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Time Is Broken: The Return of the Past In the Response to September 11

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I.

Writing from his home in New York one week after September 11, the Australian novelist Peter Carey reflected on how the events of that morning altered the perception of time: "The last week is a great blur with no divisions between night and day. Time is broken. The events of the first day bleed into the next and all the powerful emotions and disturbing sights are now so hard to put in proper sequence."[1] Some weeks on, and the ordering of things into a sequence that allows understanding seems as difficult as ever. This struggle is emblematic of trauma, and September 11 was most certainly traumatic. Given the nature of the event, this struggle for meaning is something we cannot and perhaps should not easily or quickly resolve. Moreover, this struggle may in any event be unavoidable given that trauma is that which exceeds experience and exposes the limits of language. As a consequence, it may be that, the unspecified notion of "the events" is best retained for what happened in New York and Washington on September 11, 2001.[2]

2.

Such caution has not been the hallmark of public discourse since September 11. Attempts to make things meaningful began the moment the events unfolded and have not ceased. There has been a veritable deluge of narratives organized around notions of attack, atrocity, crime and -- most powerfully -- war pouring forth from political leaders, media pundits, and academic commentators, all seeking to fill the void of meaning prompted by the images of the World Trade Center's destruction.[3] Nor has there been any hesitation, on the part of those licensed by the media in the US and the UK to speak and write of the event, to begin systematizing the event in terms of ideological contours, political positions, and policy prescriptions common to the world before September 11.

3.

We have seen, from the likes of Edward Said and Noam Chomsky, the

argument that the events of September 11 are understandable in terms of the violent history of US foreign policy, especially in the Middle East. In contrast, from President Bush and his transatlantic political colleagues, comes the view that it is civilization, democracy and "our values" which have been attacked. Others have argued that modernity itself was the target -- a concept that codes the clash of civilizations thesis in secular garb -- and this has then been inverted to claim, "anybody who hates modernity hates America."[4] Supporters of this reasoning have charged those who stress the political context of the event with advocating "a *bien-pensant* anti-Americanism."[5] Others have extended this desire to delegitimize criticism by arguing it blames the victims, that such "anti-Americanism" is to be equated with anti-Semitism, and claiming "anti-Americanism" as the only racism now tolerated.[6] At the same time, there has been no hesitation amongst conservatives to find domestic opponents to align with those who have attacked America, with anti-globalization protestors, postmodernists, liberals, pro-choice activists, and gay liberationists among the gallery of the guilty.[7]

4.

Such reckless argumentation has been all too common. Perspective and proportionality have been the second and third casualties in this "new war." As a result, little if any of this discourse has been illuminating with respect to the events of September 11. The critiques of US foreign policy have merit in their own right as much of US foreign policy is badly in need of reevaluation (something the US and UK governments are implicitly recognizing through their pressure on Israel to reach a comprehensive settlement with the Palestinians).[8] However, the idea that US foreign policy alone offers an explanation for the event is questionable. With no clear statement of grievances or claim of responsibility from anyone on behalf of those who undertook the suicide hijackings, Christopher Hitchens rightly observes that acting as a "self-appointed interpreter for the killers" is rather rash.[9] This is especially the case for those who see Western values or America's political identity as the target of foreign anger. Such claims are a rehash of orientalist prejudices that predate September 11 by some way.

5.

There is a relation between an event, its event-ness, and the way that event-ness is produced through narratives subsequent to the event. Moreover, the narratives that give an event its status as an event with a particular character produce something other than a mimetic account of the details. There will always be an unresolved element of undecidability between dominant narratives and the events from which they are derived and about which they

are supposed to speak. But with respect to September 11 that disjuncture seems greater than ever. The nihilism and inhumanity involved in hijacking civilian aircraft and flying them into skyscrapers packed with a vast heterogeneous population was something so unexpected that any attempt to establish a mono-causal explanation appears way off the mark.[10] It feels as though there is a larger than usual aporia at the heart of September 11 which makes simplistic narrativization unequal to the task of understanding.

6.

Responding to the trauma requires overcoming the breach of time Peter Carey wrote about. The first order of business is establishing "a proper sequence" concerning September 11. Given that September 11 was one of the single bloodiest days on American soil, there has been an understandable urgency to seek the overarching account which can secure some meaning for the event. But the proper sequence that will in the end make it comprehensible has a very specific character, for it involves resisting the quick leap to a comfortable explanation in favour of a detailed investigation about the participants, steps and motivations.[11]

7.

