The Myth of the War on Terror

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Contents

Abstract

The terror attacks of September 11th, 2001, were touted as the beginning of a new era of uncertainty and danger. Used to feeling safe, Americans suddenly felt that anything had become possible, such as even more deadly attacks using chemical or biological weapons. Now, almost twenty years later, statistics demonstrate that non-state terrorism only presents a very modest threat to people in countries such as the United States. Despite these facts, however, it continues to be perceived as one of the greatest threats of the early 21st century. If the facts do not account for public perceptions of non-state terrorism, why does it appear the way it does? This thesis addresses this question by drawing on Roland Barthes' concept of mythology and upon the growing body of work undertaken by writers such as Verena Erlenbusch-Anderson, Jean Baudrillard and Begoña Aretxaga, all of whom examine the role of language and discourse in determining public perceptions of terrorism. I contend that the citizens of so-called western liberal democracies perceive non-state terrorism as an existential threat because they have become the unwitting participants in a myth produced by their governments and the media. Through the myth, citizens have come to view non-state groups as terrifying enemies and themselves and their countries as innocent victims, only attacked because of their love of freedom and democracy. By intensifying their fears, governments have coerced citizens into ceding their individual rights while simultaneously reinforcing their commitment to the very ideals of liberal democracy underpinning those rights. Insofar as the production of the myth involves the use of fear for the purpose of coercion, I contend that it can be considered a form of state terrorism.

Statement of Authorship

Except where reference is made in the text of the thesis, this thesis contains no material published elsewhere or extracted in whole or in part from a thesis accepted for the award of any other degree or diploma. No other person's work has been used without due acknowledgment in the main text of the thesis. This thesis has not been submitted for the award of any degree or diploma in any other tertiary institution.

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I dedicate this thesis to my late father Michel, who inspired me to think critically from a young age.

Introduction

The terror attacks in New York City and Washington, D.C. on the 11th of September, 2001, were touted, especially by the media, as the beginning of a new era. The attacks took the lives of almost four thousand people, destroyed the two tallest structures in New York City and damaged the Pentagon. The day after the attacks, a journalist for the New York Times wrote,

> We look back at sunrise yesterday through pillars of smoke and dust, down streets snowed under with the atomized debris of the skyline, and we understand that everything has changed.[1]

The new era was one of fear and uncertainty. For a population used to feeling safe, it now seemed that anything was possible, such as even more deadly attacks using chemical or biological weapons. Now that almost twenty years have passed, however, the September 11th attacks seem more like the exception than the rule when it comes to the type of attacks carried out by non-state groups such as Al Qaeda and Islamic State. While there has been a steady stream of attacks in western liberal democracies in the years since, none have been of the same magnitude. Statistics relating to the number of deaths caused by non-state terror attacks demonstrate that they only present a very modest risk to people living in countries such as the US: in North America between 2002-2018, 317 people were killed and 431 were injured[2], an average of 18 deaths a year. Despite the modest threat that it poses to them, however, people in western liberal democracies continue to perceive non-state terrorism as one of the greatest threats of the early 21st century. Why is it they continue to fear it despite the very modest risk it actually presents? If actualities cannot explain public perceptions, what makes it appear the way it does?

In his work, *Mythologies,* Roland Barthes writes that his starting point was a feeling of frustration with the way in which various discourses "dress up a reality which, even though it is the one we live in, is undoubtedly determined by history."[3] For example, he argues that while

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[1] 'The War Against America; An Unfathomable Attack', *New York Times*, 12 Sept. 2001, para. 4, <https://www.nytimes.com/2001/09/12/opinion/the-war-against-america-an-unfathomable-attack.html>, accessed 18 June 2020.

[2] Institute for Economics & Peace, *Global Terrorism Index 2019* (Sydney: Institute for Economics & Peace, 2019) <https://www.visionofhumanity.org/wp-content/uploads/2020/11/GTI-2019-web.pdf>, 37, accessed 2 Dec. 2020.

[3] Roland Barthes, *Mythologies*, trans. Sian Reynolds (2nd edn., London: Vintage, 2009), xix.

the French see drinking wine as natural to them, it is really a historically determined cultural practice that has been normalised over generations to the point at which it appears as such.[4] Barthes' concept of mythology builds on Ferdinand de Saussure's system of signs. Saussure argues that words have meaning due to an arbitrary relation between a sound or mark on a page and a mental concept, which he calls the "sign".[5] In addition to this first order of signs, the "language-object", Barthes proposes a second order, which he calls "metalanguage", in which first order signs are appropriated as signifiers for another concept.[6] The co-existence and co-functioning of the language-object and metalanguage means that there is a "duplicity" to the mythical signifier: it signifies one concept in the language-object and another in metalanguage.[7] The appropriation of language by mythology is the result of a "motivation".[8] While it might not be clear in the case of the myth of wine, which as I mentioned, was produced over many generations, some myths are clearly produced by particular agents with particular motives in mind. For example, in Barthes' analysis of the advertising of soap powders and detergents,[9] the companies who manufacture the products are clearly the producers of the myth.

My approach draws upon Barthes' work on mythology and also upon recent works by a number of writers who contend that terrorism has become the subject of a myth. Even prior to the events of September 11th, 2001, Joseba Zulaika and William Douglass published *Terror and Taboo*, in which they examine, "the conceptual, imaginative, and textual components of terrorism discourse".[10] With reference to the disparity between the actual and perceived risk of terror attacks, they contend that it is only by deriving "rhetorical power" through various discursive practices that something "statistically less fatal than choking to death on one's lunch" can appear as an existential threat.[11] Following the September 11th attacks, Begoña Aretxaga, one of Zulaika's colleagues, considered the role of popular imaginings of terrorism, demonstrating that its appearance is not just the result of the way in which actual attacks are presented through the news media and the like, but also of the way in which they are imagined through popular culture, such as through the growing number of books, movies and television shows on the subject.[12] In *The Spirit of Terrorism,* Jean Baudrillard argues that events

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[4] Ibid. 65.

[5] Graham Allen, *Roland Barthes* (Routledge Critical Thinkers, London: Routledge, 2003), 41.

[6] Roland Barthes, *Mythologies*, 138.

[7] Ibid. 148.

[8] Ibid. 150.

[9] Ibid. 31-33.

[10] Joseba Zulaika and William A. Douglass, *Terror and Taboo: The Follies, Fables, and Faces of Terrorism* (New York: Routledge, 1996), 25.

[11] Ibid. 6.

[12] Begoña Aretxaga, 'Terror as Thrill: First Thoughts on the 'War on Terrorism'', *Anthropological Quarterly,* 75/1 (2001), 140.

of terror are both "exulted" and held "hostage" by their representations.[13] He writes: "The image consumes the event, in the sense that it absorbs it and offers it for consumption."[14] This argument echoes the one he makes in *The Gulf War did not take place,* where he compares the role of the media to that of "intestinal flora": it transforms violent events "into a consumable substance."[15] Michael Bhatia argues that conflicts between states and non-state groups are not just physical conflicts, but "discursive conflicts" in which each side attempts to control the way in which their own violence and that of their opponent is interpreted.[16] He contends that the process of naming embeds objects with "characteristics, motives, values and behaviours" that dictate the way in which they are encountered and interpreted.[17] While labels such as 'terrorism' and 'terrorist' allows the public to understand what are complex forms of violence, they are also simplifications that can be operationalised in order to serve political agendas.

More recently still, Verena Erlenbusch-Anderson published *Genealogies of Terrorism*, in which she argues that, while our "intuitions" about what constitutes terrorism appear to be reliable, "phenomenally identical actions are perceived rather differently depending on the identity of the perpetrator and the perspective from which these actions are described."[18] As an example, she refers to the attack in San Bernardino in 2015, which was originally referred to as a 'mass shooting' and then later as a 'terror attack' when it emerged that the perpetrator was a Pakistani-born Muslim.[19] She also mentions US drone strikes, which the country has argued constitute justifiable uses of military force, but appear as acts of terror to their victims.[20] In order to avoid the problems associated with defining terrorism, Erlenbusch-Anderson adopts Foucault's concept of genealogy to examine "the empirical - material or discursive - conditions of the emergence of terrorism."[21] She argues that, in order to understand what constitutes terrorism, we must not only consider how it functions within various discourses, practices and institutions but also the way in which it has become "operationalized" within them.[22] Terrorism, she writes, should be considered "as a dispositif or

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[13] Jean Baudrillard, *The Spirit of Terrorism and Other Essays*, trans. Chris Turner (London: Verso, 2003), 27.
[14] Ibid. 27.
[15] Jean Baudrillard, *The Gulf War Did Not Take Place*, trans. Paul Patton (Bloomington, IN: Indiana University Press, 1995), 31.
[16] Michael V. Bhatia, 'Fighting Words: Naming Terrorists, Bandits, Rebels and Other Violent Actors', *Third World Quarterly,* 26/1 (2005), 7.
[17] Ibid. 8.
[18] Verena Erlenbusch-Anderson, *Genealogies of Terrorism: Revolution, State Violence, Empire* (New York: Columbia University Press, 2018), 1-2.
[19] Ibid. 2.
[20] Ibid. 1.
[21] Ibid. 3.
[22] Ibid. 4.

surface network of heterogeneous elements that responds to historically specific urgencies."[23] Terrorism functions through these elements as a "mechanism of social defence"[24] used by the state in order to reconcile sovereign power with the newly emerging forms of power Foucault refers to collectively as "biopower".[25] While the sovereign's power consists in her right to kill or punish anyone that challenges her, biopower is the use of power to "manage" and "optimise" human life, both on the level of human bodies and of the population as a whole.[26] Erlenbusch-Anderson points out that Foucault did not suggest that biopower replaced sovereign power, but rather that, "modern societies implement and integrate sovereign, disciplinary, and regulatory techniques."[27] Foucault contends that states integrate these incompatible forms of power through the use of what he calls 'racism', but which Erlenbusch-Anderson calls 'mechanisms of social defence' in order to avoid possible confusion between "ethnic racism" and what Foucault has in mind, which is a form of "biologizing racism" that excludes all forms of abnormality; racism, in this sense, is not just ethnic racism, it is transphobia, Islamophobia and all other forms of exclusion.[28] As an example of the way it now functions, she observes that the threat of terrorism has become a pretext for the implementation of measures used to increase social control, such as tougher border protection policies.[29]

Drawing upon the work of the writers mentioned above, I contend that terrorism only appears as an existential threat because it has become the subject of a myth produced by governments and the media and through the unwitting participation of the public. I follow Erlenbusch-Anderson in arguing that the purpose of the myth is social control in the form of the expansion of government power over the lives of their citizens. I contend that the myth has been used to affect a form of coercion that can also be considered a form of state terrorism.

Chapter one begins with an account of the kind of acts that have been described as terrorism throughout history in order to provide a backdrop for considering the bias in public and academic discourse towards only referring to acts of non-state groups as terrorism. Despite the fact that states have been the sole practitioners of terror for most of recorded history and that they have used it consistently and to devastating effect, terrorism is now seen primarily as something carried out by non-state groups. The use of terror by states is ignored,

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[23] Ibid. 12.
[24] Ibid. 11.
[25] Ibid. 9.
[26] Ibid. 9.
[27] Ibid. 9.
[28] Ibid. 9-10.
[29] Ibid. 12-13.

and when it is discussed, underplayed, especially when it comes to its use by democratic nation states. Michael Walzer, a prominent just war theorist, argues that, unlike tyrannical regimes, governments of democracies today do not need to use terror because their citizens willingly comply with the law.[30] His argument relies, however, on a narrow definition of terrorism that excludes acts that only cause psychological trauma, which is to say, harm caused to the mind by "a distressing or emotionally disturbing experience".[31] Democracies, I argue, coerce their citizens through the use of methods that cause psychological rather than physical harm, such as placing pressure on them to do and say the right things through the use of surveillance.

Chapter two responds to arguments of the kind made by Walzer, that is, how can people who willingly comply with the law and who elect their own representatives be coerced? Through the contemporary examination of social contract theory carried out by Monica Brito Vieira and David Runciman, I demonstrate that representative democracy is a response to the problem of collective incapacity; the incapacity of political communities to act as a group, which is to say, collectively make decisions of governance. By electing representatives in order to make decisions on their behalf, citizens of representative democracies obtain a means of acting as a group, but it remains one in which representatives have the ability to make their own decisions. In order to ensure that the decisions made by representatives remain in their interest, citizens thus require means through which they can influence their representatives and hold them to account. Following Jürgen Habermas, I argue that citizens obtain these means through their participation in the public sphere. A central component of the public sphere is the media, which both facilitates public discourse and acts as a fourth estate by exposing government, corporate and institutional wrongdoings. The media's capacity, however, to fulfil these functions has been constrained by private interests and, as a result, citizens have become increasingly exposed to the possibility of being manipulated and coerced by their representatives. Using the example of the debate over asylum seeker boat arrivals in Australia, I consider the way in which governments and the media use these strategies.

Chapter three draws upon contemporary discussions of Carl Schmitt's distinction between the friend and the enemy and his critique of liberal democracy in order to describe how discourse functions to intensify political antagonisms. Schmitt argues that politics can be reduced to the distinction between the friend and the enemy, one that arises when a given

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[30] Michael Walzer, *Arguing About War* (New Haven: Yale University Press, 2004), 57.
[31] *Oxford Australian Dictionary,* s.v. 'trauma'.

antagonism reaches its "upmost degree of intensity" in conflict.[32] The identity of the political community depends on "homogeneity",[33] in other words, unity through the exclusion of all that is different or alien. Schmitt argues that liberalism and pluralism are incompatible with democracy as they introduce other forms of association that weaken the homogeneity of the political community. Following Chantelle Mouffe's approach to his work, I draw on Schmitt's insights without accepting the conclusions he reaches. I take the so-called independence of the friend enemy distinction from all other distinctions not as evidence of its primacy, but as descriptive of how discursive practices can be used in order to intensify antagonisms to the point at which they become political. I use Barthes' mythology to describe the friend and enemy as signifiers of mythical concepts used in order to intensify antagonisms. Through the various examples he uses in *Mythologies*, I distinguish the producers of myth, who knowingly and intentionally use it for their own benefit, from its consumers, who unknowingly participate. Following Barthes' description of the myth of wine as "a coercive collective act",[34] I contend that myths are coercive in the sense that those who fail or refuse to participate in them risk social exclusion.

Chapter four uses the above approach to consider the functioning of the friend and enemy in the Myth of the War on Terror. What concepts does the myth signify? How do these figures intensify public fear and unity? Beginning with figure of the enemy, I examine the various concepts that determine its appearance. Following Talal Asad, I argue that it has been characterised in terms of the 'clash of civilisations' theory popularised by Bernard Lewis, who believes that the so-called 'East' and 'West' are separate and incompatible cultures destined to come into conflict with each other. Asad shows the theory relies on a highly selective notion of history that ignores the many cultural exchanges that have occurred between the East and West. Using examples from popular culture imaginings of the enemy and its representation in the news media, I consider the way it has been charactered as evil, crazy, barbaric and brainwashed. In contrast, the figure of the friend that emerged following the September 11th attacks was one that viewed itself as an innocent patriot. Through the work of Joanne Faulkner and others, I demonstrate that the figure of the friend also relies on a selective history that conceals endemic social problems, such as racial tensions.

Chapter five begins to explore the measures that the governments of western liberal democracies, primarily the US, have enabled through coercion. The intensification of public

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[32] Carl Schmitt, *The Concept of the Political*, trans. George Schwab (2nd edn., Chicago: University of Chicago Press, 2007), 26.
[33] Carl Schmitt, *The Crisis of Parliamentary Democracy*, trans. Ellen Kennedy (Cambridge, MA: MIT Press, 1985), 9.
[34] Roland Barthes, *Mythologies*, 66.

fear and unity has allowed the US government to expand its ability to wage war by widening the scope of what is normally considered just cause. However, demonstrating that public support for the wars is the result of coercion requires first demonstrating that they are not justified in terms of widely accepted interpretations of just war theory and that the interpretation of it used by the US administration makes it too easy to justify war on pre-emptive grounds. Using statistics related to public perceptions of them, I demonstrate that public support for the wars is primarily the result of the public's immersion in the myth.

Chapter six continues to examine the measures made possible through coercion. In addition to expanding the scope of justifiable military force, the US administration also acted to expand its powers of surveillance, apprehension, interrogation and detention. The USA PATRIOT Act increased the government's power to intercept its citizens' electronic communications and to search and seize property. Following the work of Alan Rubel, I consider the way in which the Act devalues the right to privacy. The use of the category of the unlawful combatant allowed the government to deny suspects and detainees the rights of either criminal suspects or prisoners of war. Unlawful combatants can be held for indefinite periods of time and tried in front of military tribunals rather than domestic courts. I consider the way in which the category has been implemented through the work of Tamar Meisels. The government expanded its powers of apprehension and interrogation through the use of extraordinary rendition, an extrajudicial process used to apprehend suspects in countries with which they have no formal extradition treaties. I explore the development of the practice through the work of James Boys, who argues that although the measure was once used to facilitate suspects being tried before US courts, it has become one used for the purpose of transferring suspects to third-party nations for the purpose of interrogation. Rendered suspects have later claimed that they were tortured during these interrogations.

In summary, the thesis considers the perception of non-state terrorism in western liberal democracies as the result of the public's unwitting participation in a myth used by governments and the media in order to increase public compliance. The production of the myth intensifies both people's fear of non-state terrorism and their sense of unity and commitment to each other and to the state for the purpose of coercing them into accepting measures that would not otherwise appear as being in their interest. The thesis considers both the way in which citizens have been coerced and the resulting expansions of government power made possible through it.

Chapter 1

State and Non-State Terrorism

Introduction

In the first half of this chapter, I engage with both historical accounts of terrorism and Erlenbusch-Anderson's genealogical account in order to demonstrate, firstly, the way in which the term has functioned over time, secondly, that states have been, until recently, terrorism's only practitioners and thirdly, that state and non-state terrorism respond to each other in actual and ideological terms. States have long used terror both to coerce the obedience of their citizens and to coerce opponents to surrender during war. In contrast, the history of non-state terrorism only begins in the period following the end of World War II, when various nationalist and ethnic separatist groups began targeting civilians. In the second half of the chapter, I will consider how state terrorism has been overlooked and underplayed in public, media and academic discourse. I contend that this tendency is the result of the power of states to control the way that their own violence and that of non-state groups is perceived. As an example of how the bias functions in academic discourse, I consider the work of Michael Walzer. In *Just and Unjust Wars,* Walzer defines terrorism as "the random murder of innocent people."[35] I argue that although his definition attempts to describe the actions of both states and non-state groups, the criterion of randomness, which he sees as critical, better describes non-state terrorism and thus overlooks state terrorism. Walzer also underplays state terrorism by suggesting that democratic nations do not use it against their own citizens, an assertion I question using the examples of the practice of extraordinary rendition and the sponsorship of terrorism.

State Terror

In his article on the history of terrorism, Jonathan Fine points out that long before the emergence of modern state terrorism, tyrants and dictators used fear to maintain the

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[35] Michael Walzer, *Just and Unjust Wars: A Moral Argument with Historical Illustrations* (5th edn., New York: Basic Books, 2015), 197.

obedience of their subjects. He observes that by 1100BC, the Assyrians had developed a term for the use of terror as a political tool.[36] In the Greco-Roman period, Plato and Aristotle spoke of tyranny as being the greatest political threat of the age.[37] The modern era of state terrorism begins with its use as a system governed by policies of state rather than the will of the sovereign. The tyrant commands obedience by making herself a source of fear, so that any transgression of law is a transgression against the sovereign herself, a personal affront that all her subjects know could be met with punishment or death. State terrorism, on the other hand, is the systematic use of terror that results from it becoming a policy enacted through the apparatus of the state.

Both Fine and Erlenbusch-Anderson argue that modern terrorism begins with the French Revolution, but not without caveats. Fine observes that, more than two hundred years prior, Machiavelli argued that rulers "will find greater security in being feared than in being loved."[38] Fine claims, however, that the rulers Machiavelli had in mind, such as the Florentine Cesare Borgia, did not, as the Jacobins did, turn the entire apparatus of state to the task.[39] Erlenbusch-Anderson identifies four distinct ways in which the term was used during this period. She observes that terrorism was initially used in the same way as the phrase, "Stalin's Russia", that is, to denote the "charismatic terrorism" imposed by the figure of Robespierre.[40] It is then "decoupled" from Robespierre and begins to be used in a more general way to describe a system of government that relies on fear to maintain power, which she calls "systematic terrorism".[41] It also begins to describe a political philosophy in the same way as the term 'liberalism' does, which she calls "doxastic terrorism" and finally, insofar as the term 'terrorist' describes particular individuals, it denoted a form of political identity or association, which she calls "identarian terrorism".[42] Terrorism, she argues, therefore denotes not just a term used to describe the use of terror by a particular individual or the state, but a political philosophy and even a form of political association that took it be "a good thing" as far as it furthered republican ideals.[43]

Robespierre and his fellow revolutionaries contended that the use of terror was required in order to defend the new republic from royalists in France and abroad, but this argument became difficult to justify as their measures became increasingly excessive and arbitrary. Igor

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[36] Jonathan Fine, 'Political and Philological Origins of the Term 'Terrorism' from the Ancient near East to Our Times', *Middle Eastern Studies,* 46/2 (2010), 271.
[37] Ibid. 271.
[38] Niccolò Machiavelli, cited in, ibid. 277.
[39] Ibid. 277-278.
[40] Verena Erlenbusch-Anderson, *Genealogies of Terrorism: Revolution, State Violence, Empire*, 22.
[41] Ibid. 22.
[42] Ibid. 23.
[43] Ibid. 22.

Primoratz writes that, eventually, the only distinction that the revolutionary government made was between "good citizens" and "patriots" (those loyal to the monarchy).[44] The revolution entered the height of its excessive violence with the enacting of the Law of 22 Prairial, which provided the basis for the establishment of the revolutionary tribunals. Primoratz notes that they "were constrained by very few rules of procedure".[45] As a result, the judgements of the tribunals were often arbitrary. Many were executed merely on the assumption that they might entertain royalist sympathies. This period of excessive violence, which saw many civilians executed without due process, has come to be called, 'The Reign of Terror'. Primoratz sees the establishment of the tribunals and their increasingly arbitrary judgements as the turning point: "the trials and executions were also meant to strike terror in the hearts of all those in the public at large who lacked civic virtue".[46] The Jacobins were no longer merely killing off their opponents; they were using terror in order to maintain public obedience.

More recent examples of the systematic use of terror by states include the Soviet Union and North Korea. Stalin's rule of the Soviet Union saw terror deployed on a scale far greater than anything ever witnessed before. While the most that the Jacobins had hoped for was to control the forces of opposition that eventually overwhelmed them, Stalin maintained a level of control that can only be achieved through a state-wide program of terror, one that uses the entire apparatus of the state to create pervasive fear. Estimates show that between 1939 and 1953, around four million people were convicted of political offences and around six million were arrested.[47] It was not only those who were actively opposing the state that were charged, but anyone that spoke out against it. The obedience required by the Soviet Union went beyond publicly saying and doing the right things: it became a matter of thinking the right things. The Soviet surveillance program was so extensive that people believed that they could be listened to at any time, that even their friends and family members could be spying on them.

North Korea has used many of the same tactics as the Soviet Union. There are an estimated 150,000-200,000 political prisoners held at six large camps around the country.[48] Prisoners are subjected to a wide range of abuses, such as slave labour, torture, execution, rape and starvation.[49] It has also created an extensive surveillance program. All North Korean citizens are required to belong to one of five organisations that serve the purpose of "surveillance and

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[44] Igor Primoratz, *Terrorism: A Philosophical Investigation* (Cambridge: Polity Press, 2013), 31-32.
[45] Ibid. 32.
[46] Ibid. 32.
[47] Michael Ellman, 'Soviet Repression Statistics: Some Comments', *Europe-Asia Studies,* 54/7 (2002), 1159.
[48] Gregory Ulferts and Terry L. Howard, 'North Korean Human Rights Abuses and Their Consequences', *North Korean Review,* 13/2 (2017), 86.
[49] Ibid. 87.

indoctrination".[50] Membership to these organisations is divided into small local groups that conduct weekly activities, including a "mutual-criticism session" in which each member is expected to share their misdeeds with the rest of the group.[51]

War Terrorism

"War terrorism" is a strategy whereby one state targets another's civilian population in order to force its surrender.[52] An early example is Thucydides' account of the Athenian invasion of Melos: following their triumph, the Athenians kill all men of age and enslave the women and children. Their rationale for these acts of terror is twofold: firstly, to make sure that the people of Melos will not, in future, rebel and, secondly, to send a message to possible opponents that they will be merciless if attacked.[53] In this case, the purposes of coercing the compliance of another state and coercing public obedience come together: Athens was not only demoralising an opponent, it was establishing its rule over them.

The worst acts of war terrorism occurred during World War II. For example, from the 13th to the 15th of February 1945, British and US forces bombed the city of Dresden in Germany, with the resulting death toll estimated at between 25,000 and 35,000 people.[54] The bombings were defended on the basis that Dresden was of critical importance to the German war effort. More devastating still were the bombings of Japan. On August 6th, 1945, US forces dropped an atomic bomb on Hiroshima, and on August 9th, on Nagasaki. The bombings killed an estimated 96,000 people instantly.[55] In the years that followed, more victims of the bombings died as a result of their injuries, and by 1950, the death toll was estimated at 340,000.[56] The justification was the same as in the case of Dresden: the cities were crucial to Japan's ability to wage war. During a press conference, President Truman stated that their intention was to "completely destroy Japan's power to make war" by targeting "their docks, their factories and their communications."[57] A writer for The New York Times declared that Hiroshima was "a major military target".[58] In another article on the same day, entitled 'Our Answer to Japan',

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[50] Andrei Nikolaevich Lankov, In-Ok Kwak, and Choong-Bin Cho, 'The Organizational Life: Daily Surveillance and Daily Resistance in North Korea', *Journal of East Asian Studies,* 12/2 (2012), 194.
[51] Ibid. 205.
[52] Michael Walzer, *Arguing About War*, 130.
[53] Michael Walzer, *Just and Unjust Wars: A Moral Argument with Historical Illustrations*, 6.
[54] Tami Davis Biddle, 'Dresden 1945: Reality, History, and Memory', *The Journal of Military History,* 72/2 (2008), 424.
[55] 66,000 people were killed in Hiroshima and 30,000 in Nagasaki. See, Lindsley Cameron, 'Hiroshima, Nagasaki, and the World Sixty Years Later', *Virginia Quarterly Review,* 81/4 (2005), 28.
[56] Ibid. 28.
[57] Sidney Shalett, 'New Age Ushered', *New York Times,* 7 Aug. 1945, 2.
[58] 'War News Summarized', *New York Times*, 7 Aug. 1945, 1.

Hiroshima was described as an "enemy army base" [59]. Regardless of these attempts to justify the bombings in terms of the strategic significance of the cities, the deaths of civilians were expected and part of the strategy. Both the bombings of Dresden and those of Japan were meant to send a message, to terrorise the people and to coerce their governments into submission. In the case of Japan, the fact that the bombings also destroyed targets of military significance is irrelevant when the primary aim was to bomb Japanese cities until they surrendered, regardless of their military significance. Following the surrender of the Japanese, the US also argued that the ends justified the means. The bombings had achieved their aim of bringing about the end of the war in the Pacific and, although they may have killed civilians, ending the war meant saving the lives of many others who would have died if the war had continued. While this argument may have seemed more acceptable in 1945, in hindsight, the bombings are acts that should never be repeated for any reason. Time has also revealed the true extent of the injury inflicted upon Japan: the legacy of health problems suffered by victims and even the children of victims through mutations in their DNA caused by radiation. The bombings of Japan are the most destructive single acts of terrorism ever committed. [60]

Non-State Terrorism

Non-state terrorism refers to the terror of non-state groups who, although they may be funded by states, act autonomously through their own leadership structures. Non-state groups use terror to attempt to force the states they confront into meeting their demands by targeting their civilian populations. Examples of non-state groups include the nationalist separatist groups of the post-World War II era, such as the Palestinian Liberation Organisation and current so-called 'Islamist' organisations, such as Al Qaeda and Islamic State.

Erlenbusch-Anderson claims that, following the French Revolution, a new notion of terrorism emerged that was distinct to those considered above, which she calls "strategic terrorism". [61] Once free from the conceptual confines of the revolution, terrorism came to describe the acts and strategies of those who confront state power, beginning with the Russian revolutionaries of the early nineteenth century, when groups such as *Narodnaya Volla* ('People's Will') carried out political assassinations of their opponents. [62] While People's Will may be the first non-state group to use terror as a strategy, the acts they carried out were very

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[59] 'Our Answer to Japan', *New York Times*, 7 Aug. 1945, 22.

