multinational military alliance and from the violence and images of war.

The same is true for IS/Daesh as was the case for EOKA and Hamas: all-out repression and the use of military force only makes terrorists stronger, allowing their threat potential to grow.

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Terrorists Need an Audience – How Terror Benefits from Digital Media

Jason Burke

In the mid-1990s, a series of couriers made the hazardous journey from Afghanistan, across the mountains along its eastern frontier, to Islamabad, the capital of neighbouring Pakistan. They took local transport, with little to distinguish them from the many other travelers on the roads of the poor, and sometimes violent, states of South Asia. Yet their mission was unique: to deliver video tapes from al-Qaeda, the terrorist organization, to the offices of news organizations.

Osama bin Laden had founded al-Qaeda in 1990 to unite the fragmented and fractious factions of the global Sunni Muslim jihadi movement. With the extremist mujahideen in the vanguard, this would enable regimes in the Middle East to be overthrown and the ummah, the global Muslim community, to be freed from the domination of the West. His strategy, which took some time to mature, was to mobilize existing supporters, polarize communities by forcing them to choose between his version of Islam and the secular West, and to terrorize his enemies.

To do this, communications were crucial. Writing to Mullah Omar, bin Laden said that 90 percent of the battle he was fighting was fought "in the media." His chosen weapon to achieve his communicative aims was "propaganda by deed": the use of extreme, spectacular violence against highly symbolic targets.

Bin Laden and al-Qaeda were not the first to do this, of course.

There have been three major surges in terrorist violence in the last 60 years. One came in the decades immediately following the Second World War. This coincided with the arrival of television in American and European homes, and radio across the Islamic world. Those fighting colonial regimes immediately recognized the implications. In 1956, the Algerian political activist and revolutionary Ramdane Abane wondered aloud whether it was better to kill ten enemies in a remote gully, "where no one will talk of it," or "a single man in Algiers, which will be noted the next day" by audiences in distant countries, who could influence policy-makers.

The next major wave of terrorist violence began in the late 1960s but peaked in the following decade with a series of high-profile assassinations, airplane hijackings, and bombings. Bruce Hoffman, one of the most respected academics working in the field, points out that the wave of Middle Eastern terrorism in this period coincided with a series of technological innovations that made it possible to send images cheaply and rapidly across great distances. This allowed American TV networks to provide much more comprehensive, and much more gripping, coverage of events across the world. In 1972, members of the Palestinian Black September group attacked Israeli athletes at the Munich Olympics, the first games to be broadcast live and the first to be the target of a terrorist attack. Senior planners of the operation later said they had selected the target because they knew the event was going to be televised live. "The plan was for international pressure to be brought to bear through 500 million TV sets," said Abu Daoud, one of those behind the attack. Over the next decade, kidnappings and hijackings

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became breaking news stories with vast audiences following every development.

Then came al-Qaeda, another technological shift, and another surge of violence. By the late 1990s, satellite TV channels in the respective local languages had begun to spread across the Islamic world, allowing unprecedented numbers of people to watch content that had not been vetted by government officials. These networks soon became hugely popular and bin Laden, now back in Afghanistan, was swift to grasp their potential. But the content he produced – to use a contemporary media term – was of limited interest to editors based in the Persian Gulf or Western capitals. An al-Qaeda courier I interviewed in Pakistan shortly after the attacks of September 11, 2001, described bin Laden's frustration at his inability to communicate his message to the widest possible audience: "Every time I took a new tape, he told me how important my mission was, and how, this time, the Muslims of the world would finally listen, and how I must absolutely deliver the tape to the right people." The escalating attacks of 1998 to 2001 can be seen as a response to these continued failures to capture the headlines. To carry them out, al-Qaeda constructed a vast and vulnerable network of training camps. The technology, to a very great extent, influenced the structure of the organization.

Through the following decade, and into the current one, there has been the greatest technological shift of all, one that many compare with the Gutenberg revolution and the advent of printing 600 years ago. This digital revolution has also led to an evolution in Islamic militant terrorist tactics and strategy. Digital technology has made communications cheaper and easier. Critically, it has allowed individuals to become broadcasting hubs by themselves and has allowed organizations to reach audiences without convincing any editors to disseminate their material. This has lifted all barriers on the nature of the content that is broadcast – so

executions and other appalling scenes, which would never have reached TV screens, are now viewable even on laptops or smartphones – and has allowed that content to be published almost instantaneously anywhere in the world.

Militant groups were quick to adapt to the rise of the Internet. According to one estimate, the number of all terrorist websites – those advocating or inciting terrorism or political violence – grew from a dozen in 1997 to almost 4,700 in 2005; a nearly 400-fold increase and eight times greater than the increase in the total number of websites over the same period. These figures include both left-wing and right-wing extremists, with Islamic militants accounting for around two thirds.

New technology also greatly simplified the means of giving instruction to recruits, avoiding the need for travel and a large-scale infrastructure of camps. The Saudi Arabian branch of al-Qaeda launched an online magazine in 2004 that encouraged potential recruits to use the Internet: "Oh mujahed brother, you don't have to travel to other lands to join the great training camps … alone, in your home or with a group of your brothers, you too can begin to execute the training program."

The cumulative impact of this change has been seen with the Islamic State, which came to prominence when it seized Mosul and declared a caliphate in 2014.

Through its ability to publish everywhere and anywhere, and in order to directly reach individuals without the mediation of a major news organization, the Islamic State built a formidable propaganda machine that effectively created an image of the organization and its project that was attractive to tens of thousands of young people across the Islamic world as well as in Europe. It also was able to disseminate gruesome images of violence, which had a major impact on Western policy – a classic terrorist tactic.

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Finally, and perhaps most importantly going forward now that the Islamic State is losing its territorial stronghold in Iraq and Syria, new technology has made smaller attacks by individuals or very small groups more attractive to terrorist organizations than ever before.

In recent years, we have heard much of these so-called "lone-wolf" operations. The phenomenon is a complex one and, in reality, few such attacks are carried out by actors who are entirely solitary.

But, nonetheless, the steady rise over the last decade in the number and efficacy of such strikes by individuals or very small numbers of people with tenuous affiliations or contact with an established organization is striking. One reason, of course, is the pressure on both al-Qaeda and the Islamic State from counterterrorist agencies. This undeniably makes ambitious and complex spectacles very difficult to execute.

However, this is also the case because the digital revolution has created new capabilities for individuals that never existed previously and that are of significant benefit to terrorist groups. These include technical elements, such as easily obtainable apps that allow encrypted communication, as well as the capacity to recruit and propagandize online through social media. Perhaps most importantly, individuals can now broadcast their own pledges of allegiance and their own videos claiming responsibility, as attackers in Germany did earlier last year (2016). Using GoPro action cameras, they can even film their violence themselves.

These lone-wolf attackers can create significant panic. The fact that the number of people to have been killed in terrorist attacks by Islamic militants is statistically negligible is irrelevant. We know the actual chances of being hurt even in a sustained terrorist campaign are minimal, but, when we come across news of a major road accident, outbreak of disease, or simply the mortality rates of heart disease or cancer when scrolling down the headlines on our smartphones or tablets, we do not feel the same anxiety, dread, or fascination as we do when reading of a bomb blast or shooting, even though any of the aforementioned scourges of modern life is infinitely more likely to cause harm to you or your loved ones. The violence seems utterly unpredictable, even if that is not true. Many of the places where we generally feel safe – trains, airports, and even schools – suddenly become danger zones. We extrapolate from the individual attack and turn it into a general rule. A gunman has attacked a museum, so no museum is safe. A classroom, even thousands of miles away, has been bombed and we cannot help but wonder if that could, or might, happen here.

Our faith in the institutions we have built to keep us safe is also shaken. Terrorism undermines the legitimacy of the state by demonstrating its inability to fulfill its fundamental function of protecting its citizens as they go about their daily lives. It also threatens the state's all-important monopoly on the legitimate use of violence.[1] We all recognize this instinctively. A single bomb on a bus is manageable for policy-makers. Two are a serious problem. Three can bring about the fall of a government simply because there is a general consensus among officials, policy-makers, and voters that those in charge are no longer doing their job. We may understand that the threat is not immediate, but it appears present, everywhere, and constant, and this makes us feel deeply vulnerable. Life or death, injury or health, appears to be a lottery. This sense of perpetual menace is what the terrorists seek above all, for this is what will create pressure on policy-makers to change policies, weaken economies, or simply influence the way millions of people see themselves and the world. It is also what inspires us to raise the drawbridge, shun the foreign or the different, and return to the comforting certainties of what we think is sure and familiar, narrow

the channels of communication and exchange, and raise up walls.

So what role does our media play in this? News organizations not only follow commercial imperatives that often encourage sensationalism, but are also staffed by individuals who are broadly reflective of the societies that produce them. Most consumers are interested in what appears to be an immediate threat or benefit to them. As a result, so too are most editors. The old news adage is "if it bleeds, it leads."

However, this is not the only problem. In recent decades, the media has also been guilty of encouraging, if not actually causing, errors of analysis that have significant and damaging effects.

In the immediate aftermath of the September 11 attacks, a series of misconceptions about Osama bin Laden and al-Qaeda became widely accepted. Some focused on the person of Osama bin Laden himself – his wealth, health, and history. The group that he led, until then relatively marginal with no real support base and only a few hundred members, was portrayed as a sprawling global terrorist organization with obedient "operatives" and "sleeper cells" on every continent and an ability to mobilize, radicalize, and attack far beyond its actual capabilities. Historic incidents with no connection to the group or its leader were suddenly portrayed as "al-Qaeda operations". Any incident, anywhere in the world, could become an al-Qaeda attack.

This misleading impression influenced the Western reaction to the events of September 11, 2001. The threat posed by al-Qaeda was described in apocalyptic terms and a response on an equally massive scale was seen as necessary. The group's ideological motivations were ignored, while the individual agency of its leaders was emphasized. If they were killed, the logic went, the problem would disappear. Al-Qaeda's

links with other terrorist or extremist organizations were distorted, often by political leaders who hoped for domestic gain and international support; so too were supposed links – all imaginary – to the governments of various states.

If the egregious manipulation of public opinion and the media sensationalism seen in the early part of the last decade are rarer now, old habits die hard. The emergence of ISIS[2] in 2013 prompted reactions that resemble those seen in the aftermath of the September 11 attacks and that, despite the generally sensible analysis of the administration of Barack Obama, risk influencing policy. ISIS, despite no real evidence, has, like al-Qaeda, been linked to plans to acquire weapons of mass destruction as well as, ludicrously, to send Ebola-infected "operatives" against its enemies. Media in the United States reported a network of ISIS "sleeper cells" in the "homeland" and "sleeper agents" in Europe, exactly as they had with al-Qaeda in 2002. These claims were, at best, a gross misrepresentation of how either organization operated and how individuals were radicalized. The atmosphere in Europe following the attacks in Paris in January 2015, only indirectly connected with ISIS, also recalled that of a decade earlier, with American commentators making the same hysterical claims of "no-go zones" in European cities, where Islamic law had supposedly been imposed.

Yet blaming the media – or at least the traditional media – in the middle of the digital revolution that is changing so much so dramatically may be misplaced. The influence of newspapers and TV networks has diminished in recent years, while that of social media has risen. The influence of professional journalists has also declined, while that of individuals empowered by new technology has risen.

This has had obvious consequences in the world of terrorism.

In one notorious case on June 13, 2016, a 25-year-old French extremist and petty criminal named Larossi Abballa killed Jean-Baptiste Salvaing, a senior local police official, in the latter's home in a residential neighborhood of Magnaville, a small town northwest of Paris. Larossi stabbed Salvaing seven times with a large knife. He used the same weapon to kill the dead policeman's wife. Leaving the couple's three-year-old son unharmed, Laroussi then used Facebook's new livestream application, Facebook Live, to broadcast a rambling speech in Arabic and French that lasted twelve minutes. He spoke of his motives for the attack, pledged allegiance to Abu Bakr al-Baghdadi, the leader of the Islamic State, and called for further attacks in France against a range of targets, including prominent rappers, journalists, and politicians.

Larossi's use of Facebook, and the new capability to communicate with large numbers of people in real time offered by the new app, was an entirely predictable step. Given the intimate relationship between terrorism and historiography over the years, it should come as no surprise that the empowered individual can be a lone attacker, a citizen journalist, or indeed both.

As the ability to broadcast has expanded, so too has the responsibility assumed by those who do so. A retweet may be as significant an act as a decision taken by an editor. It is not just in the dissemination of images that the individual has a new duty to reflect on the ethics and morality of their actions, but in their broadcast too.

The most powerful images of the Charlie Hebdo attacks in January 2015 came from onlookers. A neighbor used his smartphone to capture the moments when the gunmen effectively executed a wounded policeman on the pavement outside the magazine's offices.

