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## **ETHICAL TRAPS IN INTERNATIONAL RELATIONS**

### **Abstract**

We elaborate a little noticed strategy generally used by weaker actors both in domestic and international politics: the ethical trap. Actors who fall into such traps lose ethical standing and influence at home as well as abroad. We explore the concept of the trap and distinguish it from policy interventions and escalation in which there is no deliberate enticement. We document historical instances of successful ethical trapping both within states and between them. We also discuss traps that were not sprung. We contend that ethical traps have become an increasingly salient feature of contemporary asymmetrical warfare both within states and internationally. We conclude with some propositions about the global practice in which ethical traps are set and the conditions in which they are likely to succeed and some observations about the relative vulnerability of liberal and non-liberal regimes to these traps. This in turn says something important about the practical consequences of ethical violations in international affairs.

**Key words:** ethics, ethical traps, asymmetric warfare, foreign policy, terrorism

In the global practice of sovereign states, participant states are vulnerable to ethical traps. These may be deliberately set by others or may emerge through an accident of interactions by other states. Having fallen into an ethical trap, states become open to criticisms by others that may result in a loss of legitimacy, influence and power. A deliberate ethical trap is an attempt by a state, or non-state actor to entice another into acting in a manner sharply, if not dramatically, at odds with one or more of the fundamental norms of the global practice. It is akin to what happens in games when a player is deliberately provoked to commit a foul and incur a penalty. In the global

practice of states, the ethical trap is a strategy generally adopted by weaker actors in political conflicts. It can be used most effectively against actors who claim high moral standing in the global practice and are therefore vulnerable to exposure for acting in ways that contradict its core values and theirs.

Ethical traps are a particularly salient component of asymmetrical warfare, but this has not been satisfactorily illustrated in the literature. We explore the act of ethical trapping and the global practice within which such action is available to participants. We distinguish ethical traps from other kinds of traps and from foreign policy interventions and escalations. Ethical traps are sometime self-imposed. States can act in self-defeating ways and fall into ethical traps that may then be exploited by others. We focus on traps that have been deliberately set.

Our approach to this phenomenon differs from scholars who write about ethics and rhetoric. Ulrich Sedelmeier, James March, Johan Olsen, Frank Schimmelfennig, Ronald Jepperson, Alexander Wendt, Peter Katzenstein and James Johnson analyse rhetoric as a political tool that international actors use, among other instruments, to advance their interests.<sup>1</sup> Margarita H. Petrova discusses the uses of “rhetorical framing and its effects on foreign policy outcomes -- specifically intra-alliance relations.” She notes that “leaders’ attempt to change the framing of existing security concepts to alter the context and thereby lower the cost of alliance cooperation.”<sup>2</sup> Flemming Hansen argues that rhetorical entrapment “is about the deliberate use of this built-in tension between ethical commitments and interests. States can suffer because of earlier commitments when other actors draw attention to these commitments and expose inconsistencies and norm-violating behaviour.”<sup>3</sup>

Hansen assumes that ethical commitments are chosen – or not -- by states and in particular contexts. If states make such commitments they may become vulnerable to entrapment. Our perspective is different. We acknowledge that states may make

commitments to practices or values that can haunt them. However, we understand states to be constrained by ethical considerations in ways that are more fundamental than the reference to conscious short-term “commitments” suggests. To be a state is to be constituted within the global practice of sovereign states. This involves an elaborate system of mutual recognition and acceptance of mutual responsibilities among participants. Once constituted, states are required to uphold the fundamental values underpinning the practice. Key amongst these is the value of the freedom which sovereign states enjoy, together with the values inherent in International Law, the protocols of international diplomacy, the international laws of armed conflict, international humanitarian law, the norm against empire, and many others.

The values embedded in these practices are not such that states may decide to commit to them or not. It is a condition of participation that states do so. As an illustration consider the three Baltic states (Lithuania, Latvia and Estonia) that declared their independence from the Soviet Union in 1991 to become recognized sovereign participants in the practice of states. As participants it was required of them that they uphold the many (and complex) components of the international practice and the values made possible by them: as indicated these include sovereignty; the norms of international law; the internationally recognised boundaries of states; the accepted protocols of international diplomacy; the international laws of armed conflict; international humanitarian law (and many others). Accepting these was not some “rhetorical ploy” which, as new member states, they were free to make or not, but was a condition of their participation, as it is for all states in the global practice. Our discussion of ethical entrapment is based on this understanding of the relationship between states, the practice within which they are constituted as such, and, the ethical underpinning of the components mentioned above.<sup>4</sup>

We discuss a number of instances of ethical trapping but focus in particular on Northern Ireland, Gaza and Mumbai. We document four examples of successful ethical trapping: in the American colonies, Spain, Northern Ireland, and more recently in Gaza. We explore two ethical traps that were set, but not sprung: the 2008 terrorist attacks in Mumbai and efforts by ISIS to use beheadings and other atrocities to entice the U.S. and other Western powers to commit ground forces to the conflict in Syria. We briefly look at the complex web of ethical traps and counter traps that have been used in Iraq and Syria. We conclude with propositions about when ethical traps are likely to be set, the conditions in which they are likely to succeed, and the ways in which actors might protect against them. We contend that ethical traps are more likely in the future because the evolution of international norms over the course of the postwar era has held states accountable to a higher standard of conduct than before. The spread of media and social media have also facilitated documentation and publicity of violations.