[60] The comparison here is between single acts such as detonating a bomb, and a campaign of terror that involves many acts over time, which is often the case with state terrorism.

[61] Verena Erlenbusch-Anderson, *Genealogies of Terrorism: Revolution, State Violence, Empire*, 55.

[62] Jonathan Fine, 'Political and Philological Origins of the Term 'Terrorism' from the Ancient near East to Our Times', 279.

different to those we see today, such as suicide bombings and random shootings. Erlenbusch-Anderson argues that groups such as People's Will used terrorism within the narrowly confined conceptual limits of class struggle and thus believed, "terrorism ought to target only those responsible for the suffering of the people."[63] She points out that the group, for example, condemned the assassination of US President James Garfield because unlike the Tsar, he was a democratically elected representative. She claims that the group therefore saw terrorism as justified only within their own social context as a measure used to remove tyrannical rulers from power and to free the people from oppression.[64] At the time of the Russian revolution, then, non-state terrorism had not yet developed into the practice the term is currently used to describe.

It is not until the period following the end of World War II that non-state groups begin to carry out attacks that indiscriminately take the lives of civilians for the purpose of creating generalised fear. The nationalist separatist groups carrying out terror attacks during this period emerged due to rising tensions between the colonial powers of Europe, primarily France and Britain, and either their colonies or those countries that they had been mandated to govern during the Paris Peace Conference.[65] Held between 1919 and 1920, the conference led to a substantial reconfiguration of national borders, with decisions made with regard to the geopolitical concerns of the victors rather than the ethnic, religious or tribal concerns of the local populations.[66] The southern border of Afghanistan, for example, was drawn by the British in order to create a buffer zone against Soviet expansion into north-west India. The new border cut the Pashtun tribe's ethnic homeland in half, leaving one side in India and the other in Afghanistan.[67] One of the first terror attacks of this period was the bombing of the King David Hotel by the Jewish Nationalist group *Irgun*, who opposed the British-mandated occupation of Palestine. The attacks killed 91 people and injured 45.[68]

Long-simmering tensions in Algeria also erupted into violence following the end of World War II, beginning with the events in Setif in 1945, where a group of Algerian protesters clashed with a group of *pied-noirs* celebrating the victory of France and its allies. The violence resulted in the deaths of 103 *pied-noirs.*[69] Erlenbusch-Anderson claims that French colonial retaliation for the deaths, which took the lives of thousands, galvanised support for the resistance.[70] The

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[63] Verena Erlenbusch-Anderson, *Genealogies of Terrorism: Revolution, State Violence, Empire*, 72.
[64] Ibid. 72.
[65] William F. Shughart II, 'An Analytical History of Terrorism, 1945-2000', *Public Choice,* 128/1 (2006), 15.
[66] Ibid. 33.
[67] Ibid. 33.
[68] Ibid. 19.
[69] Verena Erlenbusch-Anderson, *Genealogies of Terrorism: Revolution, State Violence, Empire*, 106.
[70] Ibid. 106.

Algerian War for independence began nine years later when the National Liberation Front ('FLN') carried out a series of attacks on military and civilian targets, killing eight people.[71] While the FLN first avoided targeting children, women and the elderly, their attacks became more indiscriminate following the breakdown of negotiations with the French Government and, in November of 1956, they bombed two cafes in Algiers, killing three people and wounding fifty.[72] Unlike the Russian revolutionaries, who saw themselves as terrorists and were proud of the label, the Algerians did not see themselves as such, but rather, as combatants fighting oppression with the only means available to them. The French responded by granting police powers to the military, led by General Jacques Massu, who set up road blocks to segregate Algerian neighbourhoods, subjecting its populations to constant surveillance and raids.[73] Suspects were routinely tortured during detention.[74] Erlenbusch-Anderson argues that the decision to grant police powers to the military was enabled by a new theory of war developed by the French during the conflict in Indochina, where its opponents used what has become known as 'guerrilla warfare' in order to counter its superior military force and technology. The theory, which she calls "polemic terrorism", held that the purpose of guerrilla warfare was "subversive", allowing the French to cast revolutionary movements as ones bent on destroying French values and culture rather than attempting to secure their liberty from colonial oppression.[75] Polemic terrorism developed, Erlenbusch-Anderson claims, from what she calls "criminal terrorism", which emerged during the interwar period through the legal debate over how to distinguish political crimes from ordinary crimes.[76] While criminal terrorism describes terrorism as a crime, polemic terrorism describes it as something that occurs outside legal frameworks. The use of terror by the FLN was not, then, considered as a form of criminal behaviour, but rather the work of combatants. At the same time, however, their use of terror meant that they were not combatants in the regular sense given that they did not wear uniforms or openly display their weapons.[77] The Algerians were thus viewed as neither criminals, nor combatants.

The movement now known as 'Islamist terrorism' began with the ousting of the Shah of Iran by Ayatollah Khomeini and in the fall of the Soviet Union and its withdrawal from Afghanistan.[78] Unlike the nationalist separatist movements of the post war period, newly emerging groups, such as Al Qaeda, had more international ambitions, targeting western

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[71] Ibid. 106.
[72] William F. Shughart II, 'An Analytical History of Terrorism, 1945-2000', 18.
[73] Verena Erlenbusch-Anderson, *Genealogies of Terrorism: Revolution, State Violence, Empire*, 117.
[74] Ibid. 119.
[75] Ibid. 106-108.
[76] Ibid. 110-111.
[77] Ibid. 114.
[78] William F. Shughart II, 'An Analytical History of Terrorism, 1945-2000', 29.

interests, predominantly those of the US, around the world. After the defeat of the Soviet Union in Afghanistan, Al Qaeda moved its base of operations to Africa, where it trained local militias in Somalia and Sudan and eventually carried out attacks on the US embassies in Tanzania and Kenya. The attacks it carried out on September 11th, 2001, remain the deadliest carried out by a non-state group. Al Qaeda has since been overshadowed by Islamic State, which is partially its offshoot. The beginnings of Islamic State can be traced back to Abu Mus'ab al-Zarqawi and his training camp in Herat, Afghanistan.[79] Al-Zarqawi founded Al Qaeda's Iraqi branch in 2004 and the group played a major role in the establishment of Islamic State in Iraq in October, 2006.[80] In addition to carrying out terrorist attacks around the world, Islamic State captured territory in Iraq and Syria – the area that it referred to as its caliphate. This area has since been recaptured from the group but they remain active in planning and carrying out terrorist attacks.

Erlenbusch-Anderson argues that the current phenomenon of non-state terrorism must be understood within the context of the emergence of neoconservative ideology in the US in the 1970's, which considered liberal democracy as the only legitimate form of government.[81] She writes that this ideology is best elaborated by Francis Fukuyama, who argued that the end of the Cold War signified the "end of history" insofar as the triumph of western liberal democracy represented the "end point" of humankind's "ideological evolution".[82] All that was now required, Fukuyama argued, was the expansion of liberal democracy into a "universal and homogenous state", a project to be carried out by encouraging economic liberalisation and, if necessary, through the use of force.[83] Erlenbusch-Anderson observes that, because the neoconservatives believed that liberalism was the only path to world peace and prosperity, using military force against non-liberal countries was justified as a peacekeeping operation.[84] The development of this ideology leads to the emergence of what Erlenbusch-Anderson calls "synthetic terrorism", which incorporates all the forms of terrorism she describes and which I have outlined above.[85] These elements together form a dispositif, which, as I discussed in the thesis introduction, is a Foucauldian concept that refers to mechanisms of social defence used to justify sovereign power as a measure of biopower. She argues that the dispositif of synthetic terrorism that emerged during the Cold War, and which can be seen in the United States National Security Strategy, was first used in order to justify the containment of communism.

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[79] Truls Hallberg Tønnessen, 'Heirs of Zarqawi or Saddam? The Relationship between Al-Qaida in Iraq and the Islamic State', *Perspectives on Terrorism,* 9/4 (2015), 48.
[80] Ibid. 48.
[81] Verena Erlenbusch-Anderson, *Genealogies of Terrorism: Revolution, State Violence, Empire*, 137-138.
[82] Francis Fukuyama, cited in, ibid. 138.
[83] Francis Fukuyama, cited in, ibid. 138.
[84] Ibid. 139.
[85] Ibid. 144.

However, following the fall of the Soviet Union, synthetic terrorism was "articulated against a new and more expansive target", that of Islamist groups in the Middle East.[86]

Overlooking and Underplaying State Terrorism

I demonstrated above that states have a long history of using terror, both to coerce their own citizens and to coerce the compliance of other states. The events described above, including Stalin's regime of terror and the bombings of Japan, show that the vast resources of states enable them to inflict a level of destruction and harm to human life that non-state groups cannot. Igor Primoratz argues even the most well-funded and well-organised non-state groups are not capable of the type of terror used by states.[87] The September 11th attacks, the deadliest non-state attacks in history, only took a fraction of the number of lives as the bombings of Japan in World War II.

Despite the historical facts I outlined above, which demonstrate that states are the primary practitioners of terrorism, state terrorism is often overlooked and underplayed in public, media and academic discourse. Igor Primoratz writes,

> Discussions of terrorism in social sciences and (to a lesser degree) in philosophy tend to focus on non-state terrorism. In common parlance and in the media, terrorism is as a rule assumed to be an activity of non-state agents in virtue of the very meaning of the word.[88]

The bias in public and media discourse, Primoratz argues, is the result of two factors. Firstly, the actions of states are perceived as legitimate, while the actions of non-state groups that confront them are perceived as illegitimate and, secondly, when states confront non-state groups, the public and the media "find themselves on the side of the state."[89] Primoratz suggests, then, that the way state and non-state terrorism appear depends on our perspective. The public and the media, for example, take the side of the state only if their interests are aligned with that state. For example, while the American public and media saw the bombings of Japan as justifiable acts of war, from the perspective of the Japanese, they were atrocities. The reasons for the bias in academic discourse, Primoratz argues, are different. He observes that in social sciences, it results from the notion "that whatever the similarities between state

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[86] Ibid. 147.

[87] Igor Primoratz, 'State Terrorism and Counter Terrorism', in Igor Primoratz (ed.), *Terrorism: The Philosophical Issues* (Houndmills: Palgrave MacMillan, 2004), 118.

[88] Ibid. 113.

[89] Ibid. 114.

and non-state terrorism, the dissimilarities are more prominent and instructive."[90] Sociologists, he suggests, have thus focussed on non-state terrorism as an analytically distinct phenomenon and been reluctant to discuss state terrorism. While the focus is stronger in social sciences, "the philosophical work on the subject done so far leaves room, and indeed suggests the need, for a typology of state involvement in terrorism."[91]

While I agree with Primoratz's explanation for the bias, I suggest a more comprehensive one can be reached by supplementing his arguments with those of Erlenbusch-Anderson and Bhatia. Erlenbusch-Anderson's genealogical account demonstrates that state and non-state terror are not separate phenomena, but responses to each other both in actual and ideological terms, and that states have operationalised the violence of non-state groups in order to serve their own ideological agendas. For example, the French cast the Algerian revolutionaries as subversives bent on destroying French culture and values, which served to conceal the attempts of the revolutionaries to justify their actions in terms of the struggle against colonial oppression. Michael Bhatia contends, along similar lines, that states and non-state groups are engaged not just in physical conflict, but in "discursive conflict" in which each side attempts to demonstrate the legitimacy of their acts of violence against the claims of their opponents.[92] Erlenbusch-Anderson and Bhatia's arguments speak to the underlying matters of perspective and bias influencing public, media and academic discourses described by Primoratz. Firstly, I contend that the public and the media see the actions of states as legitimate because those states have won the discursive conflict in which matters of legitimacy are decided. Secondly, the ability of states to legitimise their own violence and delegitimise that of non-state groups explains why the public and media tend to side with states. Thirdly, state violence has been treated as distinct from non-state violence, which Primoratz claims is why it has been largely ignored in the social sciences, by denying the interrelated nature of state and non-state violence: if non-state terrorism appears as the actions of subversives bent on destruction rather than as a response to state violence, such as colonial oppression, then the relationship between the two is obscured.

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[90] Ibid. 114.
[91] Ibid. 114.
[92] Michael V. Bhatia, 'Fighting Words: Naming Terrorists, Bandits, Rebels and Other Violent Actors', 7.

Walzer's Bias

Political philosopher and just war theorist, Michael Walzer underplays state terrorism in a number of ways. Two of these have to do with his definition, and I will consider these first before turning to his belief that modern democracies do not terrorise their own people.

Firstly, as I mentioned in the introduction, Walzer defines terrorism as "the random murder of innocent people",[93] a broad definition designed to describe the acts of states and non-state groups. He argues that "randomness" is "crucial" to the definition as it recognises that the purpose of terrorism is coercion: randomly killing members of a given population sends a message to the rest of the population that anyone could become a victim.[94] I contend, however, that defining terrorism in terms of the randomness of the target selection excludes some acts of state terrorism that Walzer himself discusses. For example, in *Arguing about War,* Walzer mentions "the Argentinian disappearances" – the abduction, torture and summary executions of political opponents carried out by the country's military rulers during the 1970's – as an example of state terrorism,[95] and yet, these acts targeted specific individuals. In this case, it is not the randomness of the target selection that spreads fear, but rather the knowledge that the process of selection is so arbitrary that anybody could be targeted. The term 'arbitrary' is used here to make the distinction between a decision, which is somewhat random but still involves the conscious choice to pick one person over another, and the total randomness of an act like a suicide bombing. I contend, then, that unless 'random' can also mean 'arbitrary' in some circumstances, then examples such as the Argentine disappearances do not fit his definition. It should also be noted that even acts of non-state terrorism, such as the detonation of a car bomb on a busy street, do not kill or harm people completely at random: terrorists place devices where they believe the sort of people that they are targeting are likely to be present. For example, the terrorist attacks in Mumbai in 2008 targeted a five-star hotel rather than a youth hostel – the target here being wealthy foreigners.[96]

Secondly, by defining terrorism as 'killing', Walzer seems to exclude acts that only result in psychological trauma, which, as I mentioned in the thesis introduction, I define as harm caused to the mind "a distressing or emotionally disturbing experience".[97] Despite the fact that Walzer says 'killing', he would likely also include acts that cause physical harm other than death: it would be absurd to say, for example, that because a car bomb only wounded rather than killed

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[93] Michael Walzer, *Just and Unjust Wars: A Moral Argument with Historical Illustrations*, 197.
[94] Ibid. 197.
[95] Michael Walzer, *Arguing About War*, 130.
[96] Somini Sengupta, 'At Least 100 Dead in India Terror Attacks', *New York Times*, 26 Nov. 2008, para. 1, <https://www.nytimes.com/2008/11/27/world/asia/27mumbai.html>, accessed 14 Jan. 2021.
[97] *Oxford Australian Dictionary,* s.v. 'trauma'.

people that it is not an act of terror. I would argue, then, that Walzer has in mind acts that cause physical harm or death. His narrow definition of harm is problematic, as acts such as detonating a car bomb, apart from causing physical harm, also cause psychological harm to those that witness the event. By recognising the effect that terrorism has on the population at large, Walzer also recognises that it can cause psychological harm, but at the same time, it remains only a by-product of physical harm. The problem, then, is that some of the practices used by states to terrorise their citizens only cause psychological harm. For example, surveillance places citizens under intense psychological pressure to constantly do and say the right things. I contend that, by ignoring acts that cause psychological harm, Walzer underplays the significance of state terrorism.

Lastly, while Walzer concedes that democratic states have used terror during war, he is considerably more circumspect when it comes to the possibility of their use of it against their own citizens. In *Arguing about War,* he contends that, "legitimate states do not need to terrorize their citizens".[98] Walzer does not specify what constitutes a legitimate state, but we can imagine that he has modern, representative democracies, such as the US, in mind. Unlike the totalitarian regimes I mentioned earlier in the chapter, such as the Soviet Union and North Korea, which terrorise their subjects into obedience, the citizens of democracies comply willingly with the law and therefore do not need to be terrorised. I counter Walzer's assertion on two fronts.

Firstly, I contend that democratic nations, while not relying on terror maintain public compliance in the same way as totalitarian regimes, nonetheless implement practices to increase levels of public compliance. As an example of a practice that conforms to Walzer's definition, I consider the practice of extraordinary rendition as implemented by the US in the War on Terror. Extraordinary rendition is an extrajudicial practice used by the US and its allies in order to apprehend suspects in countries with which they have no formal extradition treaties. While the practice, as I will discuss in more detail in chapter six, was originally used in order to transfer subjects back to the US to stand trial, following the September 11th attacks, the US began to use it in order to transfer terror suspects to countries such as Egypt for the purpose of interrogation.[99] As the leaked photos from Abu Ghraib demonstrated, some detainees were tortured during these interrogations.[100] The fact that many suspects were later released without charge also suggests that extraordinary rendition is being used arbitrarily,

[98] Michael Walzer, *Arguing About War*, 57.
[99] James D. Boys, 'What's So Extraordinary About Rendition?', *The International Journal of Human Rights,* 15/4 (2011), 594.
[100] Examples of the photos in question can be found in Seymour M. Hersh, 'Torture at Abu Ghraib', *New Yorker,* 80/11 (2004), 42-43.

with suspects being rendered not because they were suspected of a particular crime, but rather, because they knew someone that knew a suspect or other such almost-arbitrary connections.[101] If we accept that the practice does cause physical harm to civilians, which could potentially include American citizens located in other countries, and that such suspects are being selected in an arbitrary fashion, then the practice begins to look very similar to other acts that Walzer recognises as terrorism, such as the Argentinian disappearances. The matter, then, of whether the practice fulfils his definition hinges on whether the physical harm caused to rendered subjects can be said to spread fear through the rest of the population. While I concede that it would be difficult to make the case that all Americans have come to fear being rendered, it could be argued that it does spread fear in minority communities that are more likely than the general population to become subject to the measures, such as Muslim Americans or people of Middle Eastern descent.

Secondly, I contend that even if we concede that they do not terrorise their own citizens, democratic states are nonetheless responsible for state terrorism insofar as they have sponsored its use by other nations for their own purposes. Noam Chomsky has written extensively on the US' support for a number of regimes in Central and South America:

> We've consistently opposed democracy if its results can't be controlled. The problem with real democracies is that they're likely to fall prey to the heresy that governments should respond to the needs of their own population, instead of those of US investors.[102]

In order to maintain its foreign interests, Chomsky argues, the US has supported the regimes of dictators such as Jose Napoleon Duarte in El Salvador and Anastasios Somoza Debayle in Nicaragua. In El Salvador, the Atlacatl Battalion, which was created, trained and armed by the US, facilitated the regime's suppression of its opponents through a campaign of murder, torture and rape.[103] In Nicaragua, the US supported Somoza's regime and attempted to keep it in place even as Somoza was removed from power.[104] The US then supported the country's National Guard in its war against the Sandinistas. Chomsky writes that the US was aware that the National Guard was bombing residential areas, killing tens of thousands of people.[105]

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[101] For example, Maher Arar, a Canadian citizen, alleges that he was rendered because someone his brother worked with fell under suspicion. Arar was released without charge. See, Jane Mayer, 'Outsourcing Torture', *New Yorker*, 81/1 (2005), 106.
[102] Noam Chomsky, David Barsamian, and Arthur Naiman, *How the World Works* (London: Hamish Hamilton, 2012), 19.
[103] Ibid. 30-31.
[104] Ibid. 33.
[105] Ibid. 33.

If a sponsor state enables a donor state to do harm the donor would not have be able to do otherwise, does the sponsor not bear some of the responsibility? The answer depends on what we mean by 'responsible'. In her work on the subject, Iris Marion Young distinguishes between the liability model and her own social connection model. She summarises the liability model in the following:

> The most common model of assigning responsibility derives from legal
> reasoning employed to establish guilt or fault for a harm. Under this liability
> model, one assigns responsibility to a particular agent (or agents) whose
> actions can be shown to be causally connected to the circumstances for which
> responsibility is sought.[106]

Young writes that, in order to be liable, a direct connection between perpetrator and victim must be established.[107] It would be difficult, for example, to argue that the US government is liable for the harm done to the people of El Salvador because they were not the ones directly responsible for it. Young's social connection model is an alternative model that allows for responsibility to be attributed in cases where a party would not be considered liable.

> The social connection model of responsibility says that individuals bear
> responsibility for structural injustice because they contribute by their actions
> to the processes that produce unjust outcomes.[108]

She gives the garment industry as an example, where workers in developing nations are paid very low wages and work in conditions that amount to human rights abuses. These poor working standards are the result of a structural injustice: it is embedded in the structures and processes of the globalised garment industry and is the result of the actions of many agents, such as consumers, corporations and governments. Young writes that those taking part in maintaining structural injustices are responsible despite not intending or directing harm.[109] For example, consumers drive demand for cheap clothes, and the companies that make them drive down production costs to keep retail prices low. Governments weaken labour laws, such as the minimum wage, in order to maintain competitiveness in the global labour market. All these are examples of processes that fulfil needs for the various agents involved and all of these processes together create the structural injustice.

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[106] Iris Marion Young, 'Responsibility and Global Justice: A Social Connection Model', *Social Philosophy and Policy,* 23/1 (2006), 116.
[107] Ibid. 118.
[108] Ibid. 119.
[109] Ibid. 114.

If we apply Young's social connection model to the case of the US' role in the harm done to El Salvadorians, I would argue that even if we do not consider it liable, it is nonetheless responsible for its part in a process that leads to unjust outcomes. Just as there is in the case of the garment industry, there were many agents that took part in producing the harm done to the people of El Salvador: the regime itself as the agent that directed the harm, the National Guard as the agent of harm and the US as sponsor of the harm in terms of financing, training and arming the agent of harm. All these agents play a part, just as consumers, corporations and governments play a part in producing unjust outcomes for garment workers.

The above consideration of Walzer's definition and his argument regarding the use of terror by democracies today, overlooks and underplays state terrorism in a number of ways. Firstly, the randomness criterion, which, unless it is also understood as arbitrariness, excludes acts that Walzer himself uses as examples of state terrorism. Secondly, by understanding psychological harm or trauma only as a by-product of physical harm, Walzer excludes acts that only cause psychological harm. Thirdly, extraordinary rendition can be compared to acts such as the Argentine disappearances and can therefore be considered as an example of democracies practicing state terrorism. Finally, the sponsorship of terrorism demonstrates that, even if democracies do not practice state terrorism against their own citizens, they are nonetheless responsible for its use by donor nations. I conclude, then, that although democratic nation states do not rely on the systematic use of terror to maintain public compliance, they are nonetheless responsible for practicing it.

Conclusion

The account of state and non-state terrorism provided at the beginning of this chapter demonstrated that the vast resources of states not only render them capable of devastating acts of state terror and war terror, but enable them to control the way in which their own violence and the violence of non-state groups is perceived. As a result, there is a tendency in public, media and academic discourse to overlook and underplay state terrorism. Terrorism, as Erlenbusch-Anderson suggests, is not just the occurrence of terror attacks, but their operationalisation within given ideologies and historical contexts. Walzer exhibits this tendency by defining terrorism in terms of randomness and physical violence, both of which are more suited to acts of non-state terror, and by arguing that legitimate states, i.e., modern democracies, do not use terror against their own people. However, while democratic states do not rely on terror, it is possible that they nonetheless use it to increase public compliance. I conclude that, even if extraordinary rendition is not state terrorism, the willingness of

democracies to resort to terror, whether by using it during war or by sponsoring its use by other nations, means that it is possible that they do use it against their own citizens. In chapter two, I create the foundations required in order to further consider this possibility in relation to the use of psychological rather than physical harm.

Chapter 2

Manipulation and Coercion in Representative Democracies

Introduction

In chapter one, I examined Walzer's argument that the governments of democratic nations do not need to use terror because their citizens comply willingly with the law. I found that while this might be true, it remains possible that governments use terror in order to increase public compliance and, if this is the case, it occurs within the framework of representative democracy. In this chapter, I consider the way in which representative democracy has developed as a response to the incapacity of groups to make decisions collectively. By electing representatives to act on their behalf, political communities obtain a means of collective action, but it remains one in which representatives have the power to make their own decisions. In order to be represented effectively, citizens must therefore have some means of influencing their representatives and holding them to account. I contend that citizens acquire these means through their participation in the public sphere, which Jürgen Habermas describes as a space for citizens to engage each other and their representatives in discussion and debate. A central component of the public sphere is the media, which both facilitates public discussion and acts as fourth estate by fact-checking the claims made by representatives. The capacity of the media, however, to fulfil these functions has been constrained by its commercial interests and, as a result, citizens have become exposed to the possibility of being manipulated and coerced by their representatives.

Democracy versus Representative Democracy

In his article, 'Representative Democracy and Its Limits', Paul Hirst writes that although we often use the term as if we are speaking about a particular thing, there is, in fact, no one democracy, only "a variety of doctrines of democracy and a variety of political mechanisms and decision procedures which are claimed to be democratic."[110] He observes that while direct

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[110] Paul Hirst, 'Representative Democracy and Its Limits', *The Political Quarterly,* 80/S1 (2009), 200.

democracy, which is rule by the people, and representative democracy, which is rule by a government elected by the people, can both be described as 'democratic', they are implementations of entirely different forms of rule: while democracy is the form of rule in direct democracy, *representation* is the form of rule in representative democracy.[111] Hirst claims the reason that representative democracy is confused with direct democracy has its origins in the 19th century, when having representatives that were regular members of the public was considered a substantial change to rule by aristocrats or oligarchs: "Only by means of such classic archaisms can representative government appear today as democratic rule, as giving genuine effect to the will of the people."[112] While representative democracy did mark a shift in power, it did not place power into the hands of the people themselves.

Cornelius Castoriadis argues that modern democracies are a type of oligarchy insofar as they are ruled by small groups comprised of members of the dominant social elite. The ability of representatives to make their own decisions means that they often act to consolidate their own power rather than to serve the interests of citizens.[113] In contrast, he observes, the citizens of Athens in the fifth century BC were much closer to political power as a result of being direct participants in the "*ekklèsia*"; the public sphere in which political decisions were made.[114] The privatisation and bureaucratisation of this sphere in modern democracies, however, means that decisions are now made behind closed doors, and as a result, citizens are now distant from power compared to their Athenian counterparts.[115] Representative democracies are therefore oligarchic to the extent that citizens are unable to participate in the process by which political decisions are made on their behalf.

