

Sweeter than Honey: Revenge and Honor in the International System

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“Breach for breach, eye for eye, tooth for tooth: as he hath caused a blemish in a man, so shall it be done to him again.”

—Leviticus 24:20, King James Bible

“The equation is clear: you are killed as you kill and abducted as you abduct.”

—Osama Bin Laden, 2010

Eye sockets bared to an equally pitted gaze. Honor metered in scales of limbs, tooth, and tallow. Fire fought with fire; cruelty met in like kind. This is the world of talionic justice. First articulated in ancient Babylonian law, the talion has sated honor societies throughout time, appearing similarly in Palestinian, Judeo-Christian, Roman, Germanic, and Nordic codes of law and practice.¹ As inscribed in the Twelve Tables of Rome, talio esto enjoins the uncompensated victim: “let there be retaliation.”² Under the talion, the integrality of one’s honor and one’s body are equivalent in the eyes of the law. Physical loss can be recouped through reprisal—literal addition (to honor) through subtraction of another’s physical wholeness. This law appears almost instinctual, as we seemingly delight in seeing harm befall those who have harmed us, and it continues to underlie modern criminal and civil justice systems. However, the right to retaliation, particularly the right to pursue justice yourself, is conspicuously missing in one notable legal system: the international legal system.

Aimed at maintaining global security and peace,³ the international legal system holds “no place for responses based on retaliation, retribution, or punishment.”⁴ Responses to armed attacks may only be motivated by a *need* for proportional self-defense,⁵ reacting *immediately* (not in delayed retaliation) to secure oneself against further attacks and bring an enemy back to the bounds of international law.⁶ Moreover, international law notably holds human rights to be absolute and totally intrinsic, upheld not “by virtue of reciprocity,” nor any other rational or normative justifications for the right to life, but by the inexplicable, assumed merit of one to their own life.⁷ Therefore, states victimized by an armed attack must ensure their response comports with these international norms regarding global security and the sanctity of human life. A state operating outside of the international system is only restricted by its domestic laws, precedent, and social acceptability of retribution when

responding to an armed attack. Within the international system, a state would be subject to these domestic considerations as well as universal principles of human rights and response mechanisms. Thus, any sort of response—retributory or otherwise—would have to be measured, slow, and restricted by international consensus and precedent.

Further wrinkles to this framework are introduced by the modern prevalence of terrorism, forcing the international system to consider violent exchanges between states and non-state actors. While the landmark 1986 *Nicaragua v. USA* ICJ Ruling clarified that irregular combatants (terrorists) acting on behalf of a state license a victim to self-defense,⁸ self-defense is not so clearly guaranteed against non-state actors devoid of a strong affiliation to an established state, leaving the legal standing of true individual actors largely ambiguous. This presents a misalignment of scale, as international law must attempt to square the role of states as combatants with that of individual civilians in the equitable distribution of justice. How can a human and an omnipotent state fairly engage in the regulation of conflict and combat? Somehow, they must be equivalently empowered by the legal system. Furthermore, although protecting civilians is an espoused priority of the fundamental tenets of international law, notable parties to Protocol I of the Geneva Conventions, such as Britain and Germany, have reserved the right to attack civilians in reprisal.⁹ Appeals to the efficacy of the international justice system's gradual, bureaucratic enforcement mechanisms are ineffectual in the face of effective terrorism that targets primarily civilians and generates intense fear, as people turn towards their home nation—not distant international/global bureaucracies—for assurance. There are, thus, two tensions acting on the international legal system: the “disequivalence” of justice afforded to a state and to an individual human, and the absolute authority of international law versus the practical authority of state policy—twin tensions whose explosive resolution began to emerge from the charred rubble of the Twin Towers.