### **WHAT IS A TRAP?**

The common meaning of “trap” is something set by one party to ensnare another. It succeeds when the animal or human target “falls into” the trap, making it easy or easier for the “hunter” to kill them. Traps in human relations are literal and figurative. Speed traps set by police to catch unwary motorists are literal traps. So is a lightly covered and disguised ditch with bungee sticks a literal trap. It was common in primitive warfare, but also used by guerrillas in Southeast Asia and elsewhere in colonial and post-colonial conflicts. Hannibal and the German chief Arminius set larger scale traps to destroy entire Roman legions. The Red Army did something similar at the Battle of the Kursk-Orel salient in July 1943. *Stavka* deliberately drew the German Wehrmacht into a vast killing field with well-sited artillery, hidden anti-tank nests, and entrenched infantry prepared to launch a counteroffensive.<sup>5</sup> The siege of Dien Bien Phu, which compelled France’s

withdrawal from Indochina, qualifies as double entrapment. The French made the mistake of occupying this mountain stronghold, thinking they could draw out the Viet Minh and destroy them with their superior firepower. In March 1954, General Giap surrounded the fortress and bombarded it with artillery the French did not know they possessed and of a type the French thought incapable of being deployed in the mountains. Giap reasoned that the French would defend and reinforce their garrison by air to maintain their prestige, which they did. Dien Bien Phu was overrun three months later, and French will collapsed following their defeat.<sup>6</sup>

The above examples are military traps in a double sense. They all entailed military action and their goal was to gain a military advantage. Carl von Clausewitz stipulates that force is used to bend or break the will of an adversary to achieve goals that are unattainable by diplomacy.<sup>7</sup> Ethical traps also involve military action, or at least, violence in some form. But their goal is not defeat of the other's side's military. Those who set ethical traps hope to bend or break an adversary's will by political means. By goading an adversary into overreacting and acting in a manner inconsistent with the foundational values on which it is constituted those who set these traps attempt in the first instance to undermine domestic support for the perpetrator. They may also garner the support of third parties, putting more pressure on the target actor to back off or reach, some kind of accommodation, or at the very least, suffer a loss in standing.

Traps need to be distinguished from self-inflicted damage. Consider the German offensive against Stalingrad (August 1942 to February 1943). It was the turning point of the war on the Eastern Front and is frequently described as a trap for the German Sixth Army. But it was self-set trap arising from the overconfidence of Hitler and his generals.<sup>8</sup> For this reason, it offers a sharp contrast to Orel-Kursk. The American invasion of Afghanistan and the Anglo-American invasion of Iraq arguably also qualify as self-entrapment. The United States intervened in Afghanistan in response to the terrorist

attacks against New York and Washington on 11 September 2001. These attacks had been planned and carried out by Al Qaeda. Its leader, Osama Bin Laden, was resident in Afghanistan, was motivated by hatred of the U.S. but, as far as we know, had no intention of provoking an American attack on Afghanistan.<sup>9</sup>

Some critics of the Iraq invasion of 2003 contend that the Bush administration walked into a trap.<sup>10</sup> The “blowback” and other negative consequences of the Iraq war were dramatic, but American military intervention was not the result of a trap. It was the product of longstanding American hostility to Saddam Hussein, a desire to remove him from power, demonstrate American military power, intimidate Iran and North Korea, and free the president from the restrictions of the War Powers Act.<sup>11</sup> Saddam’s alleged quest for weapons of mass destruction provided the pretext for intervention. Saddam was hardly cooperative with the inspection regime to which he had agreed following the Persian Gulf War but wanted to forestall American military action in a manner he thought consistent with his overall priority of preserving his authority at home.<sup>12</sup>

“Trap” is widely used in a figurative sense. The phrase “falling into a trap” is routinely applied to actors who do something with negative or catastrophic results for themselves – as the U.S. did in Afghanistan and Iraq. The figurative use often fails to distinguish between well-known and unanticipated or novel dangers. The latter only become apparent after an actor suffers its consequences. It generally ignores intentionality, conflating physical and social “traps.” A motorist whose car goes off the road into a sinkhole is often described as having fallen into a trap, as is someone whose affair is inadvertently exposed after they were involved in an automobile accident with their paramour in the car.

Although we make a clear conceptual distinction between traps set by others and self-entrapment, it is sometimes difficult to distinguish between the two in practice. In 1807, the French army overran Spain and provoked national resistance. The Spanish

revolt was the first example of indigenous nationalism directed against France, even though it was largely led by priests and nobles who sought to restore the old regime and its conservative values. On 2 May, the citizens of Madrid rose up and killed some 150 French soldiers. The Imperial Guard and the Mamluk cavalry entered the city, with the latter riding into and trampling the rebels. The following day, the French army shot hundreds of Madrileños in reprisal, and did the same in other cities. The principal effect of this repression was to mobilize support for the opposition, which conducted a fierce and increasingly costly guerrilla war against the French occupying forces. The Spanish resistance made the French conquest of Portugal more difficult and encouraged British intervention on the latter's behalf. These events might be described as a trap set by Madrileños, there is some evidence that those behind the uprising expected a French overreaction. Alternatively, it can be described as self-entrapment by the French.

The military traps described above had disastrous consequences for those trapped in them because of the losses in manpower and equipment to which they led and perhaps also the loss of will. Both resulted in diminished influence, and especially that influence based on the threat or application of military power. Ethical traps result in loss of influence, but without the intervening loss of men and materiel. Foreign and/or domestic audiences are alienated from leaders or countries whose policies violate ethical principles and norms that are widely accepted domestically and internationally.