In part, this detailed inquiry is what the criminal investigation undertaken by the FBI and related agencies is all about. Now global in scope, it has, insofar as can be established through the selective leaks to the media, already made some progress in identifying individuals, actions, relationships and networks which combined to produce September 11. This is an unavoidably slow and patient process. But it is one which we have seen bear considerable fruits in the past. Those who were responsible for the first bombing of the World Trade Center in 1993 were indicted, found, extradited, tried and imprisoned in the United States. The 1995 bombing of the federal office building in Okalahoma was dealt with in the same manner. Likewise, those individuals associated with Osama bin Laden whom an international criminal investigation determined were responsible for the 1998 bombing of the two US embassies in East Africa were convicted in a New York court little more than three months prior to September 11. Interestingly, the *New York Times* coverage of those convictions presents a view of the al-Qa'eda network in marked contrast to their current notoriety. As one article concluded, the trial showed that bin Laden's

> far-flung organization, with all of its cells, rules and secret codes, was -- at least this time -- not beyond the reach of American law.

> 'For so long he'd been seen as this sort of untouchable, fearful, scary

guy that we couldn't get our hands on,' said Juliette N. Kayyem, executive director of the program on domestic preparedness at Harvard's Kennedy School and a former member of the National Commission on Terrorism.

She added: 'It's also a good reminder that trials and investigations and all those things that we sort of view as so slow and cumbersome can actually work.'[12]

Temporality and the Discourse of War

8.

These views seem out of place now, squeezed to the margins of recent history by the way government officials in the US and Britain have, before the criminal investigation is anything like complete, publicly identified bin Laden, al-Qa'eda and the Taliban regime as definitely and wholly responsible for the hijackings and declared war on them.[13] Similarly, days after anthrax poisoning was first detected, with investigators still puzzled about these events, Pentagon officials who harbor a long standing desire to overthrow Saddam Hussein's regime have declared Iraq as the perpetrator of this crime and the next target in an expanded war.[14]

9.

Even if they are proven later, the timing of these identifications has more to do with legitimizing war against Afghanistan and its expansion to other countries, rather than establishing what happened and who is responsible for September 11. What is most problematic about such claims is the way their moral absolutism induces political amnesia. Prior to September 11, the relationship between al-Qa'eda and the Taliban was well known to the US and UK governments (indeed, the US failed to act on detailed Russian intelligence provided to the UN in March 2001).[15] Likewise, the Taliban's repressive nature has been public knowledge for a very long time, but there was little sustained effort by governments to address the Taliban's human rights abuses. Far from making its displeasure at the subjugation of women paramount (something we now regularly and belatedly hear much about), the Bush administration indirectly rewarded the Taliban for its contribution to the war on drugs.[16] While the British Foreign Secretary now invokes the obligatory comparison to action against the Nazi regime and warns against appeasement, he had no hesitation (when Home Secretary a year earlier) in demanding the immediate removal from the UK of all the civilian hostages claiming asylum in Britain after their hijacked Afghani aircraft had landed at a London airport.[17]

10.

These complexities are washed aside by a discourse of war that, with its propensity for sequencing explanations in absolutist and amnesiac terms, has been common to previous conflicts.[18] All those who bayed for rage and retribution rather than justice -- in other words, those who instantly demanded we speak of September 11 as war rather than crime -- have achieved what they wanted.[19] Whether the war they wanted will actually achieve its stated aim is another matter altogether. With targets wrongly identified and bombs gone astray, the number of innocent civilians killed in Afghanistan is officially unknown but not insignificant.[20] The carnage wrought on combatants -- many of them recently press-ganged into service by the Taliban authorities -- by heavy bombing from B-52s will have been considerable.[21] As a result, the US and Britain are offering al-Qa'eda -- which has a media committee to manage its information operations -- evidence for the representation of a war on Islam our leaders say they are not engaged in and desperate to avoid. And to what practical effect? Some might think having the Taliban on the run is progress, but it is a long way from being a victory over terrorism. Not only has US bombing brought to the fore in the guise of the Northern Alliance many of the warlords responsible for previous abuses and atrocities in Afghanistan, it cannot eradicate the al-Qa'eda operations that were its original concern. Given the fluid and dynamic structure of al-Qa'eda -- it is a network of networks organized globally through some 24 constituent groups in more than 50 countries -- even the complete destruction of its bases in Afghanistan, the removal of Taliban protection, and the killing of the bin Laden leadership will not remove its threat.[22]

11.

