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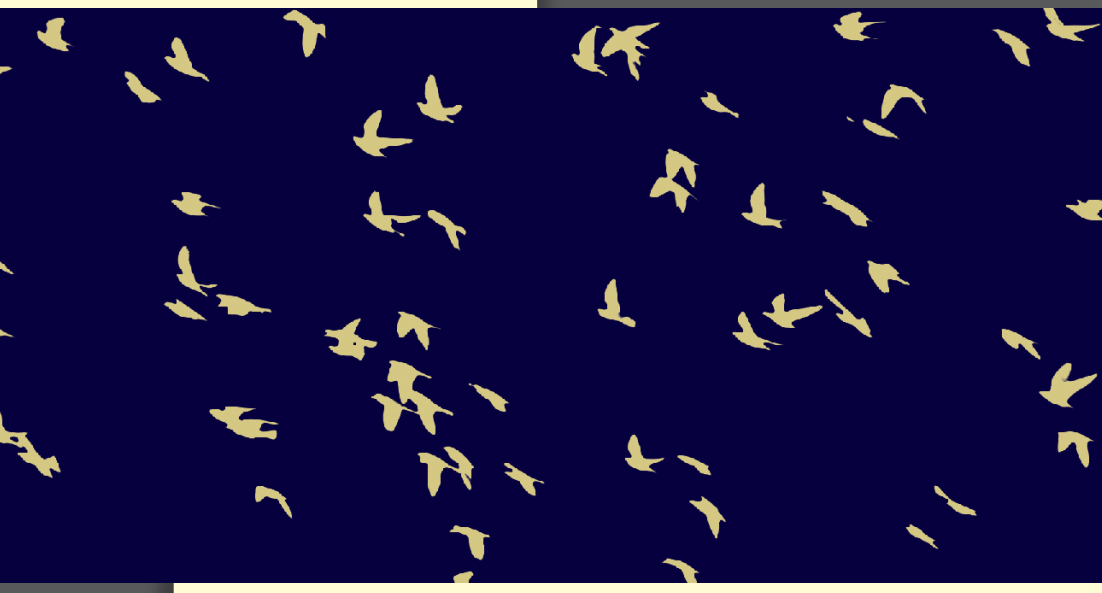

TRACING THE DISCOURSES OF TERRORISM

Identity, Genealogy and State

ONDREJ DITRYCH

Tracing the Discourses of Terrorism

Central and Eastern European Perspectives on International Relations Series

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Tracing the Discourses of Terrorism

Identity, Genealogy and State

Ondrej Ditrych
Research Fellow, Institute of International Relations, Prague

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To my parents

Contents

Introduction

There is no terrorism beyond the discourse of terrorism. This discourse has its conditions and rules. It is the critique of these conditions and rules that this book is concerned about.

Thousands of scholarly articles and books have been published during the decade that separates us from the catastrophic events of 9/11 on the subject of terrorism. This book will tread a different path to most of them. It is a historical study of how states have articulated statements about terrorism since the 1930s, under what conditions these statements have been articulated, and what has been the effect of the discourses made up of these statements on global politics, including the constitutive role of the present discourse on what will be posited to be a *dispositif* of global terrorism (cf. Foucault 1980 [1977]).

The states' discourse of terrorism, like any discourse, carries tremendous power. It is the power to constitute the subject (terrorist) and its complementary Selves in difference from the Other, thus managing the political order (which is in continuous need of such management). As a constitutive element of the global terrorism dispositif it therefore strategically orients a broad set of practices – inflicting punishment, disciplining, surveilling – that bear on states, populations and individual human bodies. Being a critical project, this book does not create a new theory of the terrorist. Instead, it historicizes terrorism, bringing to fore the invisible practices of power and knowledge which constitute it, and challenging its dominant reifications. It parts with the dominant knowledges of terrorism (in terrorism studies, jurisprudence and so on), which tend

to be insensitized – and, what is worse, insensitizing – to the false realism of the object, and to the practices of power that make this realism possible and therefore (re)produce a societal narcosis toward governmental practice.

Indeed, it has become commonplace to start scientific treatises on terrorism with a lament that the object is notoriously difficult to define, not least because of its politically contested nature. This, however, has arguably been something of a *ritual*, having no practical consequences for the subsequent inquiry. In fact, attempts at objective definitions and positive statements about terrorism following such exasperations have not been in short supply. The field's reflexivity has been more or less simulated. It stands subservient to power because it reinforces the sense of unity of terrorism, making it possible to label as 'terrorist(s)' a wide array of actors with diverse political agendas in different places around the world which employ a variety of tactics of political violence to challenge the spatiotemporally specific *status quo*; and it does so by advertising and legitimizing concepts such as the 'new terrorism', with its unprecedented lethality and its capacity to undermine 'our way of life', and such concepts are marked by a fundamental irrationality (often sustained by Orientalist notions) and a potential omnipresence. Through these practices, the field of terrorism science is part and parcel of the global terrorism dispositif: it is dependent, in articulating statements about terrorism, on the claims issued by governments, which are unfalsifiable by standard methods of scientific inquiry to which it claims to adhere, while lending its scientific posture (with the corresponding entitlement to the production of trusted knowledge) to the purpose of authorizing them.

Much the same can be said about standard and textbook histories of terrorism. Gallons of ink have been spilled writing them. Yet, ironically, these histories of terrorism do little to historicize the presentist notions of terrorism since they tend to be characterized by a backward projection of the present concept of terrorism (often poorly stabilized) to the past, thus endowing it with a certain essential and eternal substance – effectively allowing for a mutability of only the accidental properties. If there is any confusion as to what terrorism is, it is only because of the politicization of the concept, or its abuse by the media, while a historical study *sine ira et studio* can elucidate its proper character. In their relentless search in the

historical fabric for anything matching such a 'terrorism', to which any historical sense of transience and contingency falls victim, and in drawing laws and lessons learned based on historical episodes featuring bedfellows as strange as Zealots, Hashasheen, Taborites, Anabaptists, Thugs, the Inquisition, French revolutionaries, Anarchists, various national liberation movements and Al-Qaeda, these histories naturalize, rather than historicize. Ironically, projecting terrorism backwards, possibly as far as antiquity or even the dawn of recorded history and all civilization, with the advent of modern terrorism commonly dated to the late eighteenth century and associated with the French Revolution, and finding eerie 'similarities' across this wide historical landscape (for illustrative examples, see Laqueur 2001 [1977]; Rapoport 1984; 2005; Martin 2003; Gray 2003; Hoffman 2006; Chaliand and Blin 2006; or Law 2009) does not prevent the authors of these histories from claiming that the present times are exceptional and legitimizing the politics of extraordinary responses. The contemporary terrorist wants 'total war . . . unfettered by laws, norms, regulations and conventions' (Laqueur 2004: 60), and terrorism today 'has nothing to negotiate' and therefore cannot be justified as a last resort (Chaliand and Blin 2006: 10). The consequence is clear: 'So massive and consequential a terrorist onslaught [as the attacks of 9/11] required nothing less than an equally comprehensive and far-reaching response' (Hoffman 2006: 19).

The history of terrorism in this book is different. It is a critical history: 'a history of the present', as this concept was understood by Friedrich Nietzsche and later Michel Foucault. It is a genealogical critique of the concept of terrorism.

Such a history does not look for the essential origin (*Ursprung*) or the linear evolution of terrorism up to its present state. In fact, it starts from the assumption that there is no such origin. Focusing on how states articulated statements about terrorism across time and tracing both continuities and discontinuities in their discourses in three discursive series, this study instead points out the contingency of the understanding of terrorism contained in them, while showing how each time terrorism was rendered as an exceptional threat that warranted extraordinary responses. Drawing on the theoretical reflection of the international order by Carl Schmitt – yet aware of its particular context and ideological limitations – it also proposes some basic conditions of the emergence

and evolution of the states' discourse of terrorism from the 1930s to the present day.

In the first chapter ('Concerning Method'), methodological assumptions are laid down and the method of analysis, combining Foucault's structural analytic and genealogical power analysis, is introduced. In the second chapter ('Overture: One World, Many Terrorisms'), to prepare the ground for the claim that when terrorism emerged in the states' discourse in the 1930s, the unity of the concept (comprising assassinations of protected persons and mass explosions) was purely accidental, the multiplicity of the meanings of the term as it had been used previously is outlined. Then follows the exposition of this discourse. In 'Emergence/y (1930s)', it is suggested that the discourse's initial emergence was conditioned on the crisis of the international order, and that it can be interpreted as a strategic response to the emergency intended to preserve the (fictional) community of states by means of a collective normalizing action. International terrorism in this period was constructed as a clandestine action, a conspiracy between the terrorist and a (revisionist) state united in their struggle to overturn the *status quo* – and therefore, the terrorism was effectively a means of the state's policy. Ironically, the discursive practices imposing discipline on the international community and the envisioned counter-terrorism regime that were meant to contain the crisis were based on the same universalizing principles that made the crisis possible in the first place. In the next chapter, 'Division (1970s)', it is argued that the (re)emergence of the discourse of terrorism in the early 1970s was yet another strategic attempt to prevent the continuing erosion of the *status quo* as political struggles failed to remain contained to their territorial spaces. However, this time, in contrast to the 1930s, because of the restitution of the political under the provisional *nomos,* a battle over the discourse followed between the first world and the autonomizing third world, resulting in a duality of discursive orders. (Not silent, the second world states enunciated statements according to rules borrowed from both discursive orders, but curiously more of these statements were from the first world's order, which suggests their essentially conservative position regarding the new provisional nomos.) In this battle, claims about the limits of (civilized) violence based on the *status quo* preference were countered by a discourse of underlying causes pointing to the systemic violence

embedded in the international political and economic order, which either amounted to terrorism as such, or at least was its most important cause. In the latter case, terrorism could even be considered legitimate by states – the former colonies which themselves had only recently come to existence, often following campaigns of organized political violence.

The terrorist subject has been constructed in the discourse in a multitude of statements constituting relational patterns of identity and difference. Three such patterns ('basic discourses') are identified in the states' discourse of terrorism in the 1930s: *civilization/barbarism*, *order/chaos*, and *political enemy/hostis humani generis*. In the discursive practices organized around those basic discourses, the terrorist was constructed as a depoliticized and dehumanized enemy of the order, who undermined the peace and reason guaranteed by states and their servants (bureaucrats, soldiers) and whose barbarism was the consequence of his unfettered use of violence. In the 1970s, in both discursive orders, the pattern of *civilization/barbarism* was preserved as much as the discourse of *order/chaos* among the first world states. In contrast, new basic discourses of *innocence/harm* (both discursive orders) and *regime/people* (the third world order) can be observed as emerging in this period.

Drawing on the findings of in the historical chapters, in the following chapter, 'Enclosure (2000s)', the 'history of the present' of the concepts and categories used in the contemporary discourse of terrorism is concluded. Despite an ongoing absence of a legal consensus on the definition of terrorism, a single hegemonic order can now be observed in the states' discourse of terrorism, conditioned on the demise of the spatial order determining the modalities in which violence is distributed in world politics. Characteristic of this enclosure has been an excess in the construction of the reality of global terrorism, projected into the extreme dehumanization and depoliticization of the terrorist in the familiar basic discourses of *order/chaos* and *civilization/barbarism*. The result has been a sanctioning of extraordinary responses in a new war without rules (or at the very least suspending those rules), which more than a continuation of politics by other means is turned into social pest control and imagined as a surgical intervention that removes the cancer cells of terrorism, and also a legitimization of measures representing different Foucauldean modes of government – discipline and surveillance, or security and

biopolitics. In a number of ways this discourse betrays its continuity with the discourse of the 1930s. Terrorism once again emerges as a phenomenon whose unity is accidentally constituted, and it is presented as a threat of unprecedented proportions which requires a universalist action by the international community. Moreover, as in the 1930s, a counter-construction of the civilized and ordered mankind is juxtaposed with this global threat, disciplining both the 'inside' of particular political orders and the 'outside' of the international order. Statements once articulated under the rules of third world's discursive order (for example, statements about state terrorism) are silenced or marginalized, and the discourse of root causes – once a discourse of resistance – is depoliticized and transformed into a moderate liberal discourse of development as a means of structural conflict prevention.

Having presented the analysis of the three discursive series, the focus is then shifted to the relations of power and knowledge. The chapter 'Power and Knowledge' thus inquires into the constitutive relationship between the discourse of power in the three series inquired into before and the knowledge as discursive formations in which truth claims relevant for this discourse have been formulated. At the most general level, the basic discourses of *order/chaos* (with the irrationality of the terrorist stressed particularly in the latter two series) and *civilization/barbarism* and the discourse of (mental) disease will be related to the practices of the modern constitution of sovereign reason, which recognizes itself by excluding madness and chaos from the realm of 'civilization' and domesticates men in particular territorial sovereignties, where autonomy of reason can be established (cf. Ashley 1984). As we descend further below, interdiscursive links to law, crime science and terrorism studies (from the 1970s on) will merit particular attention. Regarding the first link, of particular interest will be the legal positivism paradigm defined by universality, progressivism, rationalism and liberalism and conditioning the 'progressive codification of international law', including criminal law and international humanitarian law – which is instrumental in the subjectification of the victim of the terrorist violence as a 'civilian' and thus sows the seeds for the later rendering of (counter)terrorism as war. Later legal theoretical claims that a state of nature obtains in the international order or that international law

is 'shattering' because of terrorism, which reinforces the notion of global chaos and legitimizes extreme and violent responses, will also be critically examined. Regarding the second link, the subjectification of a new criminal as a mobile professional in the conditions of increased transnational circulation stands out as constitutive for the subjectification of the terrorist in the discourse among states. Finally, the emergence in the 1970s of the field of terrorism studies and its inflation following 9/11 (with the extension of the production of truth claims to the burgeoning industry of think-tanks or consultancies) are significant events in their own right. More importantly, however, by and large the field continues to be dominated by a *Polizeiwissenschaft* ethos, making it ever ready to enter the services of power or lend legitimacy to government policies.

Instead of engaging in such *Polizeiwissenschaft*, this book aims to expand the horizons of 'thinking space' (cf. George 1989) concerning legitimate violence in global politics and to partake in (the continuous process of) liberation from the straitjacket that this machine imposes on our political possibilities. Its contribution to this critical project lies first in the genealogical perspective employed in regard to extensive archives of empirical material – a fruitful but so far underdeveloped venue of critical inquiry. Second, it devises a research design, making use of Foucault's toolbox to facilitate a transparent and intellectually disciplined poststructuralist discourse analysis that may serve as a source of future inspiration. The book does not aspire to contribute to 'identifiable scholarly literature by increasing collective ability to construct verified scientific explanations of some aspect of the world' (King, Keohane and Verba 1994: 15). Assuming that causal science is but a particular discourse of knowledge, the privilege of which can be asserted only under certain historical and political conditions (cf. Foucault 1970), I believe that the kind of analysis presented in the book may meet the relevance criteria of even mainstream international relations insofar as it 'illuminates important issues in world politics' (Keohane 1988: 382), even if it does so on its own terms.

This book is primarily interested in the discursive structures that ultimately make certain actions, including violent actions, possible and others prohibited. Therefore, not much of the human suffering

actually caused by such violent actions finds its way into its pages. It is never lost from sight, nonetheless. The physical violence, whoever commits it, and the human suffering which inevitably surrounds it are most real. It is with this violence always in mind that the conditions of discourses that form the horizons of our thought about it are interrogated here.

1
Concerning Method

This chapter introduces the methodological framework and the research design for the genealogical analysis that follows. Its ambition is to lay down a method that draws substantially on Foucault's 'toolbox'.[1] As Foucault had a rather notorious aversion to universals (cf. Foucault 1991), the design aims to be true, not to his methodical prescriptions, but rather to the ontological, epistemological and theoretical assumptions of his historical analyses and their normative underpinnings. The reader who is interested more in the empirical or theoretical arguments and less in the mechanics of how these arguments have been arrived at may safely skip this chapter. For those interested in the conduct of poststructuralist inquiry, it may perchance serve as a source of inspiration.

Needless to say, this book is not the first genealogy conceived in the field of international relations. A very selective list of previous genealogical studies includes James Der Derian's genealogies of diplomacy (Der Derian 1987) and terror and the national security culture (Der Derian 1992)[2]; David Campbell's genealogy of America's foreign policy (Campbell 1998); Jens Bartelson's genealogy of sovereignty (Bartelson 1995); Richard Price's genealogy of the chemical weapons taboo (Price 1997); Patrick T. Jackson's genealogy of the civilizational discourses of Germany after WWII (Jackson 2006); Richard Jackson's genealogy of the war on terrorism (Jackson 2006)[3]; Lene Hansen's genealogy of the Western discourses of the Balkans (Hansen 2006); and field genealogies such as Steve Smith's genealogy of International Relations (Smith 1995) and Oliver Richmond's genealogy

of peace and conflict theory (Richmond 2010).[4] All these genealogies are products of the broader reflectivist movement, some strands of which have been inspired by poststructuralism. As a consequence, they refuse to conform to Keohane's condition for the recognition of reflectivists within the discipline, namely that they articulate and test causal hypotheses about a positively observable reality (Keohane 1988).[5] The fundamental question asked by scholars inspired by poststructuralism is, how does order (*logos*) emerge from disorder (*chaos*) – in other words, how are geographical, conceptual and epistemological boundaries established, and identities constituted in the play of identity and difference. Their aim is to reverse a 'theoretical enclosure' imposed on the international political imagination (cf. Der Derian 1992: 7). The philosophical foundation for these inquiries is the importance of the word (discourse).

Following in the tradition of the linguistic turn in philosophy that attributed to language supreme importance in making sense of the world,[6] poststructuralism was initially articulated in resistance to linguistic structuralism, which conceived of language (*langue*) as a system of signs whose meaning is established through differences and which enables speakers to issue mutually understandable utterances (*paroles*). Language, in this understanding, is the law of speech that organizes the world which we inhabit and in which things have no meaning based on their essence, but only in relation to signs existing at the level of *langue*. Such a language is not a product of the acting individual will; it is a structure (Saussure 1983). Poststructuralists like Foucault or Derrida (1978) draw on these assumptions, but they see language not as a closed but rather as an open and constantly moving structure of signs which continues to generate meaning through patterns of (privileged) identity and (devalued) difference, and focus on the power relationships underpinning these patterns. Gone is the inevitable and stable representational relationship between the significant and the signified. The word ceases to represent objects in the real world; instead, it constitutes them. Discourse is ontologically significant, (violently) endowing subjects, objects and material structures with meaning. It does not create things, but it does 'turn them to shapes and gives to airy nothing/a local habitation and a name'.[7] There rests the constitutive power of discourse, and it is why it makes sense to study it.

Methodology, or the frame

The world according to Foucault: Discourse, power, genealogy

Discourse

Discourse, according to Foucault, is neither a conversation, nor a discussion of something (for example, the method). It is a formidable structure of meaning, a regular but unstable series of statements. A statement, the 'atom of discourse', must be distinguished from a (logical) proposition, a (grammatical) sentence or an (Austinian) speech act, as Foucault argues in the *Archaeology of Knowledge* (Foucault 1997: 90). This is not to say that a statement cannot include sentences, that it cannot make sense, and that speech acts are not in fact series of properly arranged statements.[8] It is to say that propositions, sentences and speech acts are categories at different levels of analysis. A statement must also be distinguished from a sign. The sign only exists 'in the oblique form of [a] description that would take [it] as its object' (ibid., 95). If there were no statements ('descriptions'), there could be no language. Yet the sign is not simply contained in the statement. It is imposed on it and controls it, since a sign is a part of the system for the construction of possible statements which is called language (*langue*). So Foucault's statement, although it is always composed of an identifiable set of signs, exists at a very peculiar level: a level which is neither the level of the sign itself (that is, the abstract level of *langue*) nor the level of its material manifestation (such as a letter that is randomly typed on a typewriter and printed on a page).

Having made the distinction between statements and the other categories existing at separate levels of existence (propositions, sentences, speech acts and signs), Foucault finally arrives at the definition of a statement. A statement, according to Foucault, is 'a function of existence that properly belongs to signs and on the basis of which one may then decide, through analysis or intuition, whether or not they make sense, according to what rule they follow one another or are juxtaposed . . . ' (Foucault 1997: 97). In other words, it is a modality of existence proper to signs and their series which allows them to be more than a mere sequence of marks, endows them with a 'repeatable materiality', and makes it possible for them to relate to the domains of objects (120). This is the statement's (*enouncement*) enunciative function, and it accounts for its character as an event.

The statement can assume variable forms. It can be a statistical formula, a siren sound, a modern artwork or a lighthouse sequence. Insofar as it does not have a structural unity of its own, it is always 'invested' in other unities (like sentences). But despite the elusiveness of its form, it circulates, changes, serves or resists particular interests, or participates in challenges.

As noted above, the statement is the base unit of discourse. Hence, Foucault refers to discourse as (1) a general domain of all statements, or (2) a specific group of statements for which certain conditions of existence can be defined (Foucault 1997: 131). Discourse is therefore a collection of statements (as *langue* is a collection of signs). However, it is also a system of their formation and ordering. As such, it is not externally imposed on the statement as it is being formulated, but rather is constituted through the statements' articulation and their interactions.

Discourse is boundless. To be sure, any particular discourse, including the discourse of terrorism, is but 'a fragment of history . . . posing the problem of its own limits, its divisions, its transformations, the specific modes of its temporality . . . ' (Foucault 1997: 131). Not only does a discourse have its rules (order) determining who can speak about what and how, but it also has boundaries that delimit the marginalized and excluded. But there is nothing beneath or beyond discourse that is understood generally. The methodological consequence is that one cannot step out of discourse and observe it from a vantage point, and expose the true meaning of things, or establish a causal relationship (at least in the traditional sense) between the discourse and the social practices that form the social reality.

To say that discourse is boundless does not mean that it creates objects which have no separate existence, as it were, *an sich*. Neither is it, however, a mere medium of experience. By enabling statements about objects the discourse *constitutes* them. This is the foundation of *pouvoir d'affirmation*, the constitutive power of discourse – 'le pouvoir de constituer des domaines d'objets, á propos desquels on pourra affirmer ou nier des propositions vraies ou fausses'. Because of its productive possibility, the discourse is 'le pouvoir dont on cherche á s'emparer' (Foucault 1970: 12), the power to be seized. The methodological implication is that a Foucauldian discourse analysis should not treat discourse as a set of linguistic facts linked together by certain

syntactical rules, but rather as a *battlefield*, or a strategic and polemic *game* (cf. Foucault 2000a).