### **THE DYNAMICS OF ETHICAL TRAPS**

Ethical entrapment has a long history. The Book of Exodus and Thucydides' account of the Peloponnesian War offer examples. Moses' challenge to Pharaoh was intended to provoke an unethical response and capture the high moral ground, which it did. So too was the refusal of Potidaea to tear down its walls as Athens demanded. It



provoked an Athenian siege, which enraged opinion within the Spartan alliance and proved to be a catalyst for the Peloponnesian War.<sup>13</sup>

Ethical traps are nevertheless more common in the modern era because the global practice of sovereign states embodies internationally accepted norms that certain kinds of behaviour are unacceptable. Modern communication methods have made their flouting instantly communicable, by video as well as oral means. A case in point is Serbian shelling of and sniping at residents of Sarajevo during its 1992-96 siege of the city.<sup>14</sup> American journalists thought they were being muzzled by administration friendly networks and newspapers but coverage, some of it in real time, by Western media created a groundswell of support for NATO intervention and put pressure on an otherwise reluctant President Clinton to act.<sup>15</sup>

By the mid-nineteenth century there was something approaching a consensus in Europe about the ethical wrongness of slavery, religious intolerance, and what we now call ethnic cleansing. An early illustration of the emergence of such an internationally accepted norm is provided by Metternich who orchestrated the European powers to exert pressure on the Vatican to return a Jewish child who had been kidnapped by a domestic and handed over to the Church to be raised as a Catholic, to his parents in Bologna – a city under Vatican control.<sup>16</sup> Later in the century, the Great Powers made a *demarche* with the Sublime Porte to protest Ottoman treatment of Kurds.<sup>17</sup> In the same era, European governments and peoples tolerated colonial rule and brutal suppression of local resistance, and the mass executions of leftist rebels by the French government after the fall of the Paris Commune in 1871.

In the modern era nationalist movements have set traps to widen their support base and deprive central authorities of their legitimacy. The Boston Tea Party of December 1773 is an early example. After British officials refused to return three shiploads of taxed tea to Britain, the Sons of Liberty, thinly disguised as Native

Americans, boarded the ships and destroyed the tea by throwing it into the sea. Parliament responded with the Coercive Acts -- called the Intolerable Acts in the Colonies -- which closed Boston's harbour and ended local government in the colony. These measures seriously antagonized American colonists and were the impetus for the First Continental Congress, which petitioned London for repeal of the acts and coordinated resistance to them. This set the stage for the American Revolution two years later.<sup>18</sup>

Actions get their meaning from the practices in which they are executed and much of politics consists of arguments about how properly to interpret others' actions, the motives behind them, their consequences, and the extent to which they are in accord with or in violation of the constitutive norms of international practice. Disputants often seek to discredit rival interpretations as mere "spin." This is critical in the case of ethical traps, where those who set them attempt to portray their adversaries in the worst possible light, while those who fall into them attempt to explain away or somehow justify their behaviour. A recent example is the 2014 confrontation between Israel and Hamas in Gaza. It was undeniably an ethical trap set by Hamas. They launched missile strikes into Israel hoping to provoke reprisal air strikes that would kill civilians and allow them and friendly media to portray Israel in a bad light. Israel launched the expected air strikes and carried out a limited occupation of Gaza. Hamas proclaimed to the world that Israel was bombing schools and hospitals and killing innocent civilians. Israel responded that it was, in self-defence retaliating against Hamas rocket attacks and that some of these launchers were deliberately placed in schools and hospitals.<sup>19</sup>

Israeli military and political officials were not naïve as to the nature of Hamas' provocation but felt they had no choice but to respond with military action as they were under enormous domestic political pressure to provide security for those living within rocket range of Gaza. Their dilemma illustrates that knowledge of a trap being set is not

in itself sufficient to avoid it. It seems likely that Hamas knew the kind of pressure Israeli leaders would face and that it provided an incentive for them to set their trap. For Israel, this was a “no win” situation, and just the opposite for Hamas – so long as they could lay the blame for Palestinian deaths on Israel’s door. The task for the analyst is to determine which interpretation of these actions and counter-actions is the correct one.

Ethical traps can be unavoidable for other reasons. They often unfold over time with regards to entrapment and consequences. Once actors are committed, they find it difficult, if not impossible, to extract themselves from a situation that leaders come to recognize as increasingly costly. Foreign adversaries and domestic rivals exploit this entrapment in a variety of ways. They invariably claim the ethical high ground, and by doing so hope to gain standing and influence at the initiator’s expense. The 2014 War in Gaza consisted of a series of escalations, as did Napoleonic intervention in Spain, British attempts to maintain order in the Thirteen Colonies, and British intervention in Northern Ireland.

Leaders are most likely to create situations in which ethical traps can be set against them when they use force in response to threats. They may do this because they believe it to be the only effective way of dealing with opponents or because they fear their reputation and influence will suffer grievously if they exercise restraint. In such circumstances, leaders are prone to act without carefully considering the consequences and, once committed, engage in defensive avoidance. They reinterpret, deny, distort, discredit or otherwise explain away information that suggests their policies will fail.<sup>20</sup> By the time they recognize the consequences of their action, they may have also made their fears self-fulfilling.

Good policy requires sensitivity to the negative consequences of possible military actions, not only to the expected benefits. In this connection it is important to distinguish between traps that actors inadvertently set for themselves and those that are set for them

by adversaries. In the case studies that follow we describe the context in which entrapment by others occurs, the dynamics characterizing its development and exploitation and the situations in which it is most likely to occur. We develop our argument in case studies of two largely successful ethical traps: British policy in Northern Ireland in 1969-72 and the 2014 conflict between Israel and Hamas. We also analyse two traps that were not sprung: the 2008 terrorist attacks in Mumbai and efforts by ISIS in 2014 to provoke Western intervention by means of well-publicized executions.

### **NORTHERN IRELAND**

In the aftermath of partition of Ireland in 1921, the Protestant Ascendancy jealously guarded its political authority in Northern Ireland. Sectarian conflict was acute and periodically erupted, as it did in the spring and summer of 1969, following efforts by Catholics to integrate a government-sponsored housing estate. In the course of the ensuing and escalating conflict local actors attempted to entrap the British to serve their diverse ends. Successful entrapment by Protestant paramilitary groups, local Protestant civil servants, and the Provisional IRA, drew in the British government, escalated violence, and brought the province to the brink of civil war.<sup>21</sup>

The ensuing conflict underwent escalation by virtue of several successful traps. The case expands our framing of ethical traps because it involved multiple parties or sides, and the goal of those setting traps was not always directed against those who were their targets. This was evident in the initial trap, set by Protestant paramilitaries in 1969 and 1970. They began a bombing campaign against critical infrastructure, making it appear as the work of the largely defunct IRA. Their goal was to compel the local government to begin repressive measures against Catholics. The Northern Irish government was taken in by this ploy, declared a state of emergency, mobilized auxiliary police and provoked more violent confrontations with the Catholic community. Tensions

escalated and serious rioting broke out in Londonderry, compelling the British government to send in troops to restore order. Catholic residents initially welcomed the army. Rioting in Belfast also prompted the dispatch of troops to that city.