Representation

In their work, *Representation*, Monica Brito Vieira and David Runciman contend that, in its most basic sense, representation can be conceived of as a relationship between a "principal" and an "agent" in which the principal appoints the agent to act on her behalf.[116] At the same time, however, in order for such a relationship to constitute representation, there must be a third party with whom the principal is dealing and the agent is negotiating.[117] To demonstrate

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[111] Ibid. 200.
[112] Ibid. 201.
[113] Christophe Premat, 'Castoriadis and the Modern Political Imaginary - Oligarchy, Representation, Democracy', *Critical Horizons,* 7/1 (2015), 253.
[114] Ibid. 261.
[115] Ibid. 262.
[116] Monica Brito Vieira and David Runciman, *Representation* (Cambridge: Polity, 2008), 66.
[117] Ibid. 68.

this point, they consider that, if a principal hires an agent to mow their lawn and the agent fails to do the job adequately, the principal cannot claim the agent has misrepresented her.[118] In order for a principal to be represented by the agent's actions, they write, the principal must "be present" in those actions, and in order to be present, there must be "an audience".[119] They point out that if, for example, the principal asks the agent to negotiate a quote to repair the lawnmower, the agent is no longer simply performing a function for the principal, but the principal is given a presence through that function, a presence for which the repair shop is the audience.[120]

Vieira and Runciman write that an individual may appoint a representative to act on her behalf because she has decided it is not convenient for her to do so herself or because she has made a judgement that the agent will be more capable of doing so, such as deciding to hire a lawyer to act on her behalf in a legal proceeding.[121] In this case, while the defendant has made a judgement about their capacity to act on their own behalf in court, they would conceivably be capable of doing so themselves.[122] In other cases, however, a principal may not be able to proceed in a dealing at all without representation, such as in the case of "a complex legal transaction" that could not happen without the agent because "no one would know how to proceed."[123] Finally, there are principals who are not only incapable of acting on their own behalf, but incapable of even appointing a representative, such as children or those deemed incapable of doing so by the state.[124]

The reasons for which groups seek representation depends upon how they are constituted. Vieira and Runciman define a group as a number of individuals who are connected in some way to each other such that it affects their behaviour or the behaviour of others. Membership to a group can be "voluntary", such as being a member of a trade union, or "involuntary", such as being a member of an ethnic group.[125] Groups may also be either "cooperative" or "non-cooperative".[126] For example, a trade union is a cooperative group in the sense that its members act towards an agreed end, i.e., the wellbeing of workers, while an ethnic group is non-cooperative in the sense that its individual members have not agreed on acting towards a

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[118] Ibid. 67.
[119] Ibid. 69.
[120] Ibid. 67.
[121] Ibid. 71.
[122] Ibid. 71.
[123] Ibid. 71.
[124] Ibid. 71.
[125] Ibid. 86.
[126] Ibid. 86-87.

specific end. Lastly, a group can be either an "agent" or "non-agent", depending on the extent to which it can act on its own behalf.[127]

Vieira and Runciman consider that having the ability to act as a group depends upon there being a way of channelling all the "inputs", for example, the views and interests of the members of the group, into an "output", the group's decision.[128] The simplest way a group can act collectively is on the basis of unanimity: if all members of the group consent to doing something, then it can be considered the action of the group as a whole. A group can also decide to appoint an agent on the basis of a unanimous decision, in which case its members agree that the agent's actions represent the group as a whole, such as when a group of victims hire a lawyer to represent them in a class action.[129] However, in this scenario, the question arises of how the actions of the agent can be considered as unanimously representative. For example, in order for the lawyer's actions to be considered unanimously in the interests of her clients, she would need to seek the consent of each member for each and every decision that she makes on their behalf, and this may make it impracticable for her to fulfil her role effectively.[130] As a result of the impracticality of the unanimous decision-making process, groups can choose to make decisions by majority voting, in which case, the group agrees to accept the decision of the majority as the group's decision.[131]

Representative Democracy

The notion of majority voting, Vieira and Runciman argue, forms the basis of the way in which writers within the tradition of social contract theory conceive of representative democracy.[132] The first of these theorists was Thomas Hobbes, whose state or 'commonwealth', as he calls it, begins with its people unanimously agreeing, firstly, to elect, by way of a majority vote, a representative to act on their behalf and, secondly, to accept and comply with the decisions she makes regardless of whether they agree with them or not.[133] Hobbes' model thus allows the sovereign to act on the group's behalf without being hampered by the need to seek the consent of each of its members every time she makes a decision, but as a result, individuals no longer have the right to oppose the decisions she makes; they become, in other words, subject to the sovereign's will. Majority rule thus presents the

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[127] Ibid. 87.
[128] Ibid. 88.
[129] Ibid. 88-89.
[130] Ibid. 89.
[131] Ibid. 90.
[132] Ibid. 90.
[133] Ibid. 90.

possibility of minorities within the group, especially permanent minorities, ending up feeling as though the ruler's decisions do not represent them.[134]

In his *Two Treatises of Government,* John Locke attempts to formulate a model of representation that does not leave the people completely subjected to the will of the sovereign. He claims that it is not enough for the people to give their consent at the inception of the commonwealth: in order for the actions of the sovereign to be considered representative of the people's interests, it must be based on some form of ongoing consent.[135] While Locke attempts to provide some grounds by which the people can provide this consent, Vieira and Runciman contend that he does not clarify what counts as consent. They ask,

> Did consent require the performance of actions which signal a positive assent, such as voting, or was it merely a disposition manifested by certain kinds of behaviour, perhaps including simply living in the commonwealth and abiding by its laws?[136]

Locke, they argue, thus assumes the existence of the very thing he claims requires demonstration. The result of this assumption is that Locke cannot explain why it is that people come together to form the commonwealth, other than relying on the notion that they possess a natural inclination to cooperate together, in other words, that they will use reason to come together and determine how they should live together.[137]

Vieira and Runciman argue that the "genius" of Hobbes' model is that it does not presume that people have this natural inclination towards using reason to cooperate together.[138] For Hobbes, people living outside the commonwealth, or prior to the formation of the commonwealth, exist in a state of nature in which the only law that prevails is that of self-preservation. He thus viewed the commonwealth not as something natural but as something artificial, as an agreement that offered the people a means of overcoming their individual differences and acting collectively despite them.[139] Vieira and Runciman point out that while Jean-Jacques Rousseau agreed with Hobbes that the state was an artifice, he did not agree that it conjured collective action from nothing.[140] The people, he argued, had to be considered as an entity in its own right with "a will of its own" and there is no means through which this will can be embodied in representation, for as soon as the will of the people is subjected to the

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[134] Ibid. 90-91.
[135] Ibid. 30-31.
[136] Ibid. 31.
[137] Ibid. 32.
[138] Ibid. 32.
[139] Ibid. 32.
[140] Ibid. 33.

will of the state, it no longer belongs to the people.[141] Vieira and Runciman point out that the difference between Hobbes and Rousseau is that Hobbes believed that the state allowed the people to act collectively and be considered as having a will, while Rousseau believed that the people's will could not be represented by the state at all.[142]

Emmanuel Sieyes, a former Catholic clergyman whose work became influential during the French Revolution, attempted to find a compromise between Hobbes and Rousseau. On the one hand, Sieyes argued, as Hobbes did, "that the populations of modern states are too large and too individualistic to act collectively except through representatives".[143] On the other hand, however, he did not believe that this meant that such states lacked any sense of political unity without representation, which is where he sides with Rousseau.[144] His own France, he argued, should be considered as a political entity in its own right, and that it was only with the consent of this entity that government can act legitimately on its behalf. His model of representation thus implies something of a paradox: the people need the government in order to act and the government needs the people in order to act legitimately.[145] At the same time, it is only a paradox if we insist, as Rousseau did, that the will of the people can only be expressed by the people directly. On the other hand, if we first concede that such direct action is impossible or at the least impractical, then it follows that the collective will either does not exist or that it must be determined through some other means. Sieyes thus argued that representation should not be considered as something forced upon the people, but rather as something that frees them from the impracticalities of direct democracy, and one that does so in a way that remains consistent with the principles of democracy by allowing the people to vote.[146] He also recognised that the ability of the government to act freely must be limited in a number of ways. Firstly, power must be separated so that the people that draft a constitution do not end up also having the power to execute the law and, secondly, that the legislative, executive and judicial branches of government must be separated within the constitution.[147] Vieira and Runciman point out that while Sieyes' representative model found no footing in France following the French revolution, a version of it did take shape in the US, when in 1787, delegates assembled in Philadelphia to decide how the country would be governed. The US Constitution was drafted, as Sieyes had suggested "away from the prying gaze of the public who had elected them", with delegates separating the powers of the legislative, executive and

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[141] Ibid. 33-34.
[142] Ibid. 34.
[143] Ibid. 34.
[144] Ibid. 34.
[145] Ibid. 34-35.
[146] Ibid. 37.
[147] Ibid. 37-38.

judicial branches of government.[148] Most modern democracies follow a similar model. For example, the Parliament of Australia, the legislative branch of the Australian government, functions independently from the executive and judicial branches and power within the parliament is divided between two houses, the House of Representatives and the Senate, with the party with the majority in the House forming government.

The Public Sphere

Representative democracies today, then, seek to establish a relationship between the government and the people that allows effective rule on the one hand and effective representation on the other, insofar as 'effective' here implies that the people have some presence in the actions of their representatives. The separation and distribution of government power discussed above is one means. For example, the diversity of representatives within the Australian parliament represents the diversity of views of Australians around the country. While distributing power allows the government to more closely resemble the people, in order for the people to have an *ongoing* presence in the actions of their representatives, they must have some means of ongoing participation; they must be able to discuss matters of public interest among themselves and with their representatives. In other words, they must be able to discuss them publicly.

In his work, *The Structural Transformation of the Public Sphere,* Jürgen Habermas claims that 'public' and 'private' are terms of Greek origin that describe the strict division between the public sphere, common to all "free citizens" of Greek city states, and the private sphere of the free citizen's household.[149] In Europe in the Middle Ages, however, this distinction collapsed as a result of the absence of any legal means through which normal people could participate in the public sphere.[150] The peasants of France, for example, worked on land owned by a feudal lord and had no means through which to legally obtain property. The public sphere, then, is the exclusive realm of the nobility and the church and, as a result, "publicity" is merely "a status attribute" signifying a person's position within these hierarchies rather than indicative of a sphere of human interaction.[151]

The collapse of feudalism in Europe allowed people to become private persons in their own right: they could now own property and businesses and sell their labour as a commodity. No

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[148] Ibid. 38.
[149] Jürgen Habermas, *The Structural Transformation of the Public Sphere : An Inquiry into a Category of Bourgeois Society* (Cambridge: Polity Press, 1989), 3.
[150] Ibid. 5.
[151] Ibid. 7.

longer confined to a private sphere in which all their economic activities occurred under the dominion of the lord's household, private persons now lived and worked together, buying and selling commodities within a capitalist, marked-based economy.[152] Habermas thus defines the public sphere as "a sphere of private persons come together as a public".[153] The sphere of civil society, formed of private persons, became a public sphere because these private persons began to share a collective interest in the forces that governed their lives, that is, the market-based economy administered by the public authorities. The sphere is thus public to the extent that private people come together not only in terms of relating to each other within a system of commodity exchange, but as people who recognise that they share a mutual interest in the way in which the market is governed by the state. The transformation of the modern public sphere is therefore not only an economic one, but a political one. It involves private persons engaging each other and the state with regards to affairs that they have come to consider as theirs. The vehicle, Habermas claims, of this engagement with the powers above, was the "people's public use of their reason".[154]

The Media

Habermas argues that the extent to which the public sphere of civil society becomes a space in which state authority can be discussed and questioned depends on the development of the press. He observes that, prior to the eighteenth century, the news media consisted of small print companies who collated and published information of general interest to the public, and that their owners treated them largely as money making ventures.[155] During the eighteenth century, however, some owners began to view their ventures not just as businesses, but as means of critical and political expression. The development of newspapers with editorial content is foreshadowed by that of scholarly journals, moral weeklies and literary journals, publications that served primarily pedagogic and political functions, and for which making profits was of secondary importance.[156] Habermas argues that it is through these early periodicals that public opinion began to develop: the discussions that took place in the cafes and teahouses where the bourgeoisie gathered were informed by these journals and allowed them to expand beyond the physical confines of the public sphere.[157] As print publications became mirrors for public opinion as well as sources of information, the need

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152 Ibid. 19.
153 Ibid. 27.
154 Ibid. 27.
155 Ibid. 181.
156 Ibid. 182.
157 Ibid. 42.

arose for them to balance the desire to make profits with their political and pedagogic functions and, as a result, Habermas claims, media companies began to consolidate in order to ensure their continued commercial viability.[158] Despite these consolidations, however, publishers "continued to give their editors the kind of freedom that in general characterized the communication between private people functioning as a public."[159] At this point, then, the press continues to belong to the public in the sense that it continues to play a central role in the public use of reason by private persons.

The increasing commercialisation of the press into the nineteenth century, however, meant that it began to serve the interests of private persons rather than those of the public. The first stage of this development was print advertising, which gave newspapers a source of revenue, but also meant that they became increasingly beholden to their advertisers.[160] This is followed by further consolidations that occur as the result of media companies having to invest increasingly large amounts of capital in order to implement new technologies, such as high-speed printing presses, and in order to meet their growing administrative requirements.[161] Habermas argues that the more that newspapers became commercialised, the more prone they became to manipulation from outside forces.[162] The commercialisation of the media, he concludes, becomes "the gate through which privileged private interests invaded the public sphere."[163] Just as the rise of the public sphere results from the increasingly political nature of the press, its increasing commercialisation ultimately plays a role in the decline of the public sphere as a space for critical debate and reflection. Today's mass media is thus one that entertains rather than informs, one that caters to an increasingly passive audience that no longer engages in public debate and whose public presence is that of a consumer rather than an active participant.[164] The constraints placed upon the media by private interests are also the subject of Edward Herman and Noam Chomsky's work *Manufacturing Consent.* Their propaganda model, which I discuss in more detail in the next chapter, describes the pathways through which powerful private interests "filter" news items in order to suit their agendas.[165]

In a recent work, Andrea Carson observes that the "control" theories proposed by Habermas and by Herman and Chomsky are often contrasted with what she calls "chaos"

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[158] Ibid. 182-183.
[159] Ibid. 183.
[160] Ibid. 184.
[161] Ibid. 185.
[162] Ibid. 185.
[163] Ibid. 185.
[164] Ibid. 160.
[165] Edward S. Herman and Noam Chomsky, *Manufacturing Consent: The Political Economy of the Mass Media* (New York: Pantheon Books, 1988), 2.

theories.[166] While control theories conceive of power as being imposed "from the top down", chaos theories argue that it can also be imposed "from the ground up or sideways."[167] Carson cites the work of Brian McNair, who argues that media companies, despite the constraints placed upon them, continue to play a positive role in the public sphere, both in terms of allowing different views and interests to be heard and by acting as a fourth estate that exposes government, corporate and institutional wrongdoings.[168] Carson argues that while control and chaos theories "are somewhat at odds", the imperatives of making profits and that of informing the citizenry are not always mutually exclusive and can indeed "overlap."[169] Carson makes this argument with reference to the question of why it is that investigative journalism has continued to survive into the current age of digital media. She argues that, despite the influence of private interests and falling advertising revenue, investigative journalism continues to be commercially valuable to media companies as a way of building public confidence at a time when public trust of the media has reached new lows.[170]

Manipulation and Coercion

While I concede that the media is still able to act as a fourth estate to some degree, its ability to do so has been constrained by private interests. Additionally, the more that the media focuses on entertaining the public rather than informing it, the more the people tend towards passive consumption rather than active engagement. The decline of the public sphere due to these factors has also led to what could be considered 'disillusionment' rather than 'disengagement'. Along these lines, Neblo, Esterling and Lazer argue that citizens have not withdrawn from politics because they are "disinterested", but rather, as the result of their "disgust and despair" at how it now functions.[171] They argue that many citizens feel as though politics is "rigged" and that the only voices to which the government "listens and responds" are those of special interest groups.[172]

As the media's capacity to act as a fourth estate weakens and political disillusionment and disengagement rise, the more the public becomes exposed to the possibility of being manipulated by their representatives. Before I consider an example of how it functions within

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[166] Andrea Carson, *Investigative Journalism, Democracy and the Digital Age* (New York: Routledge, 2020), 97.
[167] Ibid. 101.
[168] Ibid. 101.
[169] Ibid. 97.
[170] Ibid. 110.
[171] Michael A. Neblo, Kevin M. Esterling, and David M. J. Lazer, *Politics with the People* (Cambridge: Cambridge University Press, 2018), 5.
[172] Ibid. 5.

representative democracy, what manipulation is must be clarified. Claudia Mills points out that representatives use many different strategies in order to win votes, and that while some of these constitute persuasion, others constitute manipulation.[173] Mills points out that whether a particular act constitutes persuasion or manipulation depends upon the way in which it alters a person's "choice situation".[174] Persuasion, she argues, involves changing beliefs and desires by offering people good reasons as to why they should, while manipulation involves offering them bad reasons disguised as good reasons: when we persuade someone, the arguments we make are ones we believe to be sound, whereas, when we manipulate someone, the arguments we use are ones we recognise to be unsound but nonetheless effective.[175] The moral dubiousness of changing someone's mind with bad reasons relates to the fact that doing so creates beliefs and desires that can be potentially harmful insofar as they rely on flawed foundations.[176] Both persuasion and manipulation, Mills contends, are means of influence that function by changing people's "beliefs and desires", which she refers to as the "subjective" circumstances in which they make decisions.[177] It is also possible, however, to influence people by changing what she calls the "objective" circumstances in which they make decisions.[178] As with the means of influence that target subjective features, those that target objective features can do so in ways that are either morally sound or unsound. She contends that while there is nothing inherently wrong with changing, for example, the options available to a person or changing the costs and benefits associated with those options, using threats in order to make a particular option less desirable constitutes "coercion".[179]

Mills' article focuses mainly on manipulation as she considers the use of coercion to be largely ruled out by the fact that citizens vote secretly and cannot therefore be targeted directly, for example, for voting in a particular way. In other words, representatives cannot compel citizens to vote for them by threatening them with harm if they do not. While I concede that this is true in the strict sense that coercion involves representatives directly threatening citizens to vote for them, I would argue that it remains possible for representatives to influence and even coerce citizens without appearing as the source of the threat themselves. For example, governments often use minority groups, such as migrants, in order to create threats to which they position themselves as the solution: 'vote for us or migrants will steal your jobs'. In this case, the threat used by the government is not one it

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[173] Claudia Mills, 'Politics and Manipulation', *Social Theory and Practice,* 21/1 (1995), 97.
[174] Ibid. 98.
[175] Ibid. 100.
[176] Ibid. 103.
[177] Ibid. 99.
[178] Ibid. 97.
[179] Ibid. 97-98.

makes itself, but nonetheless one it uses in order to alter the objective circumstances in which citizens make decisions. In his article, 'The People and Populism', Giuseppe Zaccaria argues that populists have intensified public concerns over issues like the migrant crisis in Europe in order to "create a climate of insecurity, inciting mistrust and hostility towards those who are unfamiliar and appear as different."[180] He contends that while governments normally present themselves, along the lines of social contract theory, as forces of stability, popularist movements have "no interest in appeasing the anxieties of citizens, but keeping their apprehensions alive in a sort of continuous destabilization."[181] Zaccaria's arguments speak directly to the contemporary political environment characterised by figures such as Donald Trump, who vilified Mexicans on his way to election[182] and who has since proved to be a constant source of destabilising comments, like those he made in relation to the North Korean missile threat.[183]

The risk posed to the public by such manipulative and coercive tactics has increased as the public sphere has declined. Firstly, the weakening of the media as a fourth estate and a space for critical debate and reflection has increased the likelihood of the people being deceived by the misleading claims upon which manipulation and coercion rely. Secondly, the less citizens actively participate in the public sphere due to disengagement or disillusionment, the less likely it is that they will attempt to verify the claims that their representatives make.

An Example: The Asylum-Seeker Debate in Australia

The arrival of asylum seeker boats to Australia's shores has been a contentious political issue in the country for the last forty or so years. Successive Australian governments, along with the mass media, have positioned asylum seekers as a threat and allowed these governments to present themselves as solutions.

Katharine Betts, an Australian sociologist who has examined public opinion concerning boat arrivals, argues that public sentiment towards asylum seekers has changed gradually over the last twenty-five years.[184] Betts identifies three "waves" of asylum seeker boat arrivals and

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[180] Giuseppe Zaccaria, 'The People and Popularism', *Ratio Juris,* 31/1 (2018), 36.
[181] Ibid. 36.
[182] Michelle Ye Hee Lee, 'Donald Trump's false comments connecting Mexican immigrants and crime', *Washington Post*, 8 July 2015, para. 1, <https://www.washingtonpost.com/news/fact-checker/wp/2015/07/08/donald-trumps-false-comments-connecting-mexican-immigrants-and-crime/>, accessed 20 Mar. 2020.
[183] Karen DeYoung and John Wagner, 'Trump threatens 'fire and fury' in response to North Korean threats', *Washington Post,* 8 Aug. 2017, para. 1, <https://www.washingtonpost.com/politics/trump-tweets-news-report-citing-anonymous-sources-on-n-korea-movements/2017/08/08/47a9b9c0-7c48-11e7-83c7-5bd5460f0d7e_story.html>, accessed 18 Nov. 2020.
[184] Katharine Betts, 'Boat People and Public Opinion in Australia', *People and Place,* 9/4 (2001), 45.

examines a number of surveys conducted over these periods.[185] The first wave began in 1976 carrying asylum seekers from Indochina and, later, Vietnam. As the number of arrivals increased over this period, fears began to grow that the new migrants would take jobs away from Australians and that they were "jumping the immigration queue."[186] Surveys conducted between 1977-1979 show that around 60% of respondents were in favour of limiting the number of boat arrivals and 20-32% in favour of stopping them entirely.[187] The second wave of asylum seekers began in 1989 with the arrival of boats from Vietnam, Cambodia and Southern China.[188] The government's policies changed in this period and many of those arriving during the second wave were held in detention.[189] In 1993, a survey found 44% of respondents believed that boats should be turned back and 46% believed boat arrivals should be detained while their applications were assessed.[190]

The third wave began in 1999, with the arrival of boats carrying asylum seekers from Middle Eastern countries, such as Afghanistan.[191] The arrival of asylum seekers from predominantly Muslim countries saw public concerns about so-called 'Islamisation' and the loss of Australian identity rise. Two events in 2001 have come to define the asylum seeker debate. On August 27th, the Australian Government announced it would deny entry to the Norwegian vessel MV Tampa, which was carrying 433 passengers, mostly from Afghanistan.[192] The event led to the implementation of offshore processing and regional resettlement.[193] Then, on September 11th, Al Qaeda attacked the US, resulting in rising security concerns. In 2001, 71% were for detention, with 21% in favour of allowing asylum seekers to stay in the community while being assessed.[194] Recent research conducted in 2016 by Dennis Muller suggests that the fear of Islam is currently the most significant factor contributing to negative sentiments towards asylum seekers arriving by boat.[195] These sentiments are based on two misconceptions: firstly, that Islam is an intolerant religion and, secondly, that the presence of Muslims in Australia will increase the risk of terrorism.[196]

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[185] Ibid. 34.
[186] Janet Phillips and Harriet Spinks, 'Boat Arrivals in Australia since 1976' (Department of Parliamentary Services, Parliament of Australia, 2013),
<https://parlinfo.aph.gov.au/parlInfo/download/library/prspub/5P1X6/upload_binary/5P1X6.pdf;fileType=application/pdf#search=%22boat%20arrivals%20in%20Australia%20since%22>, 6, accessed 24 Aug. 2020.
[187] Katharine Betts, 'Boat People and Public Opinion in Australia', 40.
[188] Ibid. 36.
[189] Ibid. 36.
[190] Ibid. 41.
[191] Ibid. 37.
[192] Ibid. 38-39.
[193] Ibid.40.
[194] Ibid. 42.
[195] Denis Muller, '*Islamisation' and other anxieties: Voter attitudes to asylum seekers* (Melbourne: Melbourne University, 2016), 11.
[196] Ibid. 12.

The gradual change in public sentiment from the late seventies until present has been driven by successive Australian governments and the media. Rowe and O'Brien write,

> For considerable time now the media and politics have fixated on the concept of genuineness, whereby 'genuine' refugees are entitled to our compassion, versus 'illegitimate' asylum seekers, who are economic migrants undeserving of protection.[197]

Australian historian Klaus Neumann suggests that by the time of the 1977 election, many of the misconceptions currently framing the asylum seeker debate were already operational, such as the misconception that many boat arrivals were not genuine,[198] presented a security concern[199] and that they were jumping the immigration queue.[200] These misconceptions have been used by more recent governments. John Howard won the 2001 election following his campaign promises to strengthen border security and stop the flow of asylum seeker boat arrivals.[201] Tony Abbott also campaigned to "stop the boats" in the 2013 election.[202] After his victory, the then immigration minister, Scott Morrison, instructed his department to refer to asylum seeker boat arrivals as "illegal maritime arrivals".[203]

Any reference to asylum seekers as 'illegal', however they arrive in Australia, is a mischaracterisation. Australia is a signatory to the 1951 Convention on Refugees, which stipulates the circumstances in which asylum seekers are allowed to enter the country. For example, Article 31 states that,

> The Contracting States shall not impose penalties, on account of their illegal entry or presence, on refugees who… enter or are present in their territory without authorization, provided they present themselves without delay to the authorities and show good cause for their illegal entry or presence.[204]

All that is required of asylum seekers under the Convention is that they present themselves to the authorities as soon as possible. The UN has frequently argued that the Australian

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[197] Elizabeth Rowe and Erin O'brien, ''Genuine' Refugees or Illegitimate 'Boat People': Political Constructions of Asylum Seekers and Refugees in the Malaysia Deal Debate', *Australian Journal of Social Issues,* 49/2 (2014), 4.
[198] Klaus Neumann, *Across the Seas: Australia's Response to Refugees* (Melbourne: Black Inc., 2015), 271.
[199] Ibid. 275.
[200] Ibid. 276.
[201] Ian Mcallister, 'Border Protection, the 2001 Australian Election and the Coalition Victory', *Australian Journal of Political Science,* 38/3 (2003), 445-446.
[202] Alison Rourke, 'Tony Abbott, the man who promised to 'stop the boats', sails to victory', *Age*, 8 Sept. 2013, para. 12, <https://www.theguardian.com/world/2013/sep/07/australia-election-tony-abbott-liberal-victory>, accessed 8 Dec. 2020.
[203] Bianca Hall, 'Minister wants boat people called illegals', *Sydney Morning Herald,* 20 Oct. 2013, para. 5, <https://www.smh.com.au/politics/federal/minister-wants-boat-people-called-illegals-20131019-2vtl0.html>, accessed 5 Dec. 2018.
[204] *United Nations 1951 Convention Relating to the Status of Refugees* (entered into force April 1954), art 31.

government's policy, which involves turning back boats, mandatory detention and regional resettlement in Papua New Guinea, breaches the Convention. In 2015, the UN Human Rights Council criticised the government's policies, especially its detention of children,[205] and in 2018, it reaffirmed its position that Australia's policy of mandatory detention is illegal under international law.[206]

As an example of media participation, consider conservative columnist, Andrew Bolt's article, 'An MCG of Boat People Every Four Years', published in the Herald Sun on the 28th May, 2013.[207] Bolt begins by lamenting the increase in boat arrivals under the Gillard government. He argues that Australia went from "three boats a year under John Howard to a complete free-for-all disaster under Julia Gillard".[208] He continues to link boat arrivals to matters of national security by stating that cuts to ASIO funding have made it difficult to effectively vet asylum-seekers.[209] He then cites a survey that claims that "close to half of Swedes (48 percent) do not believe that Islam fits in Sweden",[210] the obvious implication being that it does not fit in Australia either. His article contains many of the current misconceptions about asylum seeker boat arrivals. Firstly, he exaggerates the numbers of asylum seekers arriving by boat. While the inflammatory title of the article suggests that around 25,000 asylum seekers are arriving every year, he later mentions that this figure is a forward projection.[211] I would also add that it did not eventuate: the Australian government's own statistics reveal that between 2011-2012, there were 7983 irregular maritime arrivals.[212] At this rate, it would take about 13 years to fill the MCG. His use of the MCG engenders images of a massive flood of people arriving on Australia's shores, but in reality, the number of asylum-seekers arriving in Australia is miniscule compared to other countries. According to the UNHCR, Australia received just 1% of total applications for asylum worldwide in 2008 and 3% in 2012.[213] In 2012, 81% of the world's refugee population was hosted by developing nations,[214] with Pakistan hosting 1.6 million, Iran

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[205] Lisa Millar, 'Australia's asylum seeker policies heavily criticised at UN Human Rights Council review', *ABC News*, 10 Nov. 2015, para. 3, <https://www.abc.net.au/news/2015-11-10/australias-asylum-policies-heavily-criticised-at-united-nations/6926032>, accessed 5 Dec. 2018.

[206] Ben Doherty, 'UN body condemns Australia for illegal detention of asylum seekers and refugees', *Guardian*, 8 Jul 2018, para. 1, <https://www.theguardian.com/world/2018/jul/08/un-body-condemns-australia-for-illegal-detention-of-asylum-seekers-and-refugees>, accessed 6 Dec. 2018.

[207] 'MCG' is an acronym for 'Melbourne Cricket Ground', a large stadium with a capacity of about 100,000 people.

[208] Andrew Bolt, 'An MCG of Boat People Every Four Years', *Herald Sun*, 28 May 2013, para. 1, <http://www.heraldsun.com.au/blogs/andrew-bolt/an-mcg-of-boat-people-every-four-years/news-story/c1f201bef7d2465d12e762c96c9dc376>, accessed 3rd May 2017.

[209] Ibid. Para. 3.

[210] Ibid. Para. 4.

[211] Ibid. Para. 2.

[212] Janet Phillips and Harriet Spinks, 'Boat Arrivals in Australia since 1976', 23.

[213] United Nations High Commissioner for Refugees, *UNHCR Asylum Trends 2012* (Geneva: United Nations High Commissioner for Refugees, 2013), <https://www.unhcr.org/en-au/statistics/unhcrstats/5149b81e9/asylum-levels-trends-industrialized-countries-2012.html>, 12, accessed 8 Dec. 2020.