Faced with the consequences of the discourse of war the time for justice seems long gone. But in relation to terrorism time consists of the *longue durèe*. Our political leaders constantly remind us we are in this for the long haul, but it's a long haul beyond their horizons. The destruction of the US embassies in Nairobi and Dar-es-Salaam was the consequence of a surveillance operation than began five years prior to the bombings. If our adversaries are patient, methodical and committed to the long term, then our security response will have to be likewise. In this context, it is worth remembering that the pursuit of justice in the Balkans -- through the International Criminal Tribunal for the Former Yugoslavia (ICTY) based in the Hague -- has achieved some startling outcomes once it was given time and support by the international community. Its investigations have produced indictments that are narratives that testify to the full complexity of the genocidal project to

ethnically cleanse Bosnia. Its trials have seen many of the major players -- such as the general responsible for the massacre of more than 7,000 men, women and children at Srebrenica in July 1995 -- brought to account, convicted and imprisoned. And its remand facilities now hold many of the most senior politicians in the region (most notably the former Serbian leader Slobodan Milosevic) in advance of their turn in court.

12.

Much of the commentary after the event spoke of September 11 as 'the day that changed the world.' Whether it is or not depends on what we make of it. The response of the war machine is consistent with the logic of previous state responses to crises. The response that would have changed the world would have seen Presidents and Prime Ministers stand before the cameras and say that because it was the principle of respect for civilian life that had been assaulted, we would unite with others in the laborious, step-by-step, time-consuming task of justice, so that our reactions would not be ones which validated the terrorist logic of ends justifying means.[23] Such efforts would not have ruled out the use of military force per se. Deploying special forces -- as has occasionally been the case in Bosnia -- to capture indicted suspects and bring them to an international tribunal to stand trial for crimes against humanity, would be consistent with this approach.

Cold War Redux: International Blowback

13.

While the current operations of the war machine do not represent a changed world, some of their effects will undoubtedly change the world. Foremost amongst these is the way the focus on "the war against terrorism" as the organizing priority of international society interpolates all other issues into a manichean structure within which there is little if any space for ambiguity and complexity. Bush's simplistic rhetoric -- that you are either with us or with the terrorists, and that the United States will make no distinction between terrorists and those who support them -- produces a context in which one set of concerns will blowback into many others.

14.

"Blowback" is the term favored by intelligence agencies when they speak of policies from another time coming back to haunt the present and change the course of the future. It is common to analyses of Afghanistan which demonstrate that the network of financiers, suppliers and supporters now used by bin Laden and the al-Qa'eda organization was established by the US and

Pakistan as part of the mujahadeen struggle against the Soviet occupation.[24] Now that bin Laden and others are the objects of enmity rather than partners in an anti-communist struggle, we are witnessing how the construction of the much proclaimed international coalition against terrorism is a policy that will blowback into other areas with perverse effects. Indeed, despite the constant reiteration that this is a new kind of war, there is little more than return of the past in the way the US and Britain have responded.

15.

In the first place, the notion of an international coalition is misplaced. The war machine is a unilateralist US instrument, with some British input. While a handful of other countries have offered small-scale military support to the campaign, there is no desire on the Bush administration's part to cramp its style by having others involved in decision making. The extensive diplomatic activity that the media characterizes as being an effort to keep the 'fragile international coalition together' involves little more than the US and Britain buying acquiescence from states that might otherwise have opposed military action overtly. Such complicity comes at a price, however.

16.

Seeing that the US now wishes to view the world and its struggles through the lens of an international campaign against global terror, numerous countries (including China, Macedonia, Malaysia, India and Indonesia) have been rushing to demonstrate how their internal conflicts are the product of terrorist networks. Others, such as Australia, have proffered the spurious claim that their hostility to refugees is justified on anti-terrorism grounds.[25] In each case, the purpose is to make difficult international criticism of their repressive responses. Russia is a case in point. Having allowed the US to approach former Soviet states bordering Afghanistan for basing rights during the war, President Putin has demanded that the US and the European Union cease criticism of Russian policies in Chechnya, where human rights abuses in the on-going war are rampant.[26] During a visit to Germany, Chancellor Gerhard Schroeder duly obliged Putin by observing "as regards Chechnya, there will be and must be a more differentiated evaluation in world opinion."[27] The White House spokesperson went further, stating that the US now accepts that al-Qa'eda has exploited and may have even caused the war in Chechnya.[28]

17.