Northern Irish affairs were by convention the preserve of the Northern Irish parliament and government, dominated by Protestants friendly to Protestant extremists. The British government did not have a single civil servant who was devoted full-time to Northern Irish affairs. Whitehall's ignorance was so great that Northern Irish officials complained of receiving communications addressed to them in 'Belfast, Eire.'<sup>22</sup> The Labour government of Harold Wilson favoured concessions to appease Catholics and lower tensions in the province but had little in the way of leverage over the Protestant regime in Belfast. Wilson could cut subsidies to Northern Ireland, but this would only make matters worse for the Catholics. Assuming non-cooperation from Protestants, the British Home Office came to the wildly exaggerated estimate that to run the province they would need 20-30,000 soldiers and a veritable army of civil servants.<sup>23</sup>

The next trap was sprung by Northern Irish civil servants. Their goal was to use the British to repress the Catholics. They deliberately misled the Labour government about the strength and role of the Irish Republican Army (IRA) in the recent riots. They urged the British government to use the army to conduct arms searches in the Catholic Lower Falls Road. Meeting resistance, the army imposed a curfew, and the British cabinet, again advised by partisan Northern Irish civil servants, authorized the draconian Criminal Justice (Temporary Provisions) Act of 1970. It mandated jail terms of up to six months for anyone convicted of 'riotous' or 'disorderly' behaviour. These events were a watershed for the Catholic community. Previously, most Catholics had regarded their enemy as the Northern Irish Protestant establishment. They had seen the British army as neutral, or even sympathetic to them, as it had initially protected Catholic communities from Protestant mobs. Now, the army was viewed as an equal enemy.<sup>24</sup>

The IRA had been moribund since its abortive terror campaign of the late 1950s. It was not in any shape to respond to the army, and graffiti proclaiming 'IRA – I Ran Away' appeared on Belfast walls in Catholic neighbourhoods. There was now a schism in the IRA that resulted in the emergence of the "Provisionals" or "Provos," a breakaway faction committed to the use of violence, including terrorism, to drive the British from Ireland. 'No-go' areas, created by Catholics in opposition to the army, were relatively secure sanctuaries in which the IRA could organize, plan operations and regroup. In February 1971, the Provos set a trap to provoke a British overreaction. Their goal was to regain their standing in the Catholic community by provoking British repression of Catholics and creating a situation where the IRA could present itself as their defenders. On 10 March, they used a woman accomplice to lure three Scottish soldiers to a Belfast pub and shot them.<sup>25</sup>

Pushed by Tory backbenchers, the prime minister agreed to send more troops to Ireland, conduct more arms searches in Catholic neighbourhoods, impose total curfews on Catholics, mobilize the B-Specials -- a notoriously partisan Protestant police auxiliary -- and use the army to occupy no-go areas. The effect of these actions was to galvanize support for the Provos. The rise of the Provisional IRA was made possible by a string of actions seen as unethical and offensive by the Northern Irish Catholic community.<sup>26</sup> This was only the beginning, Brian Faulkner, the new Northern Irish prime minister and hardliner, brought about further escalation. In response to the onset of an IRA bombing campaign, Faulkner convinced the British Government to introduce internment. At one fell swoop, Faulkner insisted, the army would arrest the command structure of the IRA, destroying its ability to sustain a campaign of terror. Conservative Prime Minister Heath endorsed a policy whose implementation he neither understood nor controlled. Faulkner used internment to silence as many opponents of Unionism as possible, most of whom had no connections to the IRA.<sup>27</sup> The Royal Ulster Constabulary prepared a list of 500

names; by their own estimate no more than 120 were suspected of IRA ties. The rest were judged to be sympathizers, Catholic politicians and journalists it regarded as a nuisance. In the early hours of 9 August 1971, the army, acting as Faulkner's agent, set out to 'lift' 450 people. By evening, 342 had been arrested, many dragged out of their beds in the middle of the night. They were held without charges, which was permitted under the Special Powers Act. Ultimately, 1,576 suspects were lodged in several detention camps, Girdwood, Ballykinler and Magilligan that achieved notoriety because of well-documented instances of prisoners being beaten and tortured by the British Army.<sup>28</sup>

The obvious political motivations behind internment and the draconian tactics, by which it was implemented, completed Catholic estrangement from the British Army and government. Here again, estrangement was driven by charges of ethical wrongdoing directed towards the acts of the British. Riots and gun battles broke out in Ulster's cities, thousands of buildings were burned down, and Protestants and Catholics alike fled their homes to seek safe shelter elsewhere. The IRA was not destroyed, and with more local support, intensified its bombing campaign. Daily bombings increased from two to five, and the death toll rose considerably due to the greater power of the explosives now used. In the six months following containment, 174 people were killed.<sup>29</sup>

The IRA's campaign of limited violence succeeded in provoking a massive overreaction by the Northern Irish government, Westminster and the British Army. This overreaction went counter to fundamental national and international ethical norms. One of the incidents that followed was the so called 'Bloody Sunday' on 30 January 1972, when the panicked British troops, falsely claiming that they were returning the fire of snipers, fired at peaceful Catholic protesters, killing 13 and wounding 16 of them.<sup>30</sup> This was not a trap set by the IRA but an overreaction by the British army, and one that became nearly inevitable given the army's insecurity in Northern Irish cities. Violence escalated further between Catholic and Protestant communities, as paramilitary forces

organized on the Protestant side. It spread to Dublin, where an angry mob burned down the British Embassy, and to England, where the IRA bombed the British army base at Aldershot.<sup>31</sup> After two months of intense behind-the-scenes lobbying largely designed to retain support of his own right wing, in the impending vote on the European Economic Community, Heath announced the imposition of direct rule and the appointment of a Conservative politician, William Whitelaw, as secretary of state for Northern Ireland.<sup>32</sup>