[214] United Nations High Commissioner for Refugees, *UNHCR Global Trends 2012* (Geneva: United Nations High Commissioner for Refugees, 2013), <https://www.unhcr.org/en-au/51bacb0f9.pdf>, 13, accessed 8 Dec. 2020.

hosting 868,200 and Kenya hosting 565,000.[215] Secondly, Bolt provides very little information about the Swedish survey. He does not provide a link to it or the group conducting it, nor does he provide us with the sample size. Furthermore, given that Sweden and Australia have their own distinct cultures, a survey about attitudes there holds little weight when it comes to the debate in Australia. Thirdly, there is the false connection that he makes between border protection policies and the numbers of boat arrivals, i.e., permissive border control policies are leading to a scenario in which the country will be overrun by asylum-seekers. As the numbers of refugees hosted by Pakistan and Iran indicate, changes in international circumstances such as the wars in Afghanistan and Iraq are much better predictors of fluctuations of asylum-seekers and refugees than changes in border protection policy. The increase in asylum applications in Australia is indicative of an increase in application numbers worldwide. The UNHCR reports that there were 479,300 applications for asylum in industrialised countries in 2012, the second highest figure in the last decade, with only marginally more in 2003.[216] Furthermore, the UNHCR also found that in 2012, there were around 45 million forcibly displaced persons in the world, including 15 million refugees, 2.3 million more than in 2011.[217]

As discussed above, asylum seekers arriving by boat have been mischaracterised, firstly, as illegitimate or illegal, secondly, as coming in such great numbers as to constitute an invasion, thirdly, as threatening Australian identity by bringing in Islam and finally, as a security risk. By presenting asylum seekers as a problem or a threat, governments have been able to present themselves as a solution. With reference to Mills' definitions, I would argue that the governments in question, along with the media, have attempted to influence Australian citizens by altering the objective circumstances in which they make decisions. Exaggerating the number of asylum seeker arrivals, for example, is an attempt to alter how people see the world around them rather than their own beliefs and desires. At the same time, however, altering a person's sense of the world may well have effects on their beliefs and desires. As I pointed out, the so-called 'flood' of asylum seekers has been posited as a threat to Australian jobs, and by making such connections, the government has not just attempted to alter people's sense of the world around them, but to change their beliefs as a result. I contend that Australians have been harmed by the mischaracterisation of asylum seekers as it has produced a genuine sense of fear and apprehension regarding their presence in the country. Moreover, it has harmed asylum seekers and put the country at odds with international law.

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[215] Ibid. 14.
[216] United Nations High Commissioner for Refugees, *UNHCR Asylum Trends 2012*, 2.
[217] United Nations High Commissioner for Refugees, *UNHCR Global Trends 2012*, 5.

Conclusion

Representative democracy allows the people a means of acting as a group, but it remains a form of rule rather than self-rule, democratic only in the sense that it allows them to elect those who represent them. While this means that they are able to vote for candidates that share their own views and interests, it does not allow them to play any direct role in the process by which decisions are made on their behalf. The power of representatives to act freely without having to seek the ongoing consent of the people allows for effective governance but presents the problem of how the people can have any ongoing presence in the actions of their representatives. By participating in the public sphere, the people have a means of engaging the government with regards to matters of public interest. The media plays an important role in facilitating public debate by expanding the space in which such debate takes place and by acting as a fourth estate that exposes government misdeeds and fact checks claims. The decline of the public sphere that has occurred as a result of the invasion of private interests therefore exposes citizens to the possibility of being manipulated and even coerced by their representatives. Using the example of the asylum seeker debate, I demonstrated how representatives and the media sometimes coerce the Australian public by altering the objective circumstances in which they make decisions.

Chapter 3

Myths of the Friend and the Enemy

Introduction

In chapter two, I argued that representative democracy allows political representatives and the media to manipulate and coerce citizens by altering the objective and subjective circumstances in which they make decisions. In this chapter, I argue that these strategies constitute what Roland Barthes calls "a coercive collective act" in his work *Mythologies.*[218] My approach here is also situated within the contemporary debate surrounding Carl Schmitt's so-called 'political distinction' between the friend and the enemy and his critique of liberalism. Following Chantal Mouffe, I contend that, while Schmitt's arguments are inconsistent, valuable insights can be found through their reinterpretation. While Schmitt sees the friend enemy distinction as independent to all other distinctions, and language as mere metaphors and symbols, I argue that it nonetheless plays the critical role of intensifying a given antagonism to the intensity required in order for it to become political. I intend to examine, then, the 'friend' and the 'enemy' as terms within language using Barthes' concept of mythology. I contend that the terms have, on the one hand, a literal meaning and, on the other, they also signify ideologies that become normalised through them. Myths are both produced and consumed. Myth consumers are those who unwittingly participate in them, while myth producers are those who deliberately and knowingly disseminate them for their own benefit: governments, the mass media and corporations. In order to consider how it is that such entities work together to produce myths, I consider Herman and Chomsky's propaganda model. I begin the chapter, however, with Schmitt's distinction.

Schmitt and the Friend Enemy Distinction

In his work, *The Concept of the Political,* Carl Schmitt reduces politics to that which he believes is most fundamental to it. He argues that politics is commonly understood in terms of

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[218] Roland Barthes, *Mythologies*, 66.

statehood and statehood in terms of politics, and that this is "obviously an unsatisfactory circle."[219] He thus strips politics of its association with statehood, and with the various spheres of human inquiry for which politics is a subject. Politics begins, he argues, with the distinction "between friend and enemy."[220] He defines the distinction as "the utmost degree of intensity of a union or separation, of an association or dissociation."[221] The distinction is the 'most intense union or separation' because it is existential; it can only be made in relation to the threat posed by the enemy. As Malek Moazzam-Doulat points out,

> The political emerges out of everyday social life and human activities within
> the coexisting spheres of economics, religion, morals, and aesthetics, each of
> which have their own substance – their own value antitheses like useful and
> not useful, beautiful and ugly, good and evil.[222]

The political categories of friend and enemy emerge as debate in these spheres intensifies to the point of conflict. The political emerges from these other spheres of human enquiry, but its existential character makes it distinct and independent. The friend enemy distinction may appear to correlate with these other distinctions, but the enemy does not have to be considered bad in order for it to be considered an enemy. All that is required, he argues, is that the enemy is experienced as "existentially something different and alien, so that in the extreme case conflicts with him are possible."[223]

Schmitt argues that the distinction is the basis of the formation of the state and, as such, it is his answer to the problem of consensus discussed in chapter two: how can the people find a means of collective identity and action despite their different and competing views and interests? He argues that consensus requires establishing what he calls 'homogeneity', a concept that he develops in his work, *The Crisis of Parliamentary Democracy*:

> Every actual democracy rests on the principle that not only are equals equal
> but unequals will not be treated equally. Democracy requires, therefore, first
> homogeneity, and second – if the need arises – elimination or eradication of
> heterogeneity.[224]

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[219] Carl Schmitt, *The Concept of the Political*, 20.
[220] Ibid. 26.
[221] Ibid. 26.
[222] Malek Moazzam-Doulat, 'Future Impossible: Carl Schmitt, Jacques Derrida, and the Problem of Political Messianism', *Philosophy Today,* 52/1 (2008), 75.
[223] Carl Schmitt, *The Concept of the Political*, 27.
[224] Carl Schmitt, *The Crisis of Parliamentary Democracy*, 9.

Chantal Mouffe points out that Schmitt views homogeneity as "substantive equality", which, she argues, means that the people "partake of a common substance."[225] Samuel Salzborn argues that it means that the people both recognise that they are the same, and that this "sameness" is reflected in their ruler.[226] Jennet Kirkpatrick makes a similar argument, that "Schmitt means that democratic citizens should feel a substantive identity with law."[227] Salzborn and Kirkpatrick point out that homogeneity is substantive in the sense that it is something visible and tangible, something that citizens see reflected in each other, their ruler and the law. Establishing homogeneity can require, as Schmitt states above, the elimination of heterogeneity, which is to say, the elimination of difference. He thus addresses the matter of consensus through exclusion: if there is no dissent, if all that is different or divergent is excluded, then consensus becomes a matter of fact.

Schmitt's Critique of Liberalism

Schmitt's critique takes aim at two of liberalism's central features: universal equality and pluralism, both of which he believes are incompatible with democracy because they undermine the homogeneity of the people. We shall begin with his argument against universal equality. Establishing who is equal also requires establishing who is not and thus, Schmitt argues, every equality requires an inequality. Universal equality, the equality of all human beings, "lacks the correlate of a possible inequality from which every equality receives its specific meaning."[228] In order to demonstrate the point that Schmitt makes, Mouffe uses the example of what she calls "cosmopolitan citizen pilgrims", in other words, those who are no longer citizens of any particular nation.[229] She argues that, while this would allow freedom of movement, residence and employment, such citizens may also find themselves without any direct legal recourse if their rights are infringed upon. Mouffe thus agrees with Schmitt that "The logic of democracy does indeed imply a moment of closure which is required by the very process of constituting the 'people.'"[230] The necessity of such moments of closure is not compatible with universal equality and the result is a paradox: how can liberal democracies conceive of boundaries when the equality to which they subscribe does not recognise them?

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[225] Chantal Mouffe, 'Carl Schmitt and the Paradox of Liberal Democracy', *Canadian Journal of Law and Jurisprudence,* 10/1 (1997), 22.
[226] Samuel Salzborn, 'The Will of the People? Carl Schmitt and Jean-Jacques Rousseau on a Key Question in Democratic Theory', *Democratic Theory,* 4/1 (2017), 19.
[227] Jennet Kirkpatrick, 'Come a Little Closer: Citizens, Law, and Identification', *Law, Culture and the Humanities,* 5/2 (2009), 219.
[228] Chantal Mouffe, 'Carl Schmitt and the Paradox of Liberal Democracy', 22.
[229] Ibid. 24.
[230] Ibid. 25.

Mouffe argues that, although this paradox cannot be avoided, she does not believe, as Schmitt does, that it will "lead liberal democracy to self-destruction."[231]

Schmitt also argued that forms of pluralism that advocate for the individual freedom of association are incompatible with democracy as they risk transforming the state into a form of association no different from belonging to a trade union or church.[232] The coexistence of multiple forms of association, in other words, threatens homogeneity and weakens the power of the state. Mouffe points out that Schmitt does not see all forms of pluralism as incompatible with democracy, however, he quickly goes on to argue that even allowing such forms that are compatible would eventually open the way for those that are not.[233] Mouffe argues, however, that Schmitt presents a false dilemma:

> We can have unity of the people which requires expelling every division and antagonism outside the demos to the realm it needs to oppose in order to establish its unity. Alternatively, we consider some forms of division legitimate inside the demos and this will inexorably lead to the kind of pluralism which negates political unity and the very existence of the people.[234]

On the one hand, Schmitt conceives of the identity of the *demos* ('the people'), and hence its unity, as something "already given and therefore stable" in the sense that the friend enemy distinction upon which it is based is not "politically constructed" but "merely a recognition of already existing borders."[235] On the other hand, however, if unity can be destroyed by pluralism, then it is "a contingent fact which requires a political construction."[236] Schmitt's notion of unity is thus "contradictory", simultaneously dependent on certain contingencies and an empirically given fact.[237] Mouffe contends that what Schmitt fails to grasp is that the identity of the people is not something that can ever be fully determined:

> Democratic politics does not consist in the moment when a fully constituted people exercises its rule. The moment of rule cannot be dissociated from the very struggle about the definition of the people, about the constitution of its identity.[238]

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[231] Ibid. 25.
[232] Ibid. 30.
[233] Ibid. 30-31.
[234] Ibid. 31.
[235] Ibid. 31.
[236] Ibid. 32.
[237] Ibid. 32.
[238] Ibid. 32.

The identity of the people, then, can never be fully determined because it is impossible to divorce any particular notion of identity from the "competing forms of identifications" from which it emerges.[239]

Despite its contradictions, Mouffe states that Schmitt's critique of liberal democracy nonetheless "reveals several weaknesses of liberal democracy and brings to the fore its blind spot."[240] She argues that liberal democracies can be pluralistic and advocate for the universality of human rights, but in order to do so, they must recognise the paradox Schmitt articulates. She suggests that his insights can be "turned against him" in order to make liberal democracies aware of the dangers entailed by the paradox.[241] Firstly, that universal human rights becomes an abstract concept that does not afford people any tangible protections and, secondly, that identity becomes divorced from the struggle of competing identities present in pluralistic societies. These warnings, I believe, are relevant to the current political climate. We could, for example, consider the asylum seeker debate in Australia in terms of the warning regarding universal human rights: although Australia is a signatory to the UN Convention on Refugees and the UN Declaration of Universal Human Rights from which it emerged, Australia's asylum seeker policy excludes people arriving by boat from 'substantive' – to use Schmitt's term – protections. The debate has also seen the consolidation of Australian identity against the competing identities present within Australia's pluralistic society: as we saw in the last chapter, one of the common mischaracterisations of asylum seekers is that they will destroy Australian identity by bringing in foreign customs, languages and religions.

Schmitt and Language

The concept of coercion I propose is informed by the above debate surrounding Schmitt's concept of the political and his criticism of liberalism. It draws on his insights, as Mouffe suggests, without accepting the conclusions he reaches. Following Mouffe, I contend that while Schmitt's argument concerning the primacy of the friend enemy distinction fails, it does describe how distinctions from other spheres can be brought into its service. Moral, aesthetic and economic distinctions, Schmitt tells us, may give rise to certain antagonisms that become political at their utmost intensity but they are otherwise nothing more than "metaphors or symbols".[242] The friend does not have to be good and the enemy does not have to be bad, but they can be made to appear as such if it helps to intensify antagonisms to the point of conflict.

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[239] Ibid. 32.
[240] Ibid. 33.
[241] Ibid. 33.
[242] Carl Schmitt, *The Concept of the Political*, 27.

Schmitt dismisses these other discourses as nothing more than metaphors and symbols, however, if we turn Schmitt against himself as Mouffe suggests, they emerge as playing an important role. Mouffe demonstrates Schmitt's notion of identity based on homogeneity is contradictory, presented as, on the one hand, reliant on certain conditions, i.e., the absence of pluralism that would threaten it and, on the other, as an empirical fact divorced from these conditions. She suggests that Schmitt's concept of identity describes the way in which consolidations of identity emerge among competing forms of identification, consolidations that occur when one dominant form of identity is able to suppress other, more marginal forms. If identity is constantly being determined through competing forms of identification, this struggle takes place through discourse, and accordingly, language. Far from being mere metaphors and symbols, antagonisms amid competing forms of identification are intensified through such discourses and brought to a moment of consolidation in which a dominant identity emerges.

The relationship Schmitt attempts to delineate between the political and other spheres of discourse does not demonstrate the primacy of the political, but merely that they can be *used* to intensify antagonisms to their utmost intensity, the moment at which one form of identity becomes dominant through the logic of inclusion and exclusion. I see in Schmitt's view the approach to politics taken by current popularist leaders such as Donald Trump, who have managed to win votes not by taking any particular ideological standpoint or policy platform, but rather by encouraging antagonisms in order to consolidate American identity as homogeneously white, Christian and European to the exclusion of foreigners, such as Mexicans, who he vilified during his election campaign, as I mentioned in chapter two. Following Mouffe's insights regarding Schmitt, I propose that the terms 'friend' and 'enemy' function within discursive practices to intensify antagonisms that produce moments of closure and their related inclusions and exclusions. This function can be considered as an aspect of what Foucault refers to as a dispositif, and which, as I mentioned in the introduction, Erlenbusch-Anderson uses to examine the way in which terrorism functions.

Mythology

In order to examine friend and enemy as terms within discursive practices, I have drawn upon the semiological system developed by Roland Barthes and his contemporaries. In his work, *Mythologies*, Barthes considers the way in which certain phenomena appear as natural or universal despite the fact that they are historical or artificial. He writes

The starting point of these reflections was usually a feeling of impatience at the sight of the 'naturalness' with which newspapers, art and common sense constantly dress up a reality which, even though it is the one we live in, is undoubtedly determined by history.[243]

One of the examples that Barthes uses is wine. He argues that the French see wine as something that belongs to them, their "totem-drink".[244] This myth conceals the fact that wine is a cultural and historical object, and one around which there are many contradictions.[245] Barthes points out that, on the one hand, wine is seen by the French as a form of sustenance for the worker, a source of inspiration and virility for the writer, a thirst quencher when it's hot and a warming drink when it is cold.[246] On the other hand, a lot of the wine consumed in France is produced in Algeria, and it thus has a relation with the country's history of colonial oppression.[247] However, because wine has become a symbol of French identity, these negative associations have been supressed.

Barthes saw myths as duplicitous: they make culturally and historically determined phenomena appear as natural and universal, but in such a way that we remain aware of the myth.[248] He imagines, for example, that he is handed a copy of a popular French magazine in a barber's shop.[249] He looks at the photo on the front cover and sees a black soldier saluting, eyes fixed most likely on a French flag. As Graham Allen puts it, "The reality of the photo seems indisputable: this young black man is a French soldier caught here in a moment of time."[250] And yet, while the photo has this literal meaning, Barthes sees that it is on the front cover for another reason entirely; it is there to signify, "that France is a great Empire, that all her sons, without any colour discrimination, faithfully serve under her flag".[251] He sees, in other words, that the photo has not been placed on the front cover to signify a literal meaning, but rather, to forward an ideology. However, even as it signifies that 'France is a great Empire', it continues to be simply a photo of a black man, and anyone that wishes to deny its mythical meaning can instead present its literal meaning.[252]

Allen writes that the approach that Barthes presents in the final chapter of *Mythologies* is his attempt to come to terms with the duplicity of myth; "how something can at one and the

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243 Roland Barthes, *Mythologies*, xix.
244 Ibid. 65.
245 Graham Allen, *Roland Barthes*, 36.
246 Roland Barthes, *Mythologies*, 66-67.
247 Ibid. 68.
248 Graham Allen, *Roland Barthes*, 37.
249 Roland Barthes, *Mythologies*, 139.
250 Graham Allen, *Roland Barthes*, 37.
251 Roland Barthes, *Mythologies*, 139.
252 Graham Allen, *Roland Barthes*, 37.

same time be literally itself and the medium through which ideology propagates itself."[253] Barthes found inspiration in the work of Swiss linguist Ferdinand de Saussure, whose approach to language laid the foundations for semiology and structuralism. Allen states that at the centre of Saussure's work is the opposition between speech and language.[254] Saussure argued that language was a system composed of rules that determine what speech acts are possible and, therefore, the role of the linguist is to focus on the structure of the system rather than individual speech acts.[255] Saussure posited that a sign, such as a word, does not "have meaning because of a direct relationship with objects or actions in the world", but due to an "arbitrary" relationship between a "sound or mark" on a page and a "mental concept", and due to the place that it is assigned within "a language system".[256] Barthes adopts Saussure's concept of language as a system of signs and proposes that, in addition to it, there is "a second language", which he terms "metalanguage" but which he otherwise refers to as "myth".[257] Metalanguage, like language itself, is also a system of signs, but one that uses signs from language as signifiers for another concept.[258] In order to avoid confusion between signs and their components in each order, Barthes calls the signifier "meaning" in language, and "form" in metalanguage, the signified becomes the "concept" in the second order and the sign becomes the "signification".[259]

Myth, then, is duplicitous because the mythical signifier is both meaning and form, and this means that myth can be read in different ways, depending on whether we focus on the meaning or the form or both at once.[260] Firstly, if we focus on the empty form, he writes, we allow the concept to "fill" it.[261] In other words, the form directs our attention to the fullness of the concept. Barthes returns to the example of the photo, writing that when we read in this way, the soldier appears as "an example" of the mythical concept.[262] Secondly, if we focus on the "full signifier", we are able to "clearly distinguish the meaning and the form".[263] This, he writes, is the kind of reading done by the mythologist: it "undoes" the signification.[264] In terms of the example, it makes the photo of the soldier appear as "the alibi" for the concept.[265] Thirdly, we can focus on the signifier of myth as "an inextricable whole made of meaning and

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[253] Ibid. 39.
[254] Ibid. 40.
[255] Ibid. 40.
[256] Ibid. 41.
[257] Roland Barthes, *Mythologies*, 138.
[258] Ibid. 138.
[259] Ibid. 140.
[260] Ibid. 152.
[261] Ibid. 152.
[262] Ibid. 152.
[263] Ibid. 152.
[264] Ibid. 152.
[265] Ibid. 153.

form."[266] Barthes writes that when we read in this way, we read as consumers of myth do: we respond to the myth in terms of "its own dynamics".[267] In this case, the photo of the soldier appears as the "presence" of the concept.[268] In other words, as evidence of it: 'France must be a great nation that treats all equally if this black soldier is happy enough to salute the flag'.

Myth Production and Coercion

In his discussion of the myth of wine, Barthes states that, "to believe in wine is a coercive collective act",[269] by which he means that its naturalisation implies a certain pressure to participate, for if we do not, we risk being left out of social situations and the like. Myths, then, are coercive because they are reinforced by the people who participate in them, however, the coercion carried out by these participants is unwitting. On the other hand, those who we could call the 'producers' of myth, knowingly and deliberately disseminate them and do so for their own benefit. Barthes writes that mythical concepts are not normalised by chance, that the "concept closely corresponds to a function, it is defined as a tendency."[270] Someone working at the magazine must, as Barthes imagines, set about finding an effective form for the concept that France is a great Empire.[271] In some cases, the myth producer may be difficult to identify. For example, the myth of wine presumably took a long time to become part of French identity and, as a result, it is very difficult to interrogate its origins because the producers and consumers appear as one and the same. In other cases, however, producers and consumers are more clearly distinguishable. In the chapter, 'Soap powders and detergents', Barthes observes that the products had been advertised so aggressively in the years preceding that they had very quickly become part of French life.[272] In this case, the myth-producer seems clear: the companies manufacturing the products in question. The same is the case for the photo of the soldier, where the publishing company is clearly the producer.

Myth Consumers

Myth consumers, then, do not intend to coerce each other. Take the myth of wine, for example. French wine drinkers coerce each other because they place pressure on each other

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[266] Ibid. 153.
[267] Ibid. 153.
[268] Ibid. 153.
[269] Ibid. 66.
[270] Ibid. 143.
[271] Ibid. 152.
[272] Ibid. 31.

to conform to the myth. For example, imagine migrating from a country where no-one drinks to a country with a culture of drinking like France. We attend university there but find it difficult to make friends because many of our fellow students go to the local bar after lectures. One day, though, we are invited to the bar and decide to go despite feeling uncomfortable. Our discomfort is compounded when we are offered a drink and decline, resulting in our new acquaintance remarking, 'you're no fun! Come on, live a little.' Our acquaintance believes that she has made a comment in our interest: by suggesting that we should have a drink and have some fun, she is both encouraging us to fit in and expressing an interest in sharing with us a ritual important to French culture. She may not think that she has coerced us, but her comment does place a subtle form of pressure on us. In isolation, one comment may not seem coercive, but if we hear many such comments, the result is a cumulative pressure that builds over time. Our acquaintance's comment is a speech act that, along with others, constitutes a coercive collective act. Let's imagine that after a year of attending university, we decide one night that we will give drinking a try, that it does appear, after all, to be something that the French genuinely enjoy. We have a few drinks and have a good time and the following weekend we are enthusiastically invited back to the bar. The result is that we have changed our behaviour in response to pressure we have felt over time and we have done so without being aware that we have been coerced. Coercive collective acts can occur without the awareness of the perpetrator or the victim because they are the result of many speech acts occurring over time, and while each of these places a subtle pressure on the victim to conform, none of them in isolation appears as coercive. As I mentioned above, Barthes points out that when interrogated, the myth can conceal itself in its literal meaning. For example, imagine if, after our acquaintance tells us that 'we're no fun', we express our discomfort – she could always respond that she doesn't mean anything by it, that she just wants us to have a good time.

Myth Producers

Myth producers include political representatives, the media and corporations. In their work, *Manufacturing Consent*, Herman and Chomsky examine the role played by the media in the public sphere and its relation to political power. They argue that the media not only entertains and informs, it "inculcates" people with "values, beliefs, and codes of behaviour".[273] They believe that this cannot occur in a world in which concentrations of wealth and class

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[273] Edward S. Herman and Noam Chomsky, *Manufacturing Consent: The Political Economy of the Mass Media*, 1.

divisions exist without "systematic propaganda".[274] In countries where media companies are state-owned and subjected to censorship, they clearly function to serve the interests of the ruling social elite. However, in countries where they are privately owned and do not face censorship, systems of propaganda are more difficult to identify, especially, they argue, given that media companies expose government corruption and market themselves as guardians of free speech.[275] Herman and Chomsky's propaganda model demonstrates how propaganda can function in democratic nations:

> It traces the routes by which money and power are able to filter out the news
> fit to print, marginalize dissent, and allow the government and dominant
> private interests to get their message across to the public.[276]

Their model is comprised of filters through which news items must pass before they are deemed fit for publication.[277] The first of these relates to the increase in the amount of capital required to open and maintain a media company. Technological advancements in printing have enabled companies to expand the scale of their production, but only if they are able to meet the increasing capital requirements.[278] This creates a barrier to entry for new publications, who have to gamble increasingly large sums of money in order to be competitive. The second filter relates to the effect of advertising. Herman and Chomsky observe that publications able to attract advertisers could sell their product for less than competitors who relied purely on sales revenue. The result is that advertisers are now able to decide which publications survive and which do not. "With advertising, the free market does not yield a neutral system in which the final buyer choice decides. The advertisers' choices influence media prosperity and survival."[279]

   The third filter relates to the way in which the media sources material, and it is here that the relation between the media and government is critical. Herman and Chomsky write: "The mass media are drawn into a symbiotic relationship with powerful sources of information by economic necessity and reciprocity of interests."[280] The news media requires a constant flow of information in order to produce news stories, which means that they tend to focus their reporting on places they know will yield newsworthy information, such as the government and corporations, trade unions and police departments.[281] Herman and Chomsky argue that

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[274] Ibid. 1.
[275] Ibid. 1.
[276] Ibid. 2.
[277] Ibid. 2.
[278] Ibid. 3-4.
[279] Ibid. 14.
[280] Ibid. 18.
[281] Ibid. 18-19.

government and corporate sources are seen as "recognizable and credible by their status and prestige", which means that the claims that they make "can be portrayed as presumptively accurate" and, as a result, they do not require as much fact-checking as other, less credible sources.[282] They also observe that the privileged access that governments and corporations have to the media results from the development of "vast" public relations departments.[283] The result is a very close relationship in which government and corporate interests "subsidize" the media by providing a constant flow of information perceived as credible.[284] The fourth filter is what Herman and Chomsky term "flak", the "negative responses to a media statement or program."[285] If media companies do run a news story, for example, that conflicts with the interests of government and corporate power, the offended parties may opt to punish the company by taking punitive action against them, such as damaging their reputation through legal action and the like.

These filters demonstrate the way in which the mass media is constrained by government and corporate power, but this is not to say that media companies do not have considerable power themselves. Andrew Mullen and Jeffery Klaehn point out that, in the 2002 edition of *Manufacturing Consent*, Herman and Chomsky address the changes in the media landscape that have occurred since its original publication, observing that media ownership has consolidated to the point at which Americans now receive their news from a mere "two-dozen" companies.[286] They also argue that large media corporations have successfully pressured governments to relax ownership laws and, as a result, have become increasing global entities.[287] Herman and Chomsky thus recognise that while powerful government and corporate elites constrain the media, the largest entities now have considerable power to pressure the government to serve their interests.

Herman and Chomsky consider the way that the news is filtered; why it is, in other words, that one event gets reported and another does not. If the news media is not objective, it is because it fails to criticise government and corporate power, not because they distort the stories that they do report. Herman and Chomsky state that within the constrains placed upon them, "they often are objective".[288] Their problem is not, therefore, that they skew the facts, but that "alternative bases of news choices are hardly imaginable."[289] Noah Brahm argues that

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[282] Ibid. 19.
[283] Ibid. 19.
[284] Ibid. 22.
[285] Ibid. 26.
[286] Edward S. Herman and Noam Chomsky, cited in, Andrew Mullen and Jeffery Klaehn, 'The Herman–Chomsky Propaganda Model: A Critical Approach to Analysing Mass Media Behaviour', *Sociology Compass,* 4/4 (2010), 223.
[287] Ibid. 223.
[288] Edward S. Herman and Noam Chomsky, *Manufacturing Consent: The Political Economy of the Mass Media*, 2.
[289] Ibid. 2.

Herman and Chomsky never considered alternative models, such as Barthes' work in *Mythologies*:

> Barthes continually reminds us of our own implication in these myths, as he chooses to call them (keeping in mind that myths are not merely 'lies' or 'propaganda,' but systems of belief), by virtue of our desire.[290]

Brahm argues that Herman and Chomsky see themselves as "outside" and able to objectively observe ideology. Barthes, on the other hand, sees himself as a participant. Brahm writes, "Barthes openly declares his implication in the field he reflects on and transforms."[291] While I am sympathetic with Brahm's criticism, it may be misplaced. Herman and Chomsky chose to take an empirical approach, not one based in semiology or structuralism. I agree with Brahm that myth is not mere propaganda, but a collective act, but at the same time, Herman and Chomsky provide an important empirical basis for considering the way in which governments and the mass media produce and disseminate myths. I would argue that they provide indisputable and compelling evidence that governments, corporations and the media have interests that coincide, and that these interests dictate what becomes the news. Barthes, on the other hand, offers a way of considering how what does pass through the filters becomes distorted.

