

**'We' is as Problematic as 'What': A War of Words**

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“What We’re Fighting For: A Letter from America,” issued in February 2002 under the auspices of the Institute for American Values in New York and signed by sixty prominent scholars, is a troubling document, both for its source and for its content; but it is also a revealing instance of the rhetoric of war. The signatories locate themselves with those who are waging a war and present the document as a “clear statement” of “the moral reasoning behind their actions.” The war in question is a diffuse, undeclared war on terrorism launched in the aftermath of the 11 September 2001 attacks on the World Trade Center and the Pentagon; the document seems intended to lend it academic and philosophical legitimacy.

Even if the title’s sole function is to locate the signatories, it claims more than is justified: for the sake of honesty and precision, it should locate them in the United States. But it also carries a claim regarding the community for whom the signatories speak. Eminent though they may be, it is arrogant for a handful of academics to claim to speak on behalf of a whole nation (particularly one as suspicious of academics as the United States)—though it is hardly surprising, given historical precedent. No one on the list (to the best of my knowledge) has enlisted, so the “we” who are fighting is at least as problematic as the “what” of the title. The signatories represent a small group of academics in the United States, but, rhetorically, they effectively claim to speak on behalf of the people of two continents and on behalf of those actually engaged in combat. Such rhetorical moves are often associated with the language of war, and I am convinced that they have a great deal to do with the difficulty of maintaining civil discourse under threat of armed conflict. In this case, civilians include themselves in a “we” with combatants but reserve the right to retaliate against attackers who have done the same by treating civilians as combatants. This effectively makes the attack a self-fulfilling prophecy, retroactively confirming the attackers’ targeting rationale.

A claim of necessity (such as the one the authors make in the first sentence of the document) is a

signal that discussion is about to be cut off—not surprising in war language. But if necessity impels a nation and the nation is defending itself, then it is the nation that must speak (through duly constituted representatives of the people)—and it must speak directly to the matter of defense. If it is “necessary” for the United States to defend itself in this instance, then it must give a clear account of how its actions in this case constitute defense. Though I can understand, e.g., how the actions of passengers on the hijacked airliner that crashed in Pennsylvania can be construed as defense of the United States, I am not clear how carpet bombing Afghanistan can be so construed. It is not uncommon, however, for those responsible for foreign interventions to undertake to contain them in “defensive” language. The rhetorical claim folded into the “we” of the letter spills over the circle of signatories and implicates a whole host of others who have neither signed nor read the document. In much the same way, military action spills over national boundaries but is understood by those who order it as action in defense of sovereign territories contained within those boundaries.

When the authors write “We affirm five fundamental truths...,” they add to my growing concern about who is speaking and for whom. They assert that these truths “pertain to all people without distinction”:

1. All human beings are born free and equal in dignity and rights.
2. The basic subject of society is the human person, and the legitimate role of government is to protect and help to foster the conditions for human flourishing.
3. Human beings naturally desire to seek the truth about life's purpose and ultimate ends.
4. Freedom of conscience and religious freedom are inviolable rights of the human person.
5. Killing in the name of God is contrary to faith in God and is the greatest betrayal of the universality of religious faith.

“We fight,” they say, “to defend ourselves and to defend these universal principles.” Again, the question of just how wide the circle of this “we” is drawn is an important one. For the signatories to identify themselves as part of the “we” that is fighting blurs the boundary between combatants and civilians. If those who signed this letter are combatants, who isn't? The status of these five truths is also a matter of concern. Are they exhaustive? Are they the *most* fundamental? It seems that when “we” state these principles, “we” shift the terms of why “we” are fighting. Now we have an offensive war, even if we

describe it in defensive terms: rather than defending the people or territory of the United States, we are defending a set of abstract principles, and we may (the authors, I think, imply *must*) defend them anywhere.