In retrospect, it is apparent that the political culture of Northern Ireland was sufficiently fragile that civil rights demonstrations in 1969-70 set in motion a chain of events that within the course of four years destroyed the political system and brought the country to the brink of civil war. The initial marches aimed only at securing reform within the system, triggered a Unionist response out of all proportion to the threat and contravening many settled ethical norms. This in turn radicalized Catholic opinion and led to more far-reaching demands for change. At the core of the problem was the terrible dilemma faced by Unionist politicians. The Party had maintained power for fifty years by first inciting, then exploiting, Protestant working class fears of the Catholic minority. This aroused uncontrollable passions, making it impossible for any Northern Irish prime minister to support reforms without opening himself to a devastating attack from the Protestant community. Concession became the equivalent of political suicide, as the careers of O'Neill and Chichester-Clark attested, but recalcitrance, as Faulkner demonstrated, proved to be equally disastrous because Unionist hostility led to the emergence of the IRA. The gunmen on both sides set the stage for a civil war, forcing the intervention of the British government.<sup>33</sup> Each important step of escalation was the result of a trap set, consecutively, by Protestant paramilitaries, Northern Irish civil servants, and the IRA. All three traps were intended to draw in the British army or step up its provocations of the Catholic community.



## GAZA

The 2014 conflict in Gaza provides an excellent example of a successfully set ethical trap. For our present purpose there is no need to discuss the extraordinarily complex history of ethical claim and counter-claim made by the parties to this dispute, Israel and the Palestinian people. The Gaza strip is territory claimed by Palestinians as part of what should be included in a Palestinian state. The dispute has erupted into military conflict on several occasions over the past twenty years. In the most recent of these, Hamas launched a barrage of rocket attacks on Israel from launch pads hidden in densely populated areas within Gaza. The Israeli Defence Force (IDF) responded with force. Initially, the counter attack was limited to bombing raids that used precision weapons to target the launch pads and the tunnels that Hamas had constructed to provide access for its fighters into Israeli territory. In the later stages of the conflict, Israel sent ground troops and heavy armour into Gaza.

Measured in conventional terms, this ‘war’ resulted in an overwhelming victory for Israel. It suffered the loss of 2 civilians and 64 military personnel in contrast to the estimated Palestinian death toll of 1881, of whom only 616 were combatants.<sup>34</sup> Israel had destroyed most of the tunnels constructed by Hamas and dealt a significant blow to Hamas’ military capabilities. Notwithstanding its military gains, Israel had fallen into an ethical trap. The Hamas military offensive had made Israelis feel insecure, and they in turn demanded action from their government. Hamas knew, as does everyone who follows the wars in the region, that the Iron Dome defence system would protect Israel from the thousands of rockets launched by Hamas. Iron Dome knocked out more than 87% of the rockets launched.<sup>35</sup> A mere handful penetrated the shield causing negligible damage. Similarly, it was obvious that the tunnels were not adequate for launching a significant offensive against the IDF. In the event, only a handful of fighters got through and were easily neutralised by Israel.

It seems evident that Hamas knew at the outset that it was launching an attack that, in conventional military terms, would be a spectacular failure. What it sought, though, was not a military success in the normal sense, instead, its aim was to provoke a massive retaliation by Israel, a retaliation which, given the densely populated nature of Gaza, would certainly result in significant civilian casualties. Hamas was well prepared to facilitate access to these by the international press so that it might disseminate widely the images of the dead and wounded (especially children) to a global audience. It knew that international public opinion would be profoundly shocked by what it saw. The images would show Israel to be flouting a globally acknowledged ethical norm against the killing of civilians in war. Hamas knew that Israeli attempts to ameliorate these charges by pointing out that early warning was given of impending attacks would not detract from the overall impression that Israel was knowingly targeting civilians. The result, Hamas knew, would be a loss of ethical standing for Israel, which in turn could be used to improve its political power both at home and abroad. According to a poll conducted by the Palestinian Center for Policy and Survey Research on 26 August, the day a long-term cease fire went into effect, 76 percent of Palestinians approved of Hamas' armed struggle against Israel. Fully 61 percent of Palestinians would vote for Hamas leader Ismail Hanlyeh for president if elections were held tomorrow. Only 32 percent would vote for current president Mahmoud Abbas.<sup>36</sup> Similarly a large body of international public opinion had emerged opposed to the Israeli action in Gaza.<sup>37</sup> An ethical trap had been successfully sprung.

Our analysis does not presume that those using ethical traps are acting ethically. They may or may not be. Hamas may have deliberately placed its hidden rocket launchers in densely populated places to ensure that the counter attack by Israel would result in many civilian deaths. If this was indeed the case, then Hamas was guilty of a major ethical wrongdoing by wittingly placing its own civilians in the line of fire. In

contrast to Israel, it did not suffer from behaviour blatantly at odds with conventional morality. The two relevant audiences in the eyes of Hamas – Palestinians and Western Europeans – focused on Israeli transgressions much more than they did on Palestinian ones. This bias undoubtedly has complex causes and it would be a distraction to analyse them here. Hamas leaders were fully aware of this asymmetry and successfully exploited it. It may also have influenced Israeli calculations. Under pressure from public opinion the Netanyahu’s government felt compelled to act and may have concluded that European opinion was already so anti-Israel that there was nothing to lose by antagonizing it further. For Israel, the relevant audience is the U.S., where there was official and public support for its efforts to put an end to the Hamas attacks.