Power

Because of its constitutive power, the discourse is a site for transmission, transformation, exposure and inversion of the relations of force. Power, conceived as the multiplicity of such relations of force that are immanent to the domain in which they operate (Foucault 1976: 121–122), was the central problem around which Foucault's historical inquiries were organized. He understood power neither as an (institutional) entity nor as an (individual) capacity; neither as communication (though 'power relations are exercised, to an exceedingly important extent, through the production and exchange of signs') nor as a commodity (Foucault 2000c: 338; 2004: 14). Drawing on Kelly's synthesis of Foucault's propositions of power (Kelly 2000: 37nn.), its key characteristics may be considered as follows. Power is impersonal and subjectless; it is relational; it is decentered and multidirectional; it is strategic; it is productive (that is, not repressive); and it is immanent in social relations (economic, sexual) among individuals. The exercise of power

> is a set of actions on possible actions; it incites, it induces, it seduces, it makes easier or more difficult; it releases or contrives, makes more probable or less; in the extreme, it constrains or forbids absolutely, but it is always a way of acting upon one or more acting subjects by virtue of their acting or being capable of action.
>
> (Foucault 2000c: 341)

The subjectlessness of power means that it is not governed by the will of individual subjects. That does not belie its strategic character, however. For despite the subjects' basic intentionality and tactical polyvalence of power there is assumed to exist an overall (spatiotemporally contingent) strategic cohesion through the power's 'machine' rationality. In Foucault's historical studies, power is analyzed through different models: of *war* (the 'Nietzschean hypothesis'), but also of *game* (with both models mirroring his concept of discourse discussed above) and *government* (where governmentality comes to stand for the mentality of the government, or conducting the conduct of

individuals). In those studies, the sovereign power, associated with a law which coerces, prohibits and punishes, becomes gradually complemented – though never entirely substituted – by disciplinary power (microsocial, constitutive and bearing on individual bodies through prescription), liberal security (regulating circulation within the life environment) and biopolitics (macrosocial, constitutive and bearing on populations).[9]

Closely associated with Foucault's notion of power is the concept of *dispositif*. It can be interpreted in a threefold way. First, it can be interpreted as a 'heterogeneous ensemble' of discourse(s), institutions, regulatory decisions, laws, architectural structures, administrative measures, scientific statements and philosophical, moral and philanthropic propositions; second, as a particular configuration in time which arranges those components and thereby strategically orients the multiplicity of forces in a given domain; and third, as an instrument which makes it possible to make truth claims about the field of power in specific historical periods (Foucault 1976; 1980 [1977]; cf. Bussolini 2010; Deleuze 1992; Agamben 2009).[10] Following Foucault's understanding of the dispositif as a complex edifice (Foucault 2007: 8) and taking into account the historical evolution of the modalities of power, from sovereignty to discipline, security and biopolitics, the methodological conclusion is that inquiring into current dispositifs, including the dispositif of terrorism, requires one to pay attention to what characterizes all of them: from law to the practices of the contemporary panopticon to statistical profiling and normalization through the distribution of optimal future and risk analysis.

The inclusion in the dispositif of scientific statements or philosophical propositions points to another important aspect of Foucault's notion of power – its relationship to knowledge. 'There is no power relation without the correlative constitution of a field of knowledge…', Foucault writes (1979: 27). This relationship is mutually constitutive. 'The exercise of power constantly produces knowledge,' but at the same time 'knowledge constantly induces effects of power' (an interview, quoted in Foucault 2000c: xvi) which rely on the production of authoritative truth claims about *how things were* (historical facts), *how things are now* (present facts) and *how things always are* (historical laws; cf. Hansen 2006: 66). Power and knowledge are not identical. However, neither are they ever separable.

Genealogy

In the conventional sense, genealogy is a means of answering the question of origin. Historically, this question was never asked out of pure interest. The answer could, and indeed did, determine what rights and duties a person had. Moreover, since a unity of the person's descent and their moral character was often assumed, genealogy could answer the question of one's character too. Examples of such uses of genealogy are found in the *Iliad*, in Hesiod's *Theogony* (which discusses a cosmogony in which all is genealogically derived from three initial entities), and in the concept of the Apostolic Succession (where certain exceptional powers are passed down from the Christ to successive generations of men). In all such cases, the present social status or moral character of a person (or a god) is determined and legitimized by means of his or her genealogy.[11]

Nietzsche broke radically with this conventional understanding. His genealogy is (a method of) *wirkliche Historie*, the real and effective history, which is neither monumental nor antiquarian, but critical. Here, genealogy is counterposed against the 'total history', with its strictly defined boundaries of the inside and the outside. Nietzsche's genealogy inquires into the conditions under which humans discovered the values of good and evil. Yet it does so without resorting to any transcendental criteria that are located outside history or at least discovered only at its dusk (cf. Hegel 1991: 23). In fact, it concludes that the present unity of the norm and its historical stability is nothing but an accidental construct produced by power. Nietzsche refutes the concept of *Ursprung* (origin), which is associated with an unchangeable and eternal essence of things – divine, perfect, absolutely true and real at the moment of their birth and remaining so *in potentia*. His genealogy looks at the beginning of things – complex, heterogeneous and temporal – in order to destabilize that which is commonly considered stable. By historicizing his object of analysis (Christianity), Nietzsche challenges the subjecting of the present to the totality of history, to the purposeful evolution of things and to the progress of reason (Nietzsche 1996; cf. Nietzsche 2005).[12] This is in line with his understanding of 'that which is' as a result of the dice throws of chance. The resulting combinations are indeed determined by necessity, but this necessity is the result of a momentary and nonpurposeful constellation of forces rather than some

transcendent but intelligible principle. Methodologically, this means that retrospectively one can reconstruct the constellation leading to the particular result. But with 'that which becomes' being a product of the constant *game* in which chance and necessity interact to produce outcomes, no laws as principles of history that would be valid beyond the moment can be established (Cf. Nietzsche 1974; 1982; 2006; Deleuze 1983).

Nietzsche's influence on Foucault was extensive, and readily conceded. The former's understanding of genealogy was a major inspiration for the latter's own genealogical method, which Foucault introduced in *Order of Discourse* (Foucault 1970), subjected to a treatment in a form resembling a manifesto in *Nietzsche, Genealogy, History* (Foucault 1977 [1971]) and subsequently employed in *Discipline and Punish* (Foucault 1979 [1975]), *History of Sexuality I: The Will to Knowledge* (Foucault 1976) and *Society Must Be Defended: Lectures at the Collège de France 1975–1976* (Foucault 2004). In a nutshell, genealogy as Foucault practised it can be conceived of as a historical inquiry into the discursive constitution of subjectivity conditioned on power relations.

Since Nietzsche inquires into norms, customs and institutions, in their subject matter, his and Foucault's genealogies diverge. Foucault does embrace, however, the key assumptions of Nietzsche's *wirkliche Historie*. 'There is no timeless secret,' Foucault writes, adding that 'the secret is that there is no essence, or that it was fabricated in a piecemeal fashion from alien forms' (Foucault 1977: 142). He further elaborates Nietzsche's conceptual distinction between *Ursprung* and *Herkunft* (descent of blood, tradition, or social class) and *Entstehung* (an emergence as violent reinterpretation).[13] Regarding the last, Foucault claims that emergence always results from an eruption of forces, and transitions of discursive series take place, not according to the subject's prefigured *telos*, but are instead contingent on the historical situation, the play of dominances. Genealogy is then a form of history that 'can account for the constitution of knowledges, discourses, domains of objects, and so on, without having to make reference to a subject that is either transcendental in relation to the field of events or runs in its empty sameness throughout the course of history' (Foucault 2000b: 118). Its purpose is 'to record the history of interpretation',' identified as 'a violent and surreptitious appropriation of the system of rules' (Foucault 1977: 152). Like

Nietzsche's genealogy, it disturbs that which once was thought stable, and fragments what seemed a whole. However, it is far from a romantic revolt against reason and the Enlightenment. In a commentary to Kant's newspaper article *Was ist Aufklärung?* Foucault interpreted the Enlightenment as 'a philosophical ethos that could be described as a permanent critique of our historical era,' a critical ontology of ourselves that is

> not a theory, a doctrine, nor even a permanent body of knowledge that is accumulating; [instead] it has to be conceived as an attitude, an ethos, a philosophical life in which the critique of what we are is at one and the same time the historical analysis of the limits that are imposed on us and an experiment with the possibility of going beyond them.
>
> (Foucault 1984: 32–50)

Such an enlightenment Foucault was ready to embrace, and he saw genealogy as *developing* rather than undermining it, or revolting against it.

Foucault conceived of genealogy as an extension of archaeology, his earlier method of historical inquiry which he had subjected to a methodological treatment in *Archaeology of Knowledge* (Foucault 1997 [1969]).[14] Both archaeology and genealogy explore the conditions of discourse and, in a rebellion against what Foucault called 'traditional history', conceive documents as 'monuments' to be studied in their own right. But while archaeology is interested in constitution of truth (knowledge),[15] genealogy's focus is on the constitutive relationship between power and the subject. Moreover, genealogy was intended as a methodological advancement endowing the historical study of discourse with a dynamic that archaeology as a 'structural analytic' lacked, and making possible inquiries into how discourse is regulated – in other words, genealogy was meant to explore external (power) conditions for the emergence (*apparition*), development (*croissance*) and variation of discursive series (Foucault 1970; cf. Dreyfus and Rabinow 1982: 83).[16] Nonetheless, in Foucault's toolbox, both archaeology and genealogy would continue to coexist in a relationship of complementariness rather than succession (and they were later conjoined by *hermeneutique de soi*, inquiries into historical formations of individuality).

Schmitt: Thinking the Mayhem

The genealogical study of discourse takes interest in the constellations of power that bear on its order (whereas this order transmits, amplifies and transforms the relations of force). In what follows, Schmitt's concepts serve to create a dynamic historical landscape on which (re)emergences, evolutions and inversions of the (global) terrorism discourse can be recorded, and which provides a launching pad for the genealogical claims related to those movements. It should be made clear that no attempt is made here to write a theory of the terrorist as a modern re-articulation of the theory of the Partisan.[17] Instead of taking the terrorist as a fixed subject to whom certain qualities (absolute enmity, for example) can be attributed, this genealogical inquiry is interested in *how* his subjectivity is discursively constituted. To that end, and for this limited purpose, Schmitt's concepts, such as global civil war, depoliticization, absolute enemy, or social pest control – all of which were introduced against the background of the collapse of the *nomos* of the Earth – are considered useful.

Schmitt's nomos is the foundational act that creates a concrete territorial order as a unity of legal (*Ordnung*) and spatial (*Ortung*) orientation (Schmitt 2003: 67–69). *Jus publicum Europeanum* was an instance of such an order which emerged with the discovery of the New World. Its key spatial characteristic was a line between the new open space, where brutal battles for control over land could take place, and the old, where war was regulated. This 'bracketing of war' (*eine Hegung des Krieges*) sought to prevent wars of annihilation while recognizing that war as such was inevitable.

> Compared to the brutality of religious and factional wars, which by nature are wars of annihilation wherein the enemy is treated as a criminal and a pirate, and compared to colonial wars, which are pursued against the wild peoples, [the] European 'war in form' signified [the] strongest possible rationalization and humanization of war. (142)

Such a rationalization was achieved by limiting the legitimate authority to wage war to the state (a public person) as a *justus hostis*, which could treat any other state as an opponent on equal grounds with whom a peace could be made (cf. also Odysseos and Petito 2007: 7).

This nomos, Schmitt contended, collapsed with WWI. What followed were attempts at abolition and criminalization of any (interstate) war but also, paradoxically, the emergence of wars of annihilation fought in the name of humanity: total wars that promised 'to end all wars'. The war among states was eventually succeeded by a global civil, colonial or humanitarian war of annihilation, *Vernichtungskrieg* (Schmitt 1991: 29; 2003: 205). This new war has a punitive character – it is an instrument of social pest control, a police action taken against a parasite. In the process of depoliticization, the enemy, formerly a *justus hostis*, becomes the absolute enemy who is removed *hors humanité* (cf. Schmitt 1987 [1978]; 1996: 54). To Schmitt, the distinction between friend and enemy is, of course, the ultimate distinction 'to which all action with a specifically political meaning can be traced' (Schmitt 1996: 26). However, in the new (dis)order the enmity is intensified to the absolute. The enemy is cast as the disturber of peace and consequently as the *hostis humani generis* – the (international) public enemy. He cannot be reduced or contained. Instead, he is turned into a monster that needs be destroyed, one divested of his political character and rendered in other, particularly moral categories (cf. Ulmen 1987; Schwab 1987).

The idealization of *jus publicum Europeanum* in this narrative is conspicuous and, as Koskenniemi (2004a) persuasively argues, it is based on political-theological rather than on historiographical grounds. It is not to be replicated here. Yet the fundamental movement toward a state described under the heading of the global civil war is accepted, but with two qualifications. First, the (re)emergence of the discourse of terrorism in the 1970s will later be argued to be conditioned on the temporary restoration of the nomos. This is against Schmitt's own contentions that regard this period as one of a global civil war due to the then long lost (but arguably idealized) unity of the world, which due to the superpower contest and, later, decolonization was succeeded by bipolarization and, later, multipolarization. Second, the argument here is not a straightforward (neo)Schmittian critique of cosmopolitan humanitarian intervention, total war and spaceless universalism (for a review of such a critique, and also its deconstruction, see Teschke 2011), but a case in favor of this power constellation as a key condition of possibility for the contemporary discourse of terrorism and the evolution of the global terrorism dispositif.[18]

Method, or the road

Fundamentals

Genealogy as understood here is a method of discourse analysis. The ways of analyzing discourse are many. Indeed, they share an interest in language and how it produces the material world, or at least participates in its production. But they take different views on almost everything else: what discourse is, how it can be known, or how it should be studied.[19]

Based on the above-articulated methodological assumptions, the fundamentals of the Foucauldian discourse analysis may be put forward as follows. First, such a discourse analysis is interested in conditions for the articulation of statements. It is a matter of 'defining the conditions in which the function that gave a series of signs . . . a specific existence, can operate' (Foucault 1997: 122). It departs from the contention that the enunciative field is incomplete and fragmented (in other words, 'everything is never said') and it strives to establish a law of rarity according to which some statements are being made and others are not. Second, it is neither semiological nor hermeneutical. It focuses on statements and conditions of their existence rather than on signs – this methodological principle is defined as *une regle de l'exteriorité* by Foucault (1970: 55); and it does not attempt an exegesis of signs to reveal their hidden true meaning. Third, it is not merely a vehicle of liberation, but indeed it is a method – a way of producing knowledge. It is important to note, however, that it is not a method in the traditional Cartesian sense. As such, it does not prescribe a series of practicable steps – 'procedures of inquiry' (King, Keohane and Verba 1994: 7) whose successful performance would guarantee the scientifically sound conclusions of one's analysis. At the same time, it is not merely a *Methode der Darstellung* – a means of representation of those conclusions. Both Nietzsche and Foucault thought of genealogy as a way taken in a certain direction – that is, with clear ontological and epistemological assumptions, theoretical claims (regarding, in Foucault's case, the subject's origin and the conditions for a discourse's emergence and the historical transformation to be found in constellations of forces), and a clear normative purpose. Neither of them defined precisely how individual steps should be taken, however. A consequence of this conception of genealogy in this study is the inclusion of a research

design as a series of transparent choices about what should be the object of research, what it should ask and how the source material (the archives) should be chosen and organized.

Reading terrorism

For the purposes of the following analysis, the genealogy used here combines two approaches. The first is a 'structural analytic' of the discourse, which examines the internal rules that create possibilities for the articulation of statements. The second is a power analysis which purports to answer not the *what*, but the *how* question, and in doing so it focuses on the constitution of subjectivity (the terrorist and, by extension, the Normal Self) through the external relations of multiplicity of forces that are actualized through identifiable power constellations. As these are mutable in time, the discursive series identified in the research design below are not studied in isolation. Nor are they merely compared. In the genealogical narrative, continuities and discontinuities across discursive series (disappearances, reappearances, variations, transformations) are instead recorded and related to certain specific conditions, thus rendering those evolutions and the present state anything but natural and inevitable.

To meet its historicizing objective, the analysis proceeds as follows. At the beginning, the essenceless multiplicity of meaning of the term terrorism and hence also the mutating identity of the terrorist in the general discourse before the emergence of the first robust states' discourse of terrorism are established. To do so, a catalogue of variety is produced using a simple content analysis of the front pages of the *New York Times* (published since 1851), and comparing the analysis with analyses of the uses of the word 'terrorism' in *The Times* of London (1785) and *Le Figaro* (1826). In all three cases, the period covered is from the date of their first printing of the word until the 1930s. The periodicals were chosen because they were some of the most widely circulated publications, and the statements in them were, moreover, not issued merely by their direct contributors, but also by a number of other actors, including state governments of countries other than the state of publication. The methodological assumption is that the undisciplined character of the discourse may be observable *even when* only a few major periodicals of the examined time period are taken into consideration,

and the possibility that this was, for whatever reasons, the case in just one of the periodicals is tested by the addition of the two others.

After this overture, the discourse of terrorism among states is submitted to a genealogical inquiry. As noted above, discourse is defined as a group of statements for which certain (internal and external) conditions of existence can be defined. To inquire into the conditions of the *general* discourse of terrorism would, however, seem a task beyond the pale of the possible. Therefore, further limitations must be imposed on what is studied. The first limitation consists in limiting the subjects who make statements to states (i.e. their representatives).[20] Indeed, Foucault emphatically advised us to study power 'outside the model of Leviathan', that is, outside the juridical edifice of sovereignty (Foucault 2004: 34). The choice to focus on the privileged is justified here by the consideration that the states are in a unique position to (collectively) produce authoritative truths about legitimate violence. As a consequence, states' discourse of terrorism may be assumed to constitute a fundamental element of the contemporary global terrorism dispositif. This dispositif, to recall, is posited to comprise various sovereign (exceptional) practices, and the hybridization of authority characteristic for the current global order has been argued to reinforce sovereignty rather than diminish it (Amoore and de Goede 2005: 150; Amoore 2006; Butler 2006). The second limitation is temporal. Three discursive series are chosen for probes, piercing selective moments in time (cf. Laclau and Mouffe 2001: 8) to point to continuities, discontinuities and transformations rather than to put forward a comprehensive linear narrative. The choice of the series is not random. The 1930s witnessed the first emergence of a robust state discourse of terrorism. Therefore, this decade's series is an obvious target for an initial probe,[21] a decision further reinforced by the limited attention the Marseilles attentate and the ensuing debate in the League of Nations receive in standard histories of terrorism. Since genealogy is first and foremost the 'history of the present', the inclusion of the 2000s is also to be expected: it is *the* discourse to be historicized. Finally, the selection of the 1970s is perhaps more arbitrary, but it may be justified on the grounds that this time period can serve as a chronological interlayer, and because at this time, the discourse re-emerged with a new intensity and developed in interesting ways.

The analyses of each of the series are organized identically. First, the structural analytic of the discourse is conducted. It focuses on: (1) the 'law of rarity'; and (2) the 'basic discourses' of identity and difference. The law of rarity governs what is said and what is not. It is derived from the totality of statements aspiring toward formulating a certain discourse of truth about the object (*le discours vrai*) of terrorism, and it indicates (while remaining an analytical derivate) the existence of practices that manage enunciative possibilities. Basic discourses are a concept borrowed from Hansen, who defines them as ways of constructing, in practices of linking and differentiation, radically different Selves and Others along spatial, temporal and ethnical lines (Hansen 2006: 52). Here they are conceived as internal rules of a discourse *sui generis* that determine how the terrorist subject and its complementary Selves – the 'State' as a wielder of the monopoly of legitimate violence, the 'Soldier' and the 'Bureaucrat' as its extended hands, and the 'Normal Man', who consents to the established order of things – are constituted in each series through mechanisms of *subjectivation* (of the Self) and *subjectification* (of the Other). The analytic of the internal rules is exemplary insofar as it presents a selective sample of statements rather than their totality to indicate the presence of the particular rule across the enunciative field. The assumption that the ultimate criterion of a good example is that it can be multiplied (cf. Bartelson 1995: 8). Second, a power analysis inquiring into the external conditions of the discourse of terrorism is conducted. This analysis focuses on the constellations of power as structures in which global power relations are actualized, and it investigates them using Schmitt's conceptual apparatus introduced above.

Finally, the constitutive relations of power and knowledge are inquired into through an exploration of the nexuses between the states' discourse of terrorism and the discursive formations of relevant knowledge beyond it. The formation of terrorism knowledge is specifically analyzed in a way that is inspired by Foucault's archaeological method (Foucault 1997). The focus, therefore, is on discursive regularities (*régles de formation*) related to objects of discourse (rules and relations that enable their constitution as objects); modalities of statements (forms, authors and articulation sites); concepts of discourse (enabling ordering by means of inferences, implications, descriptions, generalizations or specifications); and discursive strategies (organizing all of the above).

The archives

Foucault's genealogy is *archival* – it depends on 'a vast accumulation of source material' (Foucault 1977: 140). Foucault himself proposed three methods of treating documentation: exhaustively, by sampling, or by a preselection of important documents. Even after having delimited the discourse of terrorism above in terms of the speaking subject (the state) and temporality (time probes), given the sheer size of the discourse, to treat the archives of statements on terrorism by states in their entirety would still be a gargantuan undertaking. Of the remaining alternative methods, preselection of important documents is chosen because sound and convenient criteria to delimit the discourse can be identified that render unnecessary sampling procedures which, to yield reliable results, would have to be rather complex.

The inquiry is therefore limited to statements articulated by states at two particular international fora – the League of Nations in the 1930s, and the United Nations in the 1970s and 2000s. These institutional frameworks provide convenient boundaries to the field of states' discourse of terrorism as privileged loci for discussing states' (international) security issues, moreover with almost universal participation. Hence, the statements enunciated in those frameworks have the advantage of being both authoritative and representative, even as the institutional demarcation produces a comprehensive yet necessarily also a somewhat abstract perspective. References to support descriptive claims concerning the order in a given discursive series are not intended to capture all statements enunciated in accordance to the given rule, but rather as illustrative examples, whereas the choice is made so that the enunciating states' diverse histories, regime types and geographical locations are all taken into account.