The War on Terror

The mechanisms of enforcement for international law are non-existent, save for the collective responsibility of states to act pursuant to the demands of norms and obligations. When an issue of contention arises without strong historical precedent, it is ultimately the responsibility of states to engage in the creation of novel norms through action. When the state in question is the United States of America, the ability to craft new international norms is magnified immensely, granting the hegemon a great unilateral normative power. Following the terrorist attacks on September 11, 2001, the U.S. received condolences from over 100 countries.¹⁰ As the entire world watched in shocked silence, the U.S. spoke. President George Bush vowed “justice will be done,” bringing “far more than instant retaliation” along with it.¹¹ To this end, the U.S. conducted the War on Terror through drone strikes and extensive domestic surveillance, using entirely novel behavior to define the war and its scope to

the world. It thus demarcated terrorism as anomalous in the regular world of conflict and warfare, a blemish and blight upon the American well-being. In a state of exceptional suffering, the path to wholeness and glory lay in an exceptional response: retribution.

Therefore, I argue that the American response, both rhetorical and physical, to victimization at the hands of terrorism was founded not on security, peace, nor even victory, but on honor—the honor associated with appearing to provide peace. To borrow from the language of Germanic honor societies, the September 11 attacks were a violation of the American *mund*—a word that singularly encapsulates hospitality, dignity, and domain.¹² The land of the United States held an implicit sanctity of peace and security that was trespassed by the horrific violence of 9/11. The aftermath saw the disruption of this sanctity in whole, as 58 percent of Americans were “very” or “somewhat worried” that they or family members would suffer from terrorist attacks immediately following 9/11, despite the improbability of this.¹³ Although there have been 140 jihadist attacks attempted since 1994,¹⁴ suggesting a present threat of real violence, there have also been 800 Islamophobic hate crimes perpetrated since 9/11 in the U.S.¹⁵ In reality, only 18 percent of terrorist attacks since 2004 involve contact between jihadists and international terrorist organizations, with 80 percent of would-be-terrorists being American citizens or residents since 9/11.¹⁶ Therefore, jihadist terrorism is real, but the overwhelming threat of international terrorism is not entirely tangible, manifesting instead in the ideological hold it places on jihadist adherents. Terroristic violence had not severely compromised physical American security, rather it had compromised the state’s ability to instill faith in that security in the face of an ideological threat. As such, the price for attacking one’s *mund*, one’s fundamental honor, is clear: an attack of equal severity. This repayment eclipsed the War on Terror entirely, eventually supplanting manifestly absolute doctrines such as democratic governance or universal human rights under the watchful eye of Bush, Obama, Trump, and Biden administrations, in turn.

The initial barrier to retaliation lay in the centralized, efficient nature of terrorist groups, like al-Qaeda, standing at odds with the slow, methodical operation of American governance. In order to make things even—in terms of honor and warfare—the consolidation of power at the expense of democratic institutions became seen as a necessity. This urgency was reflected in the almost immediate passage of an Authorization for Use of Military Force (AUMF) on September 18. This short resolution (barely more than a page in length) grants the president a mandate “to use all necessary and appropriate force against those nations, organizations, or persons he determines” aided or committed the September 11 terrorist attacks.¹⁷ Proponents of a “unitary executive” within Bush’s cabinet quickly seized this initial cession of power, using it to justify torture and covert operations as necessary expansions of executive authority in order to more effectively counter terroristic activity.¹⁸ Unilateral executive decisions and the use of secrecy became key features of the War on Terror, beginning with Bush’s secret order on September 17 to grant the CIA

authority to capture and kill terrorists¹⁹ and continuing in Trump's removal of oversight and transparency mechanisms from counterterrorism operations.²⁰ While Congress was likely briefed on the possibility of extreme counterterrorism methods being employed by the executive branch, such as the use of torture by the CIA, there was little initial pushback to clandestine unitary operations, since effective security took priority.²¹ Thus, a physical state of security, beginning to extend far beyond the immediate borders of the United States, overshadowed domestic precedent and the restrained responses ascribed by international law, rendering allowable military responses informally limitless.

Empowered by a *justification* lying outside of international or domestic law, the *means* of American retribution were enabled to persist beyond allowable precedent. Indeed, President Bush declared the War on Terror existed in a realm "to which the Geneva Conventions did not apply."²² The normalization of torture in interrogations, extraordinary renditions in concert with abusive regimes such as Egypt or Syria, unlawful detentions in Guantanamo Bay and black sites, and mass surveillance of American data all persisted during the War on Terror.²³ Although the Obama administration attempted reforms to regulate the National Security Agency's collection of data²⁴ and minimize civilian deaths in the conduct of air strikes and capture operations,²⁵ the net result was the institutionalization of intrusive surveillance measures and armed conflict against terrorist groups around the world.