This case drives home the truth that, there are always rival interpretations of key events, both domestic and international. Such interpretations are often difficult to evaluate. The disputants will refer to ethical criteria embedded in the global practices. These will include values and norms. This common stock of what Aristotle called *topoi* is what makes disputes about what is to count as the right interpretation possible. In such arguments, participants might not apply relevant criteria consistently, they might ignore salient criteria or seek to hide others. They might engage in strategic communication rather than truth seeking communication. “Spin” and “strategic communication” are always possible and make it relatively easy (and also tempting) to set ethical traps. Of course, the party setting the trap must conform (or appear to conform) to the norms it is hoping that its adversary will violate. It is important to repeat here that in ethical trapping, the trapper appeals to the ethical values embedded in practices within which both the trapper and the trapped are participants.

## **MUMBAI**

On 26 November 2008, ten members of Lashkar-e-Taiba, a Pakistani-based Islamic militant organization, carried out a series of attacks in Mumbai. The four-day long assault against hotels, a movie theatre, a hospital café, and the Jewish community centre killed 165 people.<sup>38</sup> Neither Lashkar-e-Taiba nor the surviving attacker were explicit about their goals, but they appeared to aim at destabilizing the Indian government by exposing its weakness, provoking violence against its Muslim citizens, and perhaps even an attack against Pakistan.

Pakistan initially denied that any Pakistanis were responsible for the attacks, blaming plotters in Bangladesh and Indian criminals, but on 7 January 2009, confirmed the sole surviving perpetrator of the attacks was a Pakistani citizen.<sup>39</sup> The Indian government later provided evidence to Pakistan and other governments in the form of interrogations and conversations recorded during the attacks.<sup>40</sup> Indian officials asserted that the attacks were so sophisticated that they must have had official backing from Pakistani “agencies,” which Pakistan denied.<sup>41</sup> A year after the attacks, Mumbai police continued to complain that Pakistani authorities were not co-operating by providing information for their investigation.<sup>42</sup> Journalists in Pakistan reported that their investigations were being hampered by security officials.<sup>43</sup> In October 2010, India publicly charged Pakistan's intelligence agency (ISI) with providing funding for the terrorists. They further alleged that Lashkar-e-Taiba's chief military commander, Zaki-ur-Rahman Lakhvi, had close ties to the ISI.<sup>44</sup>

The security and political problems the Indian government faced were intensified by the fact that these were not the first attacks. Evidence indicated that Pakistan had been involved in a series of twelve coordinated bombings in Mumbai in 1993 and the July 2006

train bombings in Mumbai that killed 209 people. Lashkar-e-Taiba was also implicated in the 2001 attack on the Indian parliament itself. Right-wing nationalists had called for military action in the aftermath of these attacks, and, according to former foreign minister, Sandeep Unnithan, the government of prime minister Manmohan Singh was under even greater public pressure to retaliate on this occasion.<sup>45</sup>

On 28 November and again on 2 December 2008, the prime minister met with his principal political, intelligence, and military officials. They considered ways to punish Lashkar-e-Taiba, among them to launch covert ground attacks and air strikes on terrorist training camps, but they also considered the possibility of a limited war against Pakistan.<sup>46</sup> The government decided that any cross-border military incursion would be provocative and escalate tension with Pakistan and raise the prospect of nuclear retaliation. Of equal importance, the Americans made clear that they would not look kindly on it, but in return for restraint, the USA promised to pressure Pakistan to constrain its military.

Faced with unappealing military options, fearing the military and diplomatic consequences of escalation, but hopeful that the implicit threat of military action and U.S. pressure on Pakistan might restrain Lashkar-e-Taiba and other militant Pakistanis, the Indian government decided to exercise restraint. It kept its military options in reserve, sought to improve its capabilities and planning for limited incursions, and put public and diplomatic pressure on Pakistan to make certain that no future terrorist attacks occurred. There is no indication that Indian policymakers were concerned about avoiding an ethical trap, but they did consider the consequences of military action for the relationship with

the U.S. Restraint in this instance must be attributed to more practical concerns: the perceived unavailability of other viable options and concern for the consequences of military escalation.

To what extent does this case qualify as an ethical trap? It is reasonable to infer that Lashkar-e-Taiba and its supporters in the Pakistani government were attempting to goad India into taking offensive action in Kashmir, or perhaps against Pakistan itself. They would only have done this if they expected Indian military action to backfire politically, because India had a more powerful military and was likely to prevail on the ground. The aim would have been to portray India as the aggressor, directly contravening just war principles. Further ethical issues would arise if India killed civilians, either deliberately or as collateral damage. Pakistan would publicize this around the world as best it could, and India's moral and political position would be correspondingly undercut.

## **CONCLUSIONS**

The several conflicts we examined reveal an interaction between ill-considered actions on the part of a state that create the conditions and the incentives for others to try to entrap it. The American case is illustrative. The so-called Boston Massacre of March 1770 was an unplanned escalation on the part of the British army and American colonists. The Massachusetts' firebrands were not making great headway in stirring up sentiment in favour of independence from Britain. In March 1770, they harassed a sentry, which brought eight British soldiers to his rescue. They were in turn subject to vocal and physical abuse. Without authorization, the soldiers fired into the threatening crowd, killing three people and wounding several others, two of whom later died from their wounds. The crowd dispersed when the Acting Governor promised an inquiry. At the subsequent trial, the soldiers, courageously defended by John Adams, were acquitted.

The event became known as the Boston Massacre, and patriot Paul Revere produced a coloured engraving that heightened tensions throughout the Thirteen Colonies.<sup>47</sup>

The Boston Massacre was not intentionally provoked whilst the Tea Party was. The two are related because the unauthorized overreaction by local British soldiers in the first incident made American radicals aware of the possibility that such a response could be deliberately provoked and greatly benefit their cause. The Boston Tea Party succeeded admirably in this regard. Subsequent British heavy-handedness, political and military, mobilized further support for the radicals and made a revolution possible.

