

language similar to Goldstone's, Human Rights Watch voices grave concern about the excessive civilian casualties NATO caused by dropping cluster bombs near populated areas and attacking targets of questionable military legitimacy.

Morality and War also tackles questions about noncombatant immunity. Rather than frame noncombatant immunity in terms of the duty to avoid excessive or disproportionate harm, Fisher opts for the goal of minimizing civilian casualties. These criteria are distinct because minimal harm may remain disproportionate. Given the oft-noted difficulties of defining proportionality, however, minimal casualties may offer an easier criterion to discern, and therefore a better principle to adopt in practice. However, the principle is more complex than Fisher suggests. In the simplest of cases—choosing between two actions that each offer similar military advantages and incur similar military costs—one must choose the action that minimizes civilian harm. But things are rarely this simple. The truly difficult question is how to minimize civilian casualties

when it significantly endangers one's soldiers. Which would virtuous consequentialism recommend: a drone attack killing militants and civilians or a ground attack killing the same number of militants, fewer civilians, but any number of compatriot soldiers?

Morality and War raises challenging and thought-provoking questions. To help resolve them, virtuous consequentialism offers practitioners and theorists an important analytical and educational tool. By training soldiers in the virtues and instructing them in the principles of just war theory, Fisher aims to educate warriors who successfully confront the challenges of modern war and do their best to mitigate its horrors.

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Terror, Religion, and Liberal Thought, Richard B. Miller (New York: Columbia University Press, 2010), 240 pp., \$24.50 cloth.

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Addressing a set of normative questions surrounding the 9/11 terrorist attacks, Richard B. Miller takes as his starting point the claim that “9/11 raises moral questions about human rights, respect for persons, and the limits of toleration with vivid clarity . . . [and] puts in stark relief

questions about the moral challenges of coexistence in an increasingly pluralistic public culture, questions concerning religious authorizations of violence, human rights, and the basis and limits of tolerating the intolerant” (pp. 2–3). Further, he tells us that “at stake are two related concerns:

first, whether we may evaluate actions justified on terms that invoke religious warrants; second, how and on what terms those aggrieved by Islamic and other forms of terrorism may justifiably feel indignation” (p. 12).

Miller’s argument unfolds across five main chapters (chaps. 3–7). In chapter 3, “Rights to Life and Security,” he defends the claim that 9/11 was a “moral atrocity because it consisted of deliberate acts of massive destruction and killing of persons who did nothing to forfeit their entitlement to respect and safety.” For Miller, terrorist attacks are distinguished by the fact that they “single out people on the basis of who they are rather than for having done something that might pose a lethal or serious threat to others” (p. 60). In chapter 4, “Toleration, Equality, and the Burdens of Judgment,” Miller argues that we all have grounds “to expect others, including violent religious extremists, to tolerate persons whose ends they do not endorse within constraints implied by equal liberty.” Miller’s argument for this expectation rests on both the Kantian argument for the inherent dignity of moral personality and the Rawlsian epistemic argument that the “burdens of judgment” are a fact that requires us to acknowledge that deep religious and moral disagreement is reasonable—that is, internal to reason and not a failure of it (pp. 81–82).

Chapter 5, “Respect and Recognition,” develops Stephen Darwall’s distinction between “recognition respect” and “appraisal respect” to show why we do not violate a duty of respect for or recognition of others when we deplore and condemn acts that they see as following from their deepest and most constitutive commitments. Our recognition of bin Laden as a moral subject does not require according

appraisal respect to all of his ends and actions, which themselves fail to accord others recognition respect. However, this does not preclude us from approaching even Muslim fundamentalists with something Miller calls (drawing from Charles Taylor) “benefit-of-the-doubt respect,” which “consists of a presumptive openness to listen to and learn from others, and thereby broaden the horizon within which one holds normative standards” (p. 95).

Chapter 6, “Religion, Dialogue, and Human Rights,” explores Islamic human rights discourse. Finding the Islamic human rights scheme of the Pakistani Islamist Abu’l A’la Maududi promising but lacking an “explicit affirmation of human dignity and the entitlement to respect that such dignity confers,” including respect for the right to change one’s religion from Islam to something else, Miller turns to Abdulaziz Sachedina’s use of the Islamic theological concept of *fitra* (primordial human nature) as a grounds for respect for universal human dignity. The traditional Muslim doctrine that all human beings are created with an innate sense of God’s existence and inclination to morality is used by Sachedina to historicize the traditional Muslim commitment to the exclusive superiority of Islam and to argue for universal recognition of human dignity and the right to absolute freedom of conscience. Miller is obviously encouraged by Sachedina’s turn away from traditional divine command morality to a naturalist ethics derived from this theological anthropology, but notes that it approximates more Darwall’s concept of appraisal respect. Appraisal respect is a form of positive affirmation of the choices, values, or acts of another, and this form of respect thus runs the risk of failing to justify respect for persons who do not use

their freedom to live up to praiseworthy standards of morality. Miller also notes that it does not provide many resources for thinking about the ethics of killing in war and consequently is limited for the purposes of an internal Islamic response to al-Qaeda.