The archives (as material structures) of the League of Nations and the United Nations in Geneva and New York yielded much of the documentation necessary for reconstructing the discourse. The monuments studied included conventions, draft conventions and various bodies' draft resolutions, resolutions, reports, minutes or transcripts, and individual states' communications. The number of pages of the official documents reached hundreds in the 1930s, thousands in the 1970s and tens of thousands in the 2000s. The archives assembled in order to inquire into the constitutive relations of power and knowledge are even more extensive, their stacks including legal documents,

but also proceedings from conferences where terrorism was discussed, academic texts in the field of law or terrorism studies, works of literature and motion pictures. Regarding the treatment of statements articulated in the field of terrorism knowledge, for the sake of presentation, these are referenced in two distinct ways. When the statement serves primarily as a discursive monument, the full bibliographic information is given in a note; when it is used primarily as a reflection on the field, an author-date system is used.

In the rest of this chapter, a concise overview of the debates on terrorism in the three chosen historical periods is put forward. It can be read as a conventional history of the terrorism *debate* in the League of Nations and the United Nations, separated from the *discourse* analysis that follows. It is not intended as a comprehensive international legal history of terrorism (for that, see, for example, Saul 2006a), but rather to provide a historical institutional context for further inquiries.

In the 1930s, the debate on terrorism was sparked in the Council of the League of Nations by a request by Yugoslavia under art. 11/2 of the Covenant, that is, relating to a circumstance which threatens to disturb international peace.[22] It followed the Marseilles attentate (1934), in which its king perished. The event is described in more detail in the chapter *Emergence/y* (1930). The Council eventually decided to create a Committee of Experts (who, however, represented their governments) that would prepare two conventions (based on a proposal submitted in between the Council meetings by France)[23]: one on the prevention and punishment of terrorism, and one on an international criminal court. (The latter issue was separated from the former since there existed a disagreement on the court's utility which, as it was foreseen, could impact the action in other areas.[24]) The Committee sat for three sessions (1934–1936), while the issue was also discussed in the Assembly's First Committee, and states were asked three times for their written comments.[25] Finally, a diplomatic conference was convened by the Council to deliberate on the draft conventions (1937).[26] In the end, these conventions were indeed concluded and signed by a number of parties,[27] but they never entered into force. The debate can therefore be divided into two parts. The first was driven by the perceived need of a political resolution of the international conflict between Yugoslavia – and by extension, the Little Entente – and Hungary. The second was characterized by a discussion about the substance of terrorist acts, which in the

Convention on the Prevention and Suppression of Terrorism would be defined as 'criminal acts directed against a state and intended or calculated to create a state of terror in the minds of particular persons, or group of persons or the general public',[28] and about effective universal action to suppress it.

In the 1970s, the discourse (re)emergence followed the Munich massacre (1972), which will be treated in more detail in the respective chapter *Division* (1970s). Three days after the tragic event, the UN Secretary-General Kurt Waldheim proposed the inclusion of the item on the agenda of the General Assembly entitled 'Measures to prevent terrorism and other forms of violence which endanger or take innocent human lives or jeopardize fundamental freedoms.' In the final submission, and because of pressure from the third world states, a concern for 'underlying situations which give rise to terrorism' was added to this title. After a heated debate in the General Committee and the plenary session regarding whether the item should be discussed at all,[29] it was ordered to the Sixth Committee (Legal Affairs) under a modified title based on a proposal by Saudi Arabia:

> Measures to prevent international terrorism which endangers or takes innocent human lives or jeopardizes fundamental freedoms, and study of the underlying causes of those forms of terrorism and acts of violence which lie in misery, frustration, grievance and despair and which cause some people to sacrifice human lives, including their own, in an attempt to effect radical changes.[30]

This formulation would also serve as a title for the first U.N. General Assembly resolution on the subject, res. 3034 (1972). Three more resolutions on terrorism followed in the 1970s: 31/102 (1976), 32/147 (1977) and 34/145 (1979). It was only in the last one that all acts of terrorism were condemned instead of terrorist acts perpetrated by 'colonial, racist and alien regimes'.

The main site of the debate was the General Assembly, in its capacity as a body collectively legitimizing and delegitimizing states' action rather than of a sovereign lawgiver (cf. Claude 1966; Brownlie 1998; Simma 2002), its Sixth Committee, and the Ad Hoc Committee it established through the res. 3034 (1972). The Security Council remained mostly outside the debate. This was due less to the perceived (insufficient) seriousness of the issue than to the institution's

general paralysis. The Ad Hoc Committee sat for three sessions in the 1970s and produced three comprehensive reports with recommendations for the General Assembly.[31] It was composed of 35 member states from all three 'worlds'. The first Committee divided itself in its final sessions into three subcommittees – the subcommittee on the definition of terrorism, the subcommittee on its underlying causes and the subcommittee on measures of prevention. Each subcommittee's sessions lasted only two days, in which a consensus was meant to be reached. It was no surprise, then, that the Committee's conclusions were indecisive, the issues most contentious being precisely those that the subcommittees were to deliberate on: definition, causes and action.[32] In this context, a number of states chose to adopt sectoral treaties which established as criminal offences various activities associated with terrorism even as the term as such was avoided (cf. Bassiouni 1975; Cassese 2001; Lehto 2003; for a more general discussion of these sectoral treaties cf. Saul 2006a: 130–142; Hafner 2006; or Gioia 2006). In the 1970s, two conventions which were concluded in this way were the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents (1973),[33] which securitized 'maintenance of normal international relations' by means of traditional diplomacy (a rather manifest testament to the perception of the existing international crisis), and the International Convention against the Taking of Hostages (1979).[34] The sectoral approach would prevail until the 1990s, when it started – in line with the genealogical conclusions reached in the chapter *Enclosure* (2000) – to be succeeded by a new universalism. This universalism was manifested in the Convention on Terrorist Bombings (1997),[35] which included a definition of terrorist acts taken from the General Assembly res. 49/60 (1994), which was itself inspired by the Convention for the Prevention and Punishment of Terrorism (1937).[36] More broadly, it was also manifested in the principle of quasi-universal jurisdiction the newer sectoral treaties established (Freestone 1997) in contrast to the more traditional principles of jurisdiction contained in the previous treaties. By that time, more than a dozen conventions and protocols had been signed and ratified by a number of states, though despite a considerable rise in ratifications following UN Security Council res. 1377/2001 only a minority of states have ratified all of them.[37]

In the 2000s, the debate on terrorism has evolved into enormous proportions in the United Nations. A robust debate in the UNGA plenary session immediately followed the events of 9/11, with an echo of the tragedy still present as it opened in the UN New York Headquarters on Sep. 12, 2001. Besides the res. 56/1 (2001) condemning the recent terrorist attacks, and several other resolutions debated during the plenary sessions that followed in the coming years,[38] the General Assembly has been issuing annual resolutions in the series 'Measures to Eliminate International Terrorism', which was prepared by the Sixth Committee and closely resembled the res. 49/60 (1994) in its 'unequivocal condemnation of all acts, methods and practices of terrorism as criminal and unjustifiable, wherever and by whomever committed'[39]; 'Human Rights and Terrorism',[40] succeeded by the series 'Protection of Human Rights and Fundamental Freedoms while Countering Terrorism'[41] (prepared by the Third Committee); and 'Measures to Prevent Terrorists from Acquiring Weapons of Mass Destruction' (prepared by the First Committee).[42] These Committees also submitted several occasional resolutions in this period. Furthermore, within the Sixth Committee, a special Working Group has been discussing the draft comprehensive convention on terrorism, the convention on nuclear terrorism, and the possibility of convening a conference to define terrorism.[43] The same triad of issues organized the deliberations of the Ad Hoc Committee on Terrorism which was established by the General Assembly resolution 51/210 (1996).[44] The current draft comprehensive convention was presented to the Ad Hoc Committee in 2000.[45] However, despite several attempts at breaking the deadlock, notably in 2002 and 2007, the negotiations on the convention remain stalled. Somewhat contraintuitively, the most serious point of contention has not been the definition of the act of terrorism (art. 2),[46] but rather the proposed clauses excluding from the scope of the convention (art. 18) either national liberation movements or state militaries.

Under the favorable political constellation expounded in the chapter *Enclosure* (2000s), the Security Council gradually became seized with terrorism in the 1990s. Within hours after the 9/11 attacks, the French President of the Security Council, Levitte circulated a draft (a 'second French proposal', as it were) of what would become S/RES/1368 (2001), a resolution that recognized the right to self-defense against international terrorism while not instituting

any collective measures, leaving it to the states themselves to decide what constituted 'international terrorism' (Oudraat 2004: 161).[47] The Council indeed later assumed extensive legislating powers in the issue area of terrorism, which have obligated states to perform a variety of actions such as adopting certain domestic legislation.[48] At the same time, it has made no effort to control the violence associated with the global war on terror (instead, normalizing *ex post* consequences of this violence[49]), while confirming that terrorist acts represented threats to international peace and security. Terrorism, declared criminal and unjustifiable regardless of its motivations in the Council's resolutions,[50] would be defined in S/RES/1566 (2004) based on a Russian proposal that combined elements of the 1937 Convention and res. 49/60 (terrorism provoking a 'state of terror'), and the International Convention against the Taking of Hostages (1979) and the draft comprehensive convention (with the purpose to 'intimidate a population or compel a government or an international organization to do or to abstain from doing any act').

Furthermore, the conflict of terrorism and human rights has been discussed in the 2000s in the Commission on Human Rights – more specifically, in its second Subcommission on Promotion and Protection of Human Rights and the working group on guidelines and principles for the promotion and protection of human rights when combating terrorism.[51] Both the Commission and the Human Rights Council that succeeded it (2006) have issued a series of resolutions and decisions on the matter.[52] Finally, as in the past, terrorism has also been subject to debates and legal action by a number of regional organizations and other specialized intergovernmental bodies. These debates, however, remain beyond the pale of the analysis that follows.

2
Overture: One World, Many Terrorisms

The standard histories of terrorism, in their presentist bias, tend to suppress the multiplicity of meaning of the term that has existed ever since the word 'terrorism' made its discursive *entrée* in the late eighteenth century (if we are to believe authorities such as the *Oxford English Dictionary* or *Dictionnaire de l'Académie Française*). This chapter demonstrates the complexity of the fabric from which the meaning of terrorism in the discourse among states in the 1930s was carved out, and thus it points to the accidentality and contingency of this process. In other words, it suggests that the terrorism spoken about in the 1930s was simply not there; nor was it historically inevitable that, in their discourse, it would take the form it finally did. In the period covered by the content analysis of the three chosen newspapers (the *New York Times*, the *Times* of London and *Le Figaro*), the concept indeed became increasingly used. There were few rules, however, governing the ways in which it could be used and to whom it could be attributed.

Starting with the *New York Times* front pages, terrorism in this period referred, in the most general terms, to both a state and an activity. (This is in accordance with the OED's definition, which includes both the policy of terrorizing and the condition of being terrorized.) It was both violent and nonviolent. It undermined the state (by spatially limiting the reach of its legal power) and sustained it. It could be direct violence, or it could be deeply structurally ingrained ('atmosphere of fear'). Finally, it included action by regular militaries.

The earliest mentions of terrorism were related to the political situation in Ireland. The 'terrorism' of the Land League was linked to

anarchy and disorder (lawlessness spatially limiting the sovereign's legal power)[1] as much as to alternative government or rule (which 'supplants the law'[2]) and fear instilled by violence: 'landlords are shot, agents in cold blood brutally murdered with great violence; old cruelties are also revived'.[3] However, it also involved nonviolent tactics, notably the 'boycott' as a newly invented means of pressure. Commenting on the boycott practices, Lord Hartington, a Secretary of Ireland, said, 'Such a state of terrorism prevails in Ireland' that a substate society effectively commands obedience of the people.[4] Another Irish Secretary, Lord Balfour, later added that 'the place which the law ought to fill was occupied by the National [Land] League'. Members of the League, he continued, 'relied upon secret societies, dynamite and the dagger, the object of which was to bring about a state of anarchy by means of assassination'.[5] The League's terrorism was described as incendiary,[6] and as a revolt,[7] but also as a 'war' against great land ownership.[8] In its turn, in a manifesto reprinted in the *New York Times,* the League accused the government of employing 'a system of terrorism' in which people were denied their constitutional rights.[9]

Constitutional rights played an important role in another widely reported type of terrorism, which for the lack of a better term is here called 'electoral'. In the *New York Times*, this terrorism (sometimes referred to as 'political terrorism') was primarily located in the *post bellum*, effectively occupied South. It was attributed to the Democrats[10] and defined as interference in free elections, subverting the government and infringing on individual people's rights.[11] Moreover, it was accompanied by a state of 'no law, no order, except the law of the revolver and the order that comes from obedience to the bandits'.[12] The racial dimension, that is, the denial of civil and political rights to the 'colored people', was rather crucial. This occasionally resulted in framing the issue ('virtual serfdom')[13] as 'something more than national' – that is, as something of 'cosmopolitan' importance.[14] As a matter of fact, while its perpetrators pursued different political agendas, the electoral terrorism was by no means limited to the South. There were reports of instances of it in Greece[15] and Silesia.[16] A specific case of terrorism related to elections was 'the militant campaign of terrorism, ranging from arson and bombs to window breaking and the placing of chemicals in letter boxes', waged by the British Suffragettes.[17] On the other hand, the terrorism in the South

was not necessarily linked to elections, and it was certainly not temporally limited to the decades after the Civil War. This is illustrated by a reference to the terrorism practiced by the local government, which was making 'punishment or crime impossible',[18] or much later articles identifying terrorism with 'night raids'[19] or the Ku Klux Klan's *rule* ('a state of chaos and terrorism').[20]

Terrorism was also practiced by strikers, and in this case it was also associated with violence and lawlessness.[21] After all, it was negating one of the basic laws of the social order: the law of labor. State power (the army) had to intervene to relieve the population of this terrorism,[22] which appeared to have a certain ethnic element as workers not taking part in the strikes complained on several occasions about 'terrorism by foreigners'.[23]

Never was the word mentioned, on the other hand, in relation to certain events that are notorious in the history of terrorism literature, such as the Haymarket Bombing (1886), the McKinley assassination (1901), or the incidents of 'anarchist terrorism' in Europe and Russia. The discursive link between terrorism and anarchism, in fact, does not seem to have been particularly strong at the time. This is not to say, however, that anarchism and terrorism were not related at all. In 1908, it was reported that the United States 'has declared open war on anarchists' to 'put [an] end to terrorism' by driving them out of the country.[24] In 1919, a news piece went to print about a failed plot to launch a 'carnival of murder' planned by anarchists who, in this article, were also termed 'terrorists'.[25] And the next year, 'government officials' were quoted in reference to a Wall Street bombing as saying that it was 'an act of general terrorism' aimed against the federal government.[26]

The first mention of terrorism in Russia was rather late, and was related to the state terrorism consisting of executing people without trial. Russian nonstate terrorism was first reported by the *New York Times* in 1903 when Social Revolutionist party activity was described as 'less doctrinaire and more violent in tactics' since '[the party] has revived something of the old terrorism which shook Russian Society twenty years ago'.[27] The organization would wage a 'war of terrorism,' for example, through attacks against police officials.[28] Later, the newspaper's statements about terrorism in Russia would refer either to the (Bolshevik) revolutionary terrorism,[29] or to the Soviet (regime) terrorism. In September 1918, the *New York Times* printed a rather

important statement on the former: a telegram sent by United States Secretary of State Lansing to various other governments. It states, among other things, that 'this government is in receipt of information . . . revealing that the peaceable Russian citizens of Moscow, Petrograd, and other cities are suffering from an openly avowed campaign of mass terrorism and are subject to wholesale executions'. The government also 'feels that it cannot be silent or refrain from expressing its horror at this state of terrorism' to which 'peaceful' and innocent people are subjected by the revolutionary regime and 'irresponsible bands'. While calling for action, it intended to 'impress upon the perpetrators of these crimes the aversion with which civilization regards their present wanton acts'.[30] The next day, a headline that read 'Wilson Condemns Rule of Terror in Russia' was featured on the front page.[31] As for the Soviet terrorism, in one later instance, the Soviet government was directly equated with terrorism, and it was asserted that with this 'terrorism' (as an entity) no other government should enter relations.[32] The Soviet terrorism as policy could then be recorded in a variety of ways, including evictions of the non-proletariat from their homes during a housing crisis.[33] But the *New York Times* also mediated the Soviet regime's own perspective, from which enemies of the regime were labeled as 'terrorists' supported from abroad since the 1920s.[34] A day after the Kirov murder (1934), the *New York Times* ran the following headline: 'Soviet "War on Terror" '.[35] In the regime's propaganda captured on the newspaper's pages, its enemies planned and executed acts of terrorism 'to check the triumphant Soviet power'[36] since the change they desired could not be achieved by 'democratic' means.[37]

Another phenomenon described as terrorism was violence and intimidation practiced by extremists of various kinds. These included Communists/the Spartacus League,[38] but particularly the Nazis in places such as Germany or Austria before Nazi regimes were formed in these countries.[39] The Nazi terrorism in Saar, prompting a petition to the League of Nations, was also noted.[40] Later (after the Marseilles attentate), the League's Saar Commission published a report, in which it detailed the 'terrorism' in advance of the planned plebiscit and linked its perpetrators to the German government.[41] When Dolfuss formed a new regime in Austria (1933), he declared that its system would be authoritarian, but felt it necessary to add that 'we decline . . . terrorism. We will go as far in [the state's]

defense as we are compelled to go, and we will allow no terrorists to overrun us.'[42]

Terrorism as a breach of conventional warfare was first reported during WWI. The 'barbarous practices' of German submarines were termed terrorism,[43] as were the 'methods of calculated brutality' employed by the Central Powers which were intended, in Lord Balfour's opinion, 'not merely to crush to the dust those with whom they were at war, but to intimidate those with whom they were still at peace'.[44] This terrorism involved violence and intimidation against civilians (and other neutral governments), and as such, it consisted of a suspension of the 'order of war'. It was always attributed to governments by their (state) enemies. (The same pattern would later be repeated during WWII, when once again Germany would enact a 'government by terror' in the occupied territories and exercise 'pure terrorism' on the sea. Germany, in its turn, would frame as terrorism acts of resistance to its rule, and it framed the bombing campaign of the Royal Air Force as 'organized terrorism'.)[45] However, 'German terrorism' was also mentioned outside the war context. In a report from a Reichsraat session in Vienna, a Czech deputy, Dr. Stránský, was quoted as speaking about 'fifty years of German terrorism', which now culminated in the partition of Bohemia.[46] Several years later, to legitimize the ongoing occupation of the Ruhr, Poincaré referred to the German failure to abide by the articles of the Versailles Treaty as terrorism.[47] (The activities in the Ruhr that frustrated the subsequent occupation were also described as terrorism, as was, in the opinion of German Foreign Minister Rosenberg, the conduct of French and Belgian troops there.[48])

The terrorism that was reported on by the *New York Times* was certainly not spatially limited to the countries that were already mentioned. It also happened, or was attempted, according to the printed statements, in Bulgaria (chaos, mass arrests and executions following a *coup d'état*),[49] Cuba (night explosions),[50] Bengal,[51] Macedonia,[52] Spain,[53] the Philippines,[54] Japan[55] and China.[56] Neither was it limited to any political objective, since the newspaper reported on purely criminal terrorism associated with organized crime (*Mafia*) in both Italy and the United States.[57]

The variety outlined above is also present in the occurrence of 'terrorism' in the two other media outlets. In *The Times,* terrorism was first mentioned in 1796, when the newspaper observed that 'the

dominion of terrorism is very far from being at a period in France'.[58] Some of the early instances then included the report that Dijon 'is still under the yoke of imperial terrorism' exercised by the army garrison in the period immediately following the battle of Waterloo,[59] and the news of the 'ineffectual terrorism' practiced by the government in Ireland.[60] Around the same time a comic piece was printed by *The Times* in the form of a letter reporting that the 'Sultan pursues his plan of reform, but only by the most complete terrorism', which involved, for example, the introduction of blows.[61] In the 1830s, terrorism in Ireland, the rebellious parts of Canada (where the authority of the law 'seems to have been extinguished')[62] and Germany (with Berlin and Vienna trying to 'annihilate [the] liberty' of the various German principalities and people)[63] and the 'terrorism of the press' (mentioned in a parliamentary debate)[64] were reported on, as was the terrorism in relation to the 1839 Newport riots ('system of coercion'). In the next decade, terrorism was identified at least once with a positive meaning, in this case standing for alarmism with a good cause.[65] However, in the revolutionary year of 1848, *The Times* quoted Austrian Foreign Minister Baron Wessenberg's statement, emphasizing the much more familiar dichotomy of order and disorder when describing the present predicament: 'There is no strife of nationalities . . . but a combat of order against anarchy, of legal authority, without which no government can exist, against terrorism, of preservation against destruction.'[66]

In the 1850s, *The Times* reprinted an article from the *New York Herald,* which compared the situation in the South – 'invisible and lawless despotism' – with the terrorism occurring during the French Revolution. The result: in the South 'there is as little of political liberty as in Russia'.[67] Some years later, a failed attempt at 'terrorism' in Krakow was mocked in *The Times*. In the story, after 'a gentleman accused of entertaining reactionary opinions' was assaulted, he corrected those who had challenged him with his walking stick. 'Everyone seem[ed] delighted at the terrorists having been terrified.'[68] Police terrorism as misbehavior was then mentioned in the 1870s.[69] The radical increase in incidences of terrorism in *The Times* in the next decade should be attributed to the reporting of subversive terrorism in Ireland and, to a lesser extent, in Russia. In an interesting statement contrasting with the two, the latter is depicted as 'both an end in itself and [a] means to other ends. It gratifies a malignity

of temper which has been festered till it has become a ruling passion.' And in the same article, while the anarchist or the nihilist must be condemned, since his crimes are 'inconsistent with an elementary form of civilization', at least their intent is intelligible and their interests are limited. This cannot be said of the 'dynamite fiend' (terrorizing London rather than the much more distant, both politically and geographically, St. Petersburg), who is a 'cowardly murderer' hardly discriminating among his victims. As such, to him is attributed an unprecedented barbarity, since

> in war the slaughter of non-combatants has always been looked upon as a mark of the blackest barbarism, but the worst acts of medieval tyrants and of savage tribes have now been surpassed by the blind, though calculating, malignity of men domiciled as citizens in the most progressive country of the modern world.[70]

Meanwhile, in Ireland itself, *The Times*, similarly to the *New York Times*, related Irish terrorism to a state without law, which spread like 'a plague among a community deprived of the elementary safeguards of a civilized state'.[71] Following the assassination of French President Sadi Carnot some years later (1894), Bismarck too was quoted as using a medical metaphor when he expressed the opinion that 'the systematic and endemic terrorism had not been known in Europe to the same extent before the appearance of Social Democracy'.[72]

