

Hostile Intent: the elisions of war

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Nine months after September 11th, it remains unclear if the U.S.'s wholesale bombing of Afghanistan, with its mounting toll of civilian casualties and colossal destruction of the environment, will win it the "war against terrorism;" indeed, it isn't clear if it even is a war. Legally, it cannot be called a war since only the Congress can declare war and it has not done so after World War II. So, from a constitutional perspective, the U.S. is not now at war and was not at war during the Gulf war, in Vietnam, or in the over 250 instances it intervened militarily in other countries since the end of World War II.

Conceptually, too, it is difficult to regard this as a war rather than as terrorism, which U.S. statutes define as "premeditated, politically motivated violence perpetrated against noncombatant targets by sub national groups or clandestine agents, usually intended to influence an audience" (Title 22, United States Code, Section 2656f (d)). Clearly, the U.S.'s actions in Afghanistan also are premeditated, politically motivated, perpetrated at mostly noncombatant targets, and meant to influence audiences. The only difference is that the U.S. is not a sub national group or clandestine agent. However, the nature and purpose of its violence is indistinguishable from terrorism as it describes it itself.

Then, too, this war does not comply with the Geneva Conventions (ratified by the U.S.) that mandate extending to civilians, the wounded and sick, and prisoners "respect for their persons, their honour, their family rights, their religious convictions and practices, and their manners and customs. They shall at all times be humanely treated, and shall be protected especially against all acts of violence or threats thereof and against insults and public curiosity. Women shall be especially protected against any attack on their honour, in particular against rape, enforced prostitution, or any form of indecent assault" (IV: 27).

True, there have been no reported incidents of rape in Afghanistan by U.S. soldiers, but U.S. policy now sanctions killing civilians, including women and children. This is borne out by an interview given to a local paper by Matt Guckenheimer, a soldier who took part in Operation Anaconda. U.S. troops, he says, "were told there were no friendly forces ... If there was anybody there, they were the enemy. We were told specifically that if there were women and children to kill them" (*Ithaca Journal*, May 25). In a subsequent letter, Guckenheimer adds that "we were made aware that the hostile forces of the Whaleback might include women and children. In that event, if those women and children showed hostile intent, we were ordered to kill them as hostile forces, just like any other hostile force we encountered. However, this does not mean that we were ordered to slaughter noncombatants such as babies. We were further informed that some of these children are trained starting at a very young age to be soldiers. Knowing this, we could not afford to just dismiss them as noncombatants" (*Ithaca Journal*, June 4).

This seems to be a throwback to 1900 when U.S. forces in the Philippines were ordered by General Jacob Smith to kill "everything over ten" (Stavrianos, *Global Rift*, 1981: 384). But, one of the lessons of World War II and, later, of the Vietnam war, was that some

actions are too heinous to countenance, even in war. Hence, the scandal over the Mai Lai massacre by U.S. troops in Vietnam. But, now the U.S. seems to have come full circle in sanctioning the killing of women and children on suspicion of hostile intent.

But what is hostile intent and how is it to be determined? Even if it were transparent, does it justify killing civilians? Are only babies to be treated as noncombatants and how long before we begin to see them as potential soldiers? Didn't the same sort of desire to preempt things lead U.S. forces to destroy textbooks in Iraq so that children couldn't become scientists? Isn't the same logic driving the ever-widening scope of domestic surveillance? (Interestingly, the movie, *Minority Report*, is based on the premise that, by being able to predict the future, the police will be able to arrest people preemptively.)

The West long has distinguished between civilization (itself) and barbarism (Others) by—among other things—espousing the idea of a just war (that it usually considers its own violence just is not surprising). But while Europeans were thrashing out a doctrine of just war in the Middle Ages, Muslim jurists, in formulating the concept of jihad, already had specified centuries earlier the criteria that form the core of the idea of justness in war, such as that warfare should be preceded by an open declaration, that Muslims should not kill children, women, and noncombatants, take hostages, endanger civilians, use poison, fire, or flooding to destroy the enemy, harm places of worship, force their beliefs upon others, or depart from justice out of hatred for the enemy, and so on.

What made many Muslims abandon these principles is the subject of another essay, as is the accuracy of the West's historical narratives or its sense of self. Here, I want only to say that the doctrine of hostile intent is unconscionable and self-defeating. It not only undermines the concept of a just war, but it also will weaken civil liberties in the U.S. The history of Western colonialism shows that modes of repression, once tested abroad, were imported for disciplining groups of "minorities" at home. The notion of hostile intent already is at work in the racial profiling of African-Americans and will likely be extended to others. Indeed, one Republican senator already is demanding authority for sheriffs to arrest any Muslim who crosses state boundaries. Regrettably, however, the "war against terrorism" effectively is preventing public reflection and debate on a policy that has the potential to become an ideological weapon of mass destruction.

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