As for November's Paris attacks, two clips have been viewed by many millions of people. One was the smartphone video of terrified concert-goers trying to flee the venue during the attack. Perhaps the most memorable of all was the video of the crowd at the Bataclan concert hall in the moments as the first shots rang out. It was filmed by a member of the audience.

This raises a new prospect. It is true that the widespread viewing of these images owes something to the actions of employees of news organizations, but it owes as much to the actions of ordinary members of the public empowered by the digital revolution. We have many codes of ethics for professional journalists; perhaps it is time for one for anyone who owns a smartphone and uses Twitter, Facebook, or similar sites?

1 German sociologist Max Weber made the now famous argument about the formation of the modern state in a lecture entitled "Politics as a Vocation" in 1918. In this lecture, analyzing a statement by Leon Trotsky that every state is founded on force, Weber suggested that a state is "the form of human community that [successfully] lays claim to the monopoly of legitimate physical violence within a particular territory." Weber, Max (2004): "Politics as a Vocation." In: *The Vocation Lectures.* Indianapolis, pp. 32–94, p. 33.
2 Islamic State in Iraq and Syria.

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A Counterterrorist Role for National Armed Forces? Current Conflicts and Their Ethical Consequences

Bernhard Koch

The 2016 "White Paper on German Security Policy and the Future of the *Bundeswehr*" emphasizes the narrow constitutional boundaries within which *Bundeswehr* deployment is permitted inside Germany.[1] Articles 35 and 87a of the German Basic Law *(Grundgesetz)* are key. The *Bundeswehr* can be deployed inside the country either as administrative assistance in the event of "a grave accident or a natural disaster", or "to protect civilian property and to perform traffic control functions […] during a state of defence or a state of tension" as well as "[i]n order to avert an imminent danger to the existence or free democratic basic order of the Federation or of a Land." In the latter case, the White Paper talks about an "internal state of emergency."

The reality of terrorist attacks has again raised the question, in the ongoing policy debates, of whether the powers of national armies should be increased inside their own countries. Can ethics help to answer a question like this? It can, if it clearly sets out the concepts – taken from political philosophy and theory of war – that inform the various sides of the political argument. In this way, it can bring the discussion to a more objective level.[2]

The modern era gave rise to a sharply contoured – theoretical – model of the *stato* (to use Machiavelli's term): in the state, individuals join together mutually to protect themselves from violence. They do this by agreeing to recognize general laws that impose burdens on them (particularly the burden of responsibility

for defending one's fellow citizens in the event that they are unjustly attacked), but also promise mutual benefits (particularly the principle of collective protection against unjust attacks). But to ensure that not everybody needs always to be ready to defend their fellow citizens, this task itself is assigned, again in a kind of collective contract, to particular citizens in a special institutional way, namely to the internal security forces, the police. Only where no member of the police is present may citizens – acting as their deputy – use force themselves to independently repel unjust violence in cases of self-defence or emergency assistance. The police, as upholders of the law and guarantors of internal security, still treat anyone who breaks the law as a citizen – but as a law-breaking citizen, i.e. as a criminal. As such, criminals do not lose their rights as a citizen entirely, but only to the extent necessary for defence against their breaches of the law.

It is different when it comes to defending against dangers that threaten the state as a whole, which come from people and institutions outside of the state. The modern model of the state – here used only as a stereotype, of course – encompasses acts of violence which do not occur within the state between citizens, affecting the lives, property and security of individual citizens, but which instead come from outside the state and are directed against the state itself. Violence of this kind is not criminal. It is, in the literal sense of the word, enemy. Criminals break laws that apply to them as citizens. Enemies do not violate laws to which they are

subject, for they attack the community bound by law as outsiders. This is one reason why conventional international humanitarian law generally lets enemy combatants go unpunished when a war is over: as enemy actors, they did not break the law of the attacked state, even if they killed and injured citizens of this state during the conflicts. But to ensure that not everybody needs to be constantly ready to assume responsibility for the state's external security, this task for its part is assigned, again in a kind of collective contract, to particular citizens in a special institutional way, namely to the state's armed forces. Thus, the separation of the state's internal and external security is due to the difference in the quality of this security: one is in order to preserve the law, the second is a means of existential protection against external attack.

So much for the theoretical stereotype.[3] We should have a conceptual understanding of it, even as we know that it should always be taken only as an approximation of a reality that is never so clear-cut. For example, there have always been spies and collaborators in wars, who acted from within to support the enemy without. And furthermore, there is a particular group of law-breakers who actually attack their fellow citizens, not with the intention simply of gaining advantage by harming them, but in the expectation that news of the attack will spread in such a way as to undermine other citizens' sense of security to the greatest extent possible. This general sense of insecurity, they hope, will bring about social and political change. The strategy of scaring people by triggering frightening communication is called terrorism. For a long time, this strategy was confined to the interiors of states – such as in the case of the *Rote Armee Fraktion,* the IRA, and ETA. In so far as they break the state's laws, these terrorists are simply criminals – extremely dangerous criminals in many cases. At least since the end of the 20th century, however, and particularly through the actions of Islamic terror groups, we have faced a phenomenon that utilizes global communication networks, and regards the world community as the target it wants to scare.

That the lines between a state's internal and external affairs have become blurred could be explained, in the first instance, by the fact that the communicative interior space has become larger – especially as a result of the Internet and globally available social media. 9/11, for example, is not simply an American event, it is global. But it is also true that some of these terrorists live in states which they fight against and whose internal normative order they wish to destroy or at least place under pressure via their attacks. Thus, although they appear on the one hand to be citizens, in terms of the target and intention of their actions, they are "enemies." Particularly after 9/11, it was this fact which prompted many politicians to talk of a "global war on terrorism" as a way of appealing to a well-known veneer of legitimization for violent acts by states. But at least two aspects were overlooked: first, that in this way the war is brought into one's own state, i.e. among the citizenry, and second, that this paves the way for an outward totalization of war, i.e. a dissolution of boundaries in terms of geography, time, and personnel. Indeed, the omnipresent drone war is no longer a mere chimera. In certain parts of the world, it appears as if it has already begun. War in the traditional sense cannot be the answer to the phenomenon of global terrorism, if we do not wish to undermine, from within, the core task of the state, which is to protect its citizens. In the "global war on terror," the state's interior ultimately becomes a war zone just like all the surrounding external areas.

But, then again, transnational terrorism is a fact, and to treat it simply as a problem of large-scale organized crime seems empirically impossible. National security organizations are reliant on information-sharing with other states, which means that security policy in country A cannot consider only its own vulnerability, but

should also regard the prevention of an attack in country B as a task that it can help fulfill. Often the physical capabilities of an attacked state prove insufficient to defend against global terror groups, and other countries have to step in to protect it. Since the sphere of communication is now global, and as a result terrorism has become global, too, there is no alternative except global responses to terrorism, even if this still frequently seems hard to imagine, given the current diversity of the global community. Divides in values seem to run too deep – between west and east, north and south, rich and poor, and other contrasting pairs.

If we see counterterrorism as being a task for the civilized world community as a whole, then we can at least hint at answers to the questions mentioned earlier. Shouldn't it be possible for national armed forces – such as the *Bundeswehr* in Germany – to be given greater competences in the state's internal security? The answer can be provided based largely on pragmatic considerations. Since national armed forces have extreme means of violence at their disposal, there has always been a particular risk that they – who are supposed to provide external security – will take over power within the state, especially when the distinction between external and internal security is already blurred. That military coups are not entirely a thing of the past can be seen from events in Turkey on July 15 and 16, 2016, or developments in Egypt in 2013. Even if there is no immediate danger of a coup, it may be highly advisable not to allow any uncertainty to arise with regard to responsibilities for internal and external security. Instead, it would appear necessary to enable the police to deal appropriately with newly emerged internal threats by providing them with equipment and expertise.[4] At the same time, the institutional and personal actions of police forces should always be measured against the standard of upholding the law, so that police work does not slip into warlike patterns of legitimization on the quiet. That, then,

means upholding the basic and human rights of terrorist attackers – although of course, conversely, these basic and human rights should be applied to these attackers according to the threat that they pose. If multiple institutions or persons could potentially take on a defense role, ethics demands that that role should be assigned to whomever can best perform it. Therefore, we also need to gain a clear understanding about what we consider good defense to be. Ultimately, however, this process of self-conception is not limited only to the interior of states, as the phenomenon of the drone war again shows. Just as the appropriateness of such defense measures outside one's own borders is discussed internationally, so there is also a need to transform this global communication process into global institutions.

Our safety can no longer be considered merely with regard to the state's interior. Instead we need to think in terms of a cosmopolitan space. In this respect, then, i.e. in this cosmopolitan interior, national armed forces would be deployed "internally," too. The *Bundeswehr* will actually be deployed internally in the future, not in the interior of state X or Y, but in what is in a certain sense a world interior, safeguarded by cooperation between all world citizens. Given the reality we live in, this self-conception seems to remain the only pragmatically consistent stance. And an important point in our context is that this self-conception should lead to changes in our understanding of who is an "adversary," and to a realization that this adversary is no longer an "enemy" in the traditional sense.[5] International humanitarian law will then tend to become more akin to the standards applicable to the police, as has already been pointed out in many debates in law.[6]

But the global public media and the politics of protecting people in their individuality (keyword "human security") need to be accompanied by a global political process, otherwise conflicts of values will constantly spiral into acts

of violence. After all, there will still be conflicts of values and different ideas about how the global political community should be shaped. Differences between the secular-liberal attitudes of people in the so-called "West" and religious ways of life are still too great, differences in mentality are still too great, and differences in the global distribution of wealth are also too great, promoting different attitudes to property and economic systems. If someone explicitly opposes the formal concept of a "cosmopolitan interior" (e.g. Kant's "unjust enemy"[7]) or materially aspires to a completely different system of values, we will never fully do that person justice if we treat them merely on the basis of our values, even if this is in accordance with our extremely high standards of human rights. We will only do the radical adversary justice if we acknowledge him as such, but firstly such radical adversaries are rare, and secondly it is particularly important in their case that we do not betray our own values.

It remains to be hoped – despite the current depressing experiences of renationalization and disintegration – that in the long term, institutions will actually be created that make it possible for every person to regard themselves as a world citizen, and that as such they will be able to participate in a more just, cosmopolitan, integrated community – incidentally without simply levelling either individual identities or the ensuing differences. Even if the White Paper does not dare go that far, nevertheless those thinkers in the various administrative organizations whose minds are open to optimistic speculation could at least give some thought as to what suitable kind of role the armed forces could play in such a world.

1 Bundesministerium der Verteidigung (2016): *Weißbuch 2016 – Zur Sicherheitspolitik und zur Zukunft der Bundeswehr* (2016 White Paper on German Security Policy and the Future of the *Bundeswehr*). Berlin, p. 110.

2 For example, the debate is hampered by a confusion between acts by individuals and institutional action. The imperative of the Fifth Commandment – "thou shalt not kill" – applies to every individual human. One's own acts should not involve killing. But there is no logical bridge leading from this imperative to the imperative "thou shalt not let be killed", which invokes the creating of institutions – and especially of the law (e.g. third-party-defence) – which are intended to prevent or at least reduce the number of killings. Both imperatives may be right, both may be wrong. Or only one may be right and the other wrong. Just because one is right, it does not follow that the other is too.

3 Cf. also by this author (2014): "Zum Verhältnis von Freund und Feind im bewaffneten Konflikt." In: *Informationes Theologiae Europae. Internationales ökumenisches Jahrbuch für Theologie* 18, pp. 223–229.

4 Questions like these need to be answered with careful attention to real circumstances. Thus, as Aristotle would say, what is right for a large state like Germany may be different for a small state such as Luxembourg. Sometimes, at any rate, when there are calls for the German armed forces to be deployed "internally," it is hard to escape the impression that the aim is simply to avoid the costs of adequately staffing and equipping the federal and regional police forces.

5 It has been discussed occasionally, but repeatedly, whether terrorists are not something like *"hostes humani generis"* (Karl Jaspers to Hannah Arendt) – a term that was applied to pirates in ancient Rome. In the case of some globally operating terror groups, the question does indeed arise. But, of course, using this term does not answer the question of how to deal with them.