I find the targeted killing of Anwar al-Awlaki on September 30, 2011, to be an instructive example of how extraordinary violence was normalized with appeals to informal justifications in place of concrete law. Al-Awlaki was the first American ever killed in a drone strike, targeted for his leadership within al-Qaeda. Leon Panetta, the director of the CIA, classified him as "first and foremost a terrorist"²⁶ exhibiting how al-Awlaki's identity as an antagonist to the U.S. superseded his rights as an American citizen. His assassination was not conducted with due process, nor was this type of action explicitly authorized by Congress. Furthermore, the legal justification for such an extrajudicial killing was "a slapdash pastiche of legal theories"²⁷ resting primarily on his status as an "imminent threat" subject to "necessary and appropriate force."²⁸ While the imminence of the threat posed by al-Awlaki is debatable, the fact remains that the unilateral authority of the CIA to conduct war on enemies of the American state supplanted foundational tenets of domestic and international justice. During his first term, Donald Trump took this approach even further, dictating that "you have to take out" the families of terrorists as well, after the death of al-Awlaki's 8-year-old daughter in 2017.²⁹ Standard patterns of short-term retaliatory warfare had grown to replace supposedly fundamental aspects of just governance.

Even if al-Qaeda were to be entirely eliminated, the U.S. would not be fully satisfied, for our stated cause "has always been larger than our nation's defense,"³⁰ signifying the potential to revisit retaliation upon allies of combatants as well, a possibility heavily discouraged in international law. In order to justify such redemptive redress, the U.S. began to forge a grounds, beyond

the literal precedent of international law, on which to conduct global operations. In addition to Al-Qaeda, Bush quickly extended guilt to the Taliban for “committing murder” due to their complacency in allowing al-Qaeda to operate within their country, demonstrating how international law could be distorted to allow retaliation on purported allies of combatants.³¹ Bush associated “murder” with first a government that “sponsors”³² terrorists and then one that “supports”³³ them, ultimately undertaking operations in Afghanistan as well as Somalia and the Philippines. However, the Obama administration carried the scope of operations further, targeting groups in Afghanistan, Yemen, Somalia, Libya, and Syria.³⁴ ISIL formally split from al-Qaeda in 2014, yet continued to be under AUMF jurisdiction as a legacy of Bin Laden, and continued to “denounce the United States as its enemy.”³⁵ Furthermore, part of the rationale behind the 2003 invasion of Iraq rested on Saddam Hussein’s alleged, and unclear, connections to al-Qaeda,³⁶ thus the overthrow of an entire nation’s government was partially sustained by association to a group that had inflicted harm on the U.S. Additionally, even after the withdrawal of troops from Afghanistan, the Biden administration did not rule out the possibility of continued aerial strikes against al-Qaeda and ISIL, suggesting that the mandate of counterterrorism is both malleable and enduring.³⁷ By failing to contest the extension of ‘self defense’ into a wide network of operations, the legislative and judicial branches tacitly endorsed executive decision-making,³⁸ as “associated forces” became targets of intense focus.³⁹ Association, not an immediate threat or necessity as international law requires, thus justified engagement.⁴⁰ Jihadi terrorism as a whole—a nebulous, malicious ideological force—had hacked off the ‘hand’, or *mund*, of American security. In response, the United States intended to exact justice, incising global terrorist movements with the same fear and suffering as it once experienced.

Populism, as particularly embodied by Trump, introduces a wrinkle into the moral language of honor, as populist rhetoric speaks to a present humiliation of victimization and a “redemptive pathway” to former glory.⁴¹ Perhaps somewhat ironically, this cognitive structuring mirrors the role of honor in Jihadi cultures where glory serves as “a denial mechanism against humiliation.”⁴² Through an insistence on a past state of satisfaction being disrupted and thus justifying revenge to restore the status quo, the United States inadvertently embodies the jihadist *Sharaf* and the general intuition of the talion that it purportedly rejects. Moreover, by practicing violence against, occasionally, civilian antagonists as a means of lawful reprisal, the United States mirrors the collective punishment employed by terrorist groups, essentially operating within the same moral framework as their enemy.⁴³ The taking of an eye answered only with the same.