What we have, then, is the war on terrorism morphing into a re-run of the Cold War. The Cold War, remember, was both a struggle which exceeded the military threat of the Soviet Union, and a struggle into which any number of

potential candidates -- regardless of their strategic capacity to be a threat -- were slotted as a threat. If we recall that the phrase 'cold war' was coined by a fourteenth-century Spanish writer to represent the persistent rivalry between Christians and Arabs, we come to recognize that the sort of struggle the phrase denotes is a struggle over identity: a struggle that is not context-specific and thus not rooted in the existence of a particular kind of threat. But what was distinctive about the Cold War, and what has survived the demise of the Soviet Union, are the long established interpretive dispositions towards the international environment. These involve the zero-sum analyses of international action, the sense of endangerment ascribed to all the activities of the other, the fear of internal challenge and subversion, the tendency to militarize all responses, and the willingness to draw the lines of superiority/inferiority between us and them.[29]

18.

This return of the past means we have different objects of enmity, different allies, but the same structure for relating to the world through foreign and security policy. In the current context, this structure means that abuses and atrocities equal to or greater than the original crime that put us on this new path will be overlooked and tolerated, so long as the strategic goal remains in focus. What we are witnessing, therefore, is an emerging form of strategic international McCarthyism. Struggles unrelated to the global threat will nonetheless be cast as compradors of international terrorism, repressive policies will not be questioned, and those that dare criticize this complicity will be labeled fellow travelers of the terrorists.

Cold War Redux: Domestic Blowback

19.

The Cold War-like structure of the international response to the terrorist threat is evident in domestic politics, where the emphasis on "homeland security" is being driven by dangerously expansive definitions of "terrorism." Given the nature of September 11, we might think that what constitutes terrorism is self-evident. Much as in Mr. Justice Stewart's 1964 remark about the difficulties in determining what constitutes hard-core pornography, we now think we know it when we see it. But ever since the League of Nations first made an attempt in 1937 to specify the meaning of terrorism, the international community has failed to reach an agreed upon definition.[30]

20.

In the wake of September 11, the European Commission (EC) issued a draft

Framework Decision on combating terrorism in which it proposed a definition close to that in UK law, where threats or actions intended to influence government, "or to intimidate the public or a section of the public" for any "political, religious or ideological cause," are considered terrorist.[31] According to the EC, "most terrorist acts are basically ordinary offences which become terrorist offences because of the motivations of the offender. If the motivation is to alter seriously or to destroy the fundamental principles and pillars of the state [elsewhere defined as 'the political, economic or social structures of these societies'], intimidating people, there is a terrorist offence."[32] It is not hard to appreciate how direct action, dissent and protest generally can be criminalized by this definition.

21.

Both houses of the US Congress also hastily passed new legislation. Attorney General Ashcroft moved quickly to present the Anti-Terrorism Act 2001, the House responded with the Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (PATRIOT) Act, the Senate passed the Uniting and Strengthening America (USA) Act, and the President signed a compromise between the two into law.[33] Their purpose is to expand considerably the government's powers of electronic interception and surveillance, especially against immigrants. Such invasions of privacy are deemed necessary given the belief that terrorist suspects used encrypted email, and even buried coded messages containing target plans inside pornographic images (a process known as "steganography") to avoid detection.[34] Yet it turns out that the e-mail traffic between the hijackers was not encrypted and involved little more than Hotmail accounts accessed from public library terminals. Moreover, despite searching more than two million internet images, no coded messages have been detected.[35]

22.

Many of these changes depend upon an expansion in the definition of terrorism. The Attorney General's proposals extended the meaning of terrorism to include "the use or threat to use 'any explosive, firearm or other weapon or dangerous device' with the intent to endanger person or property."[36] As David Cole has argued,

> this definition encompasses a domestic disturbance in which one party picks up a knife, a barroom brawl in which one party threatens another with a broken beer bottle, and a demonstration in which a rock is thrown at another person. It would also apply to any armed struggle in a civil war, even against regimes that we consider

totalitarian, dictatorial, or genocidal. Under this definition, all freedom fighters are terrorists.[37]

23.