6 Cf. Habermas, Jürgen (2004): *Der gespaltene Westen.* Frankfurt, pp. 172–174.

7 Cf. Kant, Immanuel: *Metaphysics of Morals.* Doctrine of Right, section 60.

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How Should We Resist Terrorism? Some Ideas from Christian Ethics

Katharina Klöcker

Drottninggatan in Stockholm, Parliament Square in London, a Christmas market at the Kaiser Wilhelm Memorial Church in Berlin. Three sites in the heart of Europe that any European citizen could have been visiting when the terrorists struck. Nobody should feel safe anymore – that's the clear message from the attackers. They chose their targets deliberately. The terrorists want to prove, by the most brutal means possible, that open and free societies are vulnerable. And it seems to be working. Even though most Europeans know that their chances of falling victim to a terrorist attack are minuscule, the fear of terror – at least in Germany – became people's most pressing fear in 2016. Transnational terrorism – sowing fear across borders and continents, causing deaths, disfigurements, and injuries, destroying people's homes, and forcing them to become refugees – this is no longer somebody else's problem. Now it is a problem for the so-called Western world, too.

How should we resist terrorism? This question is one of the most urgent and pressing political and social issues of the present day. Loud voices are claiming that we have reached the "zero point of antiterror policy"[1] – all attempts to contain, never mind defeat, international terrorism have failed. Even though efforts to track down the terrorists succeed every so often, many people probably share the view that we currently lack any convincing political response to the threat.

Political reactions to an attack have become almost a reflex: step up surveillance of public spaces and introduce stricter controls. Tighten our security networks and store more data. Various restrictions on civil liberties are proposed, then accepted. All this is meant to guarantee greater security. A state of emergency is imposed – as in France – for months, and repeatedly extended, until there is a danger it will gradually become the norm. Radical political forces gain strength as they instrumentalize and spread fear among the population. Supported by populist forces, terrorism has poisoned the refugee debate and the welcoming culture toward migrants in Germany, for example. We have to admit that the terrorists' ploy of exploiting refugee routes to make victims of war and terror victims a second time, now of suspicion and exclusion, has been a success. So too has Islamic terror's stated intention of stirring up a general suspicion of Muslims in Western countries.

Prevention is the magic word that will supposedly deliver Western societies from the impending terrorist threat. A suicide bomber who evades conventional anti-crime tactics and makes prosecution as a deterrent seem absurd, needs to be prevented from committing the act that makes him an offender. For this reason, we increasingly try to identify people who are a potential threat, before or regardless of whether they have actually committed any wrongdoing. Suspicion becomes emblematic of a society that feels under threat, where everyone is potentially a perpetrator.

Meanwhile – as we can observe – the transnational terrorist calculation is clear. After every attack, people in the societies concerned declare they will not bow to terrorism.

Following the November 2015 attacks in Paris, for example, the public was asked to make a point of going out to restaurants, bars, and theatres. Two days after the April 2017 attack in Stockholm, thousands gathered for a "manifestation of love" to show their rejection of terror and violence, and to honour the victims. Yet it's hard to escape the feeling that these gatherings don't really immunize us to the pernicious, delayed-action, destructive power of terror.

We should be absolutely clear about the fact that terrorists use two different weapons. The first weapon is the attack, intended to generate the greatest possible amount of uncertainty, fear and media attention in the attacked society. From the terrorists' point of view, the more arbitrary and brutal an attack appears to be, the more successful it is. But the first weapon has one main purpose, and that is to make sure terror's second weapon hits home. The more sensational and shocking the attack, the more effective this second weapon will prove to be. Why? Because terrorists expect that their violence will achieve its true destructive potential in the way that societies react to their attacks. Societies are meant to overreact, and so become the instrument of their own destruction. Fear among the population plays a pivotal role. It does so at the moment the population allows itself to be politicized – and thus becomes politicized.

It would seem that we need a change of perspective in counterterrorism policy. The rest of this article aims to outline how Christian ethics can help to point the way forward, in a much-needed debate that is not conducted nearly often enough. First it is necessary to define the relationship between ethics and politics, and between ethics and the Christian faith. It is fair to say that moral categories cannot be easily transferred into the realm of politics. Ethical reflection on the fight against terrorism certainly should not set itself the goal of moralizing politics. So, a distinction needs to be made here between careful moral reflection and political action. The task of ethics is not to formulate specific policy guidelines. But it should play a role in supporting the political consensus-building process among citizens living in a democratic society, and in promoting and strengthening democratic structures. Ethical reflection from a Christian perspective starts with the belief that Christian ethics, too, is bound by rationality. It is not some kind of special morality that only people of faith can understand. In particular, the claim to universality is deeply inscribed in Christian ethics. Nevertheless, Christian ethics can perhaps offer "a salvaging formulation [...] for something almost forgotten, but implicitly missed."[2] It can reveal repressed perspectives, or emphasize certain aspects, such as the Christian understanding of man, which enable new ways of looking at contemporary questions.

Two possible Christian ethics approaches are picked out and discussed below.[3] In light of these approaches, alternative solutions to the problem of combating terrorism can be developed. It is undisputed that protecting people's security is one of the paramount goals of political action. But this narrow perspective, with its fixation on security, needs to be widened. How would counterterrorism change if Western societies were more cognizant of the fact that terrorists are targeting not primarily the security of Western democracies, but their freedom? With an excessive fixation on security, there is a danger that the methods used to combat terrorism will end up harming democracy. Critical analyses of current counterterrorism measures examine this point in detail.[4] Thus, a fight against terrorism that is obsessed with security measures ultimately proves to be counterproductive. From a Christian perspective, we can question the powers which counterterrorism of this kind asks us to put our trust in: Do prevention and security actually have the power to free us from terrorism? Does the use of violence have the power to protect us?

An initial change of perspective comes about when we examine Christianity's relationship with violence. It is beyond the scope of this article to trace the manifold contradictions in the interpretation and practice of this complex relationship in the Christian tradition. But let us simply recall one of the key points: the apparent teaching of passive tolerance of violence by others. In the Sermon on the Mount, we find the words: "If anyone strikes you on the right cheek, turn the other also" (Matthew 5:39). Is Jesus saying that we should meekly surrender ourselves to violence – which today includes terrorist violence? For a long time, the passage was understood to mean just that, putting Christians in a difficult position they had a hard time explaining. Yet the long-prevailing interpretation of this verse possibly is not at all what Jesus had in mind. The explosive power expressed in this passage has failed to be recognized. There is something almost rebellious in the call to the poor and disenfranchised, to whom the sermon is given, to turn the left cheek. If a person who is hit turns his left cheek, the aggressor is unable to strike his inferior again using the back of his hand – as was the custom of time – and instead is forced to use his right fist: "but only equals fought with fists, as we know from Jewish sources, and the last thing the master wishes to do is to establish this underling's equality."[5] So what this passage is actually saying is not that we should passively accept our enemy's violence. Instead, we should resist. But – and this is the decisive point – we should do so with means other than those our adversary dictates. "Jesus is not telling us to submit to evil, but to refuse to oppose it on its own terms. We are not to let the opponent dictate the methods of our opposition."[6]

This criticism of violence is bound up with the belief that evil must not continue as a result of our fighting evil. But how then can this vicious circle be broken? This question leads us to a second change in perspective. Our starting point here is the deep-seated anthropological assumption of vulnerability, which is (also) fundamental to Christian theology. This is not to assert that vulnerability is an exclusively Christian category, but rather that it is one of the basic constants of anthropology. In Christianity, however, this vulnerability attains an extraordinary dignity. Vulnerability is the means of expression chosen by God Himself to show Himself in His Son Jesus Christ – in the crib and on the cross. In other words: in vulnerability, man meets God.

Counterterrorism attempts to immunize us against the destructive forces of terrorism by preaching invulnerability. Yet if we deny or suppress our vulnerability, we are in danger of employing violence ourselves to enforce security. In the struggle with terrorism, this attitude led the US into so-called wars on terror in the wake of 9/11.

By contrast, if we perceive ourselves as vulnerable, we acknowledge that others are also easily hurt. In Biblical and Christian terms, this can be expressed as a "mysticism with open eyes […] which commits us to increased awareness of the suffering of others."[7] Only with open eyes trained on the suffering of others can we clearly see the dangers of dehumanization inherent in the fight against terrorism. More than that, the question of what terrorist violence is ultimately articulating comes to the surface, without us wishing to trivialize or justify it. Thus, we begin to focus on the question of what causes terrorism, and see that Western societies need to drop a widespread habit of self-justification.

It is vulnerability that provides us with the scope for civil rights and freedoms to develop, and for democracy to be put into practice in our lives. This scope for enabling freedom and trust is what terrorism seeks to close off and destroy. It wants Western societies to become blind – blinded by fear. Therefore, it is important now more than ever to recognize that in the final analysis, awareness of our vulnerability is what

protects us from the destructive power of terrorism. In the age of the so-called fight against terrorism, we need above all to consider the fragility and vulnerability of democracy as it faces the terrorist threat. Christian ethics can advocate and convincingly support this point of view. If we protect and value our vulnerability, we can ultimately feel secure – in the knowledge that we shall not succumb to terrorism.

1 Lau, Jörg (2016): "Fetisch Gewalt." In: *Die Zeit* No. 26, November 16, 2016 (translated from the German).
2 Habermas, Jürgen (2005): "Faith and Knowledge." In: Eduardo Mendieta (ed.): *The Frankfurt School on Religion: Key Writings by the Major Thinkers.* New York and London, p. 336.
3 For a detailed discussion, see: *Klöcker, Katharina (2017): Freiheit im Fadenkreuz. Terrorbekämpfung als christlich-ethische Herausforderung.* Freiburg.
4 Cf. Klöcker, Katharina (2009): *Zur Moral der Terrorbekämpfung. Eine theologisch-ethische Kritik.* Ostfildern, pp. 155–218.
5 Wink, Walter (1998): *The Powers That Be: Theology for a New Millennium.* New York, p. 100 f.
6 Wink, Walter (1998): *The Powers That Be: Theology for a New Millennium.* New York, p. 102.
7 Metz, Johann Baptist (1992): "Die Rede von Gott angesichts der Leidensgeschichte der Welt." In: *Stimmen der Zeit* 117, vol. 5, pp. 311–320, p. 320 (translated from the German).
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The Strict Prohibition of Torture: Test Case for Security Politics Based on the Rule of Law

Heiner Bielefeldt

Human rights as an opportunity for security politics

Human rights are a positive resource for security politics. This statement, which I will explain below, could be misunderstood, so let me start by making two things clear. The idea of a "resource" does not mean that the primary purpose of human rights is to serve enlightened security politics. Human rights institutionalize the respect that is due to every human being in their capacity as responsible subjects. This is the primary purpose of human rights – not their potential usefulness in terms of security politics. Nevertheless, strictly upholding human rights turns out to be a sensible course of action in the long term, also with regard to security politics. By making this assertion, I do not in any way wish to deny that specific conflicts of interest may occur between human rights and civil liberties on the one hand, and state security politics on the other. That would be the second misunderstanding that I want to clear up at the outset. Tensions and conflicts cannot be ignored. For example, the right to privacy often clashes with the state's interest in obtaining information for preventive counterterrorism. Security considerations may lead to restrictions on the freedom of assembly. Freedom of travel may also be subject to state-imposed limitations, if it is feared that someone might go overseas to attend a terrorist training camp. In extreme cases, governments may even suspend certain human rights guarantees by declaring a state of emergency.

When exploring human rights as a positive resource for security politics, we must be mindful of the clarifications set out above, otherwise the idea is meaningless. To explain the idea, I will begin by briefly discussing the function of human rights. In this context, I wish to make it clear that human rights are anything but "utopian." As the normative cornerstones of peaceful coexistence, they define our understanding of a liberal state governed by the rule of law. In times of threat, such as that posed by terrorist networks, they turn out to be particularly important. They combine normative clarity with a certain degree of pragmatic elasticity – but this does not mean that torture can ever be justified. Freedom from torture is one of the few "absolute" human rights norms which do not permit restrictions or trade-offs of any kind. As such, it constitutes a special challenge for security politics based on the rule of law.

Human dignity as the foundation of human rights

"All human beings are born free and equal in dignity and rights."[1] This key sentence from the 1948 Universal Declaration of Human Rights concisely sums up the normative profile of human rights, and the fundamental pillar of their rationale is human dignity. It is to be respected equally in every human being. The equality of dignity corresponds to all humans' equality in their basic freedoms and civil liberties, to which everyone is entitled: freedom of conscience, freedom of religion, freedom

of opinion, freedom of assembly, freedom of association, free unionization, etc.

Establishing an order in which equal freedom for all prevails is the main task for the state governed by the rule of law. When enforcing the rule of law – using the state's monopoly on violence if necessary – the state is at the same time itself bound by the law. This is the crucial point, since this distinguishes the rule-of-law state from authoritarian systems and mafia-like regimes. Even though the latter may claim to uphold "law and order," they typically exempt themselves from any legal control. Thus, in order to retain credibility, those who seek to enforce the rule of law must at the same time abide by it, and allow institutional scrutiny of their actions. Precisely this defines the high standards of conduct expected of a state governed by the rule of law.