The Mythology of Friend and Enemy

The myths produced by governments and the media intensify antagonisms within public discourse by normalising a given opposition, often between the morally virtuous friend or citizen and the morally corrupt enemy or outsider. The normalisation of these concepts does not mean that friend and enemy do not have a literal meaning: the friend signifies our 'fellow citizens' and the enemy may be an actual enemy in a conflict between two nations or a group otherwise considered as outsiders. For example, an Australian Government paper observes that a number of fake e-mails have been circulated throughout the country that claim that asylum seekers are given more generous social security entitlements than other Australians and even that they are being given houses for free.[292] Here we have the friend as the honest Australian welfare recipient and the enemy as the entitled illegal asylum seeker. Interestingly,

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[290] Gabriel Noah Brahm, Jr, 'Understanding Noam Chomsky: A Reconsideration', *Critical Studies in Media Communication,* 23/5 (2006), 456.

[291] Ibid. 456.

[292] Luke Buckmaster, 'Australian Government assistance to refugees: fact versus fiction' (Department of Parliamentary Services, Parliament of Australia, 2012), 1, <https://parlinfo.aph.gov.au/parlInfo/download/library/prspub/3499633/upload_binary/3499633.pdf;fileType=application/pdf>, accessed 25 Nov. 2020.

the literal meaning of friend encompasses jobseekers, a group often negatively characterised and brought into an opposition with hardworking 'Aussie battlers', in other words, blue-collar workers. The same group of actual people, jobseekers in this case, can appear very differently depending on the way in which they are appropriated in myth: as honest people getting a raw deal in one myth and dishonest people who don't really want to find work in another.

Asylum seekers are, on the one hand, the queue jumper of mythology, and on the other, actual people fleeing violence and persecution, recently from countries such as Afghanistan and Syria. As Herman and Chomsky point out, the news media are less likely cover events that will bring them into conflict with government and corporate power. Webber observes that following the September 11th attacks in 2001,

> the minister of defense's press secretary, Ross Hampton, instructed the
> defense department that there were to be no 'personalizing or humanizing
> images' of the asylum seekers.[293]

On the one hand, then, actual asylum seekers are what Herman and Chomsky refer to as "unworthy victims",[294] unworthy of coverage because they were fleeing the war in Afghanistan, one in which Australia had just become involved. On the other, their meaning is distorted rather than suppressed, and we arrive at the figure of the queue jumper, where the stories and personal histories of asylum seekers have been obliterated and replaced with the empty form of the entitled asylum seeker receiving inflated welfare payments while 'real Australians' struggle to make ends meet. The myth of the asylum seeker thus normalises the mythical concept that asylum seekers are illegal and perhaps rather more absurdly, entitled or privileged, and the mythical concept that Australians are predominantly white and Christian. Webber argues, for example, that John Howard's assertion about Australia's right to choose who enters the country displayed, "the tendency to wrap this commitment to decisive action around a definition of the nation that appeared to be exclusive in ethnic and religious terms."[295] This affirmation helped Howard to an election victory in 2001 and I would argue that he is thus a benefactor of the asylum seeker myth he helped to disseminate. Subsequent governments, media companies and other corporate entities have also aided in its dissemination for their own benefit. In 2020, the Morrison government continues to leverage

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[293] Jeremy Webber, 'National Sovereignty, Migration, and the Tenuous Hold of International Legality: The Resurfacing (and Resubmersion?) of Carl Schmitt', in Oliver Schmidtke and Saime Ozcurumez (eds.), *Of States, Rights, and Social Closure* (New York: Palgrave Macmillan, 2008), 69.
[294] Edward S. Herman and Noam Chomsky, *Manufacturing Consent: The Political Economy of the Mass Media*, 37.
[295] Jeremy Webber, 'National Sovereignty, Migration, and the Tenuous Hold of International Legality: The Resurfacing (and Resubmersion?) of Carl Schmitt', 67-68.

the public's perception that it is keeping the country safe through its tough border protection measures.

While these producers have benefitted, I would argue that consumers of the asylum seeker myth have not. Australians have nothing to gain from perceiving asylum seekers as a threat and nothing to gain from an ethnocentric consolidation of Australian identity. The normalisation of these mythical concepts means not just that the consumers of myth repeat the speech acts associated with it, but also that the myth guides their thoughts and actions. For example, it may be absurd to think that asylum seekers are bringing in foreign diseases and viruses, but if we do believe it, then it is naturally a cause for concern, and we may find ourselves staying away from people we have assumed are asylum seekers. The myth has therefore had a tangible effect on both the consumer of myth in terms of the fear they feel when they see asylum seekers, and on asylum seekers themselves, who are excluded by the myth consumer.

Conclusion

In this chapter, I have described Schmitt's political distinction and his critique of liberalism, along with Mouffe's contemporary reworking of Schmitt. Her work points out inconsistencies in Schmitt's arguments, but also draws out some valuable insights. Despite Schmitt's assertions that all other distinctions are secondary to the political distinction, until a given antagonism reaches the intensity at which the political distinction is made, that antagonism is ethical or theological or economic, which means that the way that we talk about the friend and the enemy have an effect; they make the enemy more alien and the friend more familiar. Drawing upon Barthes' work in *Mythologies,* I have argued that the friend and enemy are terms that signify a meaning in language and a concept in metalanguage. The enemy is both the person shooting at us or bombing our house and the evil enemy of myth. The friend is both the person with whom we confront the enemy and the ideal citizen of myth. The consumers of myth are those who unwittingly produce myths and the producers those that knowingly do so and who benefit from it. I have used Herman and Chomsky's propaganda model not as an analogy to Barthes' concept of myth, but rather to show how it is that governments, media and corporations act in concert to produce myths. The filtering of the news amounts to the exclusion of the enemy's literal meaning, while myth production distorts that meaning.

Chapter 4

The Myth of the War on Terror

Introduction

Since the attacks carried out by Al Qaeda on September 11th, 2001, non-state terrorism has come to be perceived as one of the greatest threats to public safety of the early 21st century. However, for those living in western liberal democracies around the world, it only presents a very modest risk when compared to many others they encounter during their daily lives. For example, in 2011 seventeen US citizens (non-combatants) were killed in terrorist attacks.[296] By contrast, 32,367 people were killed in car accidents in the same year.[297] Using the approach I described in chapter three, I contend that non-state terrorism has become the subject of a myth produced by governments and the mass media, which I will call the 'Myth of the War on Terror'. Through the myth, its consumers, the citizens of western liberal democracies, perceive an evil and crazy enemy, the 'Islamic Extremist', and they perceive themselves, their fellow citizens and their nation, as virtuous and rational 'Good Citizens'. The producers of the myth have used the Islamic Extremist to intensify public fear and alienation and the Good Citizen to intensify public unity.

Actual vs Perceived Threat

The events of September 11th, 2001, have come to define the current phenomenon of non-state terrorism. The co-ordinated series of attacks were carried out by nineteen Al Qaeda operatives, led by Khaled Sheikh Mohammed, who had originally pitched the idea to Osama Bin Laden in 1996.[298] The first of the planes hit the North Tower of the World Trade Center in New York at 8:46AM[299] and, seventeen minutes later, the second hit the South Tower.[300] Half

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[296] Office of the Director of National Intelligence, *2011 Report on Terrorism* (Washington: National Counterterrorism Center, 2011), <https://fas.org/irp/threat/nctc2011.pdf>, 17, accessed 25 Aug. 2020.
[297] National Highway Traffic Safety Administration, *Traffic Safety Facts: 2011 Data* (2011), https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/811753, 1, accessed 10 May 2017.
[298] Kevin Hillstrom, *The September 11 Terrorist Attacks* (Detroit: Omnigraphics, 2012), 57.
[299] Ibid. 66.
[300] Ibid. 68.

an hour later, a third crashed into southwest side of the Pentagon.[301] A fourth plane crashed in a field outside Shanksville, Pennsylvania, after those aboard attempted to fight back against the hijackers.[302] Just before 10:00AM, the South Tower of the World Trade Center collapsed, and half an hour later, the North Tower followed.[303] The attacks took the lives of 2996 people and injured more than 6000.[304]

The attacks demonstrated that, with meticulous planning, a non-state group could take the lives of thousands of citizens of the world's most powerful nation. However, now that almost twenty years have passed, and there have been no further attacks of the same magnitude, the September 11th attacks look more like the exception than the rule, especially when it comes to attacks in western liberal democracies. The deadliest attack of the last five years was the co-ordinated series of Islamic State shootings and bombings in Paris in 2015, which took the lives of 129 people.[305] On the contrary, in the developing world, the risk is far greater. The Sydney-based Institute for Economics & Peace, which publishes an annual report drawing on the largest dataset of terrorist incidents in the world,[306] writes that

> up to 90 per cent of all terrorist activity tend to be concentrated in the top ten
> terrorism-affected countries, none of which has been a Western state.
> Conflict-torn Iraq and Afghanistan were the two countries most heavily
> affected by terrorism in the early 21st century, followed, in different orders,
> by Syria, Nigeria, Pakistan, Somalia, and Yemen.[307]

Consider the numbers from 2018. In Afghanistan there were 1443 incidents, killing 7379 and injuring 6514,[308] while there were only 62 deaths in the whole of Western Europe.[309] Iraq, which recorded its lowest number of deaths since 2003, still recorded 1054 deaths and 1723 injuries.[310] In North America between 2002-2018, 317 were killed and 431 were injured,[311] an average of 18 deaths a year. I contend, then, that the intense fear of non-state terrorism in

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[301] Ibid. 71.
[302] Ibid. 73-74.
[303] Ibid. 74-76.
[304] Brad Plumer, 'Nine facts about terrorism in the United States since 9/11', *Washington Post,* 12 Dec. 2013, para. 11, <https://www.washingtonpost.com/news/wonk/wp/2013/09/11/nine-facts-about-terrorism-in-the-united-states-since-911/>, accessed 10 Dec. 2020.
[305] Adam Nossiter, Aurelien Breedan and Katrin Bennhold, 'Three Teams of Coordinated Attackers Carried Out Assault on Paris, Officials Say; Hollande Blames ISIS', *New York Times*, 14. Nov. 2015, para. 3, <https://www.nytimes.com/2015/11/15/world/europe/paris-terrorist-attacks.html>, accessed 13 Jan. 2021.
[306] I refer here to the Global Terrorism Database, based on data collected by the National Consortium for the Study of Terrorism and Responses to Terrorism at the University of Maryland.
[307] Institute for Economics & Peace, *Global Terrorism Index 2019* (Sydney: Institute for Economics & Peace, 2019), <https://www.visionofhumanity.org/wp-content/uploads/2020/11/GTI-2019-web.pdf>, 72, accessed 25 Aug. 2020.
[308] Ibid. 19.
[309] Ibid. 3.
[310] Ibid. 20.
[311] Ibid. 37.

western liberal democracies cannot be explained by the small number of attacks, deaths and injuries it causes.

The fear of terrorism in western liberal democracies is not the fear of non-state groups, who only present a modest risk, but the fear of the Islamic Extremist, which is conceived of as an enemy rather than a criminal. In his September 11th address, then President George W. Bush stated that the US would "make no distinction between the terrorists who committed these acts and those who harbored them."[312] The distinction places sponsor-states in the same category as non-state groups, the category of the enemy. Conceiving of terrorists as enemies in the first place signified a departure from the way that the US had previously treated terrorists. For example, the perpetrators of the 1993 bombings of the World Trade Center faced domestic courts and were criminals rather than enemies. Bush does not refer to the perpetrators of the attacks as enemies in his September 11th address, but a few days later, on September 14th, he stated: "War has been waged against us by stealth and deceit and murder."[313] Al Qaeda, then, had not perpetrated a crime, but rather, an act of war. Bush's September 11th address is also indicative of the emergence of the Good Citizen as a way of people in western liberal democracies seeing themselves, each other and their countries: "America was targeted for attack because we're the brightest beacon for freedom and opportunity in the world."[314] The country was therefore an entirely innocent victim, attacked by an enemy that could have no other reason for targeting them other than madness and hatred.

The Figure of the Enemy

In the years following the September 11th attacks, a number of Roland Barthes' post-structuralist contemporaries contended that non-state terrorism had become the subject of a myth that was now distorting its meaning. In her article, 'Terror as Thrill', Begoña Aretxaga, writes

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[312] George W. Bush, cited in, 'A Day of Terror: Bush's Remarks to the Nation on the Terrorist Attacks', *New York Times*, 12 Sept. 2001, para. 12, <https://www.nytimes.com/2001/09/12/us/a-day-of-terror-bush-s-remarks-to-the-nation-on-the-terrorist-attacks.html>, accessed 10 Dec. 2020.
[313] George W. Bush, cited in, 'Bush Remarks at Prayer Service', *Washington Post*, 14 Sept. 2020, para. 8, <https://www.washingtonpost.com/wp-srv/nation/specials/attacked/transcripts/bushtext_091401.html>, accessed 10 Dec. 2020.
[314] George W. Bush, cited in, 'A Day of Terror: Bush's Remarks to the Nation on the Terrorist Attacks', para. 7.

> The anxious scene of foreign terrorists attacking the Unites States was not
> new but was in fact in place and ready to be occupied. Fantasy constitutes a
> scenario within which real action can take place and be interpreted.[315]

Following the end of the Cold War, she argues, the US government shifted its focus from the threat of communism to that of non-state groups, such as Al Qaeda.[316] During this period, a large number of films, television shows and novels presented scenarios in which the country was attacked by terrorists, and it is through their immersion in this fantasy of popular culture that the public interprets real events, such as the September 11th attacks. Terrorism appears as a "fictional reality" in which the real and the imagined become "indistinguishable".[317] The "material culture" of terrorism, she argues, such as footage of attacks, terrorist manifestos and the like, have the ability to terrify because they are interpreted through this fictional reality.[318]

> This 'material culture'—these 'things'—has, like the fetish, the power to
> incarnate the absent presence of terrorism. Their power resides in the
> capacity to evoke a threatening presence about which we have little
> knowledge, a presence whose reality is deeply entangled in ideological and
> popular fantasy.[319]

The absent presence of terrorism is its presence to those who have no direct experience of it, in other words, the citizens of western liberal democracies. The material culture of terrorism, however, nonetheless has the power to evoke terror in this audience because it has become imbued with fantasy to the extent that it cannot be distinguished from reality. As a result of being reduced to this fictional reality, the present conflict has been reduced to a simple story of good and evil, one that belongs more to the fantasy of television drama than it does to the complex geopolitical reality of the current conflict.[320]

In his work, *The Spirit of Terrorism*, Jean Baudrillard also considers the role that language and image have played in determining the appearance of terrorism to audiences in western liberal democracies:

> The role of images is highly ambiguous. For, at the same time as they exult the
> event, they also take it hostage. They serve to multiply it to infinity and, at the

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[315] Begoña Aretxaga, 'Terror as Thrill: First Thoughts on the 'War on Terrorism'', 140.
[316] Ibid. 140.
[317] Ibid. 142.
[318] Ibid. 145.
[319] Ibid. 146.
[320] Ibid. 142.

same time, they are a diversion and a neutralization. The image consumes the event, in the sense that it absorbs it and offers it for consumption.[321]

He argues that, on the one hand, terror attacks are magnified by their visual and narrative representations, but on the other, they are diverted and neutralised by them. Images and news stories do not merely convey the actualities of an attack, they transform it into a product that can be readily consumed by the audience. For example, the audience may see violence, but nothing so visceral that it will repel them; they may hear explanations about the motivations of the attackers, but only in terms that can be easily understood. His argument here, as I suggested in the thesis introduction, mirrors one he made some years before in *The Gulf War did not take place,* where he compares the relationship between the war and the media as one in which the media plays the role of intestinal flora, something that breaks down the complex reality of war into something more readily digestible. I would suggest, then, that Baudrillard speaks of terror being held hostage in the same way that Barthes speaks of myth as "language robbery"[322] insofar as both point to the distortion of meaning that occurs when signifiers are deployed within a second order language system.

In the following sections, I examine the figure of the Islamic Extremist. I contend that audiences in western liberal democracies see the current conflict as another chapter in the age-old battle between the so-called 'East' and 'West'; a theory commonly referred to as 'the clash of civilisations'. Through this myth, the Islamic Extremist appears as a barbarian motivated by madness and hatred rather than reason. Firstly, I will examine the foundations of the clash of civilisations theory through the work of Talal Asad, who considers the historian Bernard Lewis to be its original source. Secondly, I will examine the way that Hollywood movies portray the Islamic Extremist both before and after the September 11th attacks. I contend that these either portray non-state terrorists as crazy and bloodthirsty, or as brainwashed victims. Lastly, I will examine the media coverage of Osama Bin Laden, the exemplar of the Islamic Extremist.

The Clash of Civilisations

The current conflict appears to citizens of western liberal democracies as a battle between the civilised West and the uncivilised East. The Islamic Extremist appears to be motivated by its hatred of modernity and the so-called 'western way of life'. As a result of their failure to accept

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[321] Jean Baudrillard, *The Spirit of Terrorism and Other Essays*, 27.
[322] Roland Barthes, *Mythologies*, 156.

modernity, the Islamic world is now comprised of failed states in which disadvantaged young people fall prey to extremist ideologies. The Islamic Extremist, then, appears as motivated by emotion or madness, which sets it apart from the way in which other terrorist organisations were viewed in the past, such as ethnic and nationalist separatists, who motivations made sense because they belonged to the accepted western historical narrative. Talal Asad considers the difference, for example, between groups like the PLO and those such as Al Qaeda:

> the previous violent groups in Europe were all operating within the
> framework of the nation-state and were therefore insiders; the present
> adversaries (Muslim terrorists) are outsiders.[323]

The PLO and the IRA were both separatist groups fighting for the autonomy of their territories, and these battles fall within the historical narrative of western colonisation, whereas,

> The violence of Islamic groups, on the other hand, is incomprehensible to
> many precisely because it is not embedded in a historical narrative – history in
> the 'proper' sense.[324]

As an outsider to the accepted western version of history, the motivations of the Islamic Extremist appear as incomprehensible, and therefore the result of a madness expressed in their religious zealotry and hatred of modernity. Asad claims that this view of the Islamic terrorist as brainwashed by extreme ideologies is a modern version of 'the clash of civilisations' theory forwarded by Bernard Lewis. Asad summarises the theory in the following:

> In the first, conquering phase of Islamic history – wrote Lewis – the organized
> violence called jihad was a culturally distinctive expression of Muslim
> intolerance and arrogance towards non-Muslims.[325]

According to Lewis, jihad, so-called 'holy war', is an expression of the violence inherent in Muslim culture. The period of time to which he refers is the Muslim conquest of the Iberian Peninsula, which began when the forces of the Umayyad Caliphate crossed the Strait of Gibraltar in 711AD. The conquest led to eight centuries of Islamic rule on the peninsula.[326] Between 912-976AD, the Umayyad Caliphate of Cordoba entered a golden age under the rule of Abd al-Rahman.[327] During this period, the caliphate became one of the most important cultural centres in the world. Islamic rule on the peninsula ended with the defeat of the

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[323] Talal Asad, *On Suicide Bombing* (New York: Columbia University Press, 2007), 8.
[324] Ibid. 8.
[325] Ibid. 9.
[326] Hugh Kennedy, *Muslim Spain and Portugal: A Political History of Al-Andalus* (New York: Routledge, 2014), 10-11.
[327] Ibid. 82.

Kingdom of Granada in 1491 by their Spanish and Portuguese rivals in the North.[328] Asad claims that the origins of the clash of civilisations theory emerge in the period following the victory, as it is at this point that "Islamic violence came to represent a fanatical resentment against modernity."[329]

Asad rejects the clash of civilisations theory, arguing that it relies on a misleading account of the Islamic caliphates of the period. He points out that Christians and Jews were allowed to practice their religions, take part in public life and that many cultural practices and institutions remained "largely continuous with the Christian societies it incorporated."[330] While the theory presents the histories of East and West as separate from each other, the Islamic and Christian empires had long been "intertwined through the exchange of ideas, practices, and commodities."[331] Accordingly, neither East nor West can claim sole ownership of civilisation or modernity. Asad also rejects the distinction that Lewis makes between Christian and Muslim holy war. In the West, Lewis argues, the acceptance of Enlightenment ideals meant that the concept of holy war lost favour, while in the East, the failure to embrace these ideals ensured that it remained a central tenant. Asad argues that this is not the case, observing that the Arabic adjective for 'holy' is never applied to 'war' in its classical texts.[332] Also, the absence of a central Islamic authority meant that there was never any consensus on the value of holy war. For the Christian nations of Western Europe, on other hand, the papacy provided the central authority required for the Crusades to become official policy.[333]

The clash of civilisations theory mischaracterises Muslims and ignores the fact that East and West share a common cultural heritage. Asad states, however, that the problem is not just that it ignores

> a rich history of mutual borrowings and continuous interactions among
> Christians, Jews and Muslims. It is that the very identity of a people as
> European (or Islamic) depends on the definition of a selective civilizational
> heritage of which most of the people to whom it is attributed are in fact
> almost completely ignorant.[334]

Establishing the categories of 'Westerner' and 'Easterner' requires believing in a historical narrative that is selective and misleading. However, "It is not simply that a heritage is

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[328] Ibid. 303-304.
[329] Talal Asad, *On Suicide Bombing*, 9.
[330] Ibid. 9.
[331] Ibid. 9.
[332] Ibid. 11.
[333] Ibid.11.
[334] Ibid. 10.

invariably selective; it is that the people are defined by the civilisation that is supposed to be their heritage."[335] In other words, it is not just that East and West are false categories, it is that people come to understand themselves as European or Islamic in terms of them.

The current conflict now appears to people in western liberal democracies as merely another chapter in the eternal battle between the rational and civilised West and the irrational and barbaric East. By normalising the Islamic Extremist as irrational, the myth presents their motivations as so alien that they are incomprehensible. Its irrationality serves to conceal the substantial arguments made not just by Muslims in the Middle East, but by liberal scholars. As I discussed in Chapter two, Noam Chomsky argues that the US has a long history of interfering in the sovereign affairs of other nations, including nations in the Middle East. The US and the UK, for example, orchestrated the 1953 Iranian coup in which its democratically elected president, Mohammed Mosaddegh, was removed from power.[336] In the first chapter, I argued that European colonists have also played a role: the formerly-mandated territories in the Middle East continue to have some of the poorest living conditions in the world.

Many nations in the Middle East have also been subjected to the negative consequences of globalisation and the free market. In *Jihad vs. McWorld,* Benjamin Barber writes,

> The struggle of Jihad against McWorld is not a clash of civilizations but a
> dialectical expression of tensions built into a single global civilization as it
> emerges against a backdrop of traditional ethnic and religious divisions, many
> of which are actually created by McWorld and its infotainment industries and
> technological innovations.[337]

The current conflict is the result of two antagonistic forces that have emerged from within the same global civilisation: Jihad, the term he uses for Islamic Extremism and McWorld, the term he uses for capitalist enterprises that wish to do away with government regulations and other market barriers. He claims,

> both Jihad and McWorld undermine the sovereignty of nation-states,
> dismantling the democratic institutions that have been their finest
> achievements…[338]

We have, for example, the wage race to the bottom that has occurred in many third world countries due to free-trade agreements or the oppression of cosmopolitan society in Iran that

[335] Ibid. 10.
[336] Noam Chomsky, David Barsamian, and Arthur Naiman, *How the World Works*, 20.
[337] Benjamin R. Barber, *Jihad Vs. Mcworld* (New York: Ballantine Books, 2001), xvi.
[338] Ibid. xviii.

followed the Islamic Revolution. In both cases, the forces of Jihad and McWorld erode the institutions of the nation-state, whether it is the laws that protect the rights of workers or the rights of citizens to live the way they want. Barber makes an important distinction between the views of Islamists and the views of ordinary Muslims, who he suggests, only appear to resent modernity because they have been denied many of its benefits:

> How many of these 'enemies of McWorld,' given the chance, would prefer to enjoy modernity and its blessings if they were not so often the victims of modernity's unevenly distributed costs?[339]

Barber points out many Muslims share the same desires as people in western liberal democracies: they want security, to make a decent living for themselves and their families and they want their children to receive an education. Moreover, the arguments Asad makes against the clash of civilisations theory make it clear that Muslims have played a central role in the development of modernity. There is no denying that groups such as Al Qaeda, Islamic State and the Taliban reject aspects of modernity: for example, the Taliban's rejection of the rights of women is a rejection of modern ethical principles, however, their views should not be conflated with those of moderate Muslims. The arguments made by Chomsky and Barber demonstrate that the resentment of moderate Muslims is altogether rational and based on historical evidence: many nations in the Middle East have struggled to create the conditions conducive to its peoples leading lives in which they enjoy the same level of security and human rights as their counterparts in western liberal democracies, and their inability to do so cannot be separated from the effects of European colonialism and more recent US foreign policy.

By drawing upon the clash of civilisations theory, the producers of the Myth of the War on Terror have been able to present non-state groups as an enemy that is terrifying because it is irrational or brainwashed by extremist ideology. The figure of the Islamic Extremist therefore functions to terrify myth consumers into compliance and to conceal the very real grievances of moderate Muslims who have been denied the opportunity to share in the wealth created through globalisation or the freedoms taken for granted by their western counterparts.

The Islamic Extremist in Popular Culture

As Aretxaga observes, prior to the September 11th attacks, popular culture had already introduced audiences in western liberal democracies to the Islamic Extremist. One of the most popular films of this period is *True Lies*, in which Arnold Schwarzenegger plays a government

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[339] Ibid. xvii.

agent on the trail of extremists in possession of a nuclear weapon.[340] The plot of the film *The Siege* foreshadowed some of the events of the September 11th attacks: terrorists carry out a series of bombings in New York City, culminating in a brazen attack against the headquarters of the FBI's counter-terrorism unit.[341] I argue that the concepts of the clash of civilisation myth can be seen in the movies of this period. In his analysis of Hollywood movies before and after the September 11th attacks, Jay Reid points out that Muslim or Arab terrorists are generally depicted as motivated by hatred or madness. He points out that in *True Lies*, the motivations of its chief villain, Salim Abu Aziz (played by Art Malik), remain almost entirely opaque: we are only told that he is a fanatic who "employs torture, beats women and children, and does not hesitate when killing."[342] Reid argues that we see a similar character in *Executive Decision's*[343] Nagi Hassan (played by David Suchet): a man of excessive violence who will kill even his own soldiers if they get in his way. Hassan appears in much the same way as Aziz: mentally unhinged, prone to sudden and unpredictable outbursts of violence. Reid argues that such films "imbue audiences with the belief that all Middle Eastern men are characterised by their love of violence and their involvement with terrorist activities."[344]

Reid argues that the depictions of Arab or Muslim terrorists following the September 11th attacks are more sympathetic: "Cinematic terrorists post-9/11 are not framed as willing participants, but rather innocent Muslim men caught in situations beyond their control and seduced to Islamic militancy."[345] As an example, he considers the 2005 film *Syriana*, which is set in a nameless country in the Persian Gulf.[346] In the opening scenes, he observes, a group of Pakistani oil workers lose their jobs, putting their work visas at risk. They struggle desperately to find new work to avoid being sent back to Pakistan. One of the workers, Wasim, then meets a cleric who slowly gains his trust and eventually convinces him to carry out a suicide bombing.[347] Reid argues that the film presents the Middle East "as a primal site, unable to develop or provide a comfortable living for its inhabitants".[348] Wasim, then, is portrayed as a victim of the poor conditions of life in the Middle East: he does carry out the attack, but as Reid points out, he remains unconvinced of the cleric's ideology throughout the process of indoctrination and "his demeanour is resigned rather than fanatical as he triggers the explosive."[349] The film may be, however, slightly more nuanced than Reid makes out. He does

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[340] James Cameron (dir.), *True Lies* (Universal Pictures, 1994).
[341] Edward Zwick (dir.), *The Siege* (20th Century Fox, 1998).
[342] Jay Reid, 'The Age of Sympathy', *Platform: Journal of Media and Communication,* 6/2 (2015), 99.
[343] Stuart Baird (dir.), *Executive Decision* (Warner Bros. Pictures, 1996).
[344] Jay Reid, 'The Age of Sympathy', 99.
[345] Ibid. 100.
[346] Stephen Gaghan (dir.), *Syriana* (Warner Bros. Pictures, 2005).
[347] Jay Reid, 'The Age of Sympathy', 101.
[348] Ibid. 100.
[349] Ibid. 101.

not mention, for example, that Wasim loses his job due to the merger between two US-based oil corporations, the machinations of which are also at issue throughout the film. It suggests, then, that at least part of the reason for his lack of opportunity is the result of his being subjected, as Barber pointed out above, to the negative consequences of globalisation and the free market. While the film does present these forces as part of the reason for Wasim's predicament, they are not presented as the reason for his actions. The rationale presented to Wasim by the cleric is one rendered in purely religious terms. The conflict, the cleric says at one point, is about Islam. It is such that while the film presents Wasim as subjected to the negative consequences of globalisation and market forces, it nonetheless presents him as a victim of religious fanatics, and one that, in many ways, belongs to western liberal democracy: in one scene, Wasim talks about Spiderman while playing soccer with one of his friends.