In the US and its allies, most of these measures are directed against foreign others. In Australia and Britain, ministers have actively linked concern about immigration to terrorism, with proposals to toughen up alleged abuses of asylum provisions to exclude terrorists. In the US, one of the harshest provisions gives the Immigration and Naturalization Service power to detain "aliens," at least for seven days and possibly indefinitely, on suspicion of terrorism (as per the definition above).[38] If the Cold War heritage of this new legislative sensibility was in any doubt, we need only note that the Attorney General's proposals bring back to life the arbitrary concept of ideological exclusion. One product of the McCarthy period was the Immigration and Nationality [McCarran-Walter] Act of 1952 that permitted visas to be denied to visitors to the US who were said to be members of proscribed organizations or purveyors of proscribed ideas. While designed to keep known communists at bay, it was used against noted writers like Gabriel Garcia Marquez and Carlos Fuentes. Congress had repealed this provision in 1990, but now both the Bush administration and the current Congress have returned it from the past for the new war on terrorism.[39] And if we doubt that these measures will inevitably affect more than prospective future hijackers seeking to cause mass death, we need only recall the long history of security legislation being abused for partisan domestic purposes (as in the FBI's COINTELPRO operations against domestic opponents of the Reagan administration's policies in central America).[40]

24.

This return of the past in domestic security policy is matched by proposals that revivify the dubious intelligence strategies of the 1960s and 1970s, when assassinations and coups d'etat were the modus operandi. That intelligence work will involve activity in the ethical borderlands is inescapable, but given that the priority has to be informed analysis of timely information so that future crimes can be thwarted -- something that requires first and foremost the CIA, the FBI and others employing sufficient numbers of linguistically able staff -- we are some way away from the need to resort to the failed and counterproductive strategies of the past.[41] In the temporal rupture of the event, we need to resist a return to the strategies of a different time. Options dredged up from the past to meet new challenges will produce perverse outcomes unrelated to the concern at hand.

Notes

[1] Peter Carey, Letter to *The Observer*, 23 September 2001, http://www.guardian.co.uk/Archive/Article/0,4273,4262775,00.html.

[2] Jenny Edkins, "The Absence of Meaning: Trauma and the Events of 11 September," 5 October 2001, at http://www.watsoninstitute.org/infopeace/911/edkins_trauma.html.

[3] David Campbell, "Imaging the Real, Struggling for Meaning," 6 October, 2001, at http://www.watsoninstitute.org/infopeace/911/campbell_imaging.html.

[4] David Rieff, "There is No Alternative to War," *Salon.com*, 25 September 2001, at http://www.salon.com/news/feature/2001/09/25/modernity/index.html; Aryeh Neier, "Warring Against Modernity," *Washington Post*, 9 October 2001, A29, at http://www.washingtonpost.com/wp-dyn/articles/A28595-2001Oct8.html. The quote is from *The New Republic* editorial for the 24 September 2001 issue, at http://www.thenewrepublic.com/092401/editorial092401.html.

[5] Salman Rushdie, "Let�s Get Back to Life," *The Guardian*, 6 October 2001, at http://www.guardian.co.uk/Archive/Article/0,4273,4271218,00.html.

[6] See Bernard Wasserstein, "Anti-Semitism and Anti-Americanism," *The Chronicle of Higher Education*, 28 September 2001, http://www.chronicle.com/free/v48/i05/05b00502.htm. William Shawcross argued that criticism of US foreign policy post-September 11 demonstrated that "these days there is just one racism that is tolerated � anti-Americanism. Not just tolerated, but often applauded." See "Stop this racism, *The Guardian*, 17 September 2001, at http://www.guardian.co.uk/Archive/Article/0,4273,4258353,00.html.

[7] "Falwell Apologizes for Saying an Angry God Allowed Attacks," *The New York Times*, 18 September 2001, http://www.nytimes.com/2001/09/18/national/18FALW.html; "Attacks on U.S. Challenge Postmodern True Believers," *The New York Times*, 22 September 2001, http://www.nytimes.com/2001/09/22/arts/22CONN.html; and Peter Beinart, "Sidelines," *The New Republic*, 24 September 2001, http://www.thenewrepublic.com/092401/trb092401.html.