Human rights are not designed for an ideal world, but for the world as it is – with all its ambiguities, contradictions, and confrontations. They certainly take into account the ever-present potential for difficult conflicts to arise between civil freedoms and liberties on the one hand and the state's interest in order and security on the other, which translates into a certain degree of "elasticity" in the way human rights are formulated. Most human rights can be restricted by the state if necessary. The key point, however, is that restrictions and limitations are only legitimate if they satisfy a list of criteria set out for this purpose: there has to be a legal basis; they can be imposed only for specific higher purposes; they must actually be suited to achieving those purposes; they should go no further than absolutely necessary; they must be proportionate; they must not lead to discrimination, etc. Furthermore, anyone who believes his or her fundamental rights are infringed must have recourse to the courts. In the question of whether or not specific restrictions

and curtailments are legitimate, the burden of proof lies with the state. The state must credibly demonstrate that its planned measures remain within the bounds of the relevant criteria. In case of doubt, freedom takes precedence.

Satisfying this burden of proof might often be an onerous task. Security policymakers might sometimes wish that security organizations had greater powers of discretion, without having to bother with judicial approval and oversight committees. But precisely these constraints under the rule of law help to ensure that security policy measures focus on the real dangers. Experience tells us that especially in times of crisis, politicians are tempted to make a show of strength with symbolic legislation, which has a tendency to be excessive. A current example is President Trump's travel ban on people from selected Muslim countries. The national security benefit of this drastic policy is – to put it mildly – doubtful; the criteria for choosing the countries are unclear. The discriminatory intention is completely obvious and has provoked plenty of resentment. Another negative example is the "burkini bans" that various French coastal towns issued in the wake of the dreadful terror attack in Nice in the summer of 2016. Quite understandably, a population in shock might demand its government take decisive action. But it is completely unfathomable how imposing humiliating coercive measures on Muslim women who are out walking on a public beach wearing a jacket and headscarf (not even covering their faces!) is supposed to prevent terrorism and improve the security situation. Evidently, actions of this kind are liable to cause social divisions and alienate many Muslims – the French Court of State also declared the bans unlawful, and overturned them.

In authoritarian systems, as is well known, the security organizations can do more or

less whatever they want, without constitutional bodies to hold them back. In countries such as Egypt, Russia, and Turkey, for example, constitutional checks and balances – and legal remedies – remain largely ineffective. Usually the result is anything but an increase in security; instead there is a climate of mistrust, making fertile ground for conspiracy theories. In contrast, liberal states governed by the rule of law deliver more solid results – including security. By taking the trouble to provide specific justifications for curtailments of civil liberties, by focusing on what is strictly necessary, and by accepting oversight and review, they foster trust. Political trust, which in turn derives from transparent adherence to the rule of law, is the most important capital – including for security politics.

The prohibition of torture as a test case

While states have a possibility to restrict certain human rights, provided that the criteria defined for such restrictions are fully satisfied, some human rights norms are "absolute." These include the prohibition of torture and other cruel, inhumane, or degrading treatment or punishment. Like the prohibition of slavery, the prohibition of torture represents a "red line" that must never be crossed. At this point, all trade-offs and restrictions with regard to civil liberties reach their limit. The United Nations Convention against Torture is unequivocal: "No exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture" (Article 2, Paragraph 2).

Let's first of all be clear about what torture means. Jörg Splett defines torture as the forcible "removal of free will [...] while consciousness is maintained."[2] Thus, the defining characteristic of the torture situation is not simply that the victim's *free will is overridden.* In

addition, the victim *consciously experiences* this breaking of their will, and it is *intended* that they should do so. The victim must not fall unconscious, but rather is kept conscious with the same violence that breaks their will. In this way, they are forced to witness their own total reification, as they become a completely manipulable bundle of pain, fear, and shame. And precisely this is designed to break the prisoner down. Torture survivor Jean Améry expresses this with the words: "But only in torture does the transformation of the person into flesh become complete. [...Y]elling out in pain, awaiting no help, capable of no resistance, the tortured person is only a body, and nothing else beside that."[3] This total objectification of the self, which the victim is intended to experience while fully conscious, is what makes torture so perfidious. It not only violates the human right to demand respect for human dignity, but systematically, intentionally, and completely negates it. Based in part on Améry's reports, Werner Maihofer describes torture as a break with civilization: "The functionary of an authoritarian system, who strikes me arbitrarily and at will, does not simply violate my body, he tears up the social contract between us – affecting himself just as much as others. When a state of civilization prevails between people, all behaviour between human beings, whatever their social role or position, must remain within the boundaries of this social contract."[4] It is an ultimate act of humiliation, which a state governed by the rule of law cannot and must never commit.

Restrictions on human rights always take the form of an imposition. Some such impositions, however, can be justified to the persons concerned. To cite a comparatively trivial example, cumbersome controls at airports mean an intrusion on privacy, but airline passengers usually do not perceive these controls to be humiliating, provided they can see that attempts are made to explain and

limit the inconvenience, and prevent discrimination. Ultimately the criteria for restricting human rights and civil liberties follow this pattern, although the legal interpretation is more complex. In any case, there needs to be at least a hypothetical possibility of offering a reasonable justification for the impositions to the persons affected by them. (Whether they agree is another matter.) But the "imposition" of torture goes beyond any possible justification, because the torture victim's capacity as a free-willed human being is completely negated. Torture in this respect is structurally similar to slavery, which of course is also totally prohibited. You cannot explain to a human being – even hypothetically – that they can be traded and sold like cattle. Slavery violates the basic requirements of human communication. The same goes for torture, which is therefore beyond any possible justification even in extreme situations. Thus, the fact that the right to freedom from torture, in all relevant international and regional human rights conventions, is formulated as being a non-derogable right and above any justifiable restriction, is merely consequential; this necessarily follows from the logic of the rule of law as such.

Those who advocate a relaxation of the prohibition of torture often refer to "ticking bomb" scenarios: we should imagine, for example, that a suspected terrorist has planted a bomb somewhere, and that thousands of people's lives are at risk. In such extreme cases, so the argument goes, torture should be allowed if absolutely necessary because the danger is so severe. When it comes to the rule of law, however, it would be fatal if the state permitted exceptions to the prohibition of torture. The logic of the argument involving extreme situations carries the risk that an exception granted for one particular situation will spread to other similar but marginally less extreme cases – for which a further loosening of the prohibition of torture then comes into

consideration. Until finally all the dams break. There's more to it than that, however. Once a state allows torture in particular extreme cases, it will no longer be able to build dams of any kind. As explained earlier, torture is the total negation of human dignity, whereas the rule of law is based on exactly this respect for this dignity. Anyone who disregards this red line will likely find it difficult to formulate any credible limit anywhere for what is permitted. The fight against terrorism then threatens to descend into a "race to the bottom," i.e. a contest of barbarism, in which there is literally no holding back. Torture signifies a break with civilization that erodes the foundations of the rule of law as a whole.

Maintaining the rule of law – particularly in the context of counterterrorism – is not only essential for humanitarian reasons but also sensible for the sake of security. Only a state that is committed to the rule of law can convincingly enforce it. The rule of law is a prerequisite for confidence in the state's actions, as it creates trust. Upholding the rule of law, particularly the basic freedoms and civil liberties, is a way of ensuring that security policy measures keep the focus strictly on fighting real dangers. This helps to prevent merely symbolic and/or potentially divisive policies. However much pragmatic elasticity it permits, the rule of law consists first and foremost in definitive "red lines" which must never be crossed. Strict observance of the prohibition of torture therefore remains the test case for security politics based on the rule of law.

1 Article 1, Sentence 1 of the Universal Declaration of Human Rights.

2 Splett, Jörg (2006): "Theo-Anthropologie. Ein Antwortversuch." In: Hans-Ludwig Ollig (ed.): *Theo-Anthropologie. Jörg Splett zu Ehren.* Würzburg, pp. 105–113, p. 108 (translated from the German).

3 Améry, Jean (1980): *At the Mind's Limits: Contemplations by a Survivor of Auschwitz and Its Realities.* Translated by Sidney Rosenfeld and Stella P. Rosenfeld, Indiana University Press, p. 33.

4 Werner Maihofer (1967): *Die Würde des Menschen. Untersuchungen zu Artikel 1 des Grundgesetzes für die Bundesrepublik Deutschland.* Hanover, p. 23 (translated from the German).

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The Shortsightedness of Fear-Based Counterterrorism Policies that Violate Human Rights: Learning from the U.S. Experience

Rita Siemion and Adam Jacobson

After the September 11 attacks, the United States instituted a number of counterterrorism policies driven by fear. A network of secret CIA interrogation sites was set up so that officers and contractors could gather human intelligence using "enhanced interrogation techniques" that included beatings, forced anal "feeding," prolonged sleep deprivation, and sensory overload.[1] Abuses also occurred in acknowledged detention centers such as Guantanamo Bay, where the United States continues to hold a small number of terrorism suspects without charge or trial. A handful of others are being prosecuted by a broken military commission system[2] that lacks many important procedural safeguards found in civilian courts. Many other suspects are simply killed by drone strikes, which are justified by dangerously expansive and unaccepted interpretations of international law.

With the election of Donald Trump, who has touted the use of torture, Guantanamo, and argued for killing the family members of terrorism suspects, the United States is at risk of once again turning to ineffective policies that violate human rights. Although these fear-based policies offer sound bites for politicians trying to appear tough on terrorism and ease fears of the next attack, they often undermine the very goals they are intended to achieve. Torture, indefinite detention, prosecution by military commission, and unlawful drone strikes have not only fueled terrorist propaganda, but have

made it more difficult for the United States to disrupt terrorist networks and prevent future attacks. This essay explains how these purportedly "tough policies" have been counterproductive to America's long-term counterterrorism goals and why those who really want to be tough on terrorism should instead pursue effective policies that respect human rights. After all, there is nothing tough about policies that do not work.

They make it harder to keep terrorists behind bars:

The use of law of war detention, military commissions, and torture undermine the effort to keep dangerous terrorists behind bars. Law of war detention ends when hostilities are over or, in some cases, even sooner. This means that individuals held in detention under the law of war must be released at the end of the war regardless of whether they continue to pose a threat. But dangerous individuals convicted of crimes can be held for the duration of their sentences, which often last decades or more. For example, Zacarias Moussaoui, a 9/11 conspirator, was sentenced in federal court to life in prison in 2006. Similarly, al-Qaeda propagandist and Osama bin Laden's son-in-law Sulaiman Abu Ghaith was convicted in federal court and sentenced to life in prison in 2014. While detention under the law of war might sound tough because of the term "war," in reality, such detention is not an effective way to keep dangerous

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terrorists behind bars in the long run. Wartime detainees must be released within a reasonable period of time after a conflict ends. For individuals who pose a long-term threat, such temporary detention is not an effective solution.

Similarly, ad hoc military commissions have proven themselves to be ineffective at securing convictions that stick. The handful of cases currently in the military commission system at Guantanamo have dragged on for years with little justice to show for it. The trial of the September 11 defendants has been in pretrial hearings since 2012 and is not even expected to begin for years. Of the eight military commission convictions so far, three have been overturned completely, and one partially. Wasting years and years getting convictions that are then overturned is not tough, it is unwise and counterproductive.

Perhaps most problematic of all, detainee mistreatment and torture undermine counterterrorism efforts by tainting evidence that might otherwise be used to secure lasting and fair convictions. Authorities may have to forego prosecutions, evidence may be tossed out, and convictions may be overturned. For example, Mohammed al-Qahtani, an al-Qaeda operative who was supposed to be the "20th hijacker" for the September 11 attacks, could not be prosecuted because he was tortured at Guantanamo. Al-Qahtani is among a group of Guantanamo detainees that the U.S. government is seeking to keep in indefinite detention but will not charge with any crimes because the evidence against them was derived from torture. Additionally, multiple countries have refused to extradite terror suspects to the United States based on previous American involvement in their torture.

Lost intelligence and wasted resources:

Experienced interrogators and intelligence experts will tell you that effective interrogation is based on proven, studied techniques that do not include torture and abuse.[3] In fact,

torture can make it more difficult for a person to remember information. According to neuroscience professor Shane O'Mara, torture and abuse directly affect the parts of the brain that are responsible for memory, inhibiting their performance and preventing accurate recall. Torture also causes people to provide false or inaccurate information to make the torture stop. In real cases, torture has prevented interrogators from getting important information and led them astray, wasting valuable time and resources and putting lives at risk.