Before the events of September 11th, audiences in western liberal democracies had already been introduced to their new enemy and the madness and hatred that drives it. Following the attacks, more nuanced depictions of Islamic Extremists are presented, with terrorists being characterised as brainwashed victims rather than crazy, however, this does not make them any less frightening: by concentrating on the process of radicalisation and troubled youth, more recent films have created the appearance that moderate Muslims may be only a conversation away from becoming radicalised. Even if we have sympathy for those who do become radicalised, they are no less frightening than the 'mad Arabs' of the pre-9/11 period, and their motivations just as opaque.

Bin Laden as the Exemplar of the Islamic Extremist

Osama Bin Laden was the exemplar of the Islamic Extremist. He looked, aesthetically speaking, the way that popular culture has taught audiences that Islamic Extremists should look: Middle Eastern or Arab in appearance, with a long dark beard, frequently presented in news footage holding and discharging weapons or hiding in caves. The media rarely addressed the reasons he gave for the attacks, which are clearly outlined in his 'Letter to America', the first English translation of which appeared in 2002.[350] Instead, they focussed on turning Bin Laden into the exemplar of the crazy, hateful, Islamic Extremist. For example, 'The Most Wanted Man in the World', an article published in *Time Magazine* in the days following the September 11th attacks, begins with a by-line that suggests that Bin Laden "lives a life fired by

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[350] For example: 'Full text: Bin Laden's 'letter to America', *Guardian*, 24 Nov. 2002, <https://www.theguardian.com/world/2002/nov/24/theobserver>, accessed 29 Nov. 2017.

fury and faith" and promises to examine why he "loathes the U.S."[351] While the article does briefly consider his rationale for the attacks, such as US support for Israel, these are quickly glossed over in favour of an account of his life that paints him as a religious fanatic with a chip on his shoulder: born wealthy but not into the ruling Saudi elite, never quite managing to gain the influence he so desired.[352] An article based on an interview with one of Bin Laden's sons and published in the UK's Daily Mail, begins with the following attention-grabbing by-line: "He swapped their luxury home for a cave, killed his puppies to test his poison gas and tried to make him a suicide bomber."[353] These anecdotes present Bin Laden not only as crazy, but as a kind of psychopath who enjoys killing animals, as someone so extreme in their religious views that he would martyr his own son.

The reasons that Bin Laden provides in his 'Letter to America' are, apart from their religious overtones, not dissimilar to the arguments made by moderate Muslims and liberal scholars such as Herman and Chomsky. Bin Laden mentions the role that the US and the UK have played in Palestine,[354] the use of military power and influence to force Muslim nations to sell oil at "a paltry price",[355] UN sanctions against Iraq[356] and even the US' refusal to sign the Kyoto Protocol.[357] There is no denying, however, that some of the other reasons he provides are purely religious: for example, he mentions the immorality of the American way of life, and presumably of liberal societies around the world, on a number of occasions.[358] I would argue, then, that his motivations were complex and varied, and should not be reduced to religious zeal or madness. The myth of the clash of civilisations thus functions to conceal the rationales provided by non-state groups by presenting their actions as a result of madness and hatred.

The Figure of the Friend

The figure of the friend, which I have called the 'Good Citizen', describes how the people of western liberal democracies, the consumers of the myth, perceive themselves, each other and their countries. Against the crazy and hateful enemy, the Good Citizen appears as an innocent victim: as Bush says in his speech, which I mentioned earlier, America was not attacked due to

[351] Lisa Beyer, 'The Most Wanted Man in the World', *Time Magazine,* 24 Sept. 2001, para. 1, <http://content.time.com/time/magazine/article/0,9171,1000871,00.html>, accessed 29 Nov. 2017.

[352] Ibid. Para. 5-7.

[353] Charlotte Kemp, 'My bizarre and terrifying childhood with my father, Osama bin Laden', *Daily Mail,* 28 Oct. 2009, para. 1, <http://www.dailymail.co.uk/news/article-1223409/My-bizarre-terrifying-childhood-father-Osama-bin-Laden.html>, accessed 29 Nov. 2017.

[354] 'Full text: Bin Laden's 'letter to America', para. 8-9.

[355] Ibid. Para. 20.

[356] Ibid. Para. 22.

[357] Ibid. Para. 53.

[358] Ibid. Para. 40-41.

any wrongdoing of its own, but because it stands for the virtues of freedom and opportunity. The Good Citizen, then, is characterised by its innocence and virtue.

America's renewed sense of its own innocence has its basis in the theory of 'American exceptionalism', the idea that America is different to other nations and that it has a special role in world history. In a recent work on the subject, Hilde Restad argues that

> three important ideas have influenced the American approach to the world: of the New World being superior to the Old World; of the New World pursuing a mission from God that shall save the Old World; and of this new country rising to power yet never declining.[359]

Through the lens of American Exceptionalism, the history of US military engagements is viewed as a series of just wars waged in the name of democracy and freedom, with the archetypical case being World War II, where America rescued the democracies of Western Europe from tyranny. The Cold War was also sold as a battle for freedom, this time against the oppressive force of Communism. The War on Terror is now framed in the same terms: as a war against the forces of tyranny and oppression. At the same time, the US is not alone in conceiving of itself as exceptional or in thinking it has God on its side. As one critic points out in a review of Restad's work, "is not 'primacy by God's will' the storyline of all aspiring hegemons?"[360] Whether or not there is anything particularly exceptional about American exceptionalism, there is no doubt that the country's renewed sense of innocence is based on a very selective reading of history. I contend, then, that American Exceptionalism is nothing more than a localised version of the clash of civilisations theory. America's view of itself is just one example of the way that western liberal democracies view themselves more generally: as the inheritors of the values of the enlightenment and modernity.

In the sections below, I examine the figure of the Good Citizen. Firstly, I consider the way in which the US and its allies have used the notion of childhood to engender innocence. Secondly, I consider the backlash against the Reverend Jeremiah Wright as an example of what occurs to those who attempt to counter, contradict or undermine the myth.

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[359] Hilde Eliassen Restad, *American Exceptionalism: An Idea That Made a Nation and Remade the World* (London: Routledge, 2015), 234.

[360] Asle Toje, review of Hilde Restad, *American Exceptionalism: An Idea that Made a Nation and Remade the World*, in *International Affairs,* 91/3 (2015), 677-678.

The Innocence of a Child

The innocence of the Good Citizen is deeper and purer than the innocence that belongs to those who have not committed a crime, it is the unconditional innocence of the child. Following the September 11th attacks, Bush used the concept of family in order to evoke this innocence, referring to the victims as "moms and dads".[361] On television, Oprah interviewed the pregnant widows of the victims.[362] The question, 'why do they hate us?' Asked frequently following the attacks, assumes innocence: 'what could we possibly have done wrong?'

The use of childhood to engender innocence is not particular to the Myth of the War on Terror. In her book, *Young and Free*, Joanne Faulkner considers how the concept of childhood was used by European colonists in Australia. She argues that modernity's conception of it is "internally conflicted"[363]. On the one hand, it is considered an immaturity from which human kind must escape through the use of reason and, on the other, it becomes the symbol of the aspirations of the humanity of the Enlightenment era.[364] She observes that Kant saw a future humanity in which people were "playful and inventive, unencumbered by tradition, innocent of guile".[365] Faulkner argues that the European colonists used the modern notion of childhood to "envisage themselves at play in a new environment, engaging with curiosity and naïve acquisitiveness with its wonders".[366] By identifying with the child as naïve and unprejudiced, the European colonists experienced themselves as innocent despite the violence they perpetrated against Indigenous Australians. She argues that Australia continues to hide the violence of its colonial past and to deny the long and rich history of Indigenous Australians. The line from the Australian national anthem, from which the title of her book borrows, "Australians all let us rejoice, for we are young and free", is emblematic of the country's continued immersion in the myth of childhood innocence.[367]

The Good Citizen, like the European colonist, identifies with a similar sense of childhood innocence. In her article, 'Entertainment Wars: Television Culture after 9/11', Lynn Spigel discusses a stand-alone episode of *The West Wing*, aired shortly after the September 11th attacks, in which a group of school children on a tour in the White House find themselves stuck there due to a terrorist bomb threat.[368] At one point, she observes, a government

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[361] George W. Bush, cited in, 'A Day of Terror: Bush's Remarks to the Nation on the Terrorist Attacks', para. 3.
[362] Lynn Spigel, 'Entertainment Wars: Television Culture after 9/11', *American Quarterly,* 56/2 (2004), 246.
[363] Joanne Faulkner, *Young and Free: [Post]Colonial Ontologies of Childhood, Memory, and History in Australia* (London: Rowman & Littlefield, 2016), 2.
[364] Ibid. 2.
[365] Ibid. 2.
[366] Ibid. 24.
[367] Ibid. xi.
[368] Lynn Spigel, 'Entertainment Wars: Television Culture after 9/11', 242.

representative, Josh, gives the students a lesson in Middle Eastern politics in response to the question, "why does everybody want to kill us?"[369] Here we have the question asked, in very literal terms, with the innocence of a child. When some of the other children identify the perpetrators as Arabs and Muslims, Josh interjects, stating that it is important to distinguish between Muslims and Islamic Extremists. He also argues that some of their reasons are substantial:

> I'll tell you, right or wrong – and I think they're wrong – it's probably a good
> idea to acknowledge that they do have specific complaints... I hear them every
> day – the people we support, troops in Saudi Arabia, sanctions against Iraq,
> support for Egypt.[370]

While this might make Josh's reasoning seem very balanced, these complaints are left unexplored and, as his impromptu lesson progresses, his final analysis becomes clear: Islamic Extremists are offended by America's pluralist society. He contrasts the lives of women living under extremist regimes, who are stoned to death for trivial crimes, with the lives of women in America, who are able to become anything they want to be.[371] Spigel argues that Josh's lesson amounts to nothing more than "an ethnocentric celebration of American cultural superiority."[372]

   It was not only America's history of violence that was concealed following the attacks. Aretxaga observes that Americans responded to them with such intense patriotism that its deeply embedded and widespread racial and class divisions disappeared from view.[373] Susan Willis makes a similar argument in her article 'Old Glory'. In reference to the photo of three firefighters raising the flag on a mound of debris at the site of the World Trade Center, she states that when the New York Fire Department decided to erect a statue in its likeness, the decision was made to replace two of the three white men in the photo with one black and one Hispanic figure. Willis argues that while this decision acknowledges the contribution of non-whites serving the country, "its larger purpose is to launder the image of the flag itself and the country for which it stands", one that she argues has done, for example, "everything possible to avoid reparations for slavery."[374] This laundering also served to conceal the violence directed against those perceived as Arab or Muslim following the September 11th attacks. In his article 'Homeland Insecurities', Muneer Ahmed argues that, despite the fact that more than

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[369] 'Isaac and Ishmael', *The West Wing,* NBC, 3 Oct. 2001 [television programme].
[370] Ibid. [television programme].
[371] Ibid. [television programme].
[372] Lynn Spigel, 'Entertainment Wars: Television Culture after 9/11', 243.
[373] Begoña Aretxaga, 'Terror as Thrill: First Thoughts on the 'War on Terrorism'', 147-148.
[374] Susan Willis, 'Old Glory', *South Atlantic Quarterly,* 101/2 (2002), 376.

a thousand people were assaulted and six people were killed, the response from the government and the public to the crimes was "muted" and the media's coverage of them was highly biased: while hate crimes prior to the attacks were depicted as morally deplorable, they were now "crimes of passion" carried out by misguided patriots.[375] He observes that those who saw themselves as potential targets began to display American flags in acts of involuntary patriotism, citing a photo of a Sikh taxi driver cowering behind a dashboard plastered with them.[376] The waving of the American flag was not just a way of identifying with the country's newfound sense of innocence, but a way of protecting oneself against the violence that such innocence served to conceal.

The Case of Reverend Wright

Good Citizens believe unwaveringly in their own innocence and the innocence of their country, and part of this belief is supressing those who criticise it. As Bush made clear, there was no longer any middle ground, just friends and enemies, and thus, to doubt the virtue of the US and its people or the evil of the enemy, was to be included as an enemy. The few who did attempt to do so were attacked and suppressed by the government, the media and the public. One of these people was the Reverend Jeremiah Wright, the pastor of the Trinity United Church of Christ in Chicago. In a sermon on September 16th, just days after the September 11th attacks, he had the following to say:

> We bombed Hiroshima, we bombed Nagasaki, and we nuked far more than
> the thousands in New York and the Pentagon, and we never batted an eye...
> and now we are indignant, because the stuff we have done overseas is
> brought back into our own front yards. America's chickens are coming home
> to roost.[377]

Wright's remarks did not come to the wider public's attention until 2008, when, during the US Presidential race, they were used against Barrack Obama, a member of his congregation, in order to create a sense of guilt by association. The ploy proved damaging to Obama's campaign and saw him quickly distancing himself from Wright and eventually leaving the church.[378] Wright found himself being savaged by both Republicans and Democrats, the media

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[375] Muneer Ahmad, 'Homeland Insecurities: Racial Violence the Day after September 11', *Race/Ethnicity: Multidisciplinary Global Contexts,* 4/3 (2011), 343-344.
[376] Ibid. 346.
[377] Rev. Jeremiah Wright, 'The Day of Jerusalem's Fall', sermon in Chicago Uniting Church, 16 Sept. 2001, para. 11, <https://www.theguardian.com/commentisfree/2008/mar/27/thedayofjerusalemsfall>, accessed 29 Nov. 2017.
[378] Michael Powell, 'Following Months of Criticism, Obama Quits His Church', *New York Times,* 1 June 2008, para. 1, <https://www.nytimes.com/2008/06/01/us/politics/01obama.html>, accessed 29 Nov. 2017.

and the public. In an article from the Observer, Wright confirmed that he had received death threats and that the church had received bomb threats.[379]

Wright's many detractors claimed that his comments were unpatriotic, but there is a sense in which he is a true patriot: his comments regarding the attacks were not meant simply to upset people: on the contrary, he wished to draw attention to the danger of ignoring the reasons given by the attackers, the danger of clinging to the myth. In the same sermon from September 16th, Wright, claiming to paraphrase former US Ambassador Edward Peck's statements during a Fox News interview on September 12th, also stated,

> Violence begets violence. Hatred begets hatred, and terrorism begets
> terrorism. A white ambassador said that, y'all, not a black militant. Not a
> reverend who preaches about racism; an ambassador whose eyes are wide
> open and who's trying to get us to wake up, and move away from this
> dangerous precipice upon which we are now poised.[380]

While Wright's paraphrasing of Peck was somewhat creative and Peck's statements were less inflammatory in tone, it could be argued that the sentiment was the same. In the rather extraordinary television interview, Peck states, while footage of the towers collapsing roll in a window beside him,

> I have to tell you that one of the things in the midst of all this horror, one of
> the things that seems to be largely ignored, is the question of people looking
> carefully into the question [sic] of why do they hate us this much? At some
> point, somebody has to address that question.[381]

One of the reporters replies:

> I think you are trying to take your western values, then, your western ethics,
> and transpose it on a completely different society. Can we use our values and
> try to understand someone else's reactions to those?[382]

In response, Peck points out that it is not about the US changing its foreign policy, but rather considering the way in which people in other countries might view those policies: "We are perceived, and perhaps accurately, as being pretty anti-Muslim, pretty anti-Arab".[383] As an

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[379] Paul Harris, 'Obama Pastor: I had death threats', *Guardian,* 27 Apr. 2008, para. 3,
<https://www.theguardian.com/world/2008/apr/27/barackobama.hillaryclinton>, accessed 5 Dec. 2017.
[380] Rev. Jeremiah Wright, 'The Day of Jerusalem's Fall', para. 11-12.
[381] *Interview with Edward Peck* [video], (Fox News, 12 Sept. 2001).
<https://www.youtube.com/watch?v=jtvOGk7BvcY>, accessed 25 Nov. 2020.
[382] Ibid. [video].
[383] Ibid. [video].

example, he cites the case of Iraq, where he claims that bombing campaigns and trade embargoes have led to the perception of the US as "savagely anti-Muslim".[384] It is at this point that the reporters become hostile, continually cutting Peck off and trying to provide counter-arguments, all of which he deals with calmly and expertly. Finally, the reporters terminate the interview to the wry chuckles of a disbelieving Peck.

Benefits for the Myth Producer

The governments of western liberal democracies and the mass media have produced the Myth of the War on Terror for their own benefits. Although not directly engaged in disseminating the speech acts associated with the myth, corporations also support its production, firstly, by financing election campaigns and secondly, as my discussion of Herman and Chomsky's work in the previous chapter illustrated, by subsidising the media through advertising. Before turning to the primary issue of how the governments of western liberal democracies have benefitted, which is the subject of chapters five and six, I would like to briefly consider the benefits to the mass media and corporations.

Media corporations, as my discussion of Herman and Chomsky detailed, require access to the government in order to ensure the constant flow of newsworthy material and to ensure that policies remain favourable to them. The production of the myth therefore allows media companies to ensure that they continue to maintain good relations with government. Media companies have also benefitted from the production of the myth insofar as it has transformed non-state terror attacks from a modest threat into an existential one with the power to capture the attention of audiences around the world. Terror attacks, in other words, have become a valuable commodity to media corporations.

Corporations benefit from the expansion of the power of the politicians and parties whose elections they have sponsored, and from the increase in the reach of the media corporations they subsidise through advertising. As is the case for media corporations, corporations more generally seek to maintain close relationships with government in order to maintain favourable policy settings. Those corporations who are in the business of producing the materials required in order to conduct warfare, or those corporations in the business of private security and military contracting, also benefit from the production of myth insofar it has allowed the government to justify the wars in Afghanistan and Iraq, as I contend in the following chapter.

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[384] Ibid. [video].

Conclusion

At the outset of the chapter, I demonstrated that non-state terror attacks present a very modest risk to people in western liberal democracies. Through the Myth of the War on Terror, the threat they pose appears to myth consumers as an existential one, and myth consumers appear to themselves as virtuous and innocent targets. The Islamic Extremist, as I called it, describes the presence of the enemy as it appears to the myth consumer, a crazy and hateful enemy that despises everything about western modernity. Through the work of Talal Asad, I unpacked the highly selective version of history upon which the clash of civilisations theory relies and, through the work of Benjamin Barber, I demonstrated that the theory serves to conceal the role that the US and its allies have played in contributing to the poor living standards endured by people in countries such as Afghanistan and Iraq. The Good Citizen describes the way in which people in western liberal democracies experience themselves, their fellow citizens and their country: the virtuous and innocent victims of madness and hatred. The renewal of American innocence following the September 11th attacks, I argued, relies on a selective version of history in which the country's past military engagements are viewed as a series of just wars fought in the name of freedom and democracy. I contended that the innocence of the Good Citizen is the unconditional innocence afforded to the child. I used the work of Joanne Faulkner to demonstrate how the notion of childhood was used by America to conceal its history of violence in the same way that she argues that European colonists concealed their violence against Indigenous Australians. The treatment of the Reverend Wright, who did nothing more than attempt to counter the myth with historical facts, demonstrates the way in which those who refuse to participate in it are pilloried and ostracised by society.

Chapter 5

The Expansion of the Scope for War

Introduction

The governments of western liberal democracies have benefitted from the Myth of the War on Terror by expanding their powers and reducing the rights of their citizens. In this chapter, I contend that the myth has created the opportunity for governments to widen the scope of circumstances in which they can use military force. As I mentioned in the previous chapter, prior to 2001, the US viewed terrorism as a matter for the criminal justice system, but following the attacks, it sought to use military force. The US and its allies attempted to justify the wars in Afghanistan and Iraq as preventative wars; they would prevent the occurrence of future attacks by removing governments which they believed to be providing non-state groups with material support. Prevention is an extension of pre-emption, an important concept in just war theory. Traditional interpretations of its criteria hold that pre-emptive war is justifiable as self-defence in situations where there is credible evidence of an imminent threat. The theory of preventative war proposed by the Bush administration, however, lowered the burden of proof by allowing it to be justified on the basis of the plausibility of possible threats. I contend below that the wars in Afghanistan and Iraq cannot be justified, firstly, because they fail to fulfil the criteria of traditional just war theory and, secondly, because the Bush administration's justifications must be rejected on the basis that they amount to a license to wage war whenever it suits their agenda. I argue that Americans only accepted this expansion of their government's powers to send them into harm's way on the basis of imagined scenarios because of their immersion in the Myth of the War on Terror. Likewise, ongoing public support for the wars despite their length, human and financial costs is the result of ongoing high levels of public fear of non-state terror perpetuated by the government and the media, the myth's primary producers.

The Criteria of Just War Theory

I begin by demonstrating that the wars in Afghanistan and Iraq do not fulfil the criteria of traditional just war theory and are therefore not justified. Just war theory, which has existed for more than a millennium, attempts to establish normative principles by which the morality of wars can be judged. Over its history, it has come to inform many of the conventions binding nation states around the world. The Charter of the United Nations, for example, enshrines some of just war theory's *jus ad bellum* ('just cause') criteria, and the Geneva Convention does the same for some of the *jus in bello* ('just conduct') criteria. There are five *jus ad bellum* criteria: 1. We must have just cause. 2. We must have legitimate authority. 3. Our end must be proportionate to the means. 4. We must have a reasonable chance of success. 5. We can only use war as a last resort.

In order to keep the discussion below brief, I concede that the US and its allies did fulfil some of the criteria: firstly, they had every chance of success in Afghanistan and Iraq, neither of which could match their combined military power. However, what success looked like in relation to the wars has never been clear: while the Taliban and Saddam Hussein have been removed from power, coalition military personnel remain in both countries. I also concede that the US and its allies had the legitimate authority to wage the wars insofar as they are representative democracies. The US and the UK, the primary proponents of the coalition of nations, both sought approval from their own governments and, in the case of Afghanistan, also obtained approval from the United Nations.

Proportionality

In order to establish just cause, the benefits sought from waging war must outweigh the potential harm it will cause. I argue that the wars in Afghanistan and Iraq were not proportionate responses to the very modest threat posed by non-state terror attacks: the US and its allies sought to address the loss of three thousand lives by waging wars that, even if carefully fought, would predictably take the lives of hundreds of thousands of civilians. Virginia Held observes that the Reagan administration's war on terrorism in Central America took the lives of many more people than the terrorism it sought to address: Reagan's war killed 200,000 people and produced over a million refugees.[385] The Costs of War Project run by the Watson Institute for International and Public Affairs at Brown University estimates that the war in

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[385] Virginia Held, 'Terrorism and War', *The Journal of Ethics,* 8/1 (2004), 61.

Afghanistan has killed more than 43,000 civilians,[386] and the war in Iraq, 182,000.[387] As this loss of life was predictable, I contend that the US and its allies did not fulfil the criterion of proportionality.

Last Resort

The criterion of last resort requires that states must attempt all diplomatic avenues to resolve a conflict before going to war. The question of whether the criterion of last resort can ever be fulfilled is contestable, especially if we adhere to a strict understanding of what it implies. Michael Walzer argues that reaching a last resort requires not just attempting all possible avenues, but also attempting them more than once.[388] In the case of the wars in Afghanistan and Iraq, then, the US and its allies were required to attempt solutions through diplomacy, law enforcement and intelligence before using military force.

I will consider the wars in Afghanistan and Iraq separately here as the options in each case were different, beginning with Afghanistan. There are two main points to consider here: firstly, the possibility of imposing further sanctions against the country. In October 1999, the UN Security Council enacted Resolution 1267 in an attempt to compel the Taliban to hand over Osama Bin Laden, who had been indicted by the US. The resolution proved unsuccessful. Bush then issued a further ultimatum to the Taliban to surrender Bin Laden, which was also refused.[389] The US could therefore argue that diplomatic avenues had been exhausted. However, if we use the definition of last resort provided by Walzer, these options should have been tried repeatedly. Secondly, even if we give the US the benefit of the doubt that it had exhausted all diplomatic avenues, a question remains over whether they could have apprehended Al Qaeda operatives through other means. The fact that a small team of Navy SEALS killed Osama Bin Laden during a joint military-CIA operation[390] suggests not just that this was a possibility, but also that such measures are more effective than waging full-scale war against what amounts to a guerrilla army. Evidence now suggests that Al Qaeda operatives fled

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[386] 'Afghan Civilians', *Watson Institute for International and Public Affairs* [website], (2020), https://watson.brown.edu/costsofwar/costs/human/civilians/afghan, para. 5, accessed 30 Apr. 2020.
[387] 'Iraqi Civilians', *Watson Institute for International and Public Affairs,* [website], (2018), https://watson.brown.edu/costsofwar/costs/human/civilians/iraqi, para. 1, accessed 30 Apr. 2020.
[388] Michael Walzer, *Arguing About War*, 53.
[389] 'Taliban Again Refuses to Turn Over bin Laden', *New York Times*, 2 Oct. 2001, para. 1, <https://www.nytimes.com/2001/10/02/international/taliban-again-refuses-to-turn-over-bin-laden.html>, accessed 11 Jan. 2021.
[390] Peter Baker, Helene Cooper and Mark Mazzetti, 'Bin Laden is Dead, Obama says', *New York Times*, 2 May 2011, para. 11, <https://www.nytimes.com/2011/05/02/world/asia/osama-bin-laden-is-killed.html>, accessed 14 Dec. 2020.

over the border into Pakistan's Federally Administered Tribal Areas following the coalition invasion.[391]

I argue that the US and its allies also failed to fulfil the criterion when prosecuting the case for the Iraq War. In his assessment of the Iraq War, Craig M. White argues that there was no evidence to suggest that diplomatic efforts were not working. He argues, firstly, that Iraq's compliance with UN weapons inspectors in the months leading up to the war was "very good" and, secondly, that inspectors had never found any evidence of Iraq's failure to comply with UN Resolution 687 to rid itself of all weapons of mass destruction.[392] White concludes that, in the absence of any credible evidence of an imminent threat, there was no reason the US and its allies could not have continued to resolve the standoff through diplomacy.[393] The presence of these working diplomatic solutions makes it impossible to argue that they had reached a last resort.

Just Cause

States must have morally sound reasons to wage war. Simply desiring, for example, to expand territory, power or influence are not just causes for waging war. The most common justification is self-defence: if our country is being invaded by another, then we have just cause to wage war to defend ourselves.[394] As I mentioned above, pre-emptive war is considered self-defence. For example, if state A sees state B amassing its military on its borders, then state A can justifiably strike first if it is advantageous. What constitutes justifiable grounds for pre-emption, however, is not always so clear. What if, for example, state B has not amassed its forces, but made acquisitions of new military hardware and implemented conscription? Walzer argues that in order to justify pre-emption, state A would have to demonstrate, firstly, that state B intents to injure state A, secondly, that it is actively preparing to do so and, thirdly, that doing anything other than fighting will exacerbate the threat.[395]

I will again address the cases separately here, beginning with Afghanistan. While Al Qaeda, to which Afghanistan provided material support, had stated its intention to harm the US and its allies, there was no evidence of any future attacks. Moreover, the US and its allies did not demonstrate that doing anything other than waging war would increase the threat. In the

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[391] Rohan Gunaratna and Anders Nielsen, 'Al Qaeda in the Tribal Areas of Pakistan and Beyond', *Studies in Conflict & Terrorism,* 31/9 (2008), 775.

[392] Craig M. White, *Iraq: The Moral Reckoning: Applying Just War Theory to the 2003 War Decision* (Lanham, MD: Lexington Books, 2010), 163.

[393] Ibid. 163.

[394] Such a war of self-defence would still have to fulfil the other criteria as well.

[395] Michael Walzer, *Just and Unjust Wars: A Moral Argument with Historical Illustrations*, 81.

three weeks between the September 11th attacks and the declaration of war, there were no further attacks and no evidence of any specific threats. I contend that the US and its allies had nothing to lose by waiting until evidence of specific threats arose, at which point they may have been able to justify pre-emption.