[8] The UK government has even gone so far as to make an argument about the context of terrorism that others have denounced as anti-American. In an un-released document setting out their war aims � entitled "Defeating Terrorism: Campaign Objectives" � they state that "renewed efforts to resolve the conflicts which are the underlying causes of international terrorism" have to be undertaken. "No Meeting of Minds," *The Guardian,* 12 October 2001, at http://www.guardian.co.uk/Archive/Article/0,4273,4275501,00.html; and BBC *Newsnight*, 11 October 2001, at http://news.bbc.co.uk/hi/english/events/newsnight/newsid_248000/248099.stm.

[9] Christopher Hitchens, "Of Sin, the Left and Islamic Fascism," *The Nation*, 24 September 2001. Hitchens has been engaged in numerous clashes with Chomsky and others, during which he has failed to heed his own advice and casts the hijackers as representing "fascism with an Islamic face." The debate can be found at http://www.thenation.com/special/20010911debate.mhtml.

[10] The nihilism is enhanced by the possibility that the majority of the hijackers did not know the nature of their suicide mission. See "Attackers did not know they were to die," The Observer, 14 October 2001, http://www.observer.co.uk/waronterrorism/story/0,1373,573707,00.html. But this nihilism does not put the event beyond politics, as Michael Ignatieff has claimed. See "It�s War � But it doesn�t have to be dirty," *The Guardian*, 1 October 2001, http://www.guardian.co.uk/Archive/Article/0,4273,4267406,00.html.

[11] Edkins, "The Absence of Meaning."

[12] Benjamin Weiser, "Trial Poked Holes in Image of bin Laden�s Terrorist Group," *The New York Times*, 31 May 2001, at http://www.library.cornell.edu/colldev/mideast/bltrial.htm.

[13] While Secretary of State Colin Powell made a commitment to release publicly evidence to support the allegations, the lack of hard facts meant this pledge was not met. See Seymour Hersch, "What Went Wrong: The C.I.A. and the Failure of American Intelligence," *The New Yorker*, 8 October 2001, at http://www.newyorker.com/FACT/?011008fa_FACT. Instead, the British government issued a document to substantiate their claims. See "Responsibility for the Terrorist Atrocities," http://www.fco.gov.uk/news/keythemepage.asp?PageId=310. The document is, however, "a prima facie or presumptive case, sufficient for extradition and for putting the man on trial," rather than conclusive proof of guilt. Geoffrey Robertson, "Lynch Mob Justice or a Proper Trial," *The Guardian*, 5 October 2001, at

http://www.guardian.co.uk/Archive/Article/0,4273,4270776,00.html.

[14] "Iraq �Behind US Anthrax Outbreaks," *The Observer*, 14 October 2001, at http://www.observer.co.uk/waronterrorism/story/0,1373,573907,00.html.

[15] "Russian Files on al-Qa�eda Ignored," *Jane�s Intelligence Digest*, 5 October 2001.

[16] After the Taliban decreed opium growing to be "un-Islamic" in 2000, the entire crop was wiped out. The US responded by having one of its officials join a United Nations drug control mission to Afghanistan, and Secretary of State Colin Powell authorized an additional $43 million in humanitarian aid to assist poppy farmers deprived of their livelihood. See Barbara Crossette, "Taliban�s Ban on Poppy A Success, U.S. Aides Say," *The New York Times*, 20 May 2001.

[17] On the historical analogy, see "Full Text: Jack Straw�s Speech," 2 October 2001, *Guardian Unlimited*, http://politics.guardian.co.uk/labour2001/story/0,1414,561867,00.html. On the Afghan hijack in February 2000, see the series of articles at http://www.guardian.co.uk/stansted.

[18] See David Campbell, *Politics Without Principle: Sovereignty, Ethics, and the Narratives of the Gulf War* (Boulder: Lynne Rienner, 1993), especially chapter 2.

[19] Written the day after the event was Eliot A. Cohen, "How to Fight," *The New Republic*, 24 September 2001, at http://www.thenewrepublic.com/092401/cohen092401.html; and Lance Murrow, "The Case for Rage and Retribution," *Time*, 14 September 2001, at http://www.time.com/time/nation/article/0,8599,174641,00.html. In international legal terms -- largely because international law remains governed by the sovereignty problematic -- the events of September 11 cannot be classed as war. For arguments detailing this, see "Terrorism and the Laws of War: September 11 and its Aftermath," Crimes of War Project, at http://www.crimesofwar.org/expert/attack-intro.html.

[20] "U.S. Raid Kills Unknown Number in an Afghan Village," *The New York Times*, 13 October 2001, http://nytimes.com/2001/10/13/international/asia/13DEAT.html; "US Admits Lethal Blunders," The Observer, 14 October 2001, http://www.observer.co.uk/international/story/0,6903,573864,00.html.

