

Mark Osiel: *The End of Reciprocity: Terror, Torture and the Law of War*

Cambridge University Press, 2009, pp. 1–667

Seumas Miller

© Springer Science+Business Media Dordrecht 2013

Mark Osiel's *The End of Reciprocity: Terror, Torture and the Law of War* provides detailed discussions of a number of important moral and legal issues arising for the United States in its ongoing response to the threats posed by the Al Qaeda terrorist network.¹ The specific focus is the United States of America (USA) deployed counter-terrorist methods of sustained detention, enhanced interrogation and targeted killing of suspected terrorists.

Osiel offers a distinctive and provocative view on these issues, and displays a wide knowledge of relevant literature in a number of fields, including international law, philosophy, sociology and cultural studies. As such, the book ought to be of interest to a wide audience.

The book is in four parts. Part One concerns international law. Osiel argues that “the principle of reciprocity continues to infuse much of international law” (p.2). Moreover, in the context of the persistent refusal of the USA to accept customary rules prohibiting reprisals against civilians (including suspected terrorists), the principle of reciprocity could reasonably be used to justify in law USA countermeasures against terrorism—specifically, sustained detention, coercive interrogation and targeted killing.

Roughly speaking, the principle of reciprocity justifies (on grounds of fairness) one side in a war breaching the laws of war (by, say, mistreating the other side's prisoners-of-war) if it is in retaliation for the other side's breach (by, say, using prohibited weapons). Osiel claims that this legal argument was one that was available to the Bush administration and its supporters—given Al Qaeda's egregious violations of international law—and may well provide an adequate legal justification for the Bush administration's counter-terrorism policies (p. 147).

¹ Thanks to Andrew Alexandra for comments on this paper. The material in the first section of this critical review is derived from a short review of this book I wrote for the *International Harvard Review* vol. 31 no. 1 March 2009 p.84.

S. Miller (✉)
Centre for Applied Philosophy and Public Ethics (an Australian Research Council Special Research Centre), Charles Sturt University, Canberra, Australia
e-mail: semiller@csu.edu.au

S. Miller
3TU Centre for Ethics and Technology, Delft University of Technology, The Hague, Netherlands