The Iraq War cannot be justified in pre-emptive terms either. Iraq had not stated its intention to harm the US and its allies. The only evidence of any intent or planning was a dossier published by the British, which claimed that Iraq was attempting to purchase uranium from Niger and that the country was able to deploy weapons of mass destruction ('WMD') within 45 minutes of the order being given. Even before it was found that the documents relating to the uranium purchase were forgeries[396] and the WMD claim was discredited,[397] the UN rejected the evidence as not substantial enough to prove that Iraq posed an imminent threat.[398]

Failing the Criteria

In summary, the wars in Afghanistan and Iraq cannot be justified in terms of traditional and widely accepted interpretations of just war theory. The US and its allies may have had, firstly, every chance of success and, secondly, the legitimate authority, but they fail to fulfil the other three criteria. Firstly, responding to the modest threat of non-state terror attacks through wars that would predictably take the lives of hundreds of thousands of people is not proportionate. Secondly, the US and its allies cannot claim to have reached a last resort in either case: diplomatic measures to nullify the threat posed by Iraq were working well and while the US and its allies attempted diplomacy before resorting to military force in Afghanistan, there remained more diplomatic options, as well as the option of joint military/intelligence operations of the type that were actually implemented to locate and kill Osama Bin Laden. Thirdly, the US and its allies did not have just cause in either case as they did not fulfil the burden of proof in terms of establishing that either country posed a clear and imminent threat. Given that they do not fulfil all the criteria, the cases for the wars in Afghanistan and Iraq must be rejected.

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[396] Seymour M. Hersh, 'Who Lied to Whom?', *New Yorker,* 79/6 (2003), 42.

[397] Vikram Dodd et al, '45-minute claim on Iraq was hearsay', *Guardian*, 26 Aug. 2003, para. 1, <https://www.theguardian.com/politics/2003/aug/16/davidkelly.iraq>, accessed 30 Apr. 2020.

[398] Saki Ruth Dockrill, 'Dealing with Fear: Implementing the Bush Doctrine of Preemptive Attack', *Politics & Policy,* 34/2 (2006), 359.

Prevention

Now that I have demonstrated that the cases for both wars fail to fulfil the criteria of traditional just war theory, I will demonstrate that they must be rejected in terms of the new theory of prevention created by the Bush administration. Pre-emptive and preventative wars are both forms of what Michael Walzer calls "anticipation".[399] As I discussed above, he argues that pre-emptive war is justified if, firstly, there is evidence of intent, secondly, planning towards that intent and, thirdly, that doing anything other than fighting will exacerbate the threat. Unlike pre-emptive war, preventative war is fought to prevent threats from materialising in the first place. Walzer argues that most preventative wars must be rejected on the basis that they do not confront threats, but rather the possibility of threats emerging, or as Walzer puts it, they "look to the past and future" rather than focusing on the present moment.[400] Preventative wars, in other words, rely on predictions, on what might happen in the future based on what has happened in the past. In the revised version of his work *Arguing about War*, published in 2004, Walzer does, however, argue that the war in Afghanistan was justified as prevention:

> Assuming that we correctly identified the terrorist network responsible for
> the September 11 attacks and that the Taliban government was in fact its
> patron and protector, the war in Afghanistan is certainly a just one. The point
> of the war is prevention above all: to destroy the network and stop the
> preparation of future attacks.[401]

His views here are a significant departure from his views on prevention in *Just and Unjust Wars*. The future attacks that America sought to prevent were not specific threats that belonged to the present, but rather the very kind of imagined future threats he argues cannot be justifiable grounds for anticipatory war. In the absence of any such specific threats, I contend, as I did above, that the US and its allies could have waited until such credible evidence was available. Walzer's subsequent rejection of the war in Iraq seems inconsistent considering his support for the war in Afghanistan: Iraq had previously threatened the US, they had been enemies during the Gulf War and the British supplied evidence of planning. If all that is required to justify anticipatory war is evidence of possible future attacks, why not allow it in Iraq as well? The fact that the evidence was later found to be almost entirely bogus, I would

[399] Michael Walzer, *Just and Unjust Wars: A Moral Argument with Historical Illustrations*, 74.
[400] Ibid. 81.
[401] Michael Walzer, *Arguing About War*, 137.

argue, demonstrates the risk of allowing war to be justified in terms of possibilities rather than actualities.

The Bush administration made the case for preventative war in much the same way as Walzer does in the revised edition of *Arguing about War*: it relies on the plausibility of possible scenarios rather than credible evidence of specific threats. I contend that while the wars can be justified in terms of the Bush administration's new theory of prevention, this theory should be rejected on the basis that it turns just war theory into nothing more than a license for governments to wage war wherever and whenever it is deemed necessary. In her article 'Future's Shock', Annie McClanahan argues that the Bush administration's approach to preventative war draws upon the concept of scenario thinking first developed by the military in the late 1950's and early 1960's.[402] Scenario thinking considers the likelihood of a given event occurring by considering different ways in which it could occur and assessing their plausibility. McClanahan observes that scenario thinking became popular as it responded to a world that was viewed as increasingly uncertain. She writes that one of its early pioneers, Louis Kahn, proclaimed that scenario thinking allowed strategists to "think the unthinkable" in situations in which quantitative analysis was difficult.[403] For example, faced with geopolitical uncertainties, Shell used scenario thinking in the 1970's to examine the future viability of the oil industry.[404] The success of Shell led to an increase in the use of scenario thinking in the corporate world in the 1980's and 1990's. By this stage, she argues, corporate futurists had almost completely disposed of statistical modelling in favour of an approach that was almost entirely scenario driven.[405]

McClanahan argues that the September 11th attacks allowed the Bush administration to use scenario thinking to make the case for preventative war in Afghanistan and Iraq: it argued that the new era of uncertainty that began with the attacks meant that any plausible scenario must now be considered as an imminent threat. She observes that then-Deputy Secretary of Defence, Paul Wolfowitz, suggested that what it meant for an attack to be imminent must be redefined: because terror attacks can occur anywhere, anytime, all plausible scenarios of attack must be considered as an imminent threat.[406] McClanahan argues that, by defining imminence in terms of plausible scenarios rather than credible evidence, the administration

[402] Annie Mcclanahan, 'Future's Shock: Plausibility, Preemption, and the Fiction of 9/11', *Symploke,* 17/1 (2010), 44.
[403] Louis Kahn, cited in, ibid. 44.
[404] Ibid. 45.
[405] Ibid. 45.
[406] Ibid. 50.

crafts a future that exists as nothing but abstract opportunity: preemption
aims to 'seize' the 'moment' in which we imagine the distant future as a [sic]
whatever we want in the present.[407]

She argues that the Bush administration was not using scenario thinking to predict what might
happen in the future but rather to imagine scenarios that suited them and then present them
as plausible. The US could now wage war wherever and whenever it liked: all it had to do was
demonstrate how a desired scenario was plausible and it had the grounds to fulfil not only the
criterion of just cause, but the other criteria it could not otherwise fulfil as well. As I discussed
above, the US and its allies demonstrated both the legitimate authority to wage war and that
they had every chance of success against their much weaker opponents, but did not fulfil the
other criteria. However, if the just cause criterion is fulfilled, then the criterion of last resort is
also fulfilled by default, as all wars of anticipatory self-defence are, by their nature, a last
resort. The criterion of proportionality also becomes easier to fulfil as plausible scenarios can
present threats as being so great that almost any measure becomes proportionate.

I conclude, then, that replacing the requirement of providing credible evidence of specific
threats with evidence of the plausibility of a given imagined scenario turns anticipatory
warfare into a license for the US and its allies to wage war whenever it is deemed necessary.
The wars in Afghanistan and Iraq, indeed all warfare justified in these terms, should therefore
be rejected.

Public Support and the Myth

Neither traditional just war theory, nor the theory of prevention used by the Bush
administration, can justify the wars in Afghanistan and Iraq, and yet, high levels of public
support in the US demonstrate that Americans nonetheless perceived them as justified. I will
now contend that such levels of public support can only be explained by the immersion of the
US public in the Myth of the War on Terror. Were it not for the heightened fears and anxieties
induced by the Islamic Extremist and the renewed sense of innocence of the Good Citizen, the
modest threat of non-state terror would not be sufficient to account for how readily
Americans supported the wars, especially given the lack of credible evidence of specific threats
and the expansion of government power that they represent.

Public support for the wars in Afghanistan and Iraq was initially very high. A poll conducted
by Gallup in October 2001 found that 80% of Americans were initially in favour of the

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[407] Ibid. 51-52.

deployment of ground forces in Afghanistan.[408] Public support has declined over the years, but still remains substantial. In 2006, Pew Research Center found that 69% still believed that the initial decision to use military force in Afghanistan was the right decision and only 20% the wrong decision.[409] Gallup found that public support reached a low point in 2014, with only 48% of Americans responding that the war was not a mistake.[410] More recent findings actually suggest a slight increase in support for the war, with 54% responding it was not a mistake in 2015, and 52% in 2019.[411] Initial support for the war in Iraq was not quite as high as in the case of Afghanistan. A few days after the beginning of the war in March 2003, Pew found that 71% of Americans believed that the US had made the right decision to invade.[412] Support for the War in Iraq dropped more quickly than in the case of Afghanistan, with only 55% responding it was the right decision just one year after the war began.[413] However, since then, this number has changed only slightly to 43% in 2018.[414]

I argue that while public support for the wars has decreased, it remains high when we consider, firstly, the length of the conflicts, secondly, the human and financial costs, and thirdly, public perceptions of their failings. After almost twenty years, the war in Afghanistan continues. Troops continue to be present in Iraq to combat the insurgency that began there following the invasion seventeen years ago. The Costs of War Project found that from 2001 until 2019, more than 7000 US military personnel and 8000 private contractors were killed in Afghanistan and Iraq.[415] Its findings in relation to the number of injuries is also disturbing: as a result of the use of military force in all conflicts since 2001, 1.7 million US military personnel have registered for disability benefits.[416] As of 2020, the project has also calculated the

[408] David W. Moore, 'Eight of 10 Americans Support Ground War in Afghanistan', *Gallup* [website], (1 Nov. 2001), <https://news.gallup.com/poll/5029/eight-americans-support-ground-war-afghanistan.aspx>, para. 1, accessed 15 Dec. 2020.

[409] J. Baxter Oliphant, 'After 17 years of war in Afghanistan, more say U.S. has failed than succeeded in achieving its goals', *Pew Research Center* [website], (5 Oct. 2018), <https://www.pewresearch.org/fact-tank/2018/10/05/after-17-years-of-war-in-afghanistan-more-say-u-s-has-failed-than-succeeded-in-achieving-its-goals/>, para. 6, accessed 15 Dec. 2020.

[410] 'More Americans Now View Afghanistan War as a Mistake', *Gallup* [website], (19 Feb. 2014), <https://news.gallup.com/poll/167471/americans-view-afghanistan-war-mistake.aspx>, [graph 'Looking back, do you think the United States made a mistake sending troops to fight in Afghanistan in 2001?'], accessed 15 Dec. 2020.

[411] R.J. Reinhart, 'U.S. Views Mixed on War in Afghanistan', *Gallup* [website], (11 Sept. 2019), <https://news.gallup.com/poll/266546/views-mixed-war-afghanistan.aspx>, [graph 'Americans' views on the War in Afghanistan'], accessed 15 Dec. 2020.

[412] J. Baxter Oliphant, 'The Iraq War continues to divide the U.S. public, 15 years after it began', *Pew Research Center* [website], (19 Mar. 2018), <https://www.pewresearch.org/fact-tank/2018/03/19/iraq-war-continues-to-divide-u-s-public-15-years-after-it-began/>, para. 3, accessed 28 Apr. 2020.

[413] Ibid. Para. 4.

[414] Ibid. [graph 'Views of U.S. military force in Iraq: 2003-2018'].

[415] 'US and Allied Killed and Wounded', *Watson Institute for International and Public Affairs* [website], (2020), <https://watson.brown.edu/costsofwar/costs/human/military>, para. 4, accessed 30 Apr. 2020.

[416] Ibid. Para. 5.

economic cost of the conflicts as 6.4 trillion US dollars.[417] As a result of the length of the wars and their human and financial cost, an increasing number of Americans believe that they are failing to achieve their goals. Pew found that while the majority of Americans were initially hopeful of success in Afghanistan, by 2018, only 35% believed that the war had mostly succeeded in achieving its aims, with a further 16% unsure whether it had or not.[418] Current perceptions of success in the Iraq War are similar. In 2018, Pew found that only 39% of Americans believed that it had achieved its aims.[419]

I contend that Americans continue to support the wars due to their immersion in the Myth of the War on Terror. Gallup found that, shortly after the September 11th attacks, 85% of Americans believed that a terror attack would occur in the next few weeks[420] and 58-59% responded that they were worried about themselves or a family member becoming a victim.[421] While levels of fear have decreased over time, they remain substantial. In 2011, ten years after the September 11th attacks, 36% stated that they were worried about their own safety and that of family members, a fall from 42% in 2010.[422] Gallup even suggests that levels of anxiety about terror attacks have increased in recent years, with 51% responding that they were worried about their own safety and that of family members in 2015 and 46% in 2019.[423] Fears of attack, then, have remained high despite the fact that terror attacks are, as I demonstrated in the last chapter, a very modest risk to public safety in western liberal democracies. Gallup's findings suggest, for example, that levels of concern about terror attacks are about the same as they are for mass shootings,[424] which account for a much higher number of deaths annually. In a recent article, the Washington Post calculated that, "Four or more people have been killed in a mass shooting every 47 days, on average, since June 17, 2015."[425]

I contend that the immersion of Americans in the Myth of the War on Terror is the reason that, firstly, they accepted the justifications for the wars and the expansion of their

[417] 'Economic Costs', *Institute for International and Public Affairs* [website], (2020), <https://watson.brown.edu/costsofwar/costs/economic>, para. 1, accessed 15 Dec. 2020.
[418] Baxter J. Oliphant, 'After 17 years of war in Afghanistan, more say U.S. has failed than succeeded in achieving its goals', para. 1.
[419] Baxter J. Oliphant, 'The Iraq War continues to divide the U.S. public, 15 years after it began', para. 7.
[420] Lydia Saad, 'Americans' Fear of Terrorism in U.S. Is Near Low Point', *Gallup* [website], (2 Sept. 2011), <https://news.gallup.com/poll/149315/americans-fear-terrorism-near-low-point.aspx>, [graph 'Perceived Likelihood of Terrorism in the U.S.'], accessed 15 Dec. 2020.
[421] Ibid. Para. 4.
[422] Ibid. [graph 'Worry About Self or Family Member Being a Victim of Terrorism'].
[423] Megan Brenan, 'Americans Equally Worried About Mass Shooting and Terrorism', *Gallup* [website] (11 Oct. 2019), <https://news.gallup.com/poll/267383/americans-equally-worried-mass-shooting-terrorism.aspx>, para. 2-3, accessed 28 Apr. 2020.
[424] Ibid. [table].
[425] Bonnie Berkowitz et al, 'More and deadlier: Mass shooting trends in America', *Washington Post,* 5 Aug. 2019, para. 2, <https://www.washingtonpost.com/nation/2019/08/05/more-deadlier-mass-shooting-trends-america/?arc404=true>, accessed 28 Apr. 2020.

government's powers, and, secondly, they continued to accept making these sacrifices despite the extraordinary human and financial costs of the wars. Americans did not make these sacrifices due to the modest threat non-state terror attacks represent, but because they were motivated as Good Citizens responding to the existential threat of the Islamic Extremist.

Firstly, while anticipatory war cannot be justified on the basis of imagined scenarios, Americans were willing to accept the wars as justified because they had already become accustomed to the idea that imagined scenarios can become real. As I mentioned in chapter four, the Myth of the War on Terror was already being produced prior to the September 11th attacks in the form of movies and television shows that presented terrifying Islamic Extremists confronting virtuous Good Citizens. Thus, the idea that plausible but imagined scenarios could be grounds for justifying war makes sense in terms of the figures presented through the myth, and also grounds for sacrificing some of their rights as individuals to the state, which now had the power to send its citizens into harm's way based on these imagined scenarios.

Secondly, the continued acceptance of the wars despite the costs is, like the acceptance of the expansion of government powers, another sacrifice that the Good Citizen must make. Despite the fact that there have been very few attacks in the US, the Good Citizen continues to believe that an attack could occur at any moment and therefore sees any and all costs as justified. Over the years, the news media frenzy that follows attacks in western liberal democracies has ensured that public fears have remained elevated. Pew Research Center found that news coverage between 2002-2005 showed a 135% increase in coverage of terrorism compared to the period between 1997-2000, a 102% increase in coverage of foreign policy and a 69% increase in coverage of armed conflicts.[426] The result is that, while attacks in western liberal democracies continue to be rare and comparatively less deadly than those occurring elsewhere, when they do occur, they lead to rapid surges in the level of public fear. For example, Gallup found that following the attacks in Paris and San Bernardino in 2015, 16% responded that terrorism was the most important issue for government compared to 3% in the months before.[427] The occasional occurrence of attacks in western liberal democracies provides myth producers with the basis to continue propagating the myth and to ensure that Americans continue to perceive a modest threat as an existential one.

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[426] 'How 9-11 Changed the Evening News', *Pew Research Center* [website], (11 Sept. 2006), <https://www.journalism.org/2006/09/11/how-9-11-changed-the-evening-news/>, para. 5, accessed 15 Dec. 2020.
[427] Rebecca Riffkin, 'Americans Name Terrorism as No. 1 U.S. Problem', *Gallup* [website], (14 Dec. 2015), <https://news.gallup.com/poll/187655/americans-name-terrorism-no-problem.aspx>, para. 1, accessed 15 Dec. 2020.

Conclusion

At the beginning of this chapter, I demonstrated that the wars in Afghanistan and Iraq cannot be justified in terms of traditional just war theory as pre-emption or in terms of the interpretation of prevention offered by the Bush administration. Firstly, while the cases for both wars do fulfil some of the criteria of traditional just war theory, they do not fulfil the criteria of proportionality, last resort or just cause. The cases must also be rejected in terms of the theory of prevention used by the Bush administration: replacing the need to present credible evidence of an imminent threat with evidence of the plausibility of imagined scenarios turns just war theory into a license to wage war whenever it is deemed necessary. Americans' acceptance of this expansion of government power over their lives and their acceptance of the human and financial costs of the wars can only be explained by their immersion in the Myth of the War on Terror. I demonstrated that the public's fear of terrorism, while diminishing from the level seen in 2001, remains high despite the fact that non-state terror attacks have proved to be only a modest threat in the years since. The media frenzy that surrounds the few attacks that do occur in western liberal democracies ensures that levels of public fear remain elevated. The justification of the cases for the wars in Afghanistan and Iraq made intrinsic sense to myth consumers who were already accustomed to imagining plausible scenarios of attack through their immersion in the myth. The climate of constant, lingering danger has ensured that Americans, as Good Citizens, continue to make enormous sacrifices in order to respond to something they continue to see as an existential threat.

Chapter 6

The Erosion of Individual Rights

Introduction

In chapter five, I argued that Americans only consented to their government expanding its power over their lives because of their immersion in the Myth of the War on Terror. In this chapter, I contend that they also allowed their government to expand its powers of surveillance, interrogation and detention at the cost of their individual rights. In the first section, I examine the USA PATRIOT Act,[428] which expanded the circumstances in which the government can intercept electronic communications and search and seize property without providing notice. In the second section, I examine the use of the category of the unlawful combatant, which expands the government's power to detain and try suspects by denying them the rights of either prisoners of war or criminal suspects. In the third section, I examine the practice of extraordinary rendition, an extrajudicial process used, firstly, to detain suspects in countries with which the US has no formal extradition treaties and, secondly, to evade domestic laws pertaining to the use of torture. I contend throughout the chapter that the Good Citizen consents to these measures because, firstly, it is so virtuous that it would never do anything to become subject to them, secondly, it views the Islamic Extremist as something so alien that it does not deserve human rights and, thirdly, because the measures are sacrifices that must be made to confront the existential threat posed by the Islamic Extremist.

The USA PATRIOT Act

Following the September 11th attacks, Americans consented to their government increasing its powers of surveillance. On October 26, 2001, the USA PATRIOT Act was enacted by the 107th US Congress with 98 votes in favour and only one opposed, having only passed the House of Representatives two days prior. Russ Feingold, the only Senator who voted against the Bill,

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[428] USA PATRIOT Act is an acronym standing for, 'Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act'. It will be referred to as the USA PATRIOT Act throughout the chapter.

argued that it did not, "strike the right balance between empowering law enforcement and protecting civil liberties."[429] Two of the most controversial sections of the Bill were sections 213 and 215, which, critics argue, undermine the Fourth Amendment right to privacy under the US Constitution.

In an article for *Law and Philosophy*, Alan Rubel points out that under the Fourth Amendment, US citizens have the right not to be subjected to unreasonable searches or seizures of their property. In order for a search to be reasonable, a warrant based on probable cause must be provided to the owner.[430] In normal circumstances, the warrant must be given to the owner prior to execution, but there are some scenarios in which this notice may be delayed, such as if law enforcement officers have reason to believe that evidence may be destroyed if they do. If the owner is not at the premises at the time of the search, then notice must be provided that the search took place. Notice must also be provided if any property is seized.[431] Rubel states that section 213 allows law enforcement officers to indefinitely delay the issuing of a warrant to search or seize property if they can demonstrate that doing so will adversely affect their investigation.[432] He also points out that there is considerable disagreement between the government and privacy advocates about section 213: the US Department of Justice argues that delayed-notice searches are already established in case law and thus section 213 does not allow law enforcement agents any powers they did not already have.[433] Privacy advocates argue that, firstly, section 213 expands the circumstances in which the notice of warrants can be delayed, secondly, it extends indefinitely the length of time for which warrants can be issued and, thirdly, that it allows for greater seizure of property and electronic communications.[434] Rubel agrees with the Department of Justice: section 213 does not change the circumstances in which warrants can be issued, nor does it change the nature of what can be seized during a search, however, he does argue that it both makes it more difficult for the owner to know if their property has been searched and more likely that it will be searched without their knowledge.[435]

Section 215 amends the Federal Intelligence Surveillance Act (FISA), which established a special court in order to hear FBI requests for subpoenas and warrants relating to foreign

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[429] Russ Feingold, 'Statement of U.S. Senator Russ Feingold on the Anti-Terrorism Bill', Speech in the US Senate, 25 Oct. 2001, <https://epic.org/privacy/terrorism/usapatriot/feingold.html>, para. 34, accessed 15 Dec. 2020.
[430] Alan Rubel, 'Privacy and the USA Patriot Act: Rights, and Value of Right, and Autonomy', *Law and Philosophy,* 26/2 (2007), 120.
[431] Ibid. 121.
[432] Ibid. 121.
[433] Ibid. 122.
[434] Ibid. 122-123.
[435] Ibid. 124-125.

intelligence investigations.[436] The changes made to FISA mean that the court is obliged to grant subpoenas and warrants if the FBI can demonstrate that they pertain to terrorism related offenses. Rubel argues that, unlike section 213, section 215 does expand the circumstances in which the FBI can access private information, and it does so in three ways: firstly, it expands the subject of searches from persons linked to foreign powers to anyone regardless of affiliation, secondly, it lowers the burden of proof such that the subject need not be suspected, but merely relevant to an inquiry and, thirdly, it expands the circumstances in which the FBI can collect information to include those normally protected by the First Amendment.[437]

Rubel's criticisms of the amendments to sections 213 and 215 are not so much that they impinge upon the right to privacy, but rather that they undermine the value of the right to privacy.[438] In order to illustrate the point, he considers the difference between the right to vote and its value by imagining a scenario in which there are no obstacles against voting but where there is no information available about the candidates – we can vote, but its value is undermined by the fact that we don't know who we are voting for.[439] Rubel rejects instrumental accounts of the value of privacy, which hold that it has value because it allows us to maintain intimate relationships and protect ourselves from possible ridicule.[440] The problem is that "the instrumental benefits… only obtain where people actually believe that they have privacy, regardless of whether or not they actually have it."[441] Rubel's own account of the value of privacy seeks to address this problem: "One's privacy with respect to information has value only to the extent that one has warranted confidence that others will not access one's information."[442] His account centres on the concept of autonomy and its importance to us. He argues that autonomy, "at least requires that one be able to make decisions that comport with one's values, goals, and desires."[443] Privacy is important to our ability to make autonomous decisions because not knowing whether or not our private information is being accessed has an effect on the way that we behave. Sections 213 and 215 devalue the right to privacy because they affect our ability to make autonomous decisions: if we are unsure whether our homes have been searched or our library records accessed, then we are deprived of the ability to act autonomously.

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[436] Ibid. 125.
[437] Ibid. 126.
[438] Ibid. 134.
[439] Ibid. 136.
[440] Ibid. 147-148.
[441] Ibid. 148.
[442] Ibid.149-150.
[443] Ibid. 152.

The distinction that Rubel makes between the right to privacy and the value of that right is an important one. The measures allowed by the USA PATRIOT Act mean that, even if American citizens are not subject to them, their privacy has been devalued because it warrants doubt about whether their information can be accessed by others. Despite the way in which the Act has devalued their privacy, many Americans remain unconcerned about government surveillance. In 2015, Pew Research Center conducted a survey in which only 17% of Americans stated that they were "very concerned" about the government's surveillance of their data and electronic communications, while 35% stated they were "concerned".[444] Just under half the respondents stated that that they were either "not very concerned" or "not at all concerned".[445] The most common reasons the respondents offered for their lack of concern was, firstly, they "have nothing to hide"[446] and, secondly, that the measures were required in order to address terrorism.[447] The first response is the result of a failure to understand the value of privacy; it assumes that it only has value if we have something to hide from the government and ignores the extent to which it helps us, as Rubel suggests above, maintain intimate relationships and protect ourselves from possible ridicule. The second response indicates that there are some who value their privacy but believe that sacrificing it will make them safer.

These responses, I contend, demonstrate that the American public accepted the government's increased powers of surveillance because of its immersion in the Myth of the War on Terror. Firstly, through the myth, Americans perceived themselves as Good Citizens who consent to being watched because they are virtuous patriots who have nothing to hide. As I argued in chapter four, the innocence of the Good Citizen allows Americans to ignore the violent history of their country's military engagements and its endemic racial and social divisions. The newfound virtue of the Good Citizen, its sense of itself as a law-abiding patriot, means that it will never do anything to become subject to suspicion and, moreover, that it perceives anybody concerned about their privacy as someone who has something to hide. Secondly, the existential threat posed by the Islamic Extremist means that the Good Citizen is willing to make sacrifices. In the same way that the Good Citizen accepts the cost of the wars in Afghanistan and Iraq, it accepts its government's new surveillance measures as a necessary evil required to eliminate the threat of terrorism.

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[444] Lee Rainie and Mary Madden, 'Americans' Views on Government Surveillance Programs', *Pew Research Center* [website], (16 Mar. 2015), <http://www.pewinternet.org/2015/03/16/americans-views-on-government-surveillance-programs/>, para. 4, accessed 29 Nov. 2017.
[445] 33% responded that they were 'not very concerned' and 13% responded 'not at all concerned'. Ibid. Para. 4.
[446] Ibid. Para. 18-21.
[447] Ibid. Para. 22-22.

Unlawful Combatants

The US government expanded its powers of detention through the use of the category of the so-called 'unlawful combatant'. Prior to the September 11th attacks, terror suspects had certain rights under domestic law and prisoners of war had rights under the various conventions of war. After the attacks, however, the Bush administration argued that if non-state groups did not fight within the limits prescribed by the conventions, they should not be afforded its protections, nor those afforded to criminal suspects under the law. Unlawful combatants can be held for an indefinite period of time without being charged and are tried via military tribunals rather than US courts.