[21] "Taliban Forcing Thousands into Army, *The Guardian*, 4 October 2001,

http://www.guardian.co.uk/Archive/Article/0,4273,4269971,00.html.

[22] On al-Qa�eda �s global structure, see Phil Hirschkorn, Rohan Gunaratna, Ed Blanche and Stefan Leader, *Blowback*, Jane�s Intelligence Review, 1 August 2001. See also Mary Anne Weaver, "The Real bin Laden," *The New Yorker*, 24 January 2000, at http://www.newyorker.com/FROM_THE_ARCHIVE/ARCHIVES/?010924fr_archive03.

[23] This has been the position of Human Rights Watch. See their statement, "Civilian Life Must be Respected," 12 September 2001, at http://www.hrw.org/press/2001/09/ny-091201.htm. A similar strategy is advocated by Michael Klare, "How to Defeat Bin Laden," *Salon.com*, 13 September 2001, at http://www.salon.com/news/feature/2001/09/13/justice/index.html.

[24] Hirschkorn et. al., *Blowback*.

[25] Details of some of these statements can be found in a letter from Human Rights Watch to the US Secretary of State on 24 September 2001, at http://www.hrw.org/press/2001/09/uspowell0924.htm, as well as the Human Rights Watch report on "Opportunism in the Face of Tragedy," http://www.hrw.org/campaigns/september11/opportunismwatch.htm.

[26] See Anna Politkovskaya, *A Dirty War: A Russian Reporter in Chechnya* (London: The Harvill Press, 2001).

[27] "Russia Exploits the War Dividend," *The Guardian*, 26 September 2001, at http://www.guardian.co.uk/Archive/Article/0,4273,4264602,00.html.

[28] "U.S. Says Military Strikes Are Just Part of Big Plan," *The New York Times*, 27 September 2001, at http://www.nytimes.com/2001/09/27/international/europe/27NATO.html.

[29] David Campbell, *Writing Security: United States Foreign Policy and the Politics of Identity*, revised edition (Minneapolis: University of Minnesota Press, 1998), 33.

[30] United Nations Office for Drug Control and Crime Prevention, "Definitions of Terrorism," http://www.undcp.org/terrorism_definitions.html.

[31] Statewatch, "UK Terrorism Act 2000: New Definition of �Terrorism� Can Criminilise Dissent and Extra-Parliamentary Action,"

http://www.statewatch.org/news/2001/sep/15ukterr.htm.

[32] Commission of the European Communities, *Proposal for a Council Framework Decision on Combating Terrorism* (Brussels, 19 September 2001), 6, available at ," http://www.statewatch.org/news/2001/sep/14eulaws.htm.

[33] Full details are available from the Center for Democracy and Technology, at http://www.cdt.org/security/010911response.shtml. For the signing into law, see "Authorities Gain Tools to Fight Terrorism," *The New York Times*, 27 October 2001, http://www.nytimes.com/2001/10/27/national/27TERR.html.

[34] "Terror Groups Hide Behind Web Encryption," *USA Today*, 19 June 2001, at http://www.usatoday.com/life/cyber/tech/2001-02-05-binladen.htm.

[35] Duncan Campbell, "How the Plotters Slipped US Net," *The Guardian*, 27 September 2001, at http://www.guardian.co.uk/Archive/Article/0,4273,4264719,00.html.

[36] "Testimony of Professor David Cole on Civil Liberties and Proposed Anti-Terrorism Legislation Before the Subcommittee on the Constitution, Federalism and Property Rights of the Senate Judiciary Committee," 3 October 2001, 4. I am grateful to Professor Cole for providing a copy of this text, which is also available at http://www.cdt.org/security/011003cole.pdf.

[37] Ibid.

[38] Ibid, 2.

[39] Ibid, 2; and Campbell, *Writing Security*, 3, 160-161.

[40] For examples, see Campbell, *Writing Security*, 166-67.

[41] For the intelligence needs, see Hersch, "What Went Wrong."

David Campbell is Professor of International Politics at the University of Newcastle, UK. His most recent book, *National Deconstruction: Violence, Identity and Justice in Bosnia*, was named International Forum Bosnia's Book of the Year 1999. He may be contacted at david.campbell@ncl.ac.uk

letter to the editors