For example, when the CIA tortured Khalid Sheikh Mohammed (the alleged planner of the September 11 attacks, also known as KSM) in March 2003, he told them that he had sent operatives to Montana to recruit African Americans to launch attacks within the United States. Three months later, in June 2003, he admitted he had made up the plot to appease his torturers' demand for information in order to make the torture stop. CIA communications show that analysts did not even question the veracity of the information until May 2003 and had not concluded that it was fabricated until June (possibly after KSM admitted as much). The torture that led to this false information took days of interrogation time and any investigation of KSM's claims before he recanted undoubtedly wasted valuable time and resources better devoted to other work.

Drone strikes also come at a cost of lost intelligence. Intelligence and national security experts from across the political spectrum have explained that capturing a suspected terrorist provides the best opportunity for gathering necessary intelligence, which is lost if that person is killed in a drone strike. As Micah Zenko of the Council on Foreign Relations writes: "We can never know what information they held, and whether it would have been useful to better understanding the tactics, techniques, and procedures of terrorist organizations or would have revealed any external plotting." In 2015, General

Joseph Votel, then head of U.S. Special Operations Command said, "We get a lot more [intelligence] when we actually capture somebody or we capture material than we do when we kill someone." Daniel Byman of the Brookings Institution echoes these concerns, noting: "Capturing terrorists offers both tactical and diplomatic rewards. Dead men tell no tales, and a dead terrorist carries his secrets to the grave."

Propaganda and recruitment:

Rather than reducing the terrorist threat, Guantanamo, torture, and drone strikes have all been a boon for terrorist propaganda and recruitment.[4] Since it opened, Guantanamo has been used in al-Qaeda propaganda to turn its audience against the United States – to portray the United States as hypocritical, abusive, and at war against Islam. American human rights abuses help al-Qaeda portray itself as the underdog facing an imperial Goliath and invoke a justification of "defensive jihad" – the obligation for Muslims to defend their faith and the Muslim community from attack. This propaganda also cites the U.S. government's post-9/11 actions to undermine the United States' image as a beacon of human rights and religious tolerance. For a conflict in which the "hearts and minds" of local populations are so important, this is a major problem. Gallup polling data from the Middle East/North Africa region shows that closing Guantanamo would have a significant positive effect on those populations' view of the United States.

Similarly, abuse and torture of detainees have led to a recruitment boon for terrorist groups. For example, a 2006 U.S. State Department cable noted that the single biggest driver of foreign fighters traveling to Iraq to fight the United States was the detainee abuses at Guantanamo, Abu Ghraib, and elsewhere. In a recent study, the Open Society Foundations found that torture and abuse were a factor in local grievances in Afghanistan as well, contributing

to the growth and gains of the Taliban and other insurgent groups in the country.

Likewise, drone strikes in Yemen, Pakistan, and elsewhere have turned public opinion against the United States, helped radicalize local populations, and increased sympathy for groups like al-Qaeda. As General Stanley McChrystal has said: "What scares me about drone strikes is how they are perceived around the world. The resentment created … is much greater than the average American appreciates." Now ISIS is using the U.S. drone program to bolster its recruitment. As former director of the CIA counterterrorism center Robert Grenier said of the U.S. drone program: "We have gone a long way down the road of creating a situation where we are creating more enemies than we are removing from the battlefield." These concerns have been echoed by reports from investigative journalists and independent organizations. A recent report documented the various ways in which harm to civilians caused by U.S. or partner forces has a detrimental effect on U.S. counterterrorism objectives. It found that civilian harm contributed to the growth and strength of insurgent/terrorist groups, damaged the legitimacy of U.S. counterterrorism efforts, harmed relationships with strategic partners, and alienated the civilian population.

Decreased cooperation from allies and loss of local cooperation:

Effectively countering terrorism requires cooperation from allied nations and local populations in areas where terrorists operate. Concerns about U.S. human rights abuses have led to decreased cooperation and intelligence sharing from these critical allies. For example, partner countries have refused to extradite terrorism suspects to the United States, fearing that the suspects could be tortured and/or prosecuted in the legally dubious military commission system at Guantanamo. Because the military commission system at Guantanamo

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is so flawed (especially compared to the competent and experienced U.S. federal courts),[5] other nations have resisted extradition for suspects who could possibly be tried at Guantanamo, and have even refrained from providing evidence that might be used in military commission trials. In recent years, the United Kingdom, the Netherlands, and Iraq have all sought guarantees that extradition of terrorism suspects would not result in military commission trials, and extradition treaties with Germany, Sweden, and India all prohibit trials in extraordinary courts (like the military commissions). In July 2017, Spain transferred terrorism suspect Ali Charaf Damache to the United States for trial in U.S. federal court despite the Trump Administration's stated preference for military commissions. Experts speculated that the administration's choice of venue for Damache's trial was likely due to Spanish opposition to using Guantanamo. Concern over the targeted-killing program has led to similar consequences. For example, Germany pulled back on providing data on radicalized individuals to the U.S. government because of concerns about U.S. drone strikes.

Cooperation of the local population is also critical for legitimacy, obtaining intelligence from locals, identifying and reducing threats to troops, and ultimately defeating an insurgency. As the U.S. experience in Iraq and Afghanistan has shown, human rights abuses undermine the effort to earn the support, trust, and cooperation of locals, leading to increased hostility and decreased intelligence-sharing.

Setting a dangerous precedent for other nations:

Being tough on terrorism means thinking through the long-term consequences of a policy – including the precedent that it will set for other nations and the impact that precedent will have on national and global security in the long run. Within ten years, all countries will have

the ability to acquire armed drones. The policies, practices, and legal justifications used by the United States and European nations today will be used by other states around the world tomorrow. As former CIA Director John Brennan said in 2012 when serving as President Obama's counterterrorism advisor: "We are establishing precedents that other nations may follow, and not all of them will be nations that share our interests or the premium we put on protecting human life, including innocent civilians." Former Bush Administration Legal Advisor John Bellinger concurred with this sentiment, noting in 2016, "If the United States violates or skirts international law regarding use of force, it encourages other countries … to do the same and it makes it difficult for the United States to criticize them when they do so."

Similarly, abusing detainees or holding suspects without charge or trial makes it more difficult to protect one's own nationals from such treatment by other states. Former U.S. Secretary of State Colin Powell encountered a version of this phenomenon when advocating for human rights on behalf of the United States. "As I went around the world talking about human rights, talking about how you can't have indefinite detention or the use of torture to get things out of people," Powell noted, "I always had pushback at me, 'But look at what you were doing at Guantanamo.'"

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While the fear of terrorism should be acknowledged and addressed, there is a danger of succumbing to this fear. When nations act based on fear, they are more likely to put in place shortsighted, counterproductive policies that violate their legal obligations and values and benefit the enemy by hampering counterterrorism efforts. President Trump has vowed to continue many of the policies discussed here, and has instituted several of his own, including de facto bans on immigrants from several

Muslim-majority countries. These fear-based policies alienate communities whose cooperation is essential to stopping terrorism and whose integration is essential to building resilience and responding to terrorist attacks effectively, not fearfully. Rather than continuing to play into the hands of terrorists, states affected by terrorism should learn from past U.S. experience, as should the administration of U.S. President Donald Trump.

1 Human Rights First: "Just the Facts: U.S. Senate Select Committee on Intelligence Torture Report." http://www.humanrightsfirst.org/senate-report-cia-torture (accessed August 30, 2017).
2 Human Rights First (2016): "Fact Sheet: Some Key Facts on Military Commissions v. Federal Courts." http://www.humanrightsfirst.org/resource/some-key-facts-military-commissions-v-federal-courts (accessed August 30, 2017).
3 Human Rights First (2014): "Statement of National Security, Intelligence, and Interrogation Professionals." http://www.humanrightsfirst.org/resource/statement-national-security-intelligence-and-interrogation-professionals (accessed August 30, 2017).
4 Human Rights First: "Guantanamo Bay: A Terrorist Propaganda Tool." http://www.humanrightsfirst.org/guantanamo-bay-terrorist-propaganda-tool (accessed August 30, 2017).
5 Human Rights First (2017): "Fact Sheet: Trying Terrorist Suspects in Federal Court." http://www.humanrightsfirst.org/resource/trying-terrorist-suspects-federal-court (accessed August 30, 2017).

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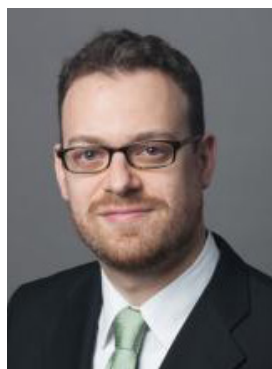
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Why Are Young Europeans Joining the Jihad?[1]

Jürgen Manemann

Many people in Europe are under the impression that jihadist violence is a threat that comes from outside. The fact is often ignored that many young jihadists grew up in European societies, and that it is there that they became prone to this type of violence. In our efforts to combat jihadism, we must therefore acknowledge the attraction it has for young people in Europe. So let's ask the question: How can we explain the fascination that jihad exerts on young people here in Germany?

Four interpretive patterns of jihadist violence

It is possible to distinguish four broad interpretive patterns of jihadist violence.

Diabolization
Diabolization is first of all an attempt to ward off the horror of these deeds by giving them a name: They are evil. It also strengthens our feelings of responsibility for people threatened by jihadist genocide. But diabolization does not provide any analysis. Diabolization is tautologous, since it infers the evil nature of the perpetrators from the evil deeds they commit. Moreover, there is no potential for self-criticism in diabolization. To diabolize is usually to externalize, but then we lose sight of the fact that the brutish jihadists appear to come from Europe.

Religionization
Apart from diabolization, attempts are made to religionize violence: There is no Islamism without Islam. Ergo there is no jihadism without Islam, either. This assertion is often held to be proof that the violence manifested in jihadism is religiously motivated. But a monocausal religionization of atrocities obscures the fact that jihadism also has other motives, perhaps even completely different ones.

If we look at the profiles of European jihadists, we find that religion does not play a major role in jihadism. For instance, the French Center for the Prevention of Sectarian Drift Related to Islam (Centre de Prévention contre les Dérives Sectaires liées à l'Islam, CPDSI) produced the following profile of typical jihad candidates: "Most of them are between 18 and 21 years old (43.3 percent), almost two-thirds (63.3 percent) grew up in atheist homes. A recent study found that eight out of ten jihadists were children from atheist homes, and two thirds [...] came from middle-class families." Many jihadists were raised in families without any fundamentalist background; 20 percent of them are converts. Yet attempts to religionize jihadist violence are problematic above all because they participate in the stylization of violence as a "Holy War" – as waged by the jihadists – and thus ultimately glorify their violence as part of a war of religions.

Sociologization
Numerous articles portray jihadists as impoverished, materially and socially deprived, uneducated, and criminals. Sociologization of this kind often attempts to marginalize and thus downplay their violence. Such attempts aim to exclude the perpetrators from the heart of Western societies.

The police and intelligence agencies in Germany have come to the conclusion that it is impossible to produce a typical profile for German

jihadists. A majority of jihadists are male, born in Germany, have German citizenship, and are aged between 21 and 25. Half are married, of whom some are fathers with children. About 17 percent of jihadists are converts. A number of jihadists have a criminal record. About one quarter are very well educated. They have obtained the *Abitur* (high school graduation certificate) or *Fachhochschulreife* (technical college entrance qualification). Some of them have attended university. Twenty-one percent were unemployed or worked in the low-wage sector. The main reason why only one in four jihadists from Germany have graduated from high school is that most leave school early to join the jihad.

Ethicization
To move beyond the dualism of "good" on one side and "evil" on the other, and gain a better understanding of the perpetrators' motives, it may be useful to ethicize violence. Ethicization in this sense means considering the perpetrators as actors whose actions are based on an ethics in the light of which these actions appear to be "good". This interpretation offers an explanation of why it is that the perpetrators apparently have no feelings of guilt: In their view, what they are doing is not only right, but also good. From their perspective, they are the good guys and we are the bad ones. Ethicizing jihadist violence may indeed help gain a better understanding of what motivates the perpetrators' actions. However, it runs the risk of believing and thus confirming the justifications that the perpetrators use.

Diabolizing, religionizing, sociologizing, ethicizing – these are four ways of interpreting jihadist violence. Each one of them contains an element of truth. But in and of itself, each interpretation is not only insufficient, it is also misleading.

Jihadism as terrorism

First and foremost, jihadism means teaching people to be afraid by spreading terror. Spreading terror, as we know, is the aim of all terrorism. If we want to understand jihadism, we should first interpret it as terrorism.

Terrorism contains a specific rationality, which can be read from its functions. One of the main functions of terror is to eliminate any relationship between the terrorists' decisions and peoples' individual fates. Terrorists want to shatter trust in human coexistence. They aim to break down individual will. The more irrational terrorist acts appear to be, the more rationally they are calculated.[2] Jihadist terror has all of this in common with other forms of terrorism. But what is disturbing about jihadist attacks is not only that the violence is unpredictable, but rather – above all – that it is excessive, disinhibited, and unbounded. The ultimate aim of jihadist terror is mass destruction and extermination.