The assassinations of the 1890s (the 'golden age of terrorism' in many more recent accounts) do not seem to have been framed as terrorism at the time, as terrorism in this decade remained linked primarily to the Irish matters. These were also reported on in the first three decades of the twentieth century and were marked by *The Times'* coverage of the terrorism in the Russian Empire (in its Polish lands the term stood for assassination and robbery, but also, for example, for the attacks on liquor stores),[73] Bolshevik revolutionary and state terrorism, the terrorism in Punjab (an 'organized campaign of anarchy', a framing suppressing the separatist aspiration to a new, independent political regime)[74] and Bengal, viewed from the colonial perspective, and the terrorism in Germany and Austria. The meaning of German 'war terrorism' was expanded to include 'terrorist diplomacy' – this was in reference to a plot uncovered after WWI (*The Times* was reprinting reports by *Frankfurter Zeitung*) which consisted

of 'explosives and bacilli cultures [being] distributed to French and Italian anarchists to practice acts of sabotage in those countries'.[75]

Le Figaro, published since 1826, had its first recorded mention of 'terrorisme' as late as 1908, when it reported on the 'anarchist terrorism' in Spain.[76] The following instances refer to nonstate, subversive anarchist terrorism (in Russia, Spain or Belgium) rather than to terrorism as a state without law, or state terrorism. The exclusivity of *Le Figaro*'s focus on nonstate terrorism, however, receded during WWI when, as in *The Times*, terrorism ('une régime sévère de terrorisme')[77] was reported in the territories occupied by Germany. (There were even references to 'la philosophie teutonne du terrorisme, qui s'appuie sur le postulat de la divinité du peuple germain'.[78]) The scope of this 'système du terrorisme allemande' was later extended in delegitimizing claims that victimize Germany's enemies and even its own population in order to sustain the war effort and prevent the government's immediate collapse.[79]

After WWI, the terrorism in Berlin as a state of violence,[80] the Russian revolutionary terrorism,[81] the terrorism in Barcelona by means of mass explosions and the terrorism in Ireland were all mentioned by *Le Figaro*, as was the terrorism in Morocco (1925). Interestingly, the report on the last was followed by a deliberation about the differences between 'guerre européenne' and the (asymmetric) conflict in North Africa.[82] Electoral terrorism was reported too, as was the 'terrorism' standing for the disorder caused by extreme movements in Germany and Austria, and the 'terrorism' in Indochina that stood for murder, burning villages, and pillaging.[83] Immediately before the Marseilles attentate, terrorism in Europe was associated primarily with skirmishes and violence by storm troops in Germany, Austria and Saar. *Le Figaro* also noted that the local puppet government in Manchuria accused the Soviet Union of 'having encouraged acts of terrorism' there at this time.[84]

This catalogue of variety shows what kinds of different things 'terrorism', as used in the discourse before the 1930s, could stand for. Some abstract patterns in the ways that it was used can indeed be identified. The negative connotations of terrorism were predominant, and such terrorism was often attributive (it is reprehensible, and it is what the *others* do). Terrorism also seems to have been habitually conceptualized as *anti*-government, either as the ideal opposite of the good and ordered government (often within a delimited space and

often associated with barbarism, producing a contrast to the ordered and tranquil civilized state), or as an action which undermines the existing mode of government, is in contradiction to the normative order, or prevents its full realization. It seems to have been this negation of the existing order, this *stasis*, that was really *terrifying* about terrorism: its displacement of terror from its constitutional limits in that it seized it from its legitimate wielder (the state), or the trespassing by this wielder against the rules for the legitimate exercise of terror.

These patterns are, however, too general to be constitutive of a distinctive order of discourse, thus leaving many exceptions, much irresolution and a lot of underspecified difference from other forms of political violence (anarchism is the most obvious contender on the subversive side) or, indeed, of political or even military action. Therefore, when speaking of how terrorism emerged in the discourse among states following the Marseilles assassination, it can plausibly be claimed that it was a process of *Entstehung*, a violent and narrowing reinterpretation contingent on a certain constellation of power rather than on the emanation of any essential and historically inevitable *Ursprung*. We now turn to the conditions of this emergence and of that which followed.

3
Emergence/y (1930s)

'Europe shocked, fears grave complications,' read the headline of the *New York Times* the day after King Alexander I Karadordevic, the king of Yugoslavia, was slain on Oct. 9, 1934, less than an hour after he arrived at Marseilles aboard the cruiser *Dubrovnik* for a government visit. (The second victim of the attentate was the French Foreign Minister Louis Barthou, who possibly fell by the hand of the French police in the chaos that ruled the scene.) The king's assassin, armed with a Mauser gun, had gone by many names – Černozemski, Georgiev or Vlada the Chauffeur. He had once been a hired gun for the Internal Macedonian Revolutionary Organization (IMRO), but at the time of the assassination he was working for the Croat revolutionary movement, the Ustaša. Černozemski was not acting alone. On the steps of the Bourse, near which the assassination took place, was another conspirator, Mijo Kralj, who was armed with a bomb which he did not throw. Two other accomplices, Pospišil and Rajić, were ready to strike in Versailles should the Marseilles attempt failed. They were all Ustaša members, and the group was supplied with weapons and instructions by an Ustaša leader, Ante Pavelić and his associate, Eugen Kvaternik. All had come to France using Hungarian passports. Černozemski was killed on the spot. Kralj, Pospišil and Rajić were sentenced to life in prison by a court in Aix-en-Provence (1936). Pavelić and Kvaternik received death sentences *in absentia*, since upon completing their mission they had safely returned to Italy, where they were residing under the protection of the Fascist regime.

In the aftermath of the attentate, Belgrade immediately sent troops to the Italian and Hungarian borders to 'avert invasion',[1] significantly, not doubting for a minute that (these) states were

behind the assassination, which would become a founding act of 'international terrorism' in the 1930s. The situation calmed eventually, however, and resulted in no further immediate international hostilities. Marseilles was not to be a new Sarajevo.

The circumstances of the event are not of particular concern here. Suffice it to say that Yugoslavia at this time was a multinational empire ruled by a Serbian elite headed by the king, who had declared a royal dictatorship (1929) to institute a lasting peace within his artificially named realm. This had the effect of further alienating some of his subjects. The more radical dissenters, such as those who later formed the Ustaša ('Rebels') with Italian support, went into exile, and by the time of the Marseilles attentate, they had committed a number of acts of political violence on the Yugoslav territory. There is little doubt that these organizations were characterized by an 'absolute enmity' toward the government. In the words of Pavelić: 'The struggle will be hard, pitiless, terrible, bloody – a struggle for life and death, by all methods, to shake off the alien force.'[2] Moreover, their operations were transnational and they could benefit from 'safe havens' located in Hungary, Italy or Bulgaria. That said, the Marseilles attack was not by far the first assassination of a head of state by a clandestine organization with transnational links striving to tear down the existing government in a country, and it was all but inevitable that a robust discourse of international terrorism would emerge among states following the assassination. And yet it did.

This chapter has a twofold aim: that of describing the order of this discourse in which the concept of terrorism was stabilized and the subjectivity of the terrorist took shape, and that of inquiring into its conditions of emergence and existence. The first part is a structural analytic of the 'law of rarity' (rules of the discourse). The second part is a power analysis that develops an argument that this discourse was a strategic response to an emergency intended to preserve the *status quo* of the community of states by means of a collective normalizing action.

The archaeology of patient and painstaking endeavor[3]

Law of rarity

The character of the enunciative field is fragmentary, which is another way of saying that 'everything is never said'. That which is

said is determined by a law of rarity, a set of dominant rules for the articulation of statements. In the most abstract terms, this articulation was determined as follows. First, it was not doubted at all that there was such a thing as terrorism. That is to say that there was a wide consensus that a certain type of political violence could and should be defined as 'terrorism', while indeed some frustration could be observed concerning the imposition of an imprecise term onto the debate.[4] Second, state terrorism, while it was rather firmly entrenched in the popular discourse, was almost entirely absent from the political discourse. For example, it was never argued that state terrorism was the real cause of the subversive terrorism – an argument that would become rather frequent in the 1970s. Finally, the paradigm of 'international terrorism' limited the debate to terrorism as an international phenomenon.[5] As a result, it was the international order that was the referent object to be secured.

Terrorism's accidental unities

The scope of terrorism on which it remained possible to make statements was delimited with reference to the terrorist's *activity* intended or calculated to create a 'state of terror'. There indeed was some disagreement about whether the founding act of international terrorism, the Marseilles attentate, actually created a state of terror or common danger, or mere excitement.[6] But over time these initial doubts seem to have evaporated. The activity that defined terrorism was initially defined as twofold: assassination and mass explosions.[7] (This duality did conform to some previous popular images of the terrorist, but much rather of the anarchist as carrying a bomb in one hand and a revolver in the other. Yet hardly was this a prevalent representation; and in the popular discourse terrorism would actually keep its multiple meanings in relation to both the activity and the author well beyond this particular moment.[8]) Therefore, the French proposal which emerged from the initial debate in the Council defined terrorist activity as, firstly, any attempt on the life and liberty of heads of states, members of government (including also members of parliament), and government officials, but also private persons who fall victim to the terrorist violence because of their political attitudes, and, secondly, as explosions in public buildings and traffic. Material damage causing a disturbance of public order complemented the victimization of the rather extensive class of selected persons and the general public.[9]

A tendency to discursively widen the boundaries can be observed in later statements related to terrorism.[10] There were efforts to include soldiers among the protected persons, to comprise means of communication (telegraph and telephone systems) and public services (water supply, electric transmission) among the protected goods, and to expand the terrorist's arsenal to include poisons and chemical or bacteriological substances.[11] In the related statements, the terrorist was elevated to the status the universal malefactor, for whom apparently nothing was impossible:

> Experience has shown that, quite apart from attempts on the life or liberty of certain prominent persons and attempts on public buildings, railways, etc., terrorists also commit other acts with the object of striking terror into the population: for example, they cause floods, spread infectious diseases, dislocate public services or public utility services, etc.[12]

In the final proposed definition, the initial duality was preserved, however. Terrorist acts would include causing 'death or grievous bodily harm or loss of liberty to sovereigns and other public persons' (but due to the overall depoliticization of terrorism no private persons by virtue, for example, of their political attitudes), destruction or damage of public property, and 'any willful act to endanger the lives of members of the public' that created a state of terror (art. 1/2).[13] Therefore, the conceptual unity of terrorism was created from heterogenic elements in a way that had to be, and eventually indeed was, normalized in the discourse. Besides the two disparate activities, assassination and explosions in the public space, another unity moreover emerged: that of (international) terrorism as attacks on the life or liberty of sovereigns and representatives of public authority (protected persons), and on the general public (a multitude).

Terrorism as an unprecedented threat

This terrorism was constructed as something radically new and terrible, which justified the (envisioned) universalist action against it. The discourse therefore abounds with statements on the 'frightful scourge of terrorism',[14] constituted by acts which offend the 'universal conscience of mankind'[15] and which are of a contagious nature.[16] Such terrorism was something 'entirely new in European public law'[17]

(understood as *order* rather than *legislation*) and very different from the 'old terrorism' – individual and domestic.

The unprecedented character of the terrorist threat was sustained by several arguments. First, the international order was perceived as more vulnerable than in the past because of the growing interdependence,[18] as well as new modalities of diplomacy which required state representatives to travel much more to other countries.[19] More importantly, terrorism was defined as an organized conspiracy, in which it (allegedly) differed from isolated, individual acts 'committed by criminal anarchists, examples of which can be found in history'.[20] In such a conspiracy the terrorist conspired with a (revisionist) state. Their unholy alliance, unlike, for example, the common 'political murder',[21] threatened to cause anarchy and chaos. It also effectively rendered terrorism an instrument of state policy, a 'disguised intervention'[22] and a(n) (repeated) 'individual invasion'[23] (as opposed the conventional war as a collective invasion).

Terrorism and the state

It was this conspiratorial feature that made international terrorism a threat to international order that needed to be acted upon. The state was both the victim of terrorist violence (directed 'against the state' in the convention for the prevention and punishment of terrorism) and its instigator and sponsor, since it provided the terrorist with false passports, contacts, material assistance and a territory to safely operate from (see below) and refused to cooperate with other states. For reasons suggested in the next section, the only 'complicit' state subjectified in the discourse was the revisionist Hungary.[24] The Marseilles events were therefore described as a culmination of a terrorism 'inspired and abetted for years on Hungarian territory'[25] and performed by both the Ustaša and Hungarian 'associations' abroad alike,[26] making Budapest a center from which terrorist tentacles reached out to the neighboring countries and further. Indeed, in the final resolution by the Council, not the Hungarian government but, instead, 'certain authorities' were declared responsible for the Marseilles attentate. That said, to Budapest was attributed the responsibility in the discourse, both directly – through the alleged assistance by the army to the Croat nationalists and the direct link between associations of minorities engaging in acts of terrorism and the Hungarian government – and indirectly, as it seems to have

been inconceivable that Hungary had no knowledge of the terrorist 'camps' on its territory.

While the conspiratorial bond with the state that made terrorism an instrument of state policy remained present in the discourse beyond the initial debate in the aftermath of Marseilles (and it was made abstract so that no attributive statements were made), it was curiously limited. Indeed, under the terrorism convention, states had a duty to refrain from encouragement of terrorist activities directed against other states (or, as the draft submitted to the conference read, to undermine 'the safety and order of any other state'[27]) based on the general principle of non-intervention.[28] That which was subject to action (criminalization, punishment and so on) in the convention was terrorism *itself*, however, not the state activity – which, as it was only once pointed out, was the actual problem that spurred the debate in the first place.[29] In this alienating move, the concept of a terrorist driving a wedge in the (illusionary) community of all states[30] could be established and preserved.

Elusive but anchored: Janka Puszta as the safe haven of the 1930s

The conspiratorial character of terrorism was sustained also by recurrent references to its transnational character. The terrorist (or at least the infernal machines he constructed) moved freely from one state to another, taking advantage of such modern means of communication as trains, which still represented an unprecedented global interdependence and a speed which negated distance.[31] In disguise and armed with false identity papers, the terrorist challenged the international order directly by attacking its constituent units (states), but also by undermining the fundamental signification of the existing state power, a grid through which it could be interpreted: national boundaries. Despite his or her elusiveness and potential omnipresence, the terrorist required a territorial base from which he or she could operate. As suggested above, this territorial base was provided by none other than the complicit state. It was the 'very centre of terrorist activity' directed against other states,[32] a place where terrorist elements could be 'established'[33] – in other words, *estated,* and it formed an *anti*-governance space in the otherwise disciplined and readable international political order. It could exist only because the complicit state willed it, since, as illustrated in the case of Hungary, other possibilities, for example, that the terrorist

elements could prey on a state's weakness, seem not to have been contemplated.

The paradigmatic terrorist camp ('safe haven') of the 1930s was not located in some faraway and, for those articulating the dominant statements, culturally strange territory, but in a small Hungarian farmstead of Janka Puszta, only a few miles from the Yugoslav border. This place, frequented by terrorists, including the regicides of Marseilles, had all the features just described. It could not 'exist in an organized country without the consent and assistance of authorities'.[34] Furthermore, it was a deviant (authoritarian) political order, under which the Ustaša could form a 'society' which made no secret of its existence, ran a press (to spread propaganda) and issued regular military uniforms and even coinage.[35] It served also as an education facility, where the wicked art of terrorism was taught in order to be practiced elsewhere: it was thus a school[36] or a nursery of terrorism[37] and occasionally also a storage space for terrorists who could be sent abroad ('a real criminal depot').[38]

Marginal state discourses of terrorism

The law of rarity decides which statements are enunciated. It is never total, however, and statements that either remain isolated or form marginal, subdued, alternative discourses (sets of statements) at the boundaries of the discourse studied always exist. Perhaps the most radical alternative discourse of terrorism in the 1930s series comprised statements claiming that terrorism, while indeed it was real and could be isolated from other forms of political violence, did not constitute a public menace and hence no exceptional collective action was necessary.[39] A second marginal discourse related to root causes (which would be much more emphasized in the next series studied). The problem of repression as a cause of subversive terrorist violence was indeed raised by countries neutral in the Marseilles crisis such as Finland, but it was most forcefully articulated by Hungary. In a defensive move against the charge that terrorism emanated from its own territory, Budapest argued that this terrorism (whose external manifestations it did not doubt) was instead a consequence of the 'revolutionary frame of mind to which the Yugoslav regime [had] given birth'.[40] Against the discursive strategy to align terrorism and revisionism (see below), Hungary responded by linking terrorism and injustice – a move reinforced by the constant identification of the

Croats on its territory as political refugees or *emigrés* forced to flee the reach of Belgrade's repressive establishment.

Yet another marginal discourse was relativist. It was based on the premise that subversive political violence often succeeded and its international prosecution would therefore always befall the vanquished party and never the victorious. The present project of international action against terrorism thus betrayed a systematic partiality for any government in power, since all rebellions 'would, by definition, be placed in [the category of terrorism].'[41] The statements articulated in this discourse suggest a rare sensitivity to the contingency of power and its origin in violence. Belgium, their 'author', did not, however, actually protest the universalist action, but merely proposed narrowing its scope.[42] Moreover, during a diplomatic conference, Belgium was one of the states which promoted a general definition of terrorism (linked to a 'state of terror') rather than the more detailed enumerative one, as the latter could, in its view, give rise to controversies and evasion of law.[43]

Basic discourses

The terrorist subject (and its complementary subjectivities) was (were) constituted in the discourse in three identifiable basic discourses of identity and difference: *civilization/barbarism*, *order/chaos* and *political enemy/hostis humani generis*.

Civilization and barbarism

The discourse of civilization and barbarism is perhaps the most salient basic discourse in which the terrorist (Barbarian) Other, as opposed to the (civilized) Self, was constituted. Terrorism was rendered as a blot[44] on, or a scourge[45] of, human civilization and a grave menace to its peace,[46] of which the League of Nations was the designated guardian. It stood for the return of barbarian practices into the civilized world, which (presumably) had previously gotten rid of them.[47] Thus, it 'stirred the conscience of civilized nations'[48] and was damaging, 'accordingly, to humanity as a whole'.[49] Terrorism was a 'crime against civilization' and 'odious barbarity or vandalism'[50] (the latter a synonym of barbarism with a peculiar reference to property). The action against terrorism, on the other hand, was meant to unite the whole 'civilized world', which now, after Marseilles, was in a state of horror. The cooperation among

nations was necessary for the 'protection of the common heritage of the whole civilized world – security of life and limb, health, liberty, and public property intended for the common use – against the criminal activities of certain terrorists'.[51] In even more urgent words, there could be no hope for the future of civilization should this international repression fail.[52]

The principle of a cultural ordering of humankind based on the dichotomy of the civilized Self and the barbarian Other can be traced back at least to the ancient Hellas (for more on this, see the chapter *Power and Knowledge*). In the states' discourse of terrorism in the 1930s, however, barbarism was redefined in two important ways. First, the Barbarian was no longer identical with the Savage as a being raised and living outside the reach of civilization while threatening to press onto its boundaries. Instead, as a courtesy of the complicit state, he resided *inside* those boundaries, even as the terrorist community was all but normal – rather, it was authoritarian (i.e. not democratic) and disrespected human subjectivity, with the residents being treated 'almost like slaves'. Some of the inhabitants would manage to escape, while others would commit suicide in a desperate attempt to free themselves from the oppressive yoke.[53] (References to slavery must have been intended to have a strong resonance, since it had recently been subjected to intensive international action and prohibited in the strongest possible terms.) The convenient inside location of the terrorist combined with his characteristic elusiveness furthermore meant that he or she could appear and strike anywhere at any moment. Second, the terrorist as a modern Barbarian was not identical with the Savage since his subjectivity was indeed defined by primitivism, identifiable with the transgression or negation of existing conventions of the use of violence (the limits being manifestations of the civilization), but also by the *state-of-the-art* technology that he used for his deadly purposes. From the point of view of the civilized Self, proud of the human (its own) progress and its achievements, the terrorist was a monster born out of modernity, which knew all too well how to reap its fruits, but which, at the same time, remained in some peculiar way imprisoned in the past.

Order and chaos

The barbarian character of the terrorist made possible his subjectification as a malefactor of the established order. This was

primarily the international order, yet one maintained by the continuing existence of the states as its constituent units. Therefore, the Marseilles attentate brought about a 'state of anarchy and alarm in Europe'.[54] Terrorism more generally then, through a rather intriguing mediation in the state of mind of the protected persons and the political state,[55] caused a disruption of the order,[56] and a disintegration of juridical values of first importance[57] and destroyed 'discipline, increasing poverty and suffering, and so paralyzing [the] state's powers of reaction'.[58] The terrorist threat to the order originated most of all in the conspiratorial relationship at its core between the terrorist and the complicit state against the background of the widespread crisis of the national orders: 'For, after all, what European country is at present contented?' Should states actively support or even tolerate in their territories subversive elements participating in political conflicts in the neighboring states, 'what would become of Europe?'[59] In a rather typical juxtaposition of order and civilization on one hand, and chaos and barbarism on the other (creating the link between the two basic discourses), this dark vision of the international politics could be evoked even more specifically: 'organized government would become impossible. An era of anarchy and international barbarism would overwhelm the civilized world, in which the most elementary foundations of international peace would inevitably disappear.'[60]

The dichotomy of order and chaos can be seen also in a rather pervasive representation of the slain king as a great unifier. Alexander was a founder of *homonoiá*, a peacemaker and an eradicator of dissent among the peoples of the land he invented – Yugoslavia. The terrorist, his assassin, on the other hand, sowed the seeds of discord and chaos among the nations of the Balkans united under the Karadordevic rule. An attack on Alexander could therefore be metaphorized as an attack on peace itself,[61] and the murdered sovereign could be molded into the ultimate peaceful and orderly Self opposed to the subversive terrorist Other. The latter could, however, be juxtaposed also to meaner servants of the state who guaranteed the public order, while the terrorist's intent (the *only* intent, since his political motives were suppressed) was to sow the seeds of chaos.[62]

The same temporal accent found in the basic discourse of *civilization/barbarism* – with the terrorist somehow morally imprisoned in the past – can finally be observed in the basic discourse of *order/chaos*.