The authors write that “no appeal to the merits or demerits of specific foreign policies can ever justify, or even purport to make sense of, the mass slaughter of innocent persons.” Does this mean that there are other things that can justify (or make sense of) such slaughter? Principles, perhaps? Which principles, then? Later in the document, the authors will cite evidence that the 11 September attacks were not motivated by judgments about specific policies. They seem to have been undertaken on the basis of principles with which the authors of this letter disagree—but principles nonetheless. To prohibit “mass slaughter of innocent persons” is hardly controversial. Who really advocates such a thing? Controversy is more likely to hinge on what counts as “innocent.” This is why any blurring of the combatant/civilian distinction is of critical importance. If everyone is a combatant, no one is innocent.

I am puzzled by the description of the source of power and the conclusions drawn from the description:

in a democracy such as ours, in which government derives its power from the consent of the governed, policy stems at least partly from culture, from the values and priorities of the society as a whole. Though we do not claim to possess full knowledge of the motivations of our attackers and their sympathizers, what we do know suggests that their grievances extend far beyond any one policy, or set of policies. After all, the killers of September 11 issued no particular demands; in this sense, at least, the killing was done for its own sake. The leader of Al Qaeda described the ‘blessed strikes’ of September 11 as blows against America, ‘the head of world infidelity.’ Clearly, then, our attackers despise not just our government, but our overall society, our entire way of living. Fundamentally, their grievance concerns not only what our leaders do, but also *who we are*.

As I read democratic theory—particularly through the Lincolnesque and Jeffersonian lenses favored by these authors—all government derives its power and legitimacy from the consent of the governed. That gives us a basis on which to claim in a particular instance that a particular government is illegitimate and even, perhaps, to take action against it (though I am more comfortable in this regard with arguments in support of revolution than those in support of foreign intervention). But how, exactly, did the Taleban

government of Afghanistan become less legitimate on 12 September (or 7 October) than it had been on 10 September? If the war on Afghanistan is an action taken against an illegitimate government, why wasn't it taken earlier? There is little reason to believe that the Taleban government was ever legitimate if the legitimacy of government derives from the consent of the governed (though if this is true only of democracies, the case is weakened), so the long period during which the United States took no action (or inconsistent action) against the Taleban government points to a different motivation for U.S. intervention. Timing suggests retaliation for the 11 September attacks. This is further complicated by the fact that the attacks were (apparently) planned and executed by al-Qaeda, not by the government of Afghanistan. The analogy is far from perfect, but this is a bit like India bombing Connecticut in retaliation for Union Carbide's activities in Bhopal (and calling it "self-defense").

The claim that the 11 September 2001 attacks were an attack on "who we are" returns us to the question with which I began: who is the "we" of this document? If it is the "we" of combatants in a war (as I suspect al-Qaeda would say it was), then it becomes much more difficult to claim that the choice of targets was criminal. The targeting decision remains brutal, but its logic looks more like the logic of most targeting decisions in most wars: maximum damage at minimum cost.

Regarding the "founding ideals" cited by the authors, the Declaration of Independence says that all "men" are endowed by their Creator with "rights," then lists some (not all) of those rights. Shifting the language to "dignity" is an interesting move (assuming that it is not simply a sloppy one), and I would have been grateful if the authors had more clearly articulated what they intended by it. It seems to me that they have strayed into language that is theologically problematic in ways that are relevant to the matter at hand. The founding document the authors cite *assumes* a transcendent Creator (it is, after all, saturated with Jefferson's deism as well as his humanism—and the two are not disconnected)—but rights to which it refers (though inalienable) are derivative. Human beings are not transcendent: God is. And it is the relationship of God with humankind (as Creator to creature) that gives human beings both dignity and rights. Many of us—even many of us who balk at theistic language—would argue that this is a stronger

foundation for human dignity than the one claimed by the authors of the letter. Our dignity and our rights derive from our relationship to the source of the universe, not from some essential transcendence that places us above it.