We labor, desperately, for a return to Pax Americana—if such an era ever existed. A time of our apparent former glory. Yet the Latin *pacare* is rooted in ‘pax’—to pay has always been to pacify, in some senses.⁴⁴ The world we long and physically fight for is a world where all debts are paid, where all scores are settled, and peace can emerge. Even the execution of Osama bin Laden, whose

death rather than capture was preferred by 60 percent of Americans, brought limited settlement—62 percent of Americans still feared acts of terrorism immediately following his death.⁴⁵ Fear, insecurity, violence yet afflicted the American mind. Therefore, as long as we regard the blood debt of 9/11 unsatisfied and retribution as the legitimate means of satisfaction, pax, peace, can never return.

Türkiye

On July 15, 2016, President Recep Tayyip Erdoğan's Turkish regime faced an overwhelming assault. Dubbing themselves the "Peace at Home Council," portions of the Turkish armed forces sought to take power in an attempted coup d'état, motivated by a perceived erosion in Türkiye's founding principle of secularism and a democratic decline. Still today, the true intentions behind the coup, as well as its true perpetrators, remain disputed. Through direct, emotional appeals to his people, the once unpopular Erdoğan was able to weather the storms of governmental discord. In the months and years that followed, he was met with the formidable task of restoring Turkish domestic security. Erdoğan declared the Gülenists—a former political ally to Erdoğan's Justice and Development Party that had since turned strongly against it, posing a threat to the regime's stability—responsible, although the global Gülenist movement that purportedly abetted the 2016 coup was embedded in the Turkish diaspora and lacked a strong unifying ideology or military agenda. Instead, I argue that Erdoğan's extension of culpability well beyond immediate wrongdoers is a generalized retaliatory response rooted in honor, much as the U.S. extended their war to terror more broadly. The generally pacifistic activities of Gülenists, such as the operation of schools and charities, made it harder still to ground a case for war within international norms. Fortunately, 15 years prior, the U.S. had begun to lay a blueprint for waging war on global, ideologically-driven groups, offering both a justification for just punishment extending well beyond Türkiye's border, as well as institutionalized means through which to enact legitimate harm. My contention is that Türkiye's war on the Global Gülenist movement, which Türkiye refers to as 'Fethullah Terrorist Organization' (FETÖ), although they are not recognized as a terrorist organization by the entirety of the non-Muslim world, is a succession of the American War on Terror. Although the object of these respective campaigns differ significantly, as Türkiye perverted American precedent ultimately towards the abduction of schoolteachers, not violent criminals, the tangible mechanisms for conducting war and the moral underpinning of retribution presented to the world remain the same.⁴⁶

To leverage counterterrorism towards these ends and begin drawing upon the American model, Türkiye broadly defines terrorism to include all crimes against the "internal and external security of the state,"⁴⁷ giving their own interpretation of terrorism a legal basis. Even "making propaganda" for or aiding a designated terrorist organization is criminalized under Article 7/2 of

Law No. 3713, much as affiliations with enemies of the state were just grounds for criminal conviction in the U.S. under the AUMF. Furthermore, Erdoğan's administration operated "through executive decrees that sidestepped judicial scrutiny"⁴⁸ to restrict the potentially subversive activities of civil society, which places the unique responsibility of action and interpretation in the hands of the executive. This internal centralization of power and a reliance on domestic interpretations of global security to justify extraordinary operations mirror the beginnings of the American War on Terror, suggesting that such actions are no longer demarcated as exceptional in the international system.