In her article, 'Combatants – Lawful and Unlawful', Tamar Meisels agrees with the basis of the Bush administration's arguments: those that do not fight within the limits prescribed by the various conventions on war, such as the Hague and Geneva conventions, should not be eligible for their protections.[448] The conventions hold that soldiers have the right, firstly, to refuse to answer questions beyond stating their name and rank and, secondly, on the grounds that they are presumed innocent of war crimes, they do not have any personal liability and therefore cannot be prosecuted.[449] In order to be considered as fighting lawfully, the Hague Convention states that combatants must wear uniforms and openly display their weapons so that they can be easily distinguished from non-combatants.[450] Meisels argues that unlawful combatants not only fight outside these prescribed limits, but that they "take advantage of the very code they breach."[451] By wearing civilian clothing and concealing their weapons, unlawful combatants take advantage of the principle that non-combatants cannot be justifiably targeted. Meisels does concede, however, that there may be scenarios in which it is lawful for those who are not clearly distinguishable as combatants to fight. She suggests, following the argument made by Michael Walzer, that when an uprising gains broad popular support, it becomes impossible to wage war against it, as any such war would be directed against the entire population; the people themselves rather than an army.[452] As any military action against them is unlawful, the people themselves cannot be considered as fighting unlawfully despite the fact that they may not be clearly distinguishable as combatants. Apart from popular uprisings, however, Meisels' final thesis is that unlawful combatants should not be protected by the conventions.[453] She states, however, that certain basic human rights must be afforded

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[448] Tamar Meisels, 'Combatants - Lawful and Unlawful', *Law and Philosophy,* 26/1 (2007), 32.
[449] Ibid. 35.
[450] Ibid. 35-36.
[451] Ibid. 33.
[452] Ibid. 41.
[453] Ibid. 64.

to detainees regardless of their status: they must not be subjected to physical pain, they must be adequately fed, have their medical and dental needs met, be kept in a humane environment and not subjected to indefinite detention.[454]

    While Meisels is in favour of denying unlawful combatants protections under the conventions of war, she views the US administration's use of the category as problematic. Firstly, she argues that the conditions in which suspects have been detained at the Camp X-Ray facility in Guantanamo Bay, Cuba, do not meet the basic human rights requirements she outlines.[455] Amnesty International has raised concerns, for example, regarding the treatment of detainees at Camp X-Ray, such as holding them in inhumane or degrading conditions, threats of indefinite detention and being subject to trial by military tribunal.[456] Secondly, the process authorised by George W. Bush's executive order in November 2001, which authorised the use of military tribunals to try persons believed to be members of Al Qaeda or other terrorist organisations and, also, those who have knowingly harboured members of such organisations, presumes that they have also been found to be members, which is, in turn, the very thing that the tribunals are supposed to ascertain.[457] Meisels explains that the process uses the term 'terrorism' inconsistently:

> In the first instance, the term is invoked in order to convey a certain inferior
> status on the accused, namely, that of an unprotected 'lawless combatant'.
> In the second instance, the term 'terrorism' is used to describe a list of
> prosecutable crimes - belonging to certain illegal organizations or partaking
> in the killing of civilians.[458]

The problem with the process is that it uses terrorism as grounds to deny unlawful combatants of their rights and then it uses it in relation to specific criminal allegations, i.e., belonging to a terrorist organisation and engaging in terrorism related activities. In 2006, the Supreme Court found in the case Hamdan v. Rumsfeld that the military tribunals violated Common Article Three of the Geneva Convention, which states that captured combatants must be granted protections as prisoners of war until their status can be determined by a competent tribunal.[459] Later that year, the Bush administration, which now faced the possibility of being charged with war crimes due to the verdict, passed the Military Commissions Act in order to

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[454] Ibid. 64.
[455] Ibid. 53.
[456] Manooher Mofidi and Amy E. Eckert, 'Unlawful Combatants or Prisoners of War: The Law and Politics of Labels', *Cornell International Law Journal,* 36/1 (2003), 79.
[457] Tamar Meisels, 'Combatants - Lawful and Unlawful', 53.
[458] Ibid. 53.
[459] Scott Shane, 'Terror and Power: Bush Takes a Step Back', *New York Times,* 12 July 2006, para. 18, <https://www.nytimes.com/2006/07/12/washington/12detain.html>, accessed 11 May 2020.

prevent the Geneva Convention being used as grounds to challenge the detention of detainees.[460] A further Supreme Court case, Boumediene v. Bush, found that the Act was unconstitutional as it prevented detainees from challenging the grounds of their detention.[461]

Despite the concerns raised by academics like Meisels, human rights organisations and the US judiciary, Gallup found that in 2014, 66% of Americans were against the closure of the Camp X-Ray facility at Guantanamo Bay.[462] The lack of public goodwill towards the plight of detainees stuck there indefinitely is the result of Myth of the War on Terror. As I argued in chapter four, the Islamic Extremist appears, through the theory of the clash of civilisations, as a barbarian, the product of a culture so different that it is incompatible and incomprehensible to westerners. It is the alien nature of the enemy, as Schmitt puts it, that makes conflict with it possible. The Good Citizen accepts the denial of human rights to detainees and suspects because the Islamic Extremist is so alien and different to itself that it does not deserve human rights. The alien nature of the Islamic Extremist conceals the extent it can be considered as having rationale grievances, ones shared by moderate Muslims and liberal scholars alike. I demonstrated, through the work of Benjamin Barber, that far from rejecting modernity, moderate Muslims want many of the same things as their western counterparts. However, because the Good Citizen sees the difference between itself and the alien other as absolute, the views of moderate Muslims are conflated with those of the Islamic Extremist. Americans also accepted the measures for similar reasons as in the case of the erosion of their rights to privacy: the Good Citizen is so virtuous that it would simply never do anything to end up at Camp X-Ray and, anyone that does, even if they are American, is not really a Good Citizen, but an Islamic Extremist.

Extraordinary Rendition and Torture

The US and its allies expanded their power to apprehend and interrogate suspects through the practice of extraordinary rendition and the use of torture. Extraordinary rendition is the seizing of suspects in countries with which there is no formal extradition treaty or in which there is essentially no effective law and order. The process that was implemented by the Bush

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[460] Sheryl Gay Stolberg, 'Bush Signs Bill Setting Detainee Rules', *New York Times,* 17 Oct. 2006, para. 5, <https://www.nytimes.com/2006/10/17/washington/18detaincnd.html>, accessed 11 May 2020.
[461] Linda Greenhouse, 'Justices, 5-4, Back Detainee Appeals for Guantanamo', *New York Times,* 13 June 2008, para. 1-2, <https://www.nytimes.com/2008/06/13/washington/13scotus.html>, accessed 11 May 2020.
[462] Justin McCarthy, 'Americans Continue to Oppose Closing Guantanamo Bay', *Gallup* [website], (13 June 2014), <https://news.gallup.com/poll/171653/americans-continue-oppose-closing-guantanamo-bay.aspx>, para. 1, accessed 15 Dec. 2020.

administration was not a new invention, but rather a modification of the existing practice of rendition. James Boys points out that,

> Aspects of rendition can be discerned in the imprisonment of Emperor
> Napoleon on St Helena in 1815, the removal of Adolf Eichmann from
> Argentina for trial in Israel in 1960, and the transfer of Carlos the Jackal from
> Sudan to France in 1994.[463]

He observes that rendition was first used under the Reagan administration and that, by the 1990's, it had become "routine".[464] At this stage, the sole purpose of the practice was to bring suspects back to the US in order to stand trial, where they were granted "full legal protection".[465] Boys argues that it was the Clinton administration that made the first substantial changes to rendition: "In 1996, the administration expanded the process by persuading allies to apprehend suspects and render them to a third country without legal process."[466] This was a significant departure from the practice as it was used previously: allowing suspects to be rendered to third parties meant that they were not afforded rights under US law. In 1996, US intelligence led Albanian authorities to five members of the Egyptian Islamic Jihad, who were arrested, sent back to Egypt and later executed.[467] Boys contends that the Clinton Administration transformed the practice from one designed "to facilitate the judicial process" to one used to "evade domestic legal prohibitions against torture".[468] He argues that, while the current form of extraordinary rendition took shape under the Clinton administration, it was not until Bush's executive order in November 2001 that the practice of rendition as an extrajudicial procedure became official policy. The order authorised the CIA to capture, kill or detain Al Qaeda operatives wherever they were located.[469] The administration also widened the scope of the practice by allowing its usage "not for the purpose of trial, but rather to gather intelligence about future wrongdoing through unlawful detention and coercive interrogations."[470] This represents another significant modification of the practice: prior to this point, the subjects rendered were persons suspected of carrying out a specific crime. Now, however, subjects could be rendered purely for the purpose of gathering intelligence.

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[463] James D. Boys, 'What's So Extraordinary About Rendition?', 590.
[464] Ibid. 590.
[465] Ibid. 590.
[466] Ibid. 592.
[467] Ibid. 592.
[468] Ibid. 593.
[469] Ibid. 594.
[470] Ibid. 594.

The practice of extraordinary rendition is now commonplace in the War on Terror. Jane Mayer cites reports that estimate that about 150 suspects have been rendered since 2001, but states such estimates are very difficult to make given the secrecy surrounding the program.[471] Some of these individuals claim to have been tortured after being rendered to third-party nations, such as Maher Arar, a Syrian-born Canadian, who was rendered on September 26th, 2002. Arar was taken from JFK Airport while returning from a family holiday in Tunisia. He was held in the US and questioned for thirteen days relating to his possible connection to a terror suspect.[472] Arar continues to maintain that he did not know the man well but had worked with his brother.[473] He was then transported to Syria, where he claims that he was brutally tortured: he describes being beaten with thick electrical cords and held in a windowless underground cell. In October 2003, after around a year of detention, he was released without charge.[474] In October, 2001, Egyptian-born Australian, Mamdouh Habib was apprehended in Pakistan. The US administration claimed that although Habib was apprehended there, he had spent most of his time in Afghanistan, where he had either fought for the Taliban or provided material support to them.[475] After his capture, Habib was transported to Egypt, where he claims he was beaten frequently with blunt objects, electrocuted and forced to stand in water up to his chin so that he had to stand on the tips of his toes in order to avoid drowning.[476] Habib was eventually transported from Egypt to Guantanamo Bay in Cuba, where he was further detained. In January, 2005, US authorities released him without charge.[477]

The US has officially maintained that it does not use torture, but the testimony of former detainees such as Arar and Habib and the photos leaked from the prison in Abu Ghraib, which I mentioned in Chapter 1, are compelling evidence to the contrary. The photos, some of which show US military personnel smiling and posing with detainees,[478] demonstrated that the US was not only rendering subjects to third party nations, but that it was, in some instances, directly responsible for torturing detainees in those nations. Donald Gutierrez argues that, far from merely turning a blind eye to the torture of detainees in third party countries, the US administration was actively facilitating it. He observes that Donald Rumsfeld even made sure that suspects of particular importance were removed from detainee lists accessible to the Red Cross and, as a result, "these suspects are totally removed from the illuminated world of legal

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[471] Jane Mayer, 'Outsourcing Torture', 107.
[472] Donald Gutierrez, 'The Extraordinary Cruelty of 'Extraordinary Rendition'', *Humanist,* 66/1 (2006), 12.
[473] Jane Mayer, 'Outsourcing Torture', 106.
[474] Ibid. 106.
[475] Ibid. 118.
[476] Ibid. 118.
[477] Ibid. 118.
[478] One such photo can be found in Seymour M. Hersh, 'Torture at Abu Ghraib', 43.

propriety, control, and justice."[479] If we accept the compelling evidence that the US has tortured combatants or allowed thirty-parties to do so on their behalf, it would constitute a breach of several binding international conventions to which the US is signatory, such as the UN Declaration of Universal Rights and the UN Convention Against Torture. Boys observes that President Bush's claim that rendered subjects would not be tortured was undermined by the rather cryptic statements made by members of his administration, such as Cofer Black, the then-head of the CIA's counter-terrorism program, who stated that, "after 9/11, the gloves came off"[480] and Dick Cheney, who stated that the US may have to "work through… the dark side".[481] There was also some, such as Alan Dershowitz, who argued that torture is justified in "ticking bomb" scenarios, where a suspect is thought to possess information about an imminent attack.[482] It is thus that while the administration was providing the public with assurances that it would treat detainees humanely, some of its members were hinting at and even openly suggesting the use of torture.

Shortly after the September 11th attacks, Gallup found that 45% of Americans accepted the use of torture in circumstances where terrorists possess information about future attacks.[483] In 2017, Pew Research Center found 48% of Americans believed that there are some circumstances in which torture is acceptable and 49% did not believe it is acceptable in any circumstances.[484] While less Americans support the use of torture than they do sending detainees to Camp X-Ray, I would argue that the numbers are still high considering the abhorrence of the practice. I contend that, firstly, as in the case of their acceptance of the use of military tribunals, the Good Citizen accepts the use of torture because it views the Islamic Extremist as undeserving of human rights. Secondly, the Good Citizen accepts the use of torture because, when the stakes are high, 'sometimes good people have to do bad things'. This is the message of *Zero Dark Thirty,* a film about the capture and killing of Osama Bin Laden, where we witness US operatives torturing suspects in order to extract information.[485] The film is shot in the verité style (with hand-held cameras) to achieve a gritty realism that suggests to the viewer that they are not being spared anything. Despite its seeming realism,

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[479] Donald Gutierrez, 'The Extraordinary Cruelty of 'Extraordinary Rendition'', 12.

[480] Cofer Black, cited in, James D. Boys, 'What's So Extraordinary About Rendition?', 594.

[481] Richard Bruce Cheney, cited in, ibid. 594.

[482] Richard Cohen, 'Using Torture to Fight Terror', *Washington Post,* 6 Mar. 2003, para. 3-4, <https://www.washingtonpost.com/archive/opinions/2003/03/06/using-torture-to-fight-terror/e73a088d-4b93-4a34-a772-4cc9a6918c73/>, accessed 13 May 2020.

[483] 'Impact of the Attacks on America', *Gallup* [website], (8 Oct. 2001), <https://news.gallup.com/poll/4972/Impact-Attacks-America.aspx>, para. 20, accessed 11 May 2020.

[484] Alec Tyson, 'Americans divided in views of use of torture in U.S. anti-terror efforts', *Pew Research Center* [website], (26 Jan. 2017), <https://www.pewresearch.org/fact-tank/2017/01/26/americans-divided-in-views-of-use-of-torture-in-u-s-anti-terror-efforts/>, para. 2, accessed 11 May 2020.

[485] Catherine Bigelow (dir.), *Zero Dark Thirty* (Universal Pictures, 2012).

the film suggests that the distinction between the friend and the enemy is utterly absolute: the operatives may be doing something abhorrent, but the viewer is never in any doubt that they are the good guys and that the tortured suspects are the bad guys.

Conclusion

Americans have made many sacrifices in order to confront the very modest threat posed by non-state terror attacks. Not only have they consented, as I argued throughout chapter five, to the expansion of their government's power to send them into harm's way on the basis of imagined scenarios, they have also consented to the expansion of their government's powers of surveillance, apprehension, detention and interrogation. The rationale for the Good Citizen's acceptance of these measures depends on whether it views them as diminishing its own rights or those of the Islamic Extremist. The Good Citizen's view of itself as a good, law-abiding patriot allows it to believe that it will never become subject to the measures: as long as it has nothing to hide, it will never become a suspect. In this case, the measures only appear as affecting the Islamic Extremist, who the Good Citizen does not believe should be afforded human rights. If suspects possess information about future attacks, the Good Citizen is even willing to have them subjected to torture. If the Good Citizen does perceive the measures as affecting it, which is the case especially when it comes to the USA PATRIOT Act, then it perceives them as sacrifices necessary to address the existential threat posed by the Islamic Extremist.

Conclusion

In chapter one, I provided an account of state and non-state terrorism to demonstrate, firstly, that states have been, until very recently, the only practitioners of terror and, secondly, that the vast resources of states allow them to use terror to devastating effect. States have used terror throughout history in order to coerce their own citizens and their opponents during war. Non-state groups, by contrast, only began to use terror in the period following the end of World War II. Following Erlenbusch-Anderson and Bhatia, I contended that states have the resources not only to practice terror on a scale far greater than non-state groups, but that they are also able to use their discursive power in order to legitimise their own violence and make that of non-state groups appear as the actions of subversives. The current bias in public, media and academic discourse, I contended, is a result of the discursive power of states. Michael Walzer, whose work I used as an example, underplays state terrorism in a number of ways. Firstly, he defines terrorism as the random killing of innocent people despite the fact that many acts of state terrorism target civilians arbitrarily rather than randomly. Secondly, by requiring that terrorism physically kill or harm people, he rules out acts of state terrorism that only cause psychological harm. Finally, Walzer professes scepticism regarding the use of state terrorism by democracies today. He claims that legitimate nations do not need to use terror as their citizens willingly comply with the law. I contended that while this may be the case, it does not rule out the possibility that democracies use terror to increase public compliance. Firstly, I found that the use of the practice of extraordinary rendition could constitute terrorism given that it is phenomenally similar to the Argentine disappearances, which Walzer uses as an example of state terrorism. Secondly, even if extraordinary rendition does not constitute terrorism, democracies have sponsored the use of state terrorism by other nations. The past and present willingness of democracies to sponsor terror elsewhere, I concluded, demonstrates that it is far from cynical to believe that they may use it against their own people.

In chapter two, I considered how it is possible for democratic nations to terrorise their own citizens despite the kind of arguments made by Walzer. His scepticism of the use of terror by democracies today is based on the idea that citizens are not subjects to rule, but rather participants in self-rule. Citizens comply with the law because they have a say, albeit indirectly,

in the shape that the law takes. Contending that the governments of democracies coerce their citizens therefore required demonstrating how it can occur despite the safeguards implemented in order to prevent such abuses of power. Following the observations made by Paul Hirst, I argued that while representative democracy appears to be a form of democracy, it is actually an implementation of an entirely different form of rule: representation. Through the work of Vieira and Runciman, I demonstrated that representation is a form of rule implemented in order to address the inability of political communities to act as a group. By electing representatives to make decisions on their behalf, citizens gain a means of collective action, but it remains one in which representatives have the power to make their own decisions. The power of representatives to make decisions without having to seek the ongoing consent of the people creates the opportunity for them to use their power for their own benefits and towards their own agendas. In order to limit the capacity for such misdeeds, citizens therefore require the means of influencing representatives and holding them to account, means I contended, they are allowed through their participation in the public sphere. Through the work of Jürgen Habermas, I contended that the public sphere provides a space for people to come together and engage each other and their representatives in critical debate and discussion, and the ability to inform themselves through the presence of a media that acts as fourth estate by exposing government misuses of power. The commercialisation of the media, which Habermas sees as the gateway through which private interests begin to invade the public sphere, has led to the decline of the public sphere. Its decline has resulted, I contended, not just in increasing levels of public disengagement and disillusionment, but in the weakening of the media's capacity to act as a fourth estate. These factors, I argued, mean that citizens are now exposed to the potential of being manipulated and coerced by their representatives.

In chapter three, I used Roland Barthes' concept of mythology and Carl Schmitt's friend enemy distinction in order to explain how the government and the media manipulate and coerce the public. Schmitt argued that political communities can only coalesce and maintain a stable identity by first making the distinction. Following Chantal Mouffe, I used the insights of Schmitt's analysis without accepting the conclusions he reaches. The relationship that he delineates between the political distinction and those made in other spheres, I contended, is not evidence of its primacy, but rather, descriptive of the way in which language can be used to intensify antagonisms within political communities. Using Barthes concept of mythology, I contended that the terms 'friend' and 'enemy' function within discursive practices to intensify antagonisms for the purpose of coercion. Barthes uses the concept of myth to describe the way in which historically and ideologically determined objects come to appear as normal or

natural. The French, he argues, see drinking wine as natural to them, but it is really a historically determined cultural practice. Myths function by appropriating first order signs as second order signifiers. As a result, the mythical signifier is both meaning and form. Depending on whether we focus on the meaning or the form, myths can be read in different ways. Firstly, if we focus on the emptiness of the form, the mythical concept fills it and we experience it as an example. Secondly, if we focus on the fullness of the meaning, we experience it as the alibi of the mythical concept. Finally, if we focus on both meaning and form, we experience it as the presence of the concept. I used Barthes' forms of reading in order to distinguish between the producers of myth, who knowingly produce myths for their own benefit, and consumers, who unknowingly participate in them. I contended that governments and the media normalise certain mythical concepts around terms such as 'friend' and 'enemy' in order to manipulate and coerce members of the public.

In chapter four, I applied the approach developed in Chapter 3 in order to examine the concepts related to the Myth of the War on Terror. Central to the myth is the clash of civilisations theory proposed by Bernard Lewis, who argued that unlike the Christian West, which embraced the values of modernity and has developed as a result, the East has not, and remains stuck in the past. Muslim violence towards Westerners reflects their nature as uncivilised barbarians who resent modernity and everything that it stands for. Following Talal Asad, I argued that Lewis' argument relies on a highly selective reading of the history of Spain in the period in which it came under Islamic rule. Asad argues that, far from being intolerant, the Muslim rulers of Spain allowed their Christian and Jewish subjects to maintain their faiths. The period was one in which Muslims, Christians and Jews lived together and benefitted greatly from the cultural exchanges it allowed. Asad argues that the so-called 'East' and 'West' share a cultural heritage that is concealed by the clash of civilisations theory. The characterisation of the East as uncivilised and irrational now serves to make the actions of Islamist groups appear as a product of madness rather than the result of very rational grievances, many of which are also raised by liberal scholars such as Noam Chomsky, who argues that the US and its allies have interfered in the democratic processes of countries in the Middle East, Central and South America. Following Benjamin Barber, I argued that many countries in the Middle East have been subjected to the negative consequences of globalisation. Barber argues that the current conflict is not a clash of civilisations but rather a tension that has arisen within the same global civilisation. While Muslims appear to resent modernity, it is only because its benefits have been withheld from them. The normalisation of the Islamic Extremist as barbaric, crazy and brainwashed occurred through popular culture and the news media, and I considered examples of each. I contended that the films of the period

leading up to the September 11th attacks presented Muslim or Arab villains who were bloodthirsty and crazy, while more recent films have presented them as brainwashed victims of extremist ideology. These characterisations, I contended, create the appearance of an enemy that is frightening because its violence appears to stem from a madness that we cannot understand. The figure of the friend, which I called the Good Citizen, describes the way in which people in western liberal democracies see themselves, each other and their countries. I contended that the Good Citizen sees itself as the innocent and virtuous victim of hatred and madness. Following Joanne Faulkner, who examines the use of childhood innocence to conceal colonial violence in Australia, I contended that the US and its allies have concealed their own violent histories by positioning themselves as innocent victims of a violence that is so irrational it cannot be fathomed. In what Susan Willis calls the laundering of the American image, the country's violent history and its endemic social and racial inequalities disappear and are replaced by a naïve innocence and zealous patriotism. Muneer Ahmed pointed out that the racially motivated attacks targeting anyone that looked Muslim or Arab were reported by the media as crimes of passion rather than hate crimes. Another aspect of America's newfound innocence was attacking and isolating those who questioned it, such as the Reverend Jeremiah Wright, who was socially outcast and received death letters when it emerged that he had questioned the innocence of America with reference to its use of atomic weapons in Japan.

The governments of western liberal democracies have benefitted from the Myth of the War on Terror because it has allowed them to expand their powers over the lives of their citizens. In chapter five, I contended that the US government expanded the scope in which it can justify the use of military force. My argument was two-fold: firstly, that the wars in Afghanistan and Iraq cannot be justified in terms of traditional and widely accepted interpretations of just war theory, which allow pre-emptive action to be taken only when there is clear evidence of an imminent threat of attack and, secondly, that the wars should not be justified in terms of the theory of pre-emption developed by the Bush administration. I found that the wars did not fulfil all the criteria of just war theory as they were not, firstly, proportional and, secondly, there was no credible evidence that Afghanistan or Iraq posed an imminent threat. The revised theory of pre-emption used by the US and its allies allowed for the wars to be justified on the basis of the plausibility of modelled or imagined scenarios. I found that removing the requirement of providing credible evidence of specific threats transforms pre-emption into a licence to wage war. Despite the lack of any acceptable justification, the US public nonetheless accepted two protracted and costly wars as sacrifices required in order to address the threat of terrorism. I argued that Americans accepted the wars not in response to the modest threat that non-state groups pose, but in response to the threat of the Islamic Extremist. Americans

accepted the expansion of their government's power because of the intensification of the levels of public fear and unity produced by the myth.

In chapter six, I continued to consider the expansion of government powers allowed by the myth, this time with a focus on the individual rights of citizens. I contended that the American public's fear of the Islamic Extremist was leveraged by their government in order to expand their powers of surveillance, apprehension, detention and interrogation. The USA PATRIOT Act allowed the government to expand the circumstances in which it could intercept electronic communications and search and seize property without the knowledge of the owner. Following Alan Rubel, I found that the measures allowed by the Act devalue Americans' rights to privacy. Public opinion regarding the measures demonstrated that Americans accepted them because they either saw themselves as people with nothing to hide or because they were perceived as necessary evils required to address terrorism. I contended that in each case, the myth functions to produce the Good Citizen's justifications. Firstly, Good Citizens are law abiding patriots that would never do anything to come under suspicion and, secondly, they understand and accept that anything and everything must be done to address the existential threat posed by the Islamic Extremist, even if it means making sacrifices.

The producers of myth have outsourced fear in the same way that corporations have outsourced labour. Just as corporations can blame subcontractors if working conditions come under scrutiny, governments and the media now point towards non-state groups. As Barthes points out, myths are difficult to deconstruct because they are able to conceal themselves in the literal meaning of their duplicitous signifiers: while the risk they present has been greatly exaggerated and transformed by the myth, terror attacks *do* occur and they *do* pose a risk. The rare occurrence of terror attacks in western liberal democracies are the kernels of reality that allow the myth to sustain itself, the literal meaning that it hides in when it comes under scrutiny. Terrorism, as Baudrillard puts it, is like a virus.[486] It relies on its hosts, governments and their media and corporate allies, in order to replicate and spread. In order to dismantle the myth, non-state terrorism must be deprived of the channels of dissemination that have encouraged it to replicate and mutate into something much more malevolent and infectious.

The Myth of the War on Terror is significant not only due to the appearances it creates, but also due to what it conceals. The figure of the enemy conceals the statistical reality of non-state terror attacks as a very modest risk to people in western liberal democracies and the

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[486] Jean Baudrillard, *The Spirit of Terrorism and Other Essays*, 10.

figure of the friend conceals the violent history of military engagements of countries such as the US. The myth also distracts people from other, much more serious threats and also from government inaction in response to them. The warming of the climate since the industrial revolution, which has been caused by human activity, now threatens to undermine the ecosystems that we rely on. It is almost absurd to compare the threat of climate change with that of non-state terrorism in western liberal democracies and yet governments remain reluctant to act on climate change even as they spend trillions of dollars fighting terror. With the same sort of investments in renewable energy, for example, what kind of carbon reductions could have been achieved?

Recent comments by President Donald Trump suggest the myth is being operationalised in new ways. Following the recent death of George Floyd at the hands of police, Trump suggested that protesters in Portland, Oregon, should be considered terrorists.[487] The protester, like the Islamic Extremist, is cast here as having no real motivation for their actions other than a blind hatred for their country; they are enemies within, people who want nothing more than to sow dissent. The protesters are terrorists because they challenge the myth of innocence by drawing attention to the systemic violence perpetrated against people of colour. Trump's willingness to condemn the protesters in Oregon stands in stark contrast to his failure to condemn far-right groups in Charlottesville, of whom many, he stated, were "fine people"[488] despite the fact that one of them, Alex Fields Jr, had driven his car through a group of counter-protesters, killing one person and injuring 35 others.[489] Unlike those protesting following the death of George Floyd, the protesters in Charlottesville are fine people because they do not threaten the mythological innocence of the country. It has also become clear from the government's response to the protests that the protesters have not just been labelled terrorists, but treated like them. Protesters in Portland now find themselves confronting not only the police, but federal agents, with one man describing being detained by "unidentified men in military fatigues" who emerged from "an unmarked minivan".[490] While I am not suggesting that these

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[487] Mike Baker and Nicholas Bogel-Burroughs, 'Antifa and Far-Right Groups Face Off in Portland as Trump Weighs In', *New York Times*, 17 Aug. 2019, para. 3, <https://www.nytimes.com/2019/08/17/us/portland-oregon-protests.html>, accessed 16 Dec. 2020.

[488] Rosie Gray, 'Trump Defends White-Nationalist Protesters: 'Some Very Fine People on Both Sides'', *Atlantic,* 15 Aug. 2017, para. 6, <https://www.theatlantic.com/politics/archive/2017/08/trump-defends-white-nationalist-protesters-some-very-fine-people-on-both-sides/537012/>, accessed 19 Aug. 2020.

[489] Paul Duggan, 'Charge upgraded to first-degree murder for driver accused of ramming Charlottesville crowd', *Washington Post*, 14 Dec. 2017, para. 1, <https://www.washingtonpost.com/local/crime/driver-accused-of-plowing-into-charlottesville-crowd-killing-heather-heyer-due-in-court/2017/12/13/6cbb4ce8-e029-11e7-89e8-edec16379010_story.html >, accessed 17 Dec. 2020.

[490] Katie Shephard, ''It was like being preyed upon': Federal officers in unmarked vans detain Portland protesters', *Washington Post*, 17 July 2020, para. 1-2, <https://www.washingtonpost.com/nation/2020/07/17/portland-protests-federal-arrests/>, accessed 17 Dec. 2020.

individuals have been subjected to rendition or torture, these examples are nonetheless evidence of further potential expansions of the government's power over the lives of its citizens.

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