The disinhibiting violence of jihadist terror makes it akin to religious terrorism, since mass destruction seems to be a specific feature of religious terrorism. Terrorists usually make a point of emphasizing that their deeds are distinct from mere violent crime. For this reason, no terrorism to date has been able to do without an interested third party, or one it wants to interest. Terrorism has always used the third party to provide the political legitimization for its violence.[3]

The involvement of a third party has long meant that attacks are carried out with conventional means, not with weapons of mass destruction. However, this seems not to be true, or to be less true, for religiously motivated terrorism, since it does not necessarily need a third party – at least not one in this world. A third party in this world is able to deprive terrorism of its ideological basis by publicly declaring that the terrorists are acting against its interests. But this interventionist delegitimization is not possible if the third party is otherworldly. And

the same is true with regard to the manner in which violence is used. Thus it is not surprising that terrorism with a religious foundation has taken on a new, disinhibiting dimension. Religious terrorisms are therefore especially deadly.

Jihadism as active nihilism

Jihadist terrorism is a more complex phenomenon, however, because in it we see a disinhibition that cannot be sufficiently explained as the expression of a religious extremist phenomenon. Jihadism is hatred declared to be the true purpose of life, to which everything else, including the individual will to survive, is subordinate. This hatred is only sacralized later on.

Such hatred is the expression of an active nihilism. Active nihilism is the activation of the inability to say an emphatic "No" to the non-existence of the other, even at the price of one's own non-existence. The will to bring about the death of the other becomes the purpose of life, as the perpetrator is willing to sacrifice his own life to this end. This will is dependent on neutralization of the capacity for empathy.

Nihilistic tendencies in Western societies

Anyone hoping to understand the causes of active nihilism would do well to consider nihilistic tendencies in Western societies. When we talk about nihilism with regard to present-day Western societies, we are talking about a specific life experience: a life horrifyingly devoid of meaning, hope and love. Despite a fall in the prevalence of youth violence in Germany since 2008, there are still forms of violence which result from a destructive desire. Writers, psychologists, sociologists and police chiefs describe absolute, senseless, blind violence, violence for its own sake. These forms of violence are an expression of meaninglessness, or

perverted meaning. Through their acts, these new violent criminals seem to find a replacement for something which is apparently lacking in society: meaning. Therefore, destruction perhaps provides them with an ultimate meaning. Yet this meaning no longer consists in an affirmation of life, but rather in an affirmation of nothing. Such aversive behaviors directed at others mostly occur individually, but can be collectively mobilized and politically activated, as we see in jihadism. They do not result only from economic crises. They are caused primarily by genuine psychological distress.

Jihadism is a death cult founded in the fear of death. This fear of death is the expression of a hostility toward life that leads to a libidinous relationship with death: "We love death." This hostility toward life results from an incapacity for life.

Through self-disinhibition, the perpetrator appears to experience self-expansion. The jihadist's "little ego" fears death. By killing other people, he feels he is someone who shares death's power. Through disinhibited violence, the jihadist appears to win a "double victory" as he transcends his own mortality and the boundaries of his social existence.[4] In this way, he advances to the status of negative hero. You can't make yourself a hero, however. You have to be made one. Normally one might think that such deeds would provoke disgust and revulsion. Far from it: They exert fascination.

To escape the fear of death, the jihadist uses the other as a diversion from death. Death always strikes the other. And when it strikes the jihadist, then only as a collective death, as a crowd running into death, or as death in the crowd. He who runs into death need not think about it; the others spare him the burden of his own death. What's more, hatred acts like a delirium. Death loses its power over those who are drunk on hate. Ideology amplifies these

tendencies.

Jihadism as a fascist syndrome[5]

Jihadism shares many symptoms with European fascisms. In surrendering the self to the greater whole, the individual finds "deliverance from guilt and the individual fear of death." Fascism has a particularly intimate relationship with violence. Violence in fascism has a libidinous quality. Al Qaeda's letter claiming responsibility for the Madrid attacks encapsulates this libidinous relationship with violence: "You love life, we love death." And the Spanish fascists' infamous battle cry was: "Viva la muerte" – Long live death!

The French political scientist and scholar of Islam, Olivier Roy, observes: "You have only to listen how the converts who set off for Syria in their hundreds justify their radicalization. They all say the same thing. Their lives were empty, people had always made fun of them."[6] Roy thus identifies critical problems in contemporary Western societies: spreading feelings of emptiness and exclusion.

So if we are to discuss jihadism, we cannot ignore the nihilism that is present in Western societies.

Identity disorders

An analysis of what makes jihadism attractive here in Germany should take into account the rise in social inequality, as well as broken home situations – particularly the absence of fathers – and furthermore a belated desire for revenge resulting from parents' and/or grandparents' experiences of discrimination. But probably the most important aspect is the question of young jihadists' mental state. Profiles indicate that jihadists have lost their grip at one or more points in their lives. Jihadism appeals to young people with serious identity disorders. These include insensitivity, process

melancholy, loss of control, and a fragmented body experience.

Insensitivity
The feeling of inner emptiness arises when people are unable to form an identity "that is rooted in compassion for others."[7] An identity which is atomized in this way is unstable. It is incapable of charity and self-love. This inability gives rise to self-hatred. Young jihadists in particular embody such unstable identities. Their deaths result not least from self-hatred projected onto others.

Process melancholy
Nihilism arises whenever the sense of possibility dries up. Many things in society are constantly changing. But more and more young people feel that they have no influence over the processes of change. This is the environment in which a "process melancholy" ("Prozessmelancholie", P. Sloterdijk) spreads. It is the feeling that everything takes its course and that one's own efforts play no part in it.

Loss of control
That the sense of possibility is in danger of being lost can be seen from the mass spread of fatigue and paralysis symptoms. These result less from a lack of having, and more from a lack of being – a lack of being acknowledged. Recognition is the source of a stable self. This source dries up when the fear of losing control over one's life starts to spread. With an increasing loss of control, the feeling of being excluded from society grows. This is the reason why more and more people feel humiliated.

Fragmented body experience[8]
Another point to note is that the feeling of social placelessness among young people should always be considered in the context of bodily uncertainty. Social and bodily fragmentation are inextricably interlinked. People who aim to destroy other bodies have problems with their own body. Owing to a fundamental disorder,

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they are unable to perceive their body as a whole entity ("fragmented body"). The human organism is geared to balancing the various bodily functions. If massive instabilities occur here, the bodily balance is shaken. Extreme tensions build up in the body and seek discharge. If one's own body threatens to become fragmented, then psychophysical turbulence arises, especially in the adolescent phase. Killing provides a way of briefly discharging the associated tensions.

Counterforces

Nihilism begins when the sense of possibility and the sense of finiteness dry up. Anti-jihadism should put the foundations in place for the experience of self-efficacy and the formation of resilience. Young people depend on the experience of self-efficacy, since this is the basis on which the sense of possibility can develop: "What is must be changeable if it is not to be all" (T. W. Adorno).[9]

Jihadist violence is a reaction to fear of one's own weakness and vulnerability. Jihadism is fear of being human. What it comes down to, therefore, is ways of life "which teach young people the message that all humans are vulnerable and mortal, and that this aspect of human life is not something to hate and reject, but rather [is characteristic of human life and (J. M.)] can be counterbalanced by mutual recognition and support".[10]

1 This article is an abridged version of the essay "'We Love Death' – Jihadism and Nihilism" (" 'Wir lieben den Tod' – Dschihadismus und Nihilismus", series: *Kirche und Gesellschaft* no. 430). All footnotes also appear there. For detailed arguments and references, see: Manemann, Jürgen (2015): *Der Dschihad und der Nihilismus des Westens. Warum ziehen junge Europäer in den Krieg?* Bielefeld.
2 Cf. Reemtsma, Jan Philipp (1991): "Terroratio. Überlegungen zum Zusammenhang von Terror, Rationalität und Vernichtungspolitik." In: Schneider, Wolfgang (ed.): *Vernichtungspolitik. Eine Debatte über den Zusammenhang von Sozialpolitik und Genozid im nationalsozialistischen Deutschland.* Hamburg, pp. 135-163, 158.
3 Cf. Münkler, Herfried (2002): "Asymmetrische Gewalt. Terrorismus als politisch-militärische Strategie." In: *Merkur* 1/2002, pp. 1–12, p. 11; also: Palaver, Wolfgang (2002): "Terrorismus: Wesensmerkmale, Entstehung, Religion." http://www.uibk.ac.at/theol/leseraum/texte/161.html#F_13 (accessed on: October 13, 2017).
4 Cf. Sofsky, Wolfgang (1996): *Traktat über die Gewalt.* Frankfurt, pp. 56-62.
5 Cf. Hacker, Friedrich (1992): *Das Faschismus-Syndrom. Analyse eines aktuellen Phänomens.* Frankfurt, pp. 35, 42ff.
6 Roy, Olivier (2015): „Hauptsache, Held sein". Interview by Julia Amalia Heyer. In: *Der Spiegel* no. 4, January 17, 2015, pp. 90–92, p. 91 (translated from the German).
7 Gruen, Arno (2015): *Wider den Terrorismus.* Stuttgart, p. 16 (translated from the German).
8 Theweleit uses the term Fragmentkörpererfahrung ("fragmented body experience," translated from the German), on this point see: Theweleit, Klaus (2015): *Das Lachen der Täter: Breivik u. a.: Psychogram der Tötungslust.* St. Pölten/Salzburg/Vienna, p. 186; also: Theweleit, Klaus (2016): "Körperliche Lust nur durch Gewalt." In: *TAZ,* July 30, 2016.
9 Adorno, Theodor W. (2007): *Negative Dialectics.* New York, p. 398.
10 Nussbaum, Martha C. (2012): *Nicht für den Profit! Warum Demokratie Bildung braucht.* Überlingen, p. 50 (translated from the German).

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The Only Human Right and the Hope for Europe, according to Hannah Arendt

René Torkler

In 2015, instability in the Middle East set in motion the largest flow of refugees to European soil since the Second World War. As a result, European border protection practices, much criticized for many years, came to the awareness of a broad European public to a degree that had long been desirable, but for almost as long had seemed unlikely ever to occur. While the issue of capsizing refugee boats in the Mediterranean, even before, was certainly not a secret kept by a few sworn initiates, it always remained a rather marginal aspect in European politics. It therefore seemed to be more the responsibility of those states whose geographical location on the edge of the Union territory in any case made it impossible to ignore the problem.

It was only the extent of refugee movements in 2015 that showed, in a globally visible way, that the provisions of the Dublin Convention alone could scarcely be considered sufficient for dealing with the imminent refugee crisis. The need for concepts is felt not only in practical politics. In philosophy, too, discussions particularly about the ethical aspects of the refugee crisis are prevalent.

In this context, I should like to recall the ideas of Hannah Arendt as she – like no other – closely links personal experience with theoretical reflection in her writings on the subject of flight and refuge. Forced to flee twice, she was stateless for no less than 14 years – something that influenced her and her work in many ways. In her theoretical reflection on political questions, she linked the phenomenon of mass refugee movements to the problem of human rights.

Her conclusion, which many found surprising, was a radical criticism of the classical concept of human dignity. Admittedly, the question of the extent arises, to which these considerations from the late 1940s can still be of value to us in the contemporary situation.

The nakedness of mere humanity

Attempting to discuss Arendt's criticism of human rights in the current situation appears at first, in several respects, to be anachronistic. After all, she formulated her criticism in light of a situation in world history which, with good justification, can be considered to have been overcome. Human rights in their generality are recognized today, even by those whom we accuse of violating them, in a manner which fundamentally differs from the situation after the Second World War. In the late 1940s and early 1950s, Arendt could have barely anticipated that international institutions would be set up for their monitoring and enforcement. Even the Geneva Refugee Convention is certainly an improvement on the situation that Arendt at the time justifiably criticized as European refugees' rightlessness.

Nevertheless, there is a fundamental problem in assuming rights that are granted to all humans qua being human, which the mass exodus situation makes particularly visible, and which we would do well to remember in the current situation, too.

Arendt stated that human rights face a dilemma, as they are situated in an indistinct grey area between moral claims and legally enforceable rights.

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To understand human rights as moral claims is traditionally to follow an argument based on the law of nature or reason. It assumes their validity at the core to be based on a voluntary commitment by rational beings: by virtue of reason, which is bestowed by nature, all rational beings are capable of understanding what human rights demand. From this, a universal validity of human rights (i.e. validity for all humans) can be derived.