The Irish case gives additional testimony to symbiosis between self-defeating behaviour by governments and ethical traps others set for them by others. British intervention in Northern Ireland was initially motivated by a benign, humanitarian concern: protection of Catholics from Protestant mobs. The Catholic population welcomed the British Army and matters would have worked out differently in the absence of successive traps set first by Protestant civil servants and then by the IRA. The poorly advised British prime minister fell into both traps. Door-to-door searches, internment, and escalating violence dramatically increased support for the IRA. So too did the events of Bloody Sunday, when panicked British soldiers fired into an unarmed crowd of Catholic protestors.<sup>48</sup>

The American and Spanish cases are unusual in that the weaker forces that set the traps ultimately triumphed on the battlefield. This was made possible by the intervention of third parties: France on the side of the American colonists, and Britain in support of Spain and Portugal. By contrast, the conflict between Israel and Hamas has lasted more twenty years and it is evident that Hamas cannot achieve any significant military gains against the IDF. Ethical trapping by Hamas requires ethically inappropriate reactions from Israel. To date Israeli's propensity to respond to such provocations is strong and is likely to remain a source of international political weakness in years to come. At the same

time, no Israeli government cannot be expected to remain passive in the face of provocations by Hamas – a political fact well known to Hamas. At the same time, the IDF is quite sophisticated in its responses and does its best to minimize civilian casualties.

There can be little doubt that liberal states are more vulnerable to ethical traps because they claim status and influence on the basis of the adherence to ethical practices. They are also likely to have citizens who are more likely to turn against their government for well-documented violations. Compare and contrast, for example, the domestic fallout for the Bush presidency of the Abu-Ghraib affair versus the all but invisible reaction against President Putin in the aftermath of the discovery that British citizens were poisoned with nerve gas by Soviet agents.

Non-democratic states are nevertheless also vulnerable to ethical trapping. This is because it depends only in part on the ethical sensibilities of “good” actors, and just as much on the ethical constraints operative on all participants in the global practice of states. The relevant criteria are not such that the states participating in the practice may opt to accept them or not. Instead they must be understood as constitutive features of the global practice. Acceptance of these is a precondition for participation. Just as acceptance of the rules of any game is a requirement for anyone wishing to play it. The rule packages of states have thickened considerably in the post war era making ethical trapping more likely. So too has the ability of media and social media to document and spread word of violations. For both reasons, illiberal states are as open to ethical trapping as liberal ones. The flouting of constitutive rules has negative consequences for any and every state that does it. E

There is an irony inherent in ethical entrapment. Many actors who benefit from ethical traps start out as opposed to the dominant practices in world politics within which the traps are sprung. Yet in exploiting ethical traps they find themselves appealing to the



ethical norms embedded in the very practices they initially opposed. By doing this they gain significant support from third parties and weaken support for their adversaries. Hamas does this regularly in the Gaza conflict. Al Qaeda and its supporters have done this in response to American drone attacks that kill civilians. These movements criticise the US and Israel for undercutting the values they profess regarding sovereignty, human rights, and democracy. These “terrorist” movements then find themselves relying on appeals to the values they oppose. Insofar as the traps provide significant power and influence for them, they then have good reason to adhere more closely to these values to strengthen the power they can derive from traps they might set in future. The lure of power available through ethical trapping in some measure locks the trappers into ethical conduct congruent with global practices and contrary to their own initial commitments.<sup>49</sup>

What can actors do to avoid ethical traps? They should pay attention to the ethical expectations other actors in our global practices have of their behaviour and even more to the claims they make about the values underlying their domestic orders and foreign policies. Many actors in global politics fail to do this. The failure is brought about by faulty understandings of ethics, politics and international relations, and the relationships that pertain between them. Many realists famously assert that ethics stop at the water’s edge, and that foreign policy, to be effective, must be free of ethical constraints. Classical realists, by contrast, maintain that foreign policies are most successful when consistent with commonly acceptable ethical principles.<sup>50</sup> Classical realists and others who believe that foreign policy should be informed by ethics hold that policy options should meet some minimal ethical test. Robert Kennedy’s famous opposition to an air strike against the Soviet missiles in Cuba on the grounds that his brother was not about to commit another Pearl Harbour is frequently praised as a timely ethical check. The air strike was a widely favoured policy within the ExComm, and we now know that it would have been followed by an invasion of Cuba, which in turn would in all likelihood have provoked the

firing by Soviet forces of nuclear-tipped ground-to-ground missiles against the American fleet.<sup>51</sup> Robert Kennedy was not thinking about miscalculated escalation when he made his suggestion, but rather thought about the parallel to Japan in 1941. The US would be judged an aggressor and pay a serious long-term price in loss of respect and influence.<sup>52</sup> President Dwight Eisenhower made a similar calculation when he categorically rejected the use of atomic weapons to save the French fortress of Dien Bien Phu in 1954.<sup>53</sup>

Ethics is far from a luxury in foreign policy. This is because international actors are participants in a global society with embedded norms. The influence and power of international actors is not merely a function of their military and economic power, but of the legitimacy of the ends they seek and the means they use to achieve these ends. Goals and practices at odds with existing ethical norms arouse opposition, undermine the standing of actors in the eyes of others, and reduce the likely effectiveness of their initiatives. Adherence to existing norms and practices is not merely an exercise in public relations, of putting an appropriate ‘spin’ on actions taken for other reasons. In today’s world, states that draw the sword without authorization of the international community lose standing and thus influence, as the US did in the aftermath of its invasion of Afghanistan and Iraq. Public opinion in Europe, extremely sympathetic to the U.S. after 9.11, reversed itself and came to consider it a greater threat to world peace than North Korea.<sup>54</sup> In Britain, those with favourable opinions of the US dropped from 83 percent in 2000 to 56 percent in 2006. In other countries, the U.S. suffered an even steeper decline.<sup>55</sup> In a 2007 BBC World Service poll in 27 countries the U.S. was regarded more negatively than either North Korea or Iran.<sup>56</sup> Since the Iraq War, the U.S. has in effect undergone a shift in its international profile from a status quo to a revisionist power.<sup>57</sup>

Since the Enlightenment, the rejection of cosmic orders, and widespread secularization, and the failure of the Kantian project, many people have come to believe that ethics is a purely subjective matter; individuals simply choose which values to

adhere to in the same way that they might choose what to study or where to live. This view is flawed, for people are constructed as who they are in social practices that include within them an ethical component. An implication of this is that people are not able to act contrary to these embedded ethical constraints with impunity. They are members of society and expected to behave according to a given set of values in the family, workplace, and society at large, including the international society of states. Failure to follow these values and their associated practices invites shaming and possible punishment. It is no different for states. They are embedded in regional and global societies that are governed by a complex set of ethical arrangements and expectations. Violations endanger the success of policies, antagonize friends and foes alike, reduce the success of these initiatives, and the ability to assert leadership on other issues.