Here the recurrent pattern is one of attributing to the terrorist a resistance to 'historical destiny' and 'irresistible natural forces'. Particularly from the perspective of the new states of Central Europe, following WWI, a process of national unification as 'one of the laws governing the history of Europe' was concluded and finally brought justice to the European order. Yet this order was now undermined by forces which attempted to arrest and strike a blow to the 'inevitable evolution'.[63] Similarly, if from a different ideological perspective, terrorism was also conceived as an instrument of reactionary parties who 'want[ed] to put back the clock of history of mankind by centuries' and thus to undermine the new political order.[64]

Political enemy/hostis humani generis

In this basic discourse, the terrorist was depoliticized into an 'enemy of the human race'[65] to whom no protection under international law should be provided. Indeed, there existed a certain discursive variation on this issue, and the depoliticization process seems to have been only gradual. While it was stated during the initial debate in the Council that terrorism never had any political sense,[66] the French proposal likewise mentioned 'terrorist action with a political object' and the need of prosecuting 'political crimes of international character'.[67] The Council resolution then called for the establishment of a committee of experts 'to assure the repression of conspiracies or crimes committed with a political and terrorist purpose'.[68] Afterwards, acts of terrorism continued to be occasionally considered political crimes for which the right of asylum could be invoked, particularly when they were directed against the representatives of power and did not involve the death of a large number of 'innocent persons'.[69] But in the course of the debate, such a position would come to be seen as 'excessive generosity': terrorism could not be considered a political crime, since it disrespected the sanctity of human life and contradicted the fundamental interest of the international community. 'Terrorism was not a political conception, but a method of action consisting in assassination, sequestration, incendiarism, bomb-throwing and the like.'[70] As a consequence, a dominant pattern of subjectification emerged in which the terrorists were identified as professional assassins, criminals, malefactors, common murderers, thieves, incendiaries and paid agents carrying out

certain instructions:[71] in other words, the 'enemies of [the] human race' who must be 'relentlessly tracked down and prevented from injuring their fellow creatures'.[72]

The rationale behind this depoliticization discourse was to separate terrorism from political crimes, for which special protection had been established under international treaty law (imposing limits on extradition that hindered the envisioned prevention and punishment regime) while, at the same time, preserving its exceptional character. Terrorism was no ordinary crime; neither could it have been identified, however, with a political crime as an established exception (which would offer the terrorist certain privileges). The terrorist as a subject was, in consequence, stripped of any political motive, and his ends were limited to the creation of a state of terror undermining the civilized order for unspecified purposes. Any intentionality behind terrorist violence could only have been provided by the complicit state with its revisionist political agenda. Thus the lasting subjectification of the terrorist as a madman who not only used insensible *means* of action, but also had no sensible *purpose* could be established. In that he was not juxtaposed to any idealized Self, but rather to an established category of the political criminal to whom the liberal international order, in its benevolence, granted a few special privileges, provided he would not rebel against domestic liberal orders but rather against the unenlightened regimes which the flame of freedom had not yet reached.

Things fall apart[73]

Terrorism had not been established as a category of violence that could be readily and unproblematically used to endow what happened after Dubrovnik landed in Marseilles with meaning. Instead, the concept of terrorism was a product of *Entstehung*, a violent reinterpretation, and not a result of any essential and historically inevitable *Ursprung*. Indeed, it would be sensational and historically inaccurate to claim that the emergence of (international) terrorism in the states' discourse after Marseilles was the very first time 'terrorism' appeared in the international debate. The anarchist conferences at the turn of the century dealt with the kind of political violence that would only later be generally termed terrorism (even if the means devised to combat anarchism here prefigured the later elements of the terrorism

dispositif such as surveillance, using the latest technological advances such as Bertillon's *portrait parlé*, or international espionage aimed, for the first time, against nonstate actors; cf. Bach Jensen 2009).[74] Yet there had indeed been several previous attempts to bring terrorism to states' discourse, from political and expert debates on transnational cooperation in combating crime to the possibility, contemplated by the Commission on the Responsibility of the Authors of the War, of establishing a concept of 'systematic terrorism' in the war context following WWI (such terrorism was attributed to 'primitive barbarism', which was nonetheless 'aided by all the resources of modern science'[75]); debates on the codification of international criminal law[76]; or those occasions during which some states were accused by others of supporting terrorism.[77] But it was only after Marseilles that these dispersed statements were succeeded by a robust discourse with an identifiable order.

A possible way of inquiring into how it was possible is 'chessboard analysis'. From this perspective, the reasons for why the Marseilles case was successfully brought before the League's Council and why the statements in the first period were characterized by the attribution of guilt to Hungary had to do with (Central) European alliance politics aimed at balancing Hungary's and Bulgaria's revisionist tendencies after WWI (which were supported by Italy, which had an unresolved conflict with Yugoslavia over Dalmatia) – that is, the Little Entente and the Balkan Pact, both including Yugoslavia and both linked to France. All the countries involved in these alliances supported Beograd's motion, but France and Britain opposed involving Italy in the attribution moves (as noted above, some of the conspirators escaped to Italy after the assassination) as they were seeking at this time a *rapprochement* with Mussolini to balance the rise of Hitler's Germany. What this analysis fails to account for, however, is why Marseilles was framed as 'terrorism' (even though, as demonstrated above, the concept had all but a precise meaning), why it was brought before the League in the first place, why a debate of an unprecedented intensity followed, and why it culminated in developing a comprehensive apparatus of international cooperation designed to prevent and punish terrorism based on the premise that 'the rules of international law concerning the repression of terrorist activity are not at present sufficiently precise to guarantee efficiently international cooperation'.[78]

Looking at the problem from the perspective of global power constellations and deploying the nomos perspective, what emerges as the key condition of the possibility of this emergence and order is the change in the political constellation that took place as the legal and spatial order which Schmitt termed *jus publicum Europeanum* and which, among other things, made a bracketed war conditioned on the notion of limited enmity possible, was dissolving into 'general universality' (Schmitt 2003: 227). The bracketed war was a victim of this movement since war – that is, with the exception of the humanitarian war – was now abolished: it would now be a crime against humanity, and humanity, in its turn, would pronounce judgment upon the aggressor.[79] This normativism that replaced the nomos, however, obscured the fact that the naked power ruled with no constraint, only clothed in revolutionary idealism. Since parties usurped the universalist concept of humanity for themselves and denied it to the enemy, the global civil war, a war of annihilation in which enmity was absolute and neutrality impossible, followed (Schmitt 2003: 246; cf. Schmitt 1996: 54). Schmitt was rather sensitive to the role that knowledge structures played in this process, as he admonished international lawyers who 'served to intensify the dominant normative industry and to produce an illusory science of international law' (Schmitt 2003: 243).[80]

Against this background, the *emergence* of the discourse of terrorism among states can be seen as a strategic response to the *emergency* of preserving the (fictional) community of states by means of a collective normalizing action. The terrorism as it appeared in the discourse among states in the 1930s was a construct intended to manage the established order, and it was conditioned more by its inherent crisis than by any 'objective facts', such as the emergence of a particularly dangerous revolutionary character. The terrorist as a subject provided a convenient enemy against which the (fictional) community of states could be united. At the same time, international terrorism was constructed as a clandestine state action which was symptomatic of the crisis and which needed to be eradicated. The terrorist appears on the stage as a new *hostis humani generis,* yet he is never, to recall, a subject acting in his own right but rather an instrument of the complicit state employing terrorism as a means of a disguised intervention, a war without rules. In other words:

> one of the most difficult factors in the European situation is that we have been accustomed to combine force with policy, and that, having combined them on the heights where, during the great war, force was employed in the service of what one country or another believed to be justice, we now find that, in the depths of more or less individual initiative, that same force is often combined with common murder and odious terrorism.[81]

The objective of the collective action against terrorism was to contain political violence subversive to order to those (national) political spaces in which it came to life, and thus to protect the international order. Therefore, it was not, unlike the former Holy Alliance or a contemporary project of states in Latin America, aimed at the states' joint protection of their constitutional orders. However, while it was a fundamentally conservative reaction to a crisis, its character was not conservative at all. The envisioned new mode of governance (filling a 'gap in international organization')[82] involved universal normalization (terrorism as a criminal offence in all national orders, subject to same punishment whether committed inside or outside them and not granted any special protection as a political crime) and the creation of universal and extraterritorial instruments and means of communication, supervision (surveillance) and punishment of terrorism (the closing of jurisdictional lacunae; the establishment of the International Criminal Court to ensure universal prosecution). And there lies the paradox of the 1930s counter-terrorism: both the universalizing discursive practices and the envisioned new global counter-terrorism policy were intended to contain the crisis, but they were based on the same universalist principles that made it possible in the first place.

Conclusion

The first robust state discourse of terrorism emerged in the 1930s. This terrorism was carved from the multiplicity of terrorisms as a monumental construct against which a universalist and normalizing action was to be taken to preserve the (fictional) community of states. For, while the terrorist was rendered as a new *hostis humani generis* who strived to infuse the civilized order with chaos and barbarity,

he was at the same time dependent on a conspiratorial relationship with the complicit state (which was the only entity that could endow terrorism with political, or for that matter *any*, rationality). This relationship had to be permanently severed to prevent the emergence of a new war without rules: the global civil war. The escalation of the crisis ultimately prevented the emergence of the envisioned nondiscursive practices (and hence a true terrorism dispositif) which were meant to manage the crisis but were based on the same principles that made it possible in the first place. The 1930s counter-terrorism failed, and so did the imagined community of civilized states, which was trampled in mud by military shoes in what was to become the bloodiest conflict humankind ever witnessed. But the discourse remained, and so did the rules that ordered it. But the genealogy of terrorism, as the following chapter will demonstrate, is a history not only of continuities, but also of discontinuities and subversions.

4
Division (1970s)

'[The] lunatic acts of terrorism, abduction and blackmail which tear asunder the web of international life' – this is how Golda Meir described the spectacular sequence of events that is remembered as the Munich massacre.[1] It started with the storming of the dormitory of the Israeli team at the XXth Olympic Games by a Black September commando on Sep. 5, 1972. Following 15 hours of negotiations (Black September demanded the release of Palestinians held in Israeli prisons as well as five senior members of the RAF jailed in Germany, including Baader and Meinhof) was the transfer to Fürstenfeldbruck Airport, and ultimately the German law enforcement authorities' fatally failed rescue operation. A spectacle it was indeed. A live broadcast of the unfolding crisis was watched by close to a billion people in more than a hundred countries around the world (Taylor 1993) – and in this multitude of gazes, some actually belonged to the 'terrorists' themselves, who used a television set in the dormitory to see the crisis in a broader context (including the international context). 'We have made the universe hear what it did not hear before,' the three surviving commandos – released in a bargain struck with the hijackers of a Lufthansa flight *en route* from Damascus and Beirut to Frankfurt on Oct. 29, 1972 – told the worldwide audience during a press conference held in Libya, where they had received a hero's welcome.[2]

To some extent, the spectacle of Munich makes it more understandable why Brian Jenkins's period metaphor of 'terrorism as theater'[3] gained such notoriety in the new field of terrorism studies in the 1970s. It does not, however, explain the intensity with which

the discourse of terrorism among states reemerged in this period.[4] As argued below, it was once more in response to a perceived crisis of the international order. By forcing a discursive unity on a rising tide of phenomena such as political assassinations, bombings, air hijackings and kidnappings, states of the 'first world' resurrected the discourse to delegitimize nonstate revolutionary violence sponsored by other states, which, to them, seemed to threaten their hegemonic position in the existing international order. However, under a power constellation substantially different from that in the 1930s, this move met with fierce opposition.[5] The discourse of terrorism was now a true power to be seized. The prize was a hegemonic understanding of what legitimate violence is, and what constitutes a just political order. In structural terms, it meant that, some elementary commonality notwithstanding, there could be observed in this discourse a fundamental and, in the last instance, unresolved duality in terms of laws of rarity and basic discourses. The terrorist could be constructed as a masked and elusive revolutionary armed with an AK-47 automatic rifle, but also as a *system* of capitalist exploitation and imperialism, or a faceless machine of the state terrorism apparatus practiced by particular alien powers against oppressed peoples. Instead of one order, two interconnected ones – this is how the enunciative field was now organized.

Mastered by their own rhetoric

'Each speaker was master of his own rhetoric and, sometimes unwittingly, revealed much of himself and his Government's approach to the item under consideration and other questions,' the United States' representative remarked after the first rounds in the discursive battle over the meaning of terrorism were fired in the UN General Assembly's Sixth Committee.[6] This reflection is intriguing because of the significance it attributes to language that is ultimately beyond the power of the speaking diplomat. The masters of rhetoric were the masters only insofar as they *owned* it; the rhetoric mastered them insofar as it made them *reveal* something significant about the truths about terrorism (and not *only* terrorism) that they had internalized and now conveyed. This section attempts to reconstruct what these truths were.

Law of rarity

For the reasons suggested above, the enunciative field of the discourse of terrorism among states in the 1970s was divided. The two discursive orders, governed by their own laws, are identified here as the 'first world' discourse (FWD) and the 'third world' discourse (TWD). These, of course, are only heuristic constructs which are not necessarily commensurate with the realities of political geography. The first world's order of discourse extended to its allies in the (geographical) third world, whereas the third world's order encompassed only the autonomizing part of this divided space. Interestingly, the discourse analysis shows that the 'second world', while not silent, articulated statements according to the rules of those two discrete discourses rather than according to its own. Perhaps even more interestingly, despite its ideological affinity with and actual support for national liberation movements (NLMs), it leaned more to the *status quo* first world discourse.

Common grounds

It is important to stress at the beginning that, despite the suggested division, there was some common foundation for the two orders, the FWD and the TWD. From the most abstract point of view, terrorism was considered a meaningful subject to be discussed by all. The concept, despite a profound disagreement concerning its definition, also seems to have included in the vast majority of statements the element of anti-government introduced earlier. Either terrorism was the ideal counterpart of a good domestic political order, prevented a collectivity's emancipation (state terrorism), or undermined the international order by assailing diplomacy or international traffic (nonstate terrorism). Either way, it was constructed as something essentially reprehensible. This position, it should be pointed out, often (if not always) extended also to third world states' positions toward nonstate terrorism. Moreover, in one way or another, in both discursive orders terrorism was also related to the state. It was practiced either by it or against it. In the latter case it would be discursively constructed as sponsored by other states. Finally, the discourse was limited to 'international terrorism' as opposed to 'domestic terrorism'.[7] State terrorism was effectively *internationalized* because it was conceived as

preventing the internationally recognized title of certain peoples to their state.

A disciplined variety

These, then, were the common grounds delimiting the boundaries of the states' discourse of terrorism. Beyond that, a basic duality governed the discourse. Yet this duality of order did not translate into an effective disorder. The two orders limited and disciplined the enunciative field much in the same way as an order with one governing pole would have done, and indeed had done in the 1930s.

At first glance, surveying the definitions and typologies of terrorism embodied in states' statements, it would seem that the discourse had no order at all. In the FWD, terrorism could be variously defined as a 'heinous act of barbarism in the territory of a third state',[8] as any threat or act of violence on foreign territory with a view to achieving a political objective,[9] as acts of violence in which there is no relation between the authors and the victims, and which are planned and undertaken in foreign localities and use spectacular means, spreading fear in the affected population and the world at large,[10] as a systematic threat or use of violence to break the will to resist of those against whom it is used,[11] or as a means whereby the oppressed could communicate their grievances effectively to their oppressors.[12] It could be characterized by its intent (political) and method (arousing terror),[13] by an attempt to coerce a state into performing a particular action (an early instance of what would become the established specification of being 'directed against a state'),[14] by repetition of terrifying acts,[15] or by acts of killing and maiming the innocent. In terms of the substantive content of the concept of nonstate terrorism, in continuity with the discourse of the 1930s, assassination and mass bombings were still included among terrorist activities (though the importance of assassination withered with the emphasis on the indiscriminate character of terrorist violence). However, these activities would be compounded, and to some extent even superceded, by new activities: hijacking ('air piracy') and hostage taking (primarily of diplomats).

In the TWD, definitions of terrorism were scant, as it was stressed (see below) that a precise definition should be arrived at only after a rigorous study in order to protect the right to legitimate resistance to the state.[16] Nonetheless, that would not prevent articulation of statements of various typologies of terrorism. (In contrast, since the

scope of terrorism as constructed in the FWD would be rather narrow, these typologies are not commonly found there.) It could be divided, therefore, into repressive acts by colonial, racist and alien regimes, individual acts and acts for private gain[17]; terrorism by the state, against the state, and criminal terrorism[18]; individual terrorism and political terrorism (encompassing state terrorism, aiming at subjecting people, and nonstate terrorism)[19]; heinous (criminal) and political terrorism[20]; national (analogous to homicide and motivated by cupidity, love of power, or love of adventure) and international terrorism (motivated by a noble cause of self-determination)[21]; or state and international terrorism[22] (others would equate the two).[23]

However, as in the 1930s, the multiplicity of definitions and specifications did not mean a lack of defragmentation of the enunciative field. The statements articulated in both orders would follow certain sets of rules, and the series of statements articulated according to these rules would relate to each other. For example, in what is below described as the 'discourse of method', two different series of statements can be identified, each articulated according to a different set of rules. Furthermore, statements formulated according to 'logics of exception' (TWD) or 'discourse of limits' (FWD) are linked to each other.

The discourse of alarm

In continuity with the 1930s series, the FWD featured a 'discourse of alarm' which constructed terrorism – once more – as an unprecedented threat, thus opening up the political possibility for exceptional responses. It included statements – some of which were articulated by the second world states – about an alarming spread of international violence, the increasing gravity and frequency of terrorist action, a wave of violence and terror spreading throughout the world,[24] the wave of terrorism which is 'making our own world impossible to live in',[25] or a true 'human crisis'.[26] In a *verbatim* continuity with the 1930s, terrorism was rendered as 'the scourge of our time'[27] but also, by making use of medical imagery (see below), as a 'plague' or a worldwide disease.[28] Such terrorism threatened some 'key elements holding the world community together' such as communication by mail, international travel or diplomacy,[29] the 'machinery of international cooperation'[30] (by, for example, sowing 'fear and distrust among states')[31] or, generally, international peace

and security. It was a continuation of the barbarity and plague of Nazism[32] and threatened to 'explode into a real holocaust, because there is no force like fear in inciting men to commit so many irrational acts':[33] in other words, to bereave the rational of their reason, with catastrophic consequences for the political order and the future of humanity. The facilitating conditions of rendering terrorism as a(n) (unprecedented) threat were, as in the 1930s, the otherwise positive achievements of modernity. Now these conditions were, among other things, the advent of television[34] and more generally improved global communications (which meant also that fear could be communicated more easily and effectively).[35] Once again, terrorism, despite its barbarity, was constructed as the dark side of human progress.[36] This would be emphasized, particularly in the latter part of the 1970s, by pointing out the rising threat of nuclear terrorism.

The terrorism that was the cause of such alarm was, as suggested above, a constructed unity of disparate phenomena, which was as accidental as the unity detected in the 1930s. It was also exclusively a nonstate terrorism: a terrorism which challenged the *status quo* and which, as the terrorism discussed by states in the 1930s, did so not only because it negated or undermined the order's institutions and the means that cement it together (such as international traffic). It also divided the community of states since, as in the past, its *modus operandi* was conditioned on the assistance of complicit states. While the first world states did not consider all subversive nonstate terrorism as sponsored by other states,[37] they indeed seemed to see most of it in this way.[38] The rising threat of nuclear terrorism therefore could, for example, be unproblematically linked to the threat of the nuclearization of certain states.[39] However, there was one important difference in terms of the identity of the complicit state threatening to undermine the existing order. It was no longer a revisionist state which could be confined to the 'past' both by virtue of the barbarous means of its policy and by its aims. Now, it was the new postcolonial state with progressive rather than *status quo ante* agendas.

Discourses of method

In the FWD statements, to check this new and unprecedented threat, collective action had to be immediately taken. The TWD statements on the method of dealing with terrorism, on the other hand, built on the methodological conviction that it was important first to fully

understand the underlying (or generating) causes of terrorism before practical solutions could be found.[40] At the same time, the TWD comprised a mass of statements which positively identified those underlying causes of terrorism – misery, frustration, grievance and/or despair brought about by colonial, racist and alien regimes – needless to say, before any study was initiated. The methodological argument, therefore, was a subversion that created possibilities for shifting the focus of the debate to other political issues. The discourse of underlying causes therefore can be interpreted as a major challenge to the FWD statements about nonstate terrorism.

Because of the existing division, despite agitated calls for unity and the need for universal action to cure the universal 'international disease',[41] no 'coalition against terrorism' (like that of the 1930s) would be discursively constructed this time. The idea of a universal convention which would create a general regime of counter-terrorism similar to that of the 1930s – that is, which would include a fundamental norm on the prohibition of terrorism, and establish procedures for punishment based on the normalization of particular political orders and *aut dedere, aut punire*, and for common surveillance – proved impossible to conclude.[42] The first world and its allies' strategy thus gradually turned toward a focus on the implementation of the existing and the conclusion of new sectoral treaties that laid the ground for limited particular regimes.[43]

Two logics of exception

What made statements on underlying causes and ultimately *all* statements about nonstate terrorism in the TWD possible was a particular response to the first world's identification of a number of NLM activities as terrorism. The rules governing this response may be called the two 'logics of exception'. The first logic of exception governs statements that exempt all activity by an NLM from the discourse of terrorism.[44] No matter what the action is, such an activity is not terrorism when (1) a noble and just cause guides the actor's hand,[45] (2) great suffering that had been previously imposed on the terrorists' desperate people,[46] or (3) there is a defensive/restitutive aim in the national liberation movement's activity.[47] Indeed, terrorism is reprehensible. But what the first world states speak about, while indeed constituting acts of violence, is *not* terrorism, and those who perpetrate it are not terrorists. When such a subjectification is made in the

FWD, and it is often the case, these statements constitute a *status quo* discourse that is intended to discredit NLMs and the process of historical change transforming the international order. Such rhetoric may in fact itself be 'intellectual and psychological terrorism'.[48] While the first exception logic predictably spurred much controversy, the first world was unable to resist enshrining reservation/exception clauses for NLMs into all key General Assembly statements on terrorism passed in the 1970s, perhaps also because of the limited support for this view by the second world states.[49] The first world was more successful, on the other hand, in preventing the inclusion in those statements of the marginal offshoot of the first exception argument according to which the international community was under obligation to assist NLMs in overcoming the (colonial) order, since their actions aimed at realizing the principles of the UN Charter.[50]

The second logic of exception had a direct conditioning effect on the TWD statements about nonstate terrorism (with the exception of some marginal statements in the TWD on criminal terrorism). This logic is characterized by an effective agreement with the FWD on the essence of nonstate terrorism. Yet because terrorism is the ultimate reaction to an excess of power (state terrorism), a last resort of the 'desperate, colonized, persecuted and underprivileged',[51] such terrorism is *legitimate*. It is never lauded. But it is justified as a reaction to the state terrorism. It is a necessary and hence legitimate evil, a true *counter*-terror.[52] This reactive terrorism is also constructed as being beyond control (*contra* the discourse of the state sponsoring of/responsibility for this terrorism), and its impact is diminished in comparison to terrorism practiced by the state.[53]

The conclusion that terrorism could be rendered legitimate in the states' discourse is important in two respects. First, it demonstrates how the states of the autonomizing third world attempted to shift the boundaries of legitimate violence in the international order.[54] Second, it challenges the established view in the history of terrorism that by the 1970s terrorism had gained such negative connotations that it served merely as an instrument of delegitimization of the other's state or action (cf. Gearty 1991; Hoffman 2006; Rapoport 2006). While these states made considerable effort to decouple NLMs and terrorism in the first logic of exception argument, under the second logic of exception they legitimized NLMs' terrorism based on the ontology on which they now agreed with the states of the first world.