Chapter 7, "Liberal Social Criticism and the Ethics of Belief," summarizes Miller's overall argument, stressing that we ought not to accept that religious claims have a priority to secular ethical claims grounded in a commitment to equal liberty, and that a "thin morality" of recognizing others as bearers of moral autonomy is more appropriate for ethically pluralist conditions than a "thick morality" of shared commitments and ultimate purposes. Miller's ultimate aspiration is to justify the claims that liberal social criticism ought to be both non-apologetic and non-ethnocentric, and that indignation in response to a genuine injustice is not an expression of disrespect.

Miller's argument that the victims of religious terrorism have a legitimate grievance and that non-victims have a legitimate claim to indignation is convincing. But I did wonder at times with whom exactly Miller is arguing. In his first two chapters, Miller defends his kind of inquiry as a form of liberal social criticism that serves as "an act of resistance against the 'culture of excuse and apology' surrounding terrorist action" (p. 4). However, Miller might have spent more time documenting the existence of such a culture. Standing at a decade's distance from that Tuesday morning in 2001, it seems that the last ten years will be remembered much less for their culture of excuse and apology surrounding terrorism than for two ground wars and one ongoing nebulous war against terror; for the legal and

political battles over torture, detention, and extrajudicial killing; for the heightening tension in Europe and North America over the legitimacy of public expressions of Muslim religiosity; for the anti-shari'a campaigns on both sides of the Atlantic; for the expansion of the legal category of "material support for terrorism" to include speech and humanitarian action; and now, finally, for the popular revolutions spreading across the Arab world. (Miller does address some of these in an excellent second appendix to the book on the morality of attacking the Taliban and al-Qaeda.)

At times, Miller seems to deploy some hefty philosophical matériel for relatively uncontroversial questions. For example, it seems a bit unnecessary to say that the victims of 9/11 had a right not to be slaughtered because "having a right to life and the related right of security is derivative upon the interests in being a moral subject, in being creatures with the capacity to lead and take responsibility for our own lives and dependent on conditions that enable us to exercise that capacity" (p. 57). Do we really need this rather stylized Kantian conception of the value of human life (which I am happy to endorse) to argue that human beings have a prima facie right not to be killed? Does our right not to be killed rise or fall on the success of this particular account of human moral autonomy? Why does it have priority over other, more basic accounts of why humans ought not to be killed—for example, because death deprives persons of experiences and sensations, some of which might be good, or because another's life (even if badly or heteronomously lived) is simply not another human being's to dispose of?

I would also question whether 9/11 is the best provocation for the normative

questions that Miller raises. Miller addresses fascinating questions about how to justify respect for difference in conditions of deep moral and epistemic pluralism. But why focus this discussion on 9/11 and al-Qaeda? The 9/11 attacks were an act of war from al-Qaeda's perspective, and not a mere acting out of hatred for difference per se. Miller's focus on toleration, mutual justification, and the burdens of judgment is absolutely appropriate as a framing for the encounter between liberalism and Islam. But one might expect greater yield from applying that framework not to al-Qaeda (with whom no moral dialogue or relationship of social cooperation exists at all, except in military prisons) but to such questions as the European craze to ban face veils in public, the conflict over the morality of speech that might be

both religious blasphemy and racial hate speech, or the question of whether a democracy should protect speech that defends or advocates terrorist activities abroad.

In short, I appreciate Miller's restatement of contemporary reformed-Kantian liberal morality and applaud his application of the resources of this morality to the encounter between liberalism and Islam. I only wish he had applied these resources, and his own formidable powers of reasoning and judgment, to harder and more contested questions.

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The Offensive Internet: Speech, Privacy, and Reputation, Saul Levmore and Martha Nussbaum, eds. (Cambridge, Mass.: Harvard University Press, 2011), 312 pp., \$27.95 cloth, \$18.95 paper.

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In this new volume, two distinguished University of Chicago law professors have joined forces to edit a provocatively titled collection of essays about the Internet. As they observe in their coauthored introduction, the Internet "has succeeded in remaking us as inhabitants of a small village" (p. 1). However, there is little romance in this cozy trope that Levmore and Nussbaum deploy to frame their project. We are indeed close-knit now. The Internet has stitched together geographically,

politically, and culturally distant men, women, and children into intensively interactive community. But it is a Hobbesian village, bereft of decorum and solidarity. Moreover, when one calls to mind the extraordinary stories of Amy Boyer and Tyler Clementi, whose murder and suicide, respectively, were closely tied to commercial and social abuses of the Internet, one quickly understands that Internet communication can be not only offensive but also flat-out dangerous.