An increasingly common strategy for avoiding ethical traps – although it is not framed in this light – is secrecy. Since the trapping depends on publicizing ethical violations, secrecy, at least in theory, may protect violators. So, for example, states and non-state actors that resort to torture try to keep it secret. The U.S. tried to do the same with rendition of terrorist suspects. In this day and age, it is difficult to keep anything secret; defections, leaks, the Internet, and revelations of the kind made public by Edward Snowden suggest the risks of reliance on secrecy.

Security outsourcing is equally ill advised as a way of avoiding ethical traps. There is an ever-increasing use of private military and security companies for a range of security tasks. These companies provide a range of specialised services, including the guarding of installations, the maintenance of prisons, the providing of transport (including aircraft for special rendition), the gathering of intelligence, the training of indigenous populations in policing and military affairs, and in the provision of communication facilities. They make it possible for governments to do things they cannot do with regular forces or agencies and in ways that are not open to public scrutiny.<sup>58</sup>

These companies are not held by the governments who employ them, or by anyone else, to the ethical standards normally applicable to participants in international affairs.<sup>59</sup> In addition, these companies provide the governments with deniability. If some ethical misdemeanour by a private military or security company comes to light governments can blame it on the one 'bad egg' amongst the many good firms they employ.<sup>60</sup>

The shortcuts of secrecy and outsourcing are very likely to backfire on those who use them, as they did in Iraq for the U.S. The more sensible strategy is to refrain from the kinds of behaviour that triggers ethical traps. This requires ethical competence, political sensitivity and political restraint, all of which are valuable for reasons that extend far beyond the problem of ethical traps.<sup>61</sup> Finally, we must also recognize that same traps are unavoidable. Consider Israel's dilemma with respect to Gaza. Once Hamas began aiming missiles at Israeli settlements, the government faced a Hobson's choice. Not intervening militarily risked political defeat at home. However, intervention inevitably involved falling into a Hamas trap, and all the more so given the collation of its rocket launchers and civilian institutions.

This dilemma was apparent once again in the recent events in Gaza. In an event dubbed "The Great March of Return" to mark the 70<sup>th</sup> anniversary of their expulsion from Israel, in a series of events over consecutive Fridays commencing on 6<sup>th</sup> April 2018, tens of thousands of Palestinians assembled near the fences separating Gaza from Israel. These were planned by Hamas to be mass non-violent events involving Palestinian men, women and children. These protests overlapped with the moving by the USA of its Embassy from Tel Aviv to Jerusalem which took place on 14<sup>th</sup> May. During the protests some young men rolled burning tyres towards the fence and hurled stones and Molotov cocktails over the barrier into Israel. The Israeli military repulsed these with tear gas, water cannon, and live rounds. The justification given was that national security was threatened. It was claimed that some Palestinians were armed, but no evidence of this has

emerged. During the protests Israeli troops killed at least 100 Palestinians and injured thousands. International media provided simultaneous cover of the celebrations accompanying the move of the US Embassy to Jerusalem and the carnage on the borders of Gaza. This provoked a chorus of protest from around the world, from states, international organizations and civil society organizations, all criticizing Israel for using disproportionate force against unarmed civilians. Here, once again, we see in a clear-cut form, the springing of an ethical trap. Hamas, the organizer of the protests, knew that in military terms it was no match for the IDF. Instead of seeking an armed confrontation it sought to, and succeeded in, provoking a disproportionate use of force by the IDF against unarmed civilians. These actions were seen by most people to be in flagrant violation of globally accepted just war principles. This unjust use of force and the evaluations of it were streamed live to a global audience. Israel's standing as an ethical actor suffered a major setback. Here, though, once again Israel faced a dilemma. It could not have countenanced a breach of the fence and a mass influx of Palestinians. The citizens of Israel expected and required their government to protect the borders of their state. At best, the IDF might have done more to minimize civilian casualties. But the option of inaction was not open to it. Here once again then, we see ethical trapping as a device that the weak may use against the strong.

## NOTES

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<sup>23</sup> *Irish Times*, 11 March 1971.

<sup>24</sup> Sunday Times, Insight Team, *Northern Ireland*, pp. xx; Smith, *From Violence to Power Sharing*, pp. 113-54; Cochrane, *Northern Ireland*, pp. 52-66.

<sup>25</sup> Smith, *From Violence to Power Sharing*, pp. 113-54; Sunday Times, Insight Team, *Northern Ireland*, pp. 80-125.

<sup>26</sup> *Ibid*, pp. 56-79; Lebow, personal observations in Belfast, 1969-1972.



<sup>27</sup> Smith, *From Violence to Power Sharing*, pp. 113-64; Sunday Times, Insight Team, *Northern Ireland*, pp. 222-35; Michael J. Cunningham, *British Government Policy in Northern Ireland, 1969-89: Its Nature and Execution* (Manchester: Manchester University Press, 1991), pp. 40-89; Graham Walker, *A History of the Ulster Unionist Party: Protest, Pragmatism and Pessimism* (Manchester: Manchester University Press, 2004), pp. 185-97.

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