A marginal offshoot of the second logic of exception (and hence legitimization of terrorism) was the relativizing discourse of violence, encountered already in the 1930s. In the 1970s, it would feature rather abstract statements about 'the doors of glorious history sometimes unlocked by the keys of what is called terrorism',[55] or about the tension in revolutionary violence between ends and means.[56] It would also include more immediate reminders that many present states were born of a violence which, at the time, the international society may have characterized as terrorism,[57] and that the states which now favored the *status quo* owed their freedom to their own 'freedom fighters' during the Reformation, the Napoleonic Wars or WWII.[58] George Washington could be called a terrorist by Saudi Arabia to strike the point home. (The United States objected that he was instead a 'rebel' on the assumption that he never hijacked a boat nor killed innocent civilians.[59])

The discourse of underlying causes: The third world's challenge

As noted above, the discourse of underlying causes was the dominant discursive challenge to the FWD statements on nonstate terrorism. This challenge consisted of a causal relationship discursively established between state and nonstate terrorism – a link conditioned on the second logic of exception which provided that nonstate terrorism could be legitimate. The introduction of state terrorism in the discourse of power was a revolutionary move intended to both seize the discourse for defensive purposes and serve as a medium for a change of the established international order. The state terrorism in the TWD stands for 'the most dangerous brand of violence, the most often practised at the most comprehensive scale' and employing the most modern means.[60] It is the 'true terrorism' – not least because, in a repetition of a classic Leninist argument, it is divorced from the masses.[61] It can involve physical repression, denial of political participation, colonial domination, foreign occupation, sustaining poverty, foreign exploitation of natural resources, systematic destruction of flora and fauna, or any war in violation of the UN Charter.[62] It is the preserve of colonial and capitalist regimes acting individually or collectively: in some statements, it is the entire (cruel and unjust) international (capitalist) order that is the ultimate cause of (nonstate) terrorism, with clear implications for action.[63]

The first world's response: The discourse of limits

The first world refused the discourse of underlying causes in several series of statements. Some would confine state violence ('state terrorism') to other debates, most notably debates about human rights and Geneva laws (international humanitarian law), where it was (supposedly) already covered.[64] Other statements would question the scientific soundness of the causal claims,[65] or denied the applicability of 'academic logic' to the problem altogether (since 'academic' meant impractical).[66] Moreover, it would be argued that whatever the causes of nonstate terrorism were, they were located 'inside' the state and thus should not be subjected to an international debate. In yet another series of statements, it was claimed that while causes indeed were important in the long term, due to the pending crisis some action had to be taken immediately.[67]

However, the most important first world defense against what was seen as an implied legitimization of terrorism in the discourse of underlying causes was what could be termed a 'discourse of limits'. In this discourse, underlying causes of terrorism were rendered effectively irrelevant, since nonstate terrorism was reprehensible by the sole fact that it transgressed conventional limits of violence. No possible cause could make such transgression legitimate. A *status quo* discourse *par excellence*, it was reaffirming the inviolability of the existing (conventional) boundaries to action.

Recurrently, the case for transgression as a delegitimizing factor of nonstate terrorism would be made by an analogy with states: even when a state's survival is at stake, there exist certain limits imposed on its action under the established norms of international society. Therefore, these limits should exist for groups and individuals too. Such an argument could be sustained by an interdiscursive reference to international humanitarian law, which was being made more precise at that time: if there existed a consensus on the constraints imposed on the behavior of parties in wars (including terrorism), these constraints should *a fortiori* apply also in times of peace.[68] It could also be related to civilizational norms so that civilization would stand for restraint while barbarity for excess: 'once the deliberate and unprovoked murder of unarmed civilians is justified by reference to the murderers' motives and frustrations . . . we might as well include murder among legitimate indulgences of a permissive society and wipe the Sixth Commandment off the tablet of man's ethical

history.'[69] In other words, terrorism was once again constructed as violence outside the framework of institutions constituting 'the very nature of our civilization'.[70]

To such statements about limits, responses would be articulated in the TWD. These statements emphasized that NLMs' choice of means must be measured against the means at their disposal. 'It would be unjust to expect [the oppressed people] to adhere to the same code of ethic[s] as those who possessed more sophisticated means of advancing their own interests.'[71] This line of reasoning could be stretched to the point in the TWD where it was argued (by sovereign states) that to 'overthrow foreign domination and regain usurped territories,' an inherent right to use *all* the means at one's disposal exists, without any constraints imposed either internally or externally.[72]

Basic discourses

In an important discontinuity with the 1930s, the duality of the discursive order was mirrored in the double subjectification of the terrorist subject as a Revolutionary and a State. The terrorist as revolutionary (FWD) is a masked anarchist, elusive and stateless. The terrorist as state (TWD), in contrast, is a regime or machinery that terrorizes the subjected population and maintains the existing unjust international political order. In the TWD, the subjectification of the revolutionary as a terrorist would also be challenged by means of articulating different subjectifications for the same subject. These different subjectifications were conditioned by the first logic of exception and would replace the term terrorist with terms like 'freedom fighter', 'guerilla' or 'commando'.[73] Each of these labels would, in its own particular way, legitimize the action of its bearer, either by reference to his just cause (freedom) or by reference to the war context which makes the use of violence permissible. Alternatively, under the second logic of exception, the FWD's identification of the terrorist would not be undermined, but the characteristics attributed to the terrorist in the FWD would be challenged. Instead of being depicted as an insane/coldblooded criminal, the terrorist would be represented as a deprived and desperate person using extreme means (the only means available) to redress the terrible wrongs he had suffered at the hands of the 'real terrorist'.

The division notwithstanding, some fundamentally similar basic patterns of identity and difference, while relating to different terrorist

subjects, can be established. These are (1) the basic discourse of *civilization/barbarism*, a legacy of the discourse of terrorism in the 1930s, and (2) the discourse of *innocence/harm*, which, in contrast, had hardly any precedent.[74] Their functions are similar insofar as in both cases, the subject is established as *hors humanité*. Besides these, one robust basic discourse can also be identified in each order. In the FWD, it is the discourse of *order/chaos*, familiar but now reinforced by its association of the terrorist with a pirate and a discrete discourse of terrorism as a disease. In the TWD, it is the basic discourse of the *(terrorist) regime/people*.

Common basic discourse I: Civilization and barbarism

In the FWD in particular, one can find familiar statements about the terrorist being positioned outside the boundary of civilization since he or she assails civilization and its values, all civilized people or mankind as a whole (which effectively renders him or her *inhuman*).[75] The most distinct characteristic of the terrorist as a barbarian in this discourse is the transgression of the established (civilized) norms limiting the use of violence.[76] As a result, his grievances, whatever their substance, are being internationalized in an 'uncivilized' way.[77] One explicit implication is that the civilized mankind could be called upon to 'take a keen look' at those states which did not partake in the effort to create a universal counter-terrorism regime.[78] The exclusion from humanity, on the other hand, would generally not extend to the states that were deemed to sponsor terrorism. Instead, in the FWD statements, as in the 1930s, a call would resonate for a unity of the world community in the face of an imminent human crisis brought about by the terrorist's inhuman methods.[79]

As mentioned above, that call would remain unanswered. The autonomizing third world instead focused on state terrorism. In constructing the state terrorist, statements articulated in the TWD would use a very similar difference of *civilization* and *barbarism*. State terrorism was therefore constructed as 'the most drastic form of savagery and barbarism'[80] because it transgressed 'most elementary codes of human and civilized behavior'.[81] In a less abstract sense, it would be associated with 'tyranny',[82] not least to underline the positive quality of the autonomizing third world's Selves, who, in their political spaces, emancipated those who had formerly been 'terrorized' by the colonial Other.

Common basic discourse II: Innocence and harm

In the 1930s the innocence of the terrorist's victim featured only marginally in the discourse. Now it seems to have gained a rather prominent status in both the FWD and the TWD. What was perceived as distinctive about the terrorist was that he took 'innocent human lives'.[83] In each discursive order, however, innocence would be defined rather differently.

In the FWD, the innocent were those located outside a (particular) political dispute which, as in the 1930s, ought to have been contained within its place of origin.[84] After all, it was said to be 'a traditional function of international law to attempt to contain violence within the narrowest feasible territorial limits'.[85] In the TWD, the innocent who were preyed upon by the terrorist were the powerless subjects of the tyrannical (in the sense of both usurpatory and oppressive) power.[86] Thus, these innocent people were located *inside* the political space of a conflict, rather than on the outside. It is noteworthy, however, that in both cases the innocent as victims of terrorist violence were a multitude, rather than sovereigns in their physical bodies or their limbs (government officials), the dominant target in the states' discourse of the 1930s – and one whose identification with innocence (harmlessness) could indeed have been much more problematic.

The first world's discourse: Order and chaos

The FWD basic discourse of order and chaos shows an important continuity with the 1930s.[87] The terrorist commits an assault on the international order and organized society (which guarantee human progress).[88] He or she is the author of nihilist violence aimed at the destruction of free societies,[89] or of a 'murder of a state', thus rising 'against history, law, justice, humanity and peace'.[90] In some statements, the terrorist seems to have all but succeeded: 'Mankind . . . came to be dominated by armed men who roamed the world, trafficked in drugs, stole, attacked trains, aircraft, ships and banks, and sacrificed innocent human lives.'[91] More often, the challenge to order would result in a call for action, and the FWD's discourse of order is therefore closely linked to statements previously identified with the FWD's discourse of method. The terrorist represented a threat that required immediate and resolute action

lest a reign of anarchy, jungle law, a medieval 'private war', or the scourge of war without there actually being a war (i.e. limited and spatially contained violence exercised by soldiers) would prevail. Such a war without a war would deprive innocent people of their right to be free from fear, which could (only) be guaranteed by organized governments.[92] The choice for the future was clear: either governments or gunmen.[93]

In continuity with the 1930s, and complementing and reinforcing what was described above as a discourse of alarm, the terrorist in the FWD was represented as a potentially ubiquitous threat: 'the evil is everywhere. The criminal walks every day the entire geography of our planet.'[94] His or her actions could '[explode] in any place, [at] any hour, at any time, without respect for the life of anyone.'[95] In contrast to his predecessors in Janka Puszta in the 1930s, however, the 1970s terrorist was not founding an alternative polity. Moreover, his spatial dislocation could now have moral implications: he was 'without homeland,' which *also* meant that he was 'without honour and without morality'.[96]

Part and parcel of the basic discourse of order and chaos was the subjectification of the terrorist as a pirate. It became rather popular in relation to one particular manifestation of terrorism – air hijacking.[97] What seems to have facilitated this subjectification was the idea that as the pirate of yore roamed spaces characterized by a void of sovereign power, so did the 1970s terrorist on board airplanes (at least until the International Civil Aviation Organization's regulatory treaties were concluded).[98] At the same time, the subjectification was by no means inevitable, since in the traditional understanding, embodied also in the Geneva Convention on the High Seas (1958), piracy tended to be defined as an act of one vessel against another (rather than a forcible takeover of one vessel by those on board) and related to strictly private objectives.[99] In practical terms, the parallels between the terrorist and the pirate could be instrumental in that piracy was a universal archetypal crime against order, humanity, civilization and the *jus gentium* as its particular product, which rendered the terrorist as a *hostis humani generis* and effectively located him *hors humanité*. Besides serving to dehumanize the terrorist, the analogy was also an effective instrument of depoliticization through which real political objectives, such as political change in one delimited space, were suppressed in favor of viewing terrorism as a(n) (alleged)

universal attack against humanity. (In the discourse of depoliticization, terrorists would be committing 'the most cruel and heartless of crimes . . . [preparing] in cold blood, in a calculated way, deliberately, in silence and in secret . . . their destructive and nefarious activity which sometimes reaches, kills or destroys people who are tragically powerless before such refined evil'.[100]) Furthermore, the crime of piracy invoked universal jurisdiction and other exceptional measures against the enemy who had deliberately excluded himself from the protection of order and civilization. Finally, it is worth pointing out that the genesis of the currently popular metaphor of 'safe havens' can be traced back to its roots in the identification of the terrorist as a pirate in this discursive series.

Depoliticizing and dehumanizing effects were achieved also by a new discrete discourse of terrorism as a disease.[101] The depoliticization was reinforced in this discourse through the representation of terrorism as a *mental* disease. The terrorist was therefore 'senseless, insane, demented'.[102] The dehumanization was facilitated by depicting terrorists as agents of a *contagious* disease, such as cancer, plague or some other unspecified epidemic.[103] The international body politic would be constructed as a patient (a single sick body) who was threatened with being consumed by such a disease, for which a cure had to be found.[104] Moreover, in line with the discourse of method (FWD), it was argued that the patient had to be cured as soon as possible, even before all the causes of his illness were known.[105] The two aspects of the disease of terrorism would in fact combine productively since the terrorist was endowed with the power to bereave the normal Self of its reason and sanity: in other words, his madness was contagious.

The third world's discourse: A faceless regime and the people

In the TWD, the state terrorist would be subjectified in a way that differentiated him from the idealized postcolonial Self, which itself was founded in the difference and was characterized by an emancipation of the individual, by justice and by spatially limited politics (counterposed to the state terrorist's imperialism). The state terrorist subject would commonly be represented as a faceless machine, inhuman, barbaric and criminal[106] (as opposed to the political character of the freedom fighter/revolutionary terrorist).[107] It would be a(n) (inhuman) 'regime' that terrorizes 'people', both within and without the legal boundaries of its power. It might not have a face, but it would

have a name: the archetypical terrorist state in this discourse was Israel, while the United States, Portugal and South Africa were also often claimed to practice systematic and mass terrorism.

Israel was the only state terrorist subject whose character sketch was drawn in the TWD in detail, however. In fact, it could relate to a number of referents. It could be a state as such, but also a (Zionist) regime, an ideology (Zionism) or – in an exception to the rule that the state terrorist has no face – a band of former terrorists (whose list would be duly presented)[108] who later became the new state's leaders. In any case, it was a terrorist subject. Its terrorist identity would be asserted both by pointing to the original acts of Israeli terrorist violence, such as the King David Hotel bombing (1946) or the Deir Yassin massacre (1948)[109] and by pointing to the list of Israel's subsequent actions. They would include, at various levels of abstraction, 'the war of annihilation waged by Israel, in a national policy of state terrorism, against the Palestinian people by murdering their national leaders and intellectuals and all those who inspire them to struggle for their nationhood'[110]; raids, covert operations and the shooting down of an airliner[111]; and, more generally, intimidation and a rule of fear and terror[112]; and bestiality against innocent civilians.[113] It is noteworthy that, besides the standard *modi operandi* of state terrorism established in the TWD such as colonial domination, foreign occupation, and exploitation of the subjects, Israel's terrorism would, in addition, comprise acts associated in the FWD with nonstate terrorism (assassination and even 'piratical hijacking'). From these acts, it was claimed, Israel was born.[114]

The sound and the fury

The Munich events were spectacular indeed, as were some other acts associated with terrorism from the same period. That would not explain the dramatic (re)emergence of the discourse of terrorism in the 1970s, however. Nor would it explain the increasing number of events to which the terrorism label was attached by both states and terrorism science.[115] To be sure, in this sense, 1970s terrorism was much less virtual than the terrorism in the 1930s, when discursive references to real events, with the notable exception of the references to the Marseilles attentate, were almost entirely absent. That these acts would be called terrorism, however, was never a given. Some

continuity from the previous state discourse in the FWD was indeed preserved, but new accidentalities emerged too (TWD).[116]

The argument proposed here is that the fundamental condition of both the (re)emergence with considerable intensity of the discourse of terrorism in the early 1970s (interpreted as yet another strategic response to the perceived emergency due to the continuing erosion of the *status quo* as political struggles failed to remain contained in their territorial locations) and its divided and intensely political character due to the challenge to this move were a temporary restitution of the nomos. Such a claim departs from Schmitt's own analysis of this period as a period of a 'global civil war'. In retrospect, however, it is possible to make a persuasive case that the Cold War did represent a territorial order with a certain unity of legal and spatial orientation that used both traditional (diplomacy) and modern means (nuclear weapons, or more precisely, abstract calculations concerning their use) to rationalize interactions and bracket war. This despite the persistent inflammatory rhetoric used by parties to discipline their domestic realms and sustain the national security state that gave more appearance than substance (in terms of nondiscursive practices) to the absolute enmity within the order.

This political constellation indeed differed from the *jus publicum Europeanum* – most notably in that it presented a trichotomy of political spaces (*Großräume*), which, using the conventional Occidental perspective, can be termed the first, second, and third world. Second, the legal order (*Ordnung*) was indeed much weakened compared to the *jus publicum Europeanum*, with an obvious consequence: an intensified (but not absolute) enmity within the order. Diplomacy and nuclear weapons formed brackets that effectively ruled out warfare between the first and the second world. In the third world, the situation was different. Not only was it a space of an intense political contest between the northern great powers where conflict was possible and, in fact, also unbracketed because some elementary norms of international law (nonintervention) and limited ('civilized') warfare, while purportedly universalist in nature, would not apply there in practice. The third world, a battlefield of men and a marketplace of seductive ideologies and lucrative contracts, was also a site of total colonial war, since it was, unlike the 'new world' before, autonomizing and subjectivating itself. This subjectivation effected not only the colonial war waged between the national liberation movement and

the imperialist metropolis in the North. Once some of the former colonies gained independence, it also effected the discursive challenge of the limits of legitimate violence and the character of the international order in the debate about terrorism.

This challenge, made possible by the political fragmentation in the North (temporarily restituting the political in the international relations), was ultimately unsuccessful. First, despite sustained effort, the autonomizing third world was unable to silence the discourse about terrorism in the very beginning. It then attempted to seize the discourse of terrorism, which, in its view, was intended to conceal the very evils that the desperate acts of violence were intended to publicize.[117] This seizure was a failure too, however. The third world states were indeed able to add clauses about the *prima facie* unrelated right to self-determination to all important final documents (resolutions, reports).[118] Yet they did not succeed in bringing about a state in which a convention on state terrorism by colonial, racist and alien regimes, which indeed was the only terrorism condemned in the founding resolution 3034 (1972) and the several that followed it in the 1970s, could be passed; in which hostages as defined in the International Convention against the Taking of Hostages (1979)[119] would include the colonial peoples (and the colonial governments would effectively be rendered as terrorist); or in which the end of colonial domination and foreign occupation, or the prohibition of all assistance to regimes that exercise it, could be effected.[120]

The debate ended in an impasse. The explanation for this would undoubtedly be complex and reach beyond the scope of this analysis. It can only be reiterated that, interestingly, despite its ideological affinity for, and the actual support it provided to, both liberation movements and new governments,[121] the second world, perhaps because it was constrained by the existing nomos, figured more as a *status quo* than a revolutionary entity in the debate. Lukewarm, rather than directly opposed to its initiation, the Soviet Bloc indeed made statements in favor of NLMs and their war for independence. But it showed little inclination to effect a more fundamental transformation of the international order. Despite their criticism of capitalist states, second world states would not, for example, venture to identify those states as terrorist. This generally conservative position, intriguing given the inherent revolutionary rhetoric of Marxism and Leninism, may be said to reflect the second world's actual satisfaction

with the existing nomos and a sense of threat that it shared with the states of the first world.

It is important to note that the (re)emergence of the discourse of terrorism was not the only strategic response to containing the total colonial war and the perceived crisis of the *status quo* order. Another one was the development of international humanitarian law (IHL), in particular through the Geneva Protocols (cf. Gasser 2002).[122] The success of this other response is subject to dispute. But it is plausible to argue that it made possible the criminalization of certain actions by NLMs that were considered to constitute acts of terrorism in both the FWD and the TWD. It is, however, crucial to keep in mind that the natural boundaries of IHL were defined by the situation of armed conflict. Therefore, the acts considered within Geneva laws were only marginally identical with the acts considered in the FWD. Nonetheless, an interdiscursive relationship would form in the FWD between terrorism and IHL, and this relationship transcended the narrow borders in which the allusion could be substantiated. It resulted, among other things, in the normalization of constructing the subject of nonstate terrorism's victim as a 'civilian', even when the acts to which reference was made were taking place outside the context of the armed conflict. In this way, the terrorist's action could be delegitimized, since it involved a transgression of an established norm (that would only seem to apply to a situation in which the difference between a civilian and a soldier made sense). By extension, it could also be suggested that a state of war obtained in the world – although this may have been a new kind of war, a war without a war. The war on terrorism was not yet officially declared.[123] But in the identification of the terrorist's victim as a civilian, it was already implied.[124]

Conclusion

The discourse of terrorism in the 1970s, like the discourse of terrorism in the 1930s, emerged in response to a perceived crisis of the international order. Yet this time, due to the basic condition of a temporary restitution of the political under the provisional nomos, the initial unity turned into a true battle over the discourse. In this battle, the autonomizing third world countered the *status quo* claims about the established (civilized) limits of violence by turning the

debate to the systemic violence characterizing the existing international political and economic order. The provisional unity formed in the states' discourse of terrorism in the 1930s was replaced by a duality of both laws of rarity and basic discourses. Yet this duality did not result in a discursive disorder. The two discrete discursive orders it produced defragmented the enunciative field in that they determined the possibility of enunciation of statements. Statements made by second world states, standing in between the two, were articulated according to rules borrowed from both, but these statements more closely followed those of the FWD. This can be explained by their effective satisfaction with the power constellation, which they, unlike the autonomizing third world, had no intention to unsettle.