Such a notion – following Arendt – proves to be too abstract to be considered a solution to the problem, when faced with the very concrete situation of thousands of refugees. In this understanding, it is true that human rights require nothing more than a reference to simply being human, in order to claim universal validity – i.e. validity for all humans. Within the mass flight situation, however, the problem arose for refugees that any addressee of legal claims had been lost along with their home countries. The home countries were no longer able to threaten their lives – but at the same time there was no approachable institution which, for example, could have guaranteed legal entitlements deriving from their own citizenship.

Stripped in this way of any legal options, the refugees' status as human beings did not yield the possibility of claiming any additional rights – specifically human rights – beyond the positive law of their home countries. Instead, they found themselves in a situation in which, effectively divested of a citizen's opportunities to call upon the legal apparatus of their home countries, they were reduced to simply being human, and forced to acknowledge that "the abstract nakedness of being nothing but human was their greatest danger."[1] Arendt agrees in her criticism with Edmund Burke: where the concept of human rights cannot invoke nationally guaranteed rights, it remains merely abstract and collapses in on itself. A right that is claimed only on the basis of an abstract justification, without it also being guaranteed by a state institution,

remains indeed merely a claim that one makes, not a right that one has, since there is no one against whom one can assert the legal claim.

Where, by contrast, the possibility of such an assertion exists, evidently it exists only for members of a community bound by law, on the basis of positive, state-guaranteed rights and laws.

It therefore seems to be impossible for something like human rights to exist: either they are an empty moral claim that is not guaranteed, or they are guaranteed by the state – and so they are a necessarily positive state law of national states, and therefore not primarily human rights but rather civil rights. Without membership of a state community, pre-political human rights are thus not only de facto a truly toothless tiger. What results is really an aporetic situation where, in the moment that they are asserted, they lose their status as pre-political rights – whereas, conversely, they cannot be asserted as pure pre-political rights only.

Arendt's conclusion was that there should be something like an inclusion right, which guarantees a person's membership of a state community – since the status of mere humanity, to which refugees had been reduced because of their statelessness, was tantamount to a status of rightlessness. In a formula that became famous, she expressed this right to inclusion in a political community as the "right to have rights":

"We became aware of the existence of a right to have rights [...] and a right to belong to some kind of organized community, only when millions of people emerged who had lost and could not regain these rights because of the new global political situation."[2]

Arendt thus saw a constitutive relationship between the refugee problem and the human rights issue, as it apparently took the refugee

movements of the Second World War to make this fundamental problem of human rights visible.

Undesirable barbarians

Yet the situation with which the refugees whom Arendt made a subject of discussion were confronted was tragic not only because, with their home country, they had lost their membership of a political community, and were therefore no longer part of a political body. As Arendt explained to her students during a seminar at Berkeley in 1955, they also had to come to terms with the fact that, as stateless persons, they had been declared "undesirable" (e.g. by the Dutch government of the time).[3]

Being undesirable still very accurately describes the attitude today in many European countries towards current refugee movements. In European countries and among members of their governments, there is wide-ranging variation in the readiness to accept those who, as a result of their situation as refugees, have landed in a position that – in legal respects also – is anything other than strong, even if today it is no longer rightless. At present, political rhetoric in many places would appear to go substantially further than the word "undesirable" which Arendt took issue with. In parts of the political spectrum, there is a trend to class all refugees – completely indiscriminately – as suspected terrorists, as a way of inciting fear. From there it is often just a short step to wanting to deprive the potential barbaric terrorists of fundamental rights – such as the right of asylum.

Thus, however much progress international legislative processes have made since the situation described by Arendt, it needs to be said that there are no political actors to date who are able to force individual states to accept refugees in their sovereign territories, and who would thereby make themselves responsible, as a guarantor and point of contact, for their

human rights.[4] What we are witnessing instead is a de facto situation in which many of those who have political responsibility do everything in their power to resist accepting any responsibility of this kind. In some cases, they quite openly express support for solutions which look in many respects horrifyingly similar to the internment camps that Arendt knew from her own experience.

Yet in the post-war period, Arendt complained about the humanitarian inappropriateness of the situation that had been created. And it was not only with regard to the human rights aspect that she saw it as being problematic. Thus, she wrote, "these rightless people are indeed thrown back into a peculiar state of nature. Certainly they are not barbarians; some of them, indeed, belong to the most educated strata of their respective countries; nevertheless, in a world that has almost liquidated savagery, they appear as the first signs of a possible regression from civilization."[5]

The way in which civilizations deal with refugees also says something about those civilizations and the degree of civilization that they have attained. Hence, according to Arendt, for countries facing waves of refugees, it is not only a question of considering the economic dimension of the refugee problem. Rather, their own status as a civil society is at stake – especially where this society tends to link its own identity to humanitarian, or even "Western" values:

"The danger is that a global, universally interrelated civilization may produce barbarians from its own midst by forcing millions of people into conditions which [...] are the conditions of savages."[6]

Thus, for Arendt, treating people who have lost their home country as uncivilized barbarians can in itself be taken as indicating a lack of civilization. At the least, this should warn us to curb our political rhetoric, even in difficult situations.

Europe as a bearer of hope

But beyond that, what message could there be, in a text that is more than sixty years old, for us today in such a complex, rapidly changing, and contentious field as human rights and refugee policy? Two further aspects may be worth considering here:

Firstly, Arendt's criticism of the traditional concept of human rights surely should not be interpreted as a rejection of the content of the moral claim associated with it. Particularly with the accumulated experience of the last sixty years, there can hardly be any serious doubt that, in their content, the declared human rights can and should form an important point of reference for international politics. But it is just as obvious that the point that was so crucial to Arendt has lost none of its relevance: where human rights are nothing more than a mere moral appeal, from a legal standpoint they actually clothe people in extreme humanitarian situations – such as mass refugee movements – little better than the emperor's new clothes. Ultimately, they have a greater impact on political discourse than on consolidating the legal situation for refugees. Such an understanding of human rights would be, in the literal sense of the word, utopian – i.e. incapable of existing anywhere in the real world. There is no specific state territory on whose statehood the guarantee of human rights could be based.

Secondly, for the specific situation of people who have found themselves part of mass refugee flows, it is probably true that a specific political community has to assume responsibility for guaranteeing their declared human rights, if these are to be more than just a pledge.

Here, it is quite interesting to recall how Arendt imagined a guarantor of this kind: "It doesn't seem utopian to me to hope for the possibility of a union of nations with a European parliament. [...] That is, European politics while at the same time preserving all nationalities,"[7] Arendt wrote in 1940 (!) to her friend Erich Cohn-Bendit. The letter reveals Arendt's political ideas far more directly than many of her theoretical writings. Above all, it highlights a problem that is familiar to us from current attempts at dealing with the refugee issue: in today's political debate, we once again constantly see competition between the European perspective and the call for national solutions. One might ask whether Arendt is surprisingly topical here, or, conversely, whether our reasoning has taken us back to Arendt's times. In any case, it is a characteristic idea, even of Arendt's analysis of the 1950s, that the problem of refugees cannot be solved in a frame of thought which remains in categories of national sovereignty such as repatriation or expulsion.[8] This aspect is always implied in Arendt's right of inclusion: "But as a human's right to citizenship, it transcends the rights of the citizen and is therefore the only right that can be guaranteed by a community of nations, and only by it."[9]

In a situation where the European Union's high degree of supranational organization is something that many take for granted, and some even feel to be a burden, it seems surprising that a Jew who emigrated to America in the middle of the Second World War expressed such confidence in European solutions – and yet in the framework of European unification, far more has been achieved today than Arendt could have hoped for. Seen in this way, Arendt's warning that the right to rights must be guaranteed by a specific community of states – with regard to the current status of European integration – may prove to be the litmus test against which the achievements have to be measured.

1 Arendt, Hannah (1973): *The Origins of Totalitarianism.* Harcourt: Houghton Mifflin, p. 300.
2 Arendt, Hannah (1973): *The Origins of Totalitarianism.* Harcourt: Houghton Mifflin, pp. 296 f.
3 Arendt, Hannah (1955): Statelessness. Unpublished seminar script, Berkeley. Accessible on: "The Hannah Arendt Papers at the Library of Congress," Washington DC, https://tinyurl.com/yb6czfgy (accessed October 13, 2017).
4 Cf. Gosepath, Stefan (2007): "Hannah Arendts Kritik der Menschenrechte und ihr ‚Recht, Rechte zu haben'." In: *DZPhil,* Sonderband 16, Berlin, pp. 279–288, pp. 282 f.
5 Arendt, Hannah (1973): *The Origins of Totalitarianism.* Harcourt: Houghton Mifflin, p. 300.
6 Arendt, Hannah (1973): *The Origins of Totalitarianism.* Harcourt: Houghton Mifflin, p. 302.
7 Cf. Arendt, Hannah (2000): "Zur Minderheitenfrage." Letter to Erich Cohn-Bendit, Paris, January 1940. In: Arendt, Hannah: *Vor Antisemitismus ist man nur noch auf dem Monde sicher. Beiträge für die deutsch-jüdische Migrantenzeitung Aufbau 1941–45.* Edited by Marie Luise Knott. Munich, pp. 225–234, pp. 231 f. (translated from the German and adapted).
8 Cf. Heuer, Wolfgang (2000): "Europa und seine Flüchtlinge. Hannah Arendt über die notwendige Politisierung von Minderheiten." In: *DZPhil,* Sonderband 16, Berlin, pp. 331–341, pp. 333 f.
9 Cf. Arendt, Hannah (1981): "Es gibt nur ein einziges Menschenrecht." In: Höffe, Otfried et al. (eds.): *Praktische Philosophie/Ethik 2. Reader zum Funk-Kolleg.* Frankfurt a.M., p. 167 (translated from the German).

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Terrorism – a Global Challenge
The transnational dangers of ideologically driven violence

Martin Lammert

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Hardly a day goes by without fresh reports of terrorism or terrorist attacks somewhere in the world. When we read these numerous news stories and see images of the dead and seriously injured, we feel shocked and unsafe. The fact that Germany, too, was hit by terrorist attacks in recent months only makes things worse. Munich, Würzburg, Ansbach, Berlin just before Christmas in 2016, and most recently the knife attacks in Hamburg have made an impact on the public consciousness. So far, however, the German public has not responded with hysteria.

It should be said that political terrorism in general, and specifically targeted at the Federal Republic of Germany, is not a new phenomenon. In the 1970s and 1980s, the campaign of political terror carried out by the Red Army Faction (*Rote Armee Fraktion,* RAF)

kept the political class and the public in suspense. And yet, as it seemed, this was "our" terrorism, a "national terrorism" so to speak, and it appeared to be controllable. The adversary and their intentions were mostly clear. Moreover, people felt fairly certain that this phenomenon would disappear again sooner or later. After a struggle against the Federal Republic's social order that lasted well over a quarter of a century, the RAF was dissolved in early 1998. As mentioned, this was a form of "national terrorism," which was essentially limited to the territory of the German Federal Republic. Similar terrorist phenomena have been observed elsewhere, for example in Spain, Italy, France or Ireland.

It is impossible to overlook the fact that transnational terrorism has gained significant momentum over the past two decades in comparison to these terroristic threats of the past. For our country, but also for our allies and partners in Europe and around the world, transnational terrorism presents a considerable security challenge. Having long ago ceased to be limited to individual countries or regions, terrorism has gone global over the last ten years, and can now reach us even in the heart of Europe. Over the same period, terrorist groups – which are globally networked, of course – have exploited processes of state disintegration. In the disorder that the collapse of statehood leaves behind, terrorist organizations have found the perfect environment to withdraw, regroup, and develop. Often there is a power vacuum that

they can fill with their own reign of terror. Textbook examples can be found in the "arc of crisis," such as Somalia. Digital technology, the Internet, mobile phones, and social media spanning the globe provide terrorist groups with all the tools they need to recruit new members, consolidate their following, maximize their propaganda's spread – and plan and carry out attacks. With close links to organized crime – which also operates globally – terrorist groups have access to almost unlimited financial possibilities. Indeed, this is one of the essential factors that allows them to act globally. Their financial transactions are hard to detect, never mind track, and this poses a major problem for the international community.

Alongside al-Qaeda and its offshoots which formed in the early 1990s, the self-styled Islamic State (IS) was able to gain a foothold in Iraq due to the security and power vacuum left by the withdrawal of American and British troops. The consequences, including the war in Syria, have been a notorious disaster. The intentions of IS are clear: it wants to establish a supra-regional presence – a caliphate – not only in the Middle East, but also in North Africa. Inhuman ideology, paired with backward intolerance and archaic violence, turns these terrorist organizations into an enormous challenge; at the same time, these aspects accurately describe the danger that has now reached us in Europe and even in the Federal Republic of Germany, as noted earlier.