Türkiye has embedded itself deeply into the global counter-terrorism status quo. It holds bilateral counterterrorism agreements with over 70 countries, has been party to all UN counterterrorism efforts, and served as founding member of the Global Counter Terrorism Forum.⁴⁹ Moreover, Türkiye serves as an active member of the Financial Action Task Force (FATF), which prosecutes terrorist funding across 39 countries.⁵⁰ By acceding to and openly supporting internationally recognized, anti-terrorist institutions, Türkiye frames itself as a wholly legitimate actor, completely aligned with the formal, juridical War on Terror. However, it maintains this image while ultimately taking the US precedent to the extreme in order to justify encroachment on civil liberties. Like any good country, it battles hard against "terrorist organizations like the PKK/KCK, DAESH [ISIL], Al Qaeda . . . as well as FETÖ."⁵¹ However, an ordinary participant in global counterterrorism would not prompt the Venice Commission to issue an opinion condemning the country's "curtailment of the right to freedom of association of foreign partners . . . without convincing arguments that they are engaged in the financing of terrorist groups." This opinion was prompted by the Turkish parliament forcing through an "omnibus bill" ostensibly aimed at bringing Türkiye within FATF recommendations which actually empowered the government to curtail civil society and critics of Erdogan. By implementing these policy guidelines on terrorism financing promoted by FATF, first developed following 9/11, Türkiye has successfully weaponized good-faith financial regulations to silence civil actors who nominally critique the virtue of Erdogan's governance. Moreover, Türkiye's abuse of the INTERPOL system was so extensive that it led the agency to create an internal policy to pinpoint requests specifically related to the 2016 coup.⁵² This enabled Türkiye to exploit INTERPOL, an established justice organization, to forcibly return enemies of the state without facing significant scrutiny or clandestine activity.

Where formally sanctioned counter-terrorist methods fall short, Türkiye has turned towards informal practices utilized in American campaigns against terrorist groups. They make particularly brutal use of extraordinary renditions, "secret detentions," and torture⁵³ to reclaim the blood, normative and physical, spilt in the 2016 coup. According to official figures, the state has conducted 114 renditions in 28 countries,⁵⁴ although Freedom House recorded only 58 and the UN reported 100.⁵⁵ Often working in conjunction with domestic intelligence services, as the U.S. did during the War on Terror, Türkiye has

exacted barbaric justice.⁵⁶ Zabit Kisi, a primary school teacher who survived rendition from Kazakhstan in 2017, recounts his underwear being “soaked in blood” after repeated kicks to the genitals, as well as how he was confined to a freight container for 108 days at a CIA-reminiscent “black site” before standing trial.⁵⁷ He was tortured into a confession and ultimately sentenced to 13 years in prison for his affiliation with the 2016 coup.⁵⁸ Within Türkiye, the *Daily Sabah*, a pro-government media outlet, routinely boasts of large-scale arrests of groups of up to 70 people for alleged affiliation with FETÖ.⁵⁹ In both domestic and foreign cases, the justifications for arrest and imprisonment are often as simple as ties to Gülenist charities or schools, or even the use of the app ByLock, which is a secure communication platform used, though not exclusively, by Gülenists.⁶⁰ The Gülenist movement posed a minor threat to enduring Turkish stability, yet the wound inflicted by their coup and the subsequent survival of their ideology left Erdoğan’s Türkiye incomplete and their *mund* broken, requiring retribution, even through extreme methods, to achieve national restoration.

Undertaking retaliatory violence is no longer a bold or risky prospect, as the U.S. essentially condoned the use of such practices through their repeated use. The exception displaces the rule, in that the exceptional conduct of the U.S. in response to an exceptional act of violence codified new norms of justice beyond the internationally established ones. A senior Turkish official defended renditions by directly stating that the American War on Terror allowed “authorities to do whatever they wanted with impunity.”⁶¹ The parallel is clear: Türkiye’s extensive campaign of counter-terrorist repression rests upon the foundations of American campaigns. Through the association with legitimate, security-oriented counter-terrorist operations, Türkiye blurs the lines between civilian and government; victim and assailant; war and repayment. Attacks on the state, whether physical or rhetorical, are regarded with the same gravity, and response: retribution. The state is equivalent to the individual—it has a unique right to security, a right to glory, a right to revisit harm upon any who harm it. Creation of this equivalency has been undertaken by domestic conceptions of justice, rather than international, as the U.S. and Türkiye have acted unilaterally to level themselves with individual enemies. An international, state-driven honor system has emerged in the silence of international law, commanding thusly: if a group carves an eye from the placid countenance of the state, each individual in that group emerges eyeless in turn. Our collective life for every one of yours. What develops is an imagined world of absolute justice—not international justice, but talionic. A land, beyond lands, where equivalence defeats virtue; loss begets gain; weapons silence law.

Notes

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