The basic division was identified in terms of a focus on one form of violence: revolutionary or systemic. However, while the third world states attempted to force alternative subjectifications of the subject that in the FWD was conceived as a terrorist, under what has been termed a second logic of exception they also consented to his or her terrorist character while, at the same time, legitimizing his or her actions. The violence he or she employed was merely reactive in nature. Therefore, while it was terrorism by the state that was primarily discussed in the TWD, nonstate terrorism would also have a role here, and more importantly, it *could* be legitimate. Therefore, statements could be enunciated on nonstate terrorism in the discourse of underlying causes, which was proposed as the main challenge by the autonomizing third world in the battle over the discourse of terrorism as such.

The discourse of terrorism among states in the 1970s betrayed both continuities and discontinuities with the discoursive series studied in the last chapter. In the FWD, a recurrent discourse was that of alarm. The nonstate terrorism (whose unity in the 1970s was as accidental as in the 1930s, but due to the incorporation of air piracy, in somewhat different ways) was constructed as an unprecedented threat to the international order, preying on and abusing modernity and human progress. It would also continue to be associated with state policies. Regarding basic discourses, in both orders the respective terrorist subjects were identified as 'barbarians' who hurt the innocent, with obvious depoliticizing and dehumanizing effects. In the FWD, the reference to innocence was commonly made in terms of spatial location (outside the political conflict's space of origin),

whereas in the TWD it would be made in terms of power(lessness). In the FWD, the basic discourse of order and chaos would also continue, but now it was amended by the association of the terrorist with the (air) pirate, which reinforced his location *hors humanité*, and by the (sub)discourse of disease where terrorism would be represented as a contagion/plague. In the TWD, a discrete discourse can moreover be identified which was organized around the dichotomy of the terrorist regime and the victimized people.

The defragmented but fundamentally divided discursive field, conditioned on the power constellation identified as a temporary restitution of the nomos, was the defining feature of the 1970s series. The next chapter suggests how the fading away of this provisional nomos effected a restructuring of the discourse back toward hegemony. However, as one cannot step in the same river twice, not just continuities, but also many discontinuities with the 1930s series will be identified.

5
Enclosure (2000s)

'A hellish storm of ash, glass, smoke and leaping victims' – this is how the *New York Times* described the pandemonium (the newspaper actually invoked Hieronymus Bosch to render the picture more vivid)[1] that followed after two planes crashed into the World Trade Center (WTC). In little more than half an hour later, a third plane flew into the Pentagon in Washington D.C. Finally, the fourth plane crashed close to Shanksville, Pennsylvania. The 19 perpetrators of the attacks, which took close to 3,000 lives, were shortly afterwards associated with the Al-Qaeda organization.

The responses to those acts of mass violence, the spectacular images of which remain engraved in our memories, were excessive on many levels. The excess was perhaps least surprising in the case of the media, which declared America to be 'under attack', as the first pictures of the smoking towers of the WTC were broadcast over and over again. In the next few weeks, the media continued to fuel the image of the global terrorism that threatened everyone and whose manifestation on '9/11' was a milestone in the history of mankind – nothing would be now as it used to. Such statements would often be reinforced by misguided literary allusions. For example, there was the mobilization of the powerful image of the character of the Professor from Joseph Conrad's *The Secret Agent*, who was depicted as roaming 'like a pest in the street full of men'[2] with a bomb strapped to his body, as the perfect subjectification of the modern terrorist (cf. Shulevitz 2001).[3] Lost in this mobilization, however, was the actual virtuality of the plot to blow up the Greenwich Observatory, a symbol of science and modernity, which in the book

was masterminded by an *agent provocateur* and a foreign diplomat. A similar example is that of the references to W.H. Auden's Sep. 1, 1939, facilitated by the poem being set in New York and its references to a 'psychopathic god', but at the same time supressing lines such as 'Those to whom evil is done/Do evil in return' or the more general scope of the critical commentary Auden makes about the modern age. 'Nous sommes tous Américains,' *Le Monde* famously declared in an admirable show of solidarity,[4] which, however, could easily be read also as a construction of a fictional unity of the victims, since 'our values' of civilization and order had also been attacked in this heinous act. In the same newspaper and in his characteristically bombastic style, the philosopher Jean Baudrillard would later claim that the attacks constituted an absolute event, the mother of events, the pure event 'qui concentre en lui tous les événements qui n'ont jamais eu lieu. Tout le jeu de l'histoire et de la puissance en est bouleversé, mais aussi les conditions de l'analyse.'[5]

By far the greatest excess has been the emergence of the true 'global terrorism dispositif', with the states' discourse of terrorism as part and parcel. The change in the power constellation brought about by the end of the Cold War made this discourse in response to 9/11 a monumental and generally hegemonic construction of global (counter) terrorism. Among the most notable continuities with the previous series are the basic discourses of *civilization/barbarism* and *order/chaos,* or the discourse of alarm, as these discourses once again invoke the specter of terrorism as a new and unprecedented threat. The most significant discontinuity is proposed to be the *excess* that has been used to facilitate ever more extraordinary responses conditioned on the construction of an alienated, dehumanized and lethal enemy. It is the excess of the reaction to terrorism – the magnitude of the hyperbole, rather than the excess of any objective material violence – which seems to determine the modalities of the political process through which violence is distributed in the contemporary international order more than anything else.

In both of the previous discursive series, the discourse of terrorism did not (re)emerge *ex nihilo*, yet there always could be found an identifiable moment of dramatic change in terms of both form and content. In this chapter, much more than in the previous chapters, the inquiry begins *in medias res*. On one hand, there has been a continuity of the discrete discourse of terrorism from the 1970s

(for example, in annual statements on the issue in the form of U.N. General Assembly resolutions on international terrorism). On the other hand, the modified structural constellation of power started to effect the discourse's transformation already in the late 1980s. Due to these factors, 9/11 has been a turning point only to the extent that it pushed to the extreme rules for articulating statements, many of which could be observed even before.

For example, UNGA res. 40/161 (1985), passed after the seizure of the MS Achille Lauro, introduced a formula that would be recurrent in a vast amount of future statements by states on terrorism (and not only in UNGA resolutions). It condemned, 'as criminal, all acts, methods and practices of terrorism, wherever and by whomever they are committed.' Res. 48/122 (1993) was the first UNGA resolution not to include the self-determination clause (that effectively removed NLMs from its scope) and, at the same time, also the first to include a rudimentary definition of typical terrorist acts. In this definition, these acts were targeted against innocent persons, commonly involved destruction of human rights, threatened the integrity and security of states, destabilized governments, undermined a pluralistic civil society, and checked the economic and social development of states. The definition was afterwards formalized in res. 49/60 (1994) to include 'criminal acts intended or calculated to provoke a state of terror in the general public, a group of persons or particular persons for political purposes'.[6] Such acts were moreover declared unjustifiable under any circumstance, 'whatever the considerations of a political, philosophical, ideological, racial, ethnic, religious or any other nature'. Both statements would become normalized and repeated in a number of following resolutions, declarations, and conventions and also in debates. Furthermore, in the aftermath of the Vienna World Conference on Human Rights (1993), the UNGA's Third Committee started to prepare resolutions on terrorism and human rights, the concern of which, starting with res. 48/122 (1993), which was mentioned above, was the 'destruction' of human rights and the destabilizing of governments (presumably their guarantors) by nonstate terrorist activity. Also, a new *Ad Hoc* Committee on Terrorism was created in 1996 (cf. UNGA res. 51/210) and prepared three conventions (while it has been negotiating a comprehensive convention on international terrorism). Of these the Convention on the Suppression of the Financing of Terrorism (res. 54/109/1999)

deserves a particular mention, for it was the first sectoral agreement which included a *quasi*-definition of terrorism. This definition consisted in an explicit backward construction of sectoral offences as acts of terrorism, and it further included all acts

> intended to cause death or serious bodily injury to a civilian, or to any other person not taking an active part in the hostilities in a situation of armed conflict, when the purpose of such act, by its nature or context, is to intimidate a population, or to compel a government or an international organization to do or to abstain from doing any act.

In the latter part of the 1980s, the Security Council also started to issue statements on terrorism after condemning, in res. S/579/1985, acts of hostage taking as manifestations of international terrorism. Since the 1990s, it has repeatedly declared terrorism, its sponsoring (res. 687/1991) and sheltering suspects in cases of terrorist acts (S/748/1992) a threat to international peace and security.[7]

A fugitive and a vagabond on the earth

The contemporary discourse of terrorism is one of gigantism and apocalypse (cf. Said 2001a; Kapitan 2003). At least among states, it is also a hegemonic discourse – one of 'enclosure' – with the political challenge of the 1970s exhausted and the very conditions for politicization of the discourse (touching on fundamental principles of international violence and justice) dramatically changed.

Law of rarity

When the General Assembly's plenary session opened at the UN Headquarters just a day after the 9/11 attacks, the echo of the recent tragedy undoubtedly continued to be, to borrow from the title of a later book by Jonathan Safran Foer, 'extremely loud and incredibly close'.[8] Despite this rather extraordinary setting, the rules that can be observed to govern the articulation of statements in the debate on terrorism that immediately followed seem to hold for much of what followed. Two fundamental ones can be identified at once. First, despite their unprecedented means (hijacking civilian airliners with the purpose of turning them into weapons) no one doubted that the

acts of mass violence that happened on 9/11 were actually terrorism. Second, in all statements enunciated in this debate, terrorism was universally condemned. It was also frequently stated that it represented a threat to peace and security and that no cause could possibly justify it. This would be reiterated in many statements by states that followed, all the General Assembly and Security Council resolutions, reports of the *Ad Hoc* Committee and so on. In the words of one member state: 'Terrorism can never be justified. Terrorism is never a legitimate weapon. The targeting and deliberate killing of civilians are unacceptable. Full stop.'[9]

The hegemonic order of the discourse reveals itself in several ways. In vain, one searches for the previously common statements on state terrorism. NLMs are rarely mentioned, and when they are, it is always under the 'first logic of exception', aimed at an alternative subjectification of actors, but never the second logic, that of legitimizing their terrorist action. The discourse on underlying (root) causes of terrorism has been transformed from a means of resistance and challenge. It has been depoliticized and discussed universally in the context of a universal condemnation of terrorism, but more importantly, as linked to liberal governmentality (see below).[10] Even though 'the establishment of international relations based on sovereign equality, multilateralism and justice' would continue to be occasionally stressed,[11] gone is the project of transforming the international order based on capitalist exploitation. Finally, not only would states express compassion with the United States *unisono* in the aftermath of 9/11 (or at least with its citizens, or the direct victims), but they would also participate in constructing the terrorism which had targeted 'all of us'.[12]

Terrorism's nature: In pluribus unum

Given the vast amount of statements on terrorism articulated by states, their considerable variety is hardly a surprise. Some of the statements were rather essentialist, even as they were not too specific about the nature of terrorism: 'Despite the fact that terrorism is multifaceted, its nature is one and the same, and at its roots lies a doctrinaire egoism which has been raised by its followers to the highest level of evil, intolerance and cruelty.'[13] In other words, as an often-quoted phrase goes, 'what looks, smells and kills like terrorism is terrorism'.[14] Some of the other statements would, in contrast,

reflect a certain epistemological scepticism, likening terrorism to a *terra incognita,* the heart of which we do not understand. But even in these statements the terrorist nature of certain phenomena would not be doubted.[15] Yet other statements would point to (or regret)[16] the absence of a precise definition of terrorism, but they would not hesitate to condemn it morally: 'We could debate how to define it, but *we all understand* [emphasis added] that no cause, however legitimate, justifies the use of indiscriminate violence against innocent civilians in order to coerce societies and governments.'[17]

All these statements – at times uncertain of how to precisely define terrorism but positive in recognizing it and condemning it – suggest just how normalized the concept has actually become: a monumental unity of terrorism in 'all its forms and manifestations'. The common ground for these manifestations seems to be the indiscriminate character of terrorist violence which is aimed at innocent civilians, specifically including women and children, who are 'massacred and maimed'[18] and its global *anti*-government character:

> In a cynical mockery of international cooperation, terrorist groups, even those from entirely different parts of the world with entirely different agendas, had begun to work together to train operatives, trade expertise in death and cooperate in the perpetration of atrocities. Their only common bond was a willingness to murder the innocent in pursuit of their goals.[19]

The discourse of alarm

Ironically, once again, terrorism is identified as a new and entirely unprecedented threat. An important reference of these statements has been the 9/11 attacks themselves: the vile, heinous 'worst terrorist assault in the history of the world' and a 'terrible evil which shocked the conscience of the entire world' and burnt horrifying images into the global memory that would, from now on, serve as a 'constant reminder to all of the need to stamp out this scourge'.[20] But the alarm is associated with the new global terrorism in general. It is constructed as the 'greatest of new dangers',[21] predominantly on the assumption that it knows no limits. These include, first, the familiar spatial limits. Terrorism has no boundaries[22] or nationality[23] and is an elusive evil[24] spreading to all corners of the world. No country, including great powers, is safe or immune against it.[25] Second,

and now seemingly stressed more than in the past, there are also moral limits[26]: terrorism is brutal and unconstrained in its readiness to inflict mass casualties.[27] Even when it is conceded that terrorism is not a new threat, its 'scale and brutality' are said to 'have altered our lives and our thinking and forced us to take new measures to protect ourselves'.[28] Thus, because of its limitlessness, which is either immanent to it or characteristic of its current manifestations (in discontinuity with the previous discursive series, which *already* had constructed it as limitless), terrorism is a new existential threat to individuals, nations and human civilization as a whole.[29]

Part and parcel of this alarmist construct of a terrorism characterized by an unprecedented lethality is the catastrophic possibility that terrorists could use weapons of mass destruction. Some statements would point out the risk of terrorists or 'irresponsible dictators'[30] acquiring WMDs[31] that would 'allow them to kill on a scale equal to their hatred'.[32] In a number of other statements, 'growing evidence of possible linkages between terrorism and weapons of mass destruction'[33] is cited. Yet other statements and notably those included in the Nuclear Terrorism Convention would seem to construct nuclear terrorism not as a *possibility* (based on the common wisdom that terrorists do seek to acquire weapons of mass destruction) but, despite its hypothetical character, as a material fact.[34]

Such statements follow those in the previous discursive series, where terrorism was constructed as benefiting from modernity and globalization (which result in a fast and seemingly uncontrollable movement of persons, ideas and, importantly, capital), but at the same time reaping the fruits of progress for the vile purpose of actually impeding the universal progress. As in the past, terrorism is now characterized by a dialectic of modernity (in terms of means) and countermodernity (in terms of purpose). And once more, globalization serves as an important permissive cause for the rise of international terrorism.[35]

The discourse of action

The discourse of alarm can again be logically connected to a series of statements on how terrorism should be faced. The first notable characteristic of the discourse these statements form is its totality. The aim of global counter-terrorism is to free us from terrorism

'forever', or to 'eradicate' terrorism,[36] and such an ambitious objective requires an harmonious response by the *entire* international community. Furthermore, as in the 1930s, today it is thought that terrorism must be prevented from undermining its (discursively constructed) unity.[37] The counter-terrorist policy should include denying terrorists safe havens or lending support to terrorist movements in any way.[38] At the same time, refraining from support of terrorism would no longer, as in the 1930s, suffice to eradicate international terrorism, which 'has become essentially stateless and nebulous in nature . . . '[39]

Emancipated from the state, terrorism now forms an autonomous *network*[40] or, more marginally, an octopus whose 'destructive tentacles' would reach to all societies,[41] a metaphor applied also to organized crime, with which terrorism is now frequently associated with a clear depoliticizing effect. Indeed, rogue states can be unproblematically associated with this network for the purpose of advocating interventionist policies against them. But terrorism is no longer an instrument of state policy.[42]

A striking manifestation of the excess coded into the global terrorism discourse in the 2000s, the action called upon against this terrorist network is predominantly framed in terms of *war*. Terrorism could be articulated as an 'individual invasion' in the 1930s. In the 1970s, it was distinguished from regular warfare based on the transgression of its norms, but at the same time, it represented a new mode of warfare, a 'war without war'. Now, this association seems to become a general rule for articulating statements on terrorism. Terrorism is therefore described as 'all out war declared against all of humankind'[43]; 'the principal method of warfare used by disaffected groups seeking to achieve their political ends and to blackmail national governments'[44]; 'violence transformed into a method of war against innocent people'[45]; or the ever uglier face of war 'involving civilians on a large scale'.[46]

The response by the international community to terrorism, in consequence, is also 'war'[47] – even as this war is often claimed to be fought on different fronts, including political, legal and economic fronts.[48] In addition to legitimizing direct military responses (such as the invasion of Afghanistan, which was initially identified as a space whose conquest and political transformation would paradoxically undermine Al-Qaeda, a deterritorialized global terrorist

network),[49] this move would also militarize practices in other fields. Indeed, the suspension of law associated with the war paradigm is certainly not the only practice advocated or performed by the states countering terrorism. But normalizing the association between terrorism and war, even at the more abstract level of an organizing metaphor (which would make possible the frequent use of *combat*, *battle* or *front* metaphors when articulating statements about terrorism/counter-terrorism), has nonetheless been effective in rationalizing the extraordinary practices that are produced even by a 'liberal' power apparatuses such as Justice and Home Affairs in the European Union (EU).

The universal action against terrorism as constructed in statements by the states should have rather extensive transformative effects for it is aimed at eliminating 'conditions conducive to the spread of terrorism'. These include poverty, injustice, unresolved conflicts, economic marginalization, lack of good governance and rule of law, and widespread violations of human rights.[50] This may seem a surprising continuity with the TWD discourse of underlying causes (1970s). But it is not necessarily so. Now articulated, not by the autonomizing third world, but by almost everyone, it is actually no longer a discourse of resistance and revolution seeking to instantiate political alternatives, but rather a hegemonic practice of normalization that betrays unmistakable features of global (neo)liberal governmentality. Development as a promise of the future, rather than a redistribution at present (a suppressed political alternative), is said to constitute the means of prevention of conflict and terrorism based on the belief that there is no place for (authentic, not imported) terrorism in the 'developed' world. Therefore, removing the causes of 'unequal development', in particular through the closest possible integration of the 'underdeveloped' into the global economy and carrying out normalizing internal neoliberal reforms, is proposed also as a solution to the problem of terrorism.

Finally, even when we are faced with the (discursively constructed) unprecedented threat posed by a global transnational network, it is never suggested that the *status quo* order consisting of sovereign polities should change too. Their plurality is to be preserved even against the (supposedly) unified global enemy. All the apocalyptic visions notwithstanding, a world state continues to mark from beyond the boundaries of the political imagination.

At the discourse's fringes

To avoid imposing a false totality on the discourse and thus reinforcing power rather than inquiring into the multiplicity of forces existing in the field, statements located at the fringes of the otherwise hegemonic discourse should also be paid due attention. Their first series relates to the concept of state terrorism. State terrorism is indeed occasionally mentioned. However, it is not mentioned in a way that would be reminiscent of the TWD of the 1970s. At that time, the concept of state terrorism organized a discourse of resistance and stood for a *prima causa* of revolutionary violence. Now it seems to have a residual character. While it was the only form of terrorism specifically condemned in res. 3034/1972, now it would not be mentioned in UNGA resolutions at all, nor would a reference to it be included in the draft comprehensive convention discussed in the *Ad Hoc* Committee and the Sixth Committee's Working Group (despite the fact that some states indeed strove to have 'state terrorism against innocent civilians' specifically included in both).[51] The term state terrorism is, moreover, always situated in the context of a universal condemnation of terrorism, and in practice it is used only for the activities of the armed forces of a single state (Israel)[52] rather than for the systemic patterns of repression and exploitation as in the TWD.

Like state terrorism, national liberation movements would not simply be erased from the list of objects on which statements in the discourse of terrorism could be articulated. But statements on NLMs now seem to be governed exclusively by the first logic of exception: terrorism is to be universally condemned, but it has to be differentiated from NLMs' activities, and their members must be subjectified not as terrorists but alternatively. To this end, a standard definition of terrorism has been called for by some states on the assumption (or in the hope) that it would prevent 'wilful confusing [of] terrorism with struggle[s] for national liberation and independence'. For Lebanon, the difference was clear: 'National liberation is a right and an honour; terrorism is a crime and cowardice.'[53] Moreover, as with the statements on state terrorism, these statements are most accurately seen as residual, rather than as an indication of a real challenge to the hegemonic order of discourse. The once common trope asserting the right of peoples to self-determination has not featured in any recent UNGA resolutions on terrorism, for example, and the attempt

to insert a special paragraph confirming that right into the draft comprehensive convention has also failed.[54]

Finally, the discourse features statements articulated by *pariahs* of the international order – states such as Cuba, Belarus or Zimbabwe (who, however, could and indeed would follow the rules of the dominant discourse in their other statements).[55] For example, in the first UNGA debate after 9/11 Cuba would claim that 'many seem not to have realized . . . that the end of independence was decreed for every other state without exception' by the United States. (Cuba too had been subjected to terrorism, but this was the state terrorism conducted from Washington.) Havana opposed the war, which, in its view, would only lead to a cycle of vengeance, the death of an incalculable number of innocent people, and 'unpredictable effects on a global scale'. It also warned that states of the South would become 'victims of actions of force if today we accepted war on the pretext of the struggle against terrorism'.[56] In addition, it later stated that '[the] war on terrorism and the alleged promotion of freedoms serve as pretexts for aggression, military occupation, torture, arbitrary detention . . . and the imposition of political, economic and social models that facilitate imperial domination'.[57] Equatorial Guinea would go even further when it pointed to 'covert terrorism carried out under the pretext of defending and protecting democracy and human rights'.[58] In a similar vein, Belarus criticized the 'terrorizing of civilians and the trampling of human rights in the name of the war on terror that were being witnessed in many regions'.[59] It also identified as the (sole) root cause of terrorism the unipolar world order which 'makes progress unattainable'.[60] Finally, for Zimbabwe the war on terror 'exposed the duplicity and insincerity of erstwhile leading democracies and human rights monitors with regard to the question of the observance of human rights'.[61]

Basic discourses

As in the previous series, the terrorist subject takes shape in juxtaposition to several complementary Selves. Some of them will by now be rather familiar: *order/chaos*, and *civilization/barbarism*. The discourse of *humanity/inhumanity* that is marginally present in the previous discursive series, however, can now be considered more salient. Finally, a new distinct moralist discourse of *good/evil* can be identified.