IS generates income mainly by extorting "contributions" from the local population and by plundering banks in areas under its occupation. Its revenues from natural resource exploitation (mainly oil) fell sharply following coalition attacks targeting oil infrastructure, and significant territorial losses. In addition, but on a much smaller scale, IS receives income from selling cultural antiquities, taking hostages and demanding ransom, and from overseas donations – including the money that foreign fighters bring with them.

Transactions such as the procurement, transfer, and distribution of funds largely take place outside of the legal banking and financial transfer sector (e.g. the hawala system, cash couriers), and are therefore difficult for security agencies to trace.

So how should we go about controlling this phenomenon – this transnational terrorism, this perfidious, inhuman terrorism – for which language boundaries, national borders, and distances are no obstacle?

Former US President George W. Bush chose the military superlative after September 11, 2001, declaring a "global war on terror." Consequently, given the situation at the time, many warned that the Western world would need staying power in its fight against international terrorism. This warning has proven apposite in the meantime.

In its recent 2016 White Paper, the German federal government has spelled out the approach that it believes will be effective in fighting transnational terrorism. First of all, as in other policy areas, there is a need for international, European, and transatlantic cooperation. This entails the use of political and legal means with the involvement of the intelligence services, police, and military. Furthermore, alongside preventive security, extensive measures are needed to ensure success in tackling the causes of radicalization and terrorism – whether ideology and religious fanaticism or social and socio-economic factors.[1]

In the field of counterterrorism, it is essential to take account of the differences between perpetrators of terrorist violence. Specific counter-strategies should be developed for various types of violent actors. Nevertheless they all share common principles, such as the necessity

to dry up sources of financing for the particular terrorist organization.

In this regard, it is vitally important that partners in the region play an active role.

With resolution 2253 (2015), the United Nations Security Council (UNSC) expanded its sanctions framework against IS and al-Qaeda to include a clear focus on combating the Islamic State and cutting terrorism financing. Internationally, the Financial Action Task Force (FATF) sets the standards for combating terrorist financing, including the implementation of the UNSC resolutions. The German federal government, to implement the UN resolutions and FATF recommendations, amended the German Criminal Code *(Strafgesetzbuch)* to include paragraph 89c, which criminalizes all forms of terrorist financing.

In addition, approaches, strategies, and previously implemented methods for combating terrorist financing are discussed at all kinds of levels – e.g. by the G7 foreign ministers in the Rome-Lyon Group, at the Global Counterterrorism Forum, and as part of the anti-IS coalition in the Counter-ISIL Finance Group, which is co-chaired by the United States and Italy. Germany plays an active role here too.

The European Union, in its counterterror strategies (Council conclusions of October 2014 and February 2015) and regional strategy against ISIS (March 2015), has set out to strengthen external counterterrorism activities (including measures against terrorist financing). Combating terrorist financing is regularly discussed in anti-terror dialogs between the EU and e.g. states in the MENA² region. The European Commission recently presented an action plan to strengthen the fight against terrorist financing. It includes proposals for regulating virtual currencies, common standards for dealing with non-cooperative third countries, keeping national bank account registers, tackling the illegal

trade in cultural goods, and examining the benefits of an internal Terrorist Financing Tracking Program in the EU. The proposals are currently being coordinated and clarified together with the European Union Military Staff (EUMS).

The EU is implementing the UNSC sanctions lists for IS/Al Qaeda and the Taliban sanctions regime in European law. These are then directly applicable in Germany. Last September, the IS/AQ sanctions were supplemented by the EU's own IS/AQ sanctions regime, although the resolution currently contains no annexes (and is therefore a placeholder resolution). In addition, the EU also has its own terrorist sanctions regime based on Council Common Position 2001/931/CFSP. This currently lists 13 persons and 21 organizations, and imposes asset freezes.

What does all of this mean for the Federal Republic of Germany, and how do we intend to meet this challenge?

Germany and its partners in the European Union are pursuing an integrated approach, in which preventive aspects play a major role alongside policing and law enforcement activities.

Immediately following the publication of the 2016 White Paper, for example, at the end of July 2016, Germany enacted a law to improve information exchange in the fight against international terrorism. The act establishes a framework for better information-sharing between security agencies – on the national level and particularly internationally.

Following the terrorist attacks in Germany, the German Chancellor presented a nine-point plan for greater security. It includes an early warning system to identify radicalization, an increase in staff, establishing a central unit for information technology in the security sector,

joint exercises involving the police and armed forces *(Bundeswehr)* for large-scale terrorist situations, research and prevention, networking existing databases at the EU level, adopting new European legislation on weapons, closer cooperation between intelligence services, and stepping up repatriation efforts.

In August 2016, Germany's interior minister Thomas de Maizière proposed a raft of new security measures to contain the threat of terrorist attacks in Germany: more personnel for security agencies, restricting the right of residence, criminalizing terrorist publicity, speeding up deportations of foreign potential attackers and criminals, and tightening legislation relating to foreign nationals. To track criminals in the darknet, undercover agents will specifically investigate illicit arms trafficking and communication between terrorists. In the German *Bundestag,* the grand coalition of the two major parties adopted these measures despite opposition votes.

Furthermore, Germany also implements extensive deradicalization programs, which are discussed with international partners as best practices. These include the Radicalization Advice Center run by the German Federal Office for Migration and Refugees, the Prevention Cooperation Clearing House to promote cooperation between police and the Muslim community, and the deradicalization working group in the Joint Counterterrorism Center (GTAZ) for knowledge-sharing between the German federal government and the federal states *(Länder).* In June 2015, Germany introduced new criminal offences in relation to traveling for terrorist purposes and financing terrorism, and introduced a replacement ID card for individuals found to represent a threat, with the intention of making it more difficult for them to leave the country.

Furthermore, on July 13, 2016, along with the 2016 White Paper, the German federal cabinet approved a "German federal government strategy for preventing extremism and promoting democracy". This strategy also implemented the "Plan of Action to Prevent Violent Extremism" that was presented by the then-UN Secretary-General in mid-January 2016 and welcomed by the German government.

The German Public Prosecutor General *(Generalbundesanwalt)* is currently conducting proceedings in connection with the civil war in Syria against more than 180 individuals who are accused of belonging to or supporting a terrorist organization. Most of these cases have links to IS. The first court proceedings are now complete.

"Following the massacres in New York, Boston, Paris, Madrid, Brussels, London, Istanbul, Nice, Würzburg, and Ansbach – the list gets longer almost by the week – following the violent territorial struggles between rival Islamists in Syria, Iraq, Afghanistan, Libya, and around Israel, these are no longer individual perpetrators. To call these incidents 'terrorist attacks' is to play down their seriousness. The situation is worse and more widespread than the expressions of concern issued by Western heads of government would have us believe. We are not victims of a chaotic succession of terror attacks – we are participants in a global war."[3]

The journalist Gabor Steingart, as quoted above, is possibly overstating his case. Nevertheless, there are many reasons to believe that the phenomenon of terrorism is here to stay – especially in the international context. Information and education are the first line of defence against ideology and dogma. Like security, information and education do not come without a price. At the same time, we should also admit that many measures are not really effective in fragile or failed states, for all kinds of reasons. Thus, among much uncertainty, one thing is certain: international, transnational terrorism is and remains a global challenge.

1 Bundesministerium der Verteidigung (2016): *Weißbuch 2016 – Zur Sicherheitspolitik und zur Zukunft der Bundeswehr* (2016 White Paper on Security Policy and the Future of the German Armed Forces). Berlin, p. 34.
2 Middle East and North Africa.
3 Steingart, Gabor (2016): *Weltbeben – Leben im Zeitalter der Überforderung.* Munich, p. 75 (translated from the German).

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"Freedom and Security Are Not Contradictory"

Interview with Rear Admiral Carsten Stawitzki

Carsten Stawitzki holds the rank of Rear Admiral (Konteradmiral), and has been Commanding Officer of the German Federal Armed Forces Command and Staff College (Führungsakademie der Bundeswehr) in Hamburg since 2016. After numerous assignments on sea-going units, he served, among other things, as commander of the Naval Academy Mürwik (Marineschule Mürwik) and as military assistant to the German Federal Minister of Defense. He completed overseas deployments as part of the International Security Assistance Force (ISAF, Afghanistan) and Operation Active Endeavour (OAE, in the Mediterranean). In his current position, he is responsible for the education and training of top military personnel in the German Armed Forces.

Ethics and Armed Forces: Rear Admiral Stawitzki, as soon as you took over the role of Commanding Officer of the Command and Staff College, you began to restructure the training, with a particular focus on streamlining it. Does this mean that less time is spent on issues of peace ethics and military ethics now?

Rear Admiral Stawitzki: No, not at all. A purely technical military profession without an ethical foundation is inconceivable both for the *Bundeswehr* with its concept of *Innere Führung* (leadership development and civic education), and for me as a Christian. So an appropriate amount of time needs to be spent on this foundation during training – for all decisions that we take as military leaders. If you talk about ethics, it means you want to lead. And if you want to lead, you have to set objectives, be able to explain the purpose, and you take a moral position – one way or another. There are numerous unresolved questions in current developments in the international law of armed conflict, which involve legal and political but also ethical and military aspects. This calls for much greater discussion between decision-makers and leaders in various fields than has taken place in the past.

How do you teach these topics, and in what context are they discussed?

We currently teach them both in classes and in seminars and colloquia, as well as in character guidance training *(Lebenskundlicher Unterricht)* and at meetings of the military chaplaincy. This also applies to military exercises, where ethical debates need to occupy an established place. But in the future I want to include these topics in research and development in the broadest possible partnership, particularly with the Helmut Schmidt University, the university of the German Armed Forces, as part of our think-tank approach. Our need for critical discourse is greater than ever.

One key aspect of ethical education is character formation, especially in regard to leadership competence. Here you want to teach core skills instead of checklist-style instructions. But course participants don't come to the *Führungsakademie* until their 15th year of service, at the earliest. To what extent can character still be influenced at this point?

Well, we're not talking about early moral education or some kind of military communion or confirmation classes. We're not talking about the personal formation of conscience either, which of course accompanies everyone throughout their whole lifetime. We are talking about forms and content of ethical responsibility across the entire spectrum

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of military professionalism. Especially in Germany, a country whose military past has seen more disruption and less continuity, we are still working to give military advice an appropriate place in civil and political society. The Command and Staff College can play an important role here by strengthening officers' professional self-confidence and their ability to contribute to moral and ethical debates.

For nearly 20 years, the self-image of military personnel has been influenced by experience of deployment and combat. It is occasionally said that training in the German Armed Forces should place a greater emphasis on or even be confined to combat. What do you say to course participants who come to the college with such thoughts?

The men and women who attend the Command and Staff College do not come here to learn basic soldier skills. The college is not a military training ground. We are concerned with the military leadership process, though ultimately that always comes down to the ability to maintain the monopoly on the use of force, governed by the rule of law, in the heat of battle. In the international law of armed conflict, the essence of being a soldier is the authorization to participate in military combat. Nobody except for the regular soldiers of a member state of the United Nations is allowed to take part in combat operations. In this way, the profession of soldier holds a special position – as do other professions in their own fields. So when we place military combat at the center of officer training, we are bound to examine the moral context. After all, combat is not an end in itself. It serves to attain military objectives in the context of an interlinked approach to achieving peace.

Deployment of the German Armed Forces inside the country is frequently discussed in light of the threat from international terrorism. March of this year saw GETEX, the first joint exercise involving the police and the *Bundeswehr*. What role does counterterrorism cooperation between the German Armed Forces, police and other civilian institutions play in training at the Command and Staff College?

Hybrid scenarios – i.e. the perfidious idea of systematically organized destabilization of a community like ours through cyberattacks, disinformation, instrumentalization of sections of the population, etc., which is deliberately below the threshold of a state of war under international law – as well as the dangers of terrorist attacks must play a part in training at our college if we are to fulfill our responsibility. Essentially we shouldn't rule out any ideas prematurely – especially at an academy whose coat of arms bears the motto *"Mens agitat molem"* ("Mind moves matter"). This year, for example, on our senior General Staff / Admiral Staff Officer course which has just finished, we conducted a strategic analysis to examine Germany's role in territorial and Alliance defense, and tried to think in new ways.

Counterterrorism always involves tensions between freedom and security. How do your course participants learn to deal with these tensions – both personally and as officers?

Today more than ever, course participants at our college are usually experienced leaders in military operations. We have young soldiers who have proven themselves in battle situations in Afghanistan and Mali, for example. So these women and men are familiar with dealing with such tensions. Through our work here at the college, we try to provide a framework for their continued personal development.

How do you deal yourself with these tensions?

My personal view is that freedom and security are not contradictory. In this world and in this life there will never be one without the other. On this point I am a real-world pacifist.

Thank you, Rear Admiral Carsten Stawitzki, for the candid interview.

Questions by Jan Peter Gülden.

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