The conviction that Nature is inscribed with God's laws is hardly unique to the United States. It calls on all of us to read Nature with greater care (and to argue over the text and our readings of it with greater civility)—which seems to be where the authors are going with their third “ideal.” But I am puzzled by “most” in this instance: “because our individual and collective access to truth is imperfect, most disagreements about values call for civility, openness to other views, and reasonable argument in pursuit of truth.” Am I to take it, then, that some disagreements do not call for civility, openness, and reasonable argument? Which ones? How do we determine which ones? I sense here that the authors are already trying to lay the foundation for embracing the incivility of war. But I suspect that every one of the 11 September hijackers would have told us that the time for civility had passed as surely as they would have told us that there are no “innocent” civilians in this war. If the authors of this letter are in fundamental agreement with the hijackers on this, then the only question is who has the biggest guns (or, perhaps, the greatest endurance). Even criminals—and those suspected of crimes—should be treated with civility . This is part of what it means to establish a civil, legal framework within which to deal with criminal acts and those who commit them—a civil state rather than a state of war.

Why, I wonder, do the authors of this letter privilege freedom of conscience and freedom of religion over all the other universal rights enumerated in the Universal Declaration of Human Rights? Is this a veiled argument that those two rights take precedence over all others? If so, it is important to unveil it. Disagreement over which rights take precedence (or which categories, civil or economic) was a significant feature of ideological conflict in the 20th century and promises to continue to be so in the 21st.

What is most striking to me about universal rights grounded in a relationship between Creator and creation, between creatures and the source of the universe, is that it doesn't *matter* if anyone becomes an

“American.” These rights are not matters of citizenship or location, and to turn them into such is, I believe, a tragic mistake. The arc of the universe is toward justice, if Dr. King was right, with or without “America” or any other political fiction.

The letter maintains that

At its best, the United States seeks to be a society in which faith and freedom can go together, each elevating the other. We have a secular state—our government officials are not simultaneously religious officials—but we are by far the western world's most religious society. We are a nation that deeply respects religious freedom and diversity, including the rights of nonbelievers, but one whose citizens recite a Pledge of Allegiance to ‘one nation, under God,’ and one that proclaims in many of its courtrooms and inscribes on each of its coins the motto, ‘In God We Trust.’ Politically, our separation of church and state seeks to keep politics within its proper sphere, in part by limiting the state's power to control religion, and in part by causing government itself to draw legitimacy from, and operate under, a larger moral canopy that is not of its own making. Spiritually, our separation of church and state permits religion to be religion, by detaching it from the coercive power of government. In short, we seek to separate church and state for the protection and proper vitality of both.

For the record, not all citizens recite the pledge—and even some of those who do omit “under God” (which was itself an afterthought added at the end of the McCarthy era). That nonreligious officials routinely use religious language when acting in their official capacities is problematic. It highlights the difficulty of creating political structures that “reduce religious mistrust, hatred, and violence.” If a political leader simultaneously describes a conflict in religious terms and denies that the policies s/he pursues have religious dimensions, the result is unlikely to be greater trust. James Madison outlined a political structure intended to reduce religious mistrust, hatred, and violence, and the authors would do well to point readers to his arguments on this matter. It would, in fact, be interesting to think about international dimensions of those arguments, which were, after all, made at a time when a confederation of states was being transformed into a federal system—an interesting precedent as we confront an increasingly unilateralist policy. Apart from discussion of religion, Madison’s comments on faction (*Federalist* 10) remain important for anyone seeking to create space in which the practice of freedom is possible.

In the discussion of “just war,” the authors assert that this is a time when waging war is morally

necessary—then criticize those who make war a “realm of necessity.” This is at best confusing and at worst contradictory. If the war is necessary, the moral argument isn’t. If the war is not necessary, then it is incumbent upon those who advocate it to construct a persuasive argument in support of it. The authors of this letter want to have it both ways. In this, they are not unusual. Language used to justify war often resorts to necessity as a way to undercut philosophical discussion and political dissent, while simultaneously cloaking particular wars and particular actions within wars in moral language.

That may explain the peculiarly truncated and distorted discussion of “just war” criteria. This letter includes five. First, just war must be fought for defensive purposes. Second, war is justified if it is necessary to protect the innocent from certain harm. Third, war is only justified in instances where it is not “plausible” to mitigate dangers “solely through negotiation, appeals to reason, persuasion from third parties, or other non-violent means.” Fourth, war is only justified if it is conducted by a legitimate authority. Fifth, just war may only be waged against combatants. The authors’ statement of the third criterion is most troubling, because it obscures the traditional argument that all non-violent means must have been exhausted before resort to force. For the authors of this letter, it seems sufficient that those deploying military force be unable to imagine non-violent solutions—a far less demanding criterion that could allow the use of force before non-violent means have even been attempted. Even as stated in this document, however, the just war criteria pose serious problems for this war. Are the actions being undertaken by the United States in Afghanistan defensive? Is the Bush Administration’s posturing toward Iran, Iraq, and North Korea defensive? Are these actions protecting the innocent (a particularly troubling question as civilian casualties mount)? Does an undeclared war satisfy the requirement of being conducted by a legitimate authority? Who is the authority conducting this war? Given the controversy over the status of prisoners being held at Guantanamo Bay, is this war being conducted against combatants—and if everyone on the “other” side is potentially a combatant, what does that say about the military status of the targets chosen for the 11 September attacks? One of the problems with just war language in an age of total war is that no clear line exists between combatants and non-combatants. As

suggested earlier, if everyone is a combatant (if you are either “for us” or “against us”), the 11 September targets were well chosen.

The letter cites Lincoln’s 1861 inaugural address in its conclusion, a citation with staggering historical implications. Lincoln’s address is an eloquent piece of political rhetoric. But if the analogy locates the Muslim world vis-à-vis the United States in a place equivalent to that occupied by those living in the Confederate States of America vis-à-vis the United States in 1861, our Muslim sisters and brothers have reason to fear “America” as much as I do. Lincoln could legitimately claim to be acting in the name of a government with legitimate sovereignty that extended over the states and individuals then in the process of forming the CSA. That, in part, is what the ensuing war was about. But the U.S. can make no such claim vis-à-vis “citizens” of the Muslim world (except that portion of the Muslim world that is in the U.S. Here, the sovereignty question returns us to the question of legitimate authority. If the legitimate authority of a government derives from the consent of the governed, then the U.S. government has no legitimate authority (or only limited authority) to act beyond its borders. Clearly defined structures through which to secure (or be denied) such consent are not in place—at least in part because of the refusal of States (including the U.S.) to accept limitations on their own sovereignty. By insisting on the priority of its own sovereignty within a community of sovereign states, the U.S. takes a “states’ rights” position not unlike the one taken by the states that came together to create the CSA. In this regard, George W. Bush is more nearly analogous to Jefferson Davis than to Lincoln—and the international community is still waiting for an effective advocate of union. (Since the Civil War analogy has crept in through the closing paragraph of the letter, I will acknowledge a Lincolnesque dimension to the rhetoric of those who defend Bush Administration policies. Just as Lincoln’s policies have been assessed in popular consciousness as actions undertaken to free slaves rather than as actions undertaken to enforce a claim of sovereignty, so Bush’s policies are being assessed as actions on behalf of the women of Afghanistan. Lincoln has the better claim, but the “spin” in both cases obscures important dimensions of public policy.)

Rather than doing the hard work of joining the international community in constructing a viable international criminal justice system capable of responding to mass murder (whether “free-lance” or officially sanctioned), George W. Bush and his advisors have defined a shadowy war against a diffuse enemy that threatens to turn into a war of “us” against everybody else. We have been there before, and people have suffered as a result. It is bad enough to suffer a government that has such a policy, worse still to see the policy and the government that perpetrates it cloaked with academic respectability.