Through those discourses, terrorism is rendered as a common enemy of all peoples and societies, and of peace and justice,[62] a total enemy to the collective Self constituted by references to *order*, *civilization*, *humanity* and *good*. This universal collective Self can be discursively constructed as existing in reality: 'The evil of terrorism has caused us to rally together.'[63] 'In this new millennium, it is clear to all responsible nations that one issue above all unites us as we seek to promote lasting peace, security and prosperity: the common war on terrorism.'[64] Alternatively, it can also be prescribed. We have all been attacked, and unless we unite, we perish, for the enemy, the anonymous traitor of humanity, can strike anywhere: 'We do not know where to find [the enemy], but we know that he is among us. We do not know what it is that he seeks, but we know that he is ready to strike at any moment.'[65]

Order and chaos

'Terrorism is a movement. It has an ideology and it has a strategy, and the strategy is not just to kill. It is, by terror, to cause chaos and instability and to divide and confuse us, its enemy.'[66] Besides imposing an imagined unity on terrorism as a movement, and hence on the identity of terrorist subjects wherever they are and whatever their agendas, the statement exemplifies the basic discourse of *order* and *chaos*. The discourse being rather familiar now, here it may receive only a cursory treatment pointing to substantial continuities in the articulation of statements across the series. Terrorists are not *just* out to kill: 'The underlying reason for terrorism is to create chaos, to disrupt the global system of peace and security.'[67] It threatens peace and stability,[68] undermines the foundations of human society,[69] disrupts its normality,[70] and strikes the universal values of international order and society,[71] thus imperiling friendly relations among peoples.[72] Again constructed as a paradigmatic *anti*-government practice, terrorism wants (paradoxically) 'to rule the world'[73] and at the same time to make the world ungovernable, for should groups of killers be allowed to threaten innocent masses, the world, if it survives at all, will turn into a 'hopeless battleground' with no order or security.[74]

Reinforcing the basic discourse of order and chaos and facilitating the terrorist subject's depoliticization (which is otherwise effected in particular by the near exclusive focus on the means not ends of the terrorist action)[75] and dehumanization, medical vocabulary is also

mobilized much more in the 2000s than in the 1970s. That the threat of terrorism is omnipresent can therefore be articulated in terms of the lack of 'immunity' any state currently enjoys from the 'disease' of terrorism.[76] This disease, as in the past, is constructed, on one hand, as a (metastasized) 'cancer' or 'plague'.[77] That way, the element of contagion and uncontrollable spread is emphasized. On the other hand, it can be constructed as 'madness'[78] to underline the sheer irrationality and mindlessness of terrorist activity that causes 'senseless destruction'.[79] The international community of states then predictably identifies itself with 'reason, law and order'[80] even as its 'collective psyche'[81] was wounded in the 9/11 attacks that showed the 'extreme vulnerability'[82] of the international body politic. To prevent its consumption, in a medical reinscription of the discourse of action (see above), the 'cells' that constitute the terror network need to be 'surgically removed'[83] or at least rooted out[84] lest their 'thirst for blood, death and destruction' spread.[85]

Civilization and barbarism

The familiar basic discourse of *civilization* and *barbarism* is also encountered again, and its rules for articulation of statements show a major continuity with the historical discursive series. The terrorist therefore undermines the fundamentals or universals of civilization,[86] affronts this civilization,[87] or threatens its unity and survival.[88] Terrorism is barbaric,[89] and its barbarity rests again predominantly in that it transgresses the fundamental norms of constrained and thus civilized violence. The terrorist is 'blind and savage',[90] with the blindness forming a natural link to irrationality while at the same time referring to the indiscriminate character of terrorist violence.[91] While civilization is associated with light (it is 'enlightened'), the terrorist is associated with darkness. Hence he represents the 'dark side of modernity'[92]; succumbs to 'dark forces'[93] (or, alternatively, is possessed by some unidentified, incomprehensible power that is 'a dark antithesis of the light we all want to see at the dawn of the new millennium')[94]; is allured by the 'dark appeal of resentment and murder'[95]; and falls into 'dark depths of criminal degradation'.[96]

Following the period whose end has been commonly interpreted as a victory of democracy and freedom over totalitarianism and servitude, it is now the terrorist who is the enemy of freedom,[97] and who knows 'no greater enemy and no greater force than the one embodied

in a free society'.[98] His or hers is a '*primitive* [emphasis added] and totalitarian ideology of politics'.[99] Like communism once was, terrorism is constructed as a challenge to the values of an 'open and free society'[100] that now have come under attack once more[101] and must be defended under the flag of civilization.

Humanity and inhumanity

Replaying themes familiar from the previous discursive series but articulating them more forcibly, the basic discourse of humanity and inhumanity constructs the terrorist as a *hostis humani generis* who operates 'outside the pale of any human values.'[102] From this external position, that is, because of their essential inhumanity[103] (as a consequence of which their lives are 'worthless'),[104] terrorists pose a threat to all humanity (once again constructed as unitary).[105] Terrorists also shock the conscience of humanity,[106] commit a crime against humanity,[107] and undermine not only national, but also human security.[108] In a discontinuity with the FWD (1970s), this subjectification no longer relies on the terrorist's identification with the (air) pirate. However, the disappearance of air hijacking, which was once among the key phenomena associated with terrorism, has not in the least impeded the thriving of terrorism as a political concept, or the fundamental dehumanization of the terrorist.

The terrorist also disrespects human rights. The relationship between terrorism and human rights is complex, however. The terrorist negates human rights as a cosmopolitan norm since he violates the most fundamental human right – the right to life – and it follows that his violation of this norm leads to his violation of all the others as well.[109] This violation of the sacred norm in the new global (dis)order brings about exclusion from the human community and facilitates exceptional responses, since the terrorist, by virtue of his own actions, need not be considered a fellow human being any more. The adverse relationship between (nonstate) terrorism and human rights could be observed already in the 1970s (when it was stressed that terrorism negated 'fundamental rights and freedoms'[110]). But it became more salient only with the end of the Cold War,[111] when it coincided with the protection of human rights becoming an ever more important rationality of violence through the politics of (humanitarian, responsible, or protective) intervention. However, other statements about human rights which bring attention to excesses of *counter*-terrorism are also articulated. The risk of human

rights violations in some (unidentified) countries was pointed out soon after 9/11,[112] and it has since been emphasized in a series of resolutions prepared by the Third Committee and titled 'Protection of Human Rights and Fundamental Freedoms while Countering Terrorism' (which eventually succeeded the original 'Human Rights and Terrorism' series). Those resolutions do condemn all acts, methods and practices of terrorism and assert the role of state institutions as the ultimate guarantors of human rights. At the same time, they also deplore the occurrence of violations of human rights and fundamental freedoms in the context of the fight against terrorism.[113] The discourse of violation of human rights in counter-terrorist activities, marginally articulated throughout the time series in different institutional sites, thus seems to come closest to a discourse of resistance to the practices of the global terrorism dispositif.

Good and evil

Finally, many statements would construct the terrorist subject using moral categories of good and evil. 'The face of terrorism is one bloodied by its evil intention.'[114] It is 'a universal evil with tentacles in all societies',[115] a globalized evil.[116] Speaking of globalized evil can be intended to dissociate terrorism from any particular civilization or religion.[117] More often, the terrorist seems to be evil since he or she challenges the established governmentality of the modern secular state (which resolves the ancient conflict of fear of God and fear of government in favor of the latter) and threatens to reinstate religion as a determinant in international relations from where, at least in the prevalent political imagination, it was expelled as the Westphalian order came into being. Needless to say, uniting against the evil can also be a means for the fundamental transformation of the good: 'Together we can confront and defeat the evil of terrorism. Together we can secure the Almighty's gift of liberty and justice to millions who have not known it. Together we can build a world that is freer, safer and better for the generations who follow.'[118]

A world without rules[119]

The intensely political character of the states' discourse of terrorism in the 1970s has been succeeded by a discourse that is hegemonical and depoliticized. It is generally accepted and reproduced by great

powers as much as the third world states (which is not to claim that there exists an absolute harmony in this respect). It creates a world in which these state actors, as long as they are recognized as members of civilized humankind, can legitimize and realize their power, discipline and punish, and suppress alternatives to the normal order inside their national boundaries.

The key condition of possibility for this discursive enclosure is argued to be a once more changed power constellation, which, in the absence of a nomos, has turned the total colonial war into a true global civil war. This global civil war, a war without rules or a deadline,[120] has been characterized above all by humanitarian intervention (i.e. an intervention waged in the name of humanity) and the global war on terror – a social pest control to eliminate the terrorist as a parasite. In an extension of the discourse of disease, this project has been combined with the action intended to remove the rogue states, which are seen as an ill of the international order. Moreover, the 'sick' failed states, who, as 'patients', lose their autonomy to decide on their own (cf. Manjikian 2008), must be 'cured' also because they threaten to breed and disseminate the terrorism virus and check the progress and stability of others.

The first response against the 'acts of war' (as the 9/11 acts were interpreted by the United States; cf. Jackson 2005) was the invasion of Afghanistan. It started as a punitive expedition, and at the same time it was an attempt to politically control chaos by territorializing threats by locating their source/base in rogue or failed states in what could easily be read as a prime example of a countermodern move (cf. Ó Tuathail 1999). In time, however, the invasion has come to symbolize the disruption of order which makes Afghanistan an illustrative metaphor of the absence of the nomos and the final substitution of an international constitution based on a bracketed war and mutual recognition of enemies with a state of permanent exception (Ditrych 2012). In such a permanent state of exception there can be no neutral ground, and every nation must make a decision ('either you are with us, or you are with the terrorists'[121]). As for the individual persons, whoever is not on the right side seems to be committing crimes by their mere participation in the war. The person's very enmity is a crime and he or she is placed in a statusless limbo: he or she is neither a combatant, nor a civilian. Marginal categories such as 'unlawful enemy combatant', first documented in the United

States Supreme Court case *Ex Parte Quirin* (1942), have been resurrected. But in reality they provide the enemy with no status and no protection from the bare power (cf. Gasser 2002; Harris 2003). In this new state of nature everything is permitted, which is to say that the only constraint imposed on those in power is the (perceived) amount of the power they wield.[122]

None of the above is intended to convey the idea that there are no challenges to the existing power constellation characterized by America's hegemony. Its main contenders, Russia and China, use a variety of means to increase its costs or at least free-ride. They have also challenged, among other things, the United States' legitimization of the policing action in Iraq.[123] But despite all predictions of its decline, in the 2000s the United States has been able to sustain both its hegemonic position in the international order *and* the hegemonic discourse of terrorism, from which others continue to benefit and which continues to be governed by a single order. While a modified power constellation would be likely to influence the conditions under which statements about terrorism are articulated, this may not necessarily mean dislocating the dispositif, of which the discourse of terrorism among states is a productive element. A new nomos would indeed (re)create a possibility for reconfiguration. But that is not to say that it would necessarily cause it.

Conclusion

The two most important characteristics of the discourse of terrorism after the end of the Cold War and the 9/11 tragedy have been *enclosure* and *excess*. Following the intense political character of the 1970s series, in which a duality of distinct discursive orders could be observed, now there seems to once more exist only one order (all but eliminating statements on state terrorism, and reinscribing the discourse of root causes in terms supporting global liberal governmentality practices) which betrays several distinct similarities to the rules that governed the discourse in the 1930s. Terrorism is constructed in a way that unites the adversary, with whom various local actors and *pariah* states can be associated on the basis of often superficial or suspect evidence. It is again depoliticized, but now predominantly through the near exclusive focus on the means rather than the ends of terrorist action (as in the FWD in the 1970s).

It emerges as a new and unprecedented threat in the discourse of alarm, which is logically connected to the discourse of action, in which the image of the mankind united to efface the universal scourge of terrorism forever is constructed. The terrorist is once more subjectified in basic discourses. Some are more familiar (order and chaos, civilization and barbarism), and some, in their present form, are new (humanity and inhumanity, good and evil).

Unlike in the 1930s, on the other hand, the terrorist does not seem to depend on the state anymore. No longer does he or she realize a (renegade) state policy. However, what seems to be the most striking difference from both of the previous discursive series is the excess coded into the discursively constructed reality of terrorism. This excess, itself conditioned on the changed power constellation and manifested in the extreme alienation, depoliticization and dehumanization of the terrorist, has arguably had a fundamental constitutive effect on the current modalities of global politics, in particular those related to the control of state violence. It has facilitated global policing action, but also states' efforts to discipline their domestic realms. In what was declared a 'world without rules', the only constraint imposed on states' behaviour toward some other states and individual human bodies is the limits of the power they wield. In the global civil war, the real war as a continuation of policy by other means turns into a social pest control.

6
Power and Knowledge

This chapter explores the constitutive linkages between the states' discourse of terrorism and specific (external) discursive formations of terrorism knowledge that can be seen as inducing effects of power while being subjected to this power's effects at the same time. At the most general level, there seems to be little doubt that the basic discourses in which the terrorist has been 'othered' as the perpetrator of illegitimate violence, and in particular the basic discourses of *order/chaos* and *civilization/barbarism*, have been conditioned on the modern constitution of sovereign reason, which recognizes itself by excluding madness and chaos from the realm of civilization – incidentally, the central topic of Foucault's *Folie et Déraison* (Foucault 1961). In international relations, as Ashley (1984) notes, the sovereignty of the reasoning man has served as a universal regulative ideal that enables a global domestication of men into particular territorial sovereignties and normalizes a certain historically contingent economy of power. The terrorist is located outside the pale of this ordered and civilized world.[1] At the same time, he or she is neither confined nor exiled, but thanks to his or her mobility and elusiveness he or she challenges the very paradigm on which global political normality is based. In the previously analyzed discursive series a certain difference in terms of the understanding of the terrorist as irrational can be detected. In the 1930s series, while to some extent being seen as irrational, the terrorist does not seem to be constructed as a madman. Indeed, he or she is depoliticized and reduced to a criminal, and *as such* he or she could hypothetically be observed and treated as a sick person that needs to be subjected to psychiatric

expertise that would make a technical prescription for normalization: correction of deviance. But a strong link between the states' discourse of terrorism and the psychiatric discourse of deviance is hard to detect. In the latter series, in contrast, the madness associated with terrorism is much more emphasized. Finally, the recurrent theme in all three series (but absent in the TWD) is the dual face of the terrorist, who masters the latest technological advances of progress (civilization) and at the same time represents a force of backwardness and reaction to the civilizational progress toward ending contingency, undecidability and, ironically, war.

1930s

Social sciences

No attempt at forming a discrete formation (discipline) of terrorism studies can be recognized in data on the 1930s. In fact, the links between the states' discourse of terrorism and social sciences generally seem to be rather limited in this period. The statements about terrorism articulated here reflect more their dispersion in the general discourse than the progressive narrowing observable in the states' discourse. Indeed, in the *Encyclopaedia of the Social Sciences* (1934), Hardman defined terrorism as 'the method or underlying theory of systematic violence employed by an organized group in an effort to achieve its goals,' which characteristically involved a relocation of power.[2] Terrorism was differentiated from intimidation (which was associated, for example, with labor conflicts) in that it relied on the actual use of violence; and from government terror in that it did not pretend to be exercised by a legally constituted authority. In the past, it had been 'an accepted revolutionary technique of anarchism' and had found its purest expression in the violence of *Narodnaya Volya*'s Executive Committee. But as a revolutionary tactic, terrorism could never really succeed, since governments would not yield to the terrorist campaigns. A thoroughly normative conclusion could therefore be drawn: 'the art of revolution must be sustained by the will of a large portion of the population affected by the power at issue and by concerted mass operations'.[3] Yet the understanding of terrorism as revolutionary (that is, as striving to relocate power) was by no means universal. The word 'terrorism' would, for

example, continue to be used in reference to government oppression. To illustrate this use, in the year of the Marseilles attentate, *Foreign Affairs* printed an article titled 'The Evolution of Soviet Terrorism,'[4] and at the end of the 1930s, an article nomothetically illuminating 'typical life cycles' of dictatorships would list (systematic) terrorism as one of their characteristic instruments.[5] Moreover, one can point out the clear differences that existed between the definition of terrorism in an authoritative social sciences source, and the forming of the concept of terrorism in states' discourse. In the former, its aim is redistribution of power; in the latter, it is *destruction* of power (i.e. making organized government impossible). In the former, it is a phenomenon near extinction, since it involves individuals or small groups, whereas it would be classes and masses that would henceforward drive social change; in the latter, it is a phenomenon of utmost concern, a new and growing threat to the (international) order.

At the same time, there seems to be one (sub)field of social sciences where constitutive linkages to the states' discourse of terrorism can be detected: crime science. As a paradigmatic *Polizeiwissenschaft*, it formed an important part of the knowledge that had been circulated in the field formed by police theorists and professionals in the decades before the 1930s. This knowledge had created the subject of a new criminal (most often an 'anarchist') as a mobile professional existing in the conditions of increased transnational circulation and technological progress. Combating this subject then required new forms of coordinated policing (cf. Deflem 2002; Jäger 2006; Härter 2013). While indeed informing the discourse of terrorism, this knowledge is more productively inquired into in the genealogies of current dispositifs of (general) security, since the genesis of a number of rationalities and technologies of transnational police cooperation seems to have been found in this period.

Law

The knowledge (in the sense of a discrete external discursive formation) which is in the closest constitutive relationship with power in the 1930s is legal knowledge. To be sure, since the action to be taken was first and foremost a *legal* action, this structured the enunciative field in terms of the choice of lexicon, the structure of the (legal) argument, etc. But much more significant than that was the constitutive relationship with the dominant period paradigm

of legal positivism, and the more concrete linkages to the field of international criminal law.[6]

Legal positivism, which, in contrast to natural law theories, identified as the source of law the will of the state, had gained dominance in European jurisprudence in the nineteenth century. However, it was only in the first decades of the twentieth century that it found its literally 'purest' expression in the theory of Hans Kelsen. It was developed in his *Reine Rechtslehre*, which was incidentally published in the year of the Marseilles attentate.[7] Kelsen viewed the legal order as a system of normative ascriptions which are all genealogically related to the *Grundnorm*, the basic norm. It is a system of inherent and uninterrupted unity and harmony. This harmony could be positively discovered through the exercise of a mathematicizing jurisprudence that clears law of all sociology. (However, it should be noted that, in contrast to the earlier versions of legal positivism, Kelsen's theory substituted the state and the command as a sovereign source of the norm with the law itself.)

Kelsen's pure theory was perhaps the most extreme offshoot in jurisprudence of the Enlightenment rationalism and progressivism before the failure of modernity which Lyotard (1979) metaphorically termed 'Auschwitz'. However, in its extremity it most clearly shows the dominant legal *epistémé* of the period, the criticism of which indeed existed, but remained rather marginal. (For instance, Schmitt and Hans Morgenthau stood up, in opposition to Kelsen, but not necessarily in a mutual agreement, against the sovereignty of the law and in favor of the political.[8]) This *epistémé*, with its universality, progressivism, rationalism and liberalism,[9] conditioned the project of the 'progressive codification of international law', one of the most visible revolutionary changes to the *jus publicum Europeanum,* whose ultimate objective was to write down international law ('to meet the legislative needs of international relations'[10]) as a universal and harmonious normative system free of the undecidability that comes with the political. In the extreme, the process of *positivation* of international law was to be followed by the *internationalization* of law in general: an effort to make the international law the true (Kelsenian) sovereign over municipal realms in an effort to civilize nations (cf. Koskenniemi 2004b). A parallel project, less ambitious than internationalization but conditioned by the fundamentally same principles, was that of unification of criminal law,

that is, a *normalization* of law inside the national orders rather than its positivation.[11] The 1937 Terrorism Convention – alongside other period conventions on slavery, counterfeiting currency, traffic in women and children, drugs or obscene publications[12] – combined both positivation (but not internationalization) and normalization. It reaffirmed and specified (through positivation) the norm prohibiting intervention. At the same time, it created an obligation for states to normalize their national legal orders: that is, to make certain acts criminal offences and to provide for their punishment in a unified way.

Despite the shift toward universalism as a basic characteristic of the period's political constellation, there were clear limits to the states' interest in adopting binding positive legislation.[13] Similar limits can be observed in the expert discourse regarding the unification of criminal law.[14] This expert discourse can be identified as the discrete knowledge formation which the states' discourse of terrorism most specifically drew on.[15] In the following analysis, it is limited to statements articulated in the organizational framework of the International Bureau for the Unification of Criminal Law (IBUCL). It is a methodological choice that warrants some justification. Since the Bureau's international conferences were attended by leading experts from 44 countries of the world, the enunciated statements can be taken as both authoritative and representative (and while delegations were formally sent by the participating governments, they did not represent the states' official positions). Moreover, the issue of terrorism featured prominently on the agenda in the 1930s, and the statements' concentration was therefore considerable.

The roots of the IBUCLs' discourse of terrorism can be traced to the first international conference on the unification of criminal law in Warsaw (1927). At this conference, the inclusion among *delicta juris gentium* of employment of means capable of causing a common danger was discussed in addition to piracy, trade in women and slavery, drug traffic and traffic in obscene publications.[16] Terrorism was not yet directly mentioned (even though it had been suggested by Romania as a subject demanding international legislation the previous year).[17] Eventually, however, it was indeed placed by the organization committee on the agenda of the third conference in Brussels (1930). Terrorism would later be discussed also at international conferences in Paris (1931) and Madrid (1933). Indeed,

there would be no consensus on the precise definition. That said, several reports were delivered on the subject, and the concept did acquire some recurrent features in the discourse. At the same time, it was concluded in both Paris and Madrid that terrorism should not be treated as an international crime since it did not trouble international relations.

The interest of states in terrorism after the Marseilles attentate seems to have had a considerable influence on the legal discourse, as shown during the IBUCL's sixth conference in Copenhagen (1935). Here, terrorism was elevated to a prominent status on the agenda, and the conference was concluded by presenting a proposal for its national codification as a crime. Saul (2006a) contends that the conference discourse borrowed a number of statements from the League of Nations' committee of experts – for example, references to a common danger, a state of terror, or obstacles to the functioning of public bodies – in the definition proposals. However, all these had been articulated in the IBUCL discourse before (see below) and it therefore seems to make more sense to reverse the relationship: the legal discourse likely conditioned the discourse of power in terms of providing constitutive elements for the definition of terrorism and also, as developed later in this chapter, for depoliticizing the terrorist. In at least two important ways, however, the discourse of power conditioned the legal discourse: (1) the essential duality of terrorist acts (assassination of privileged persons and mass explosions) was asserted in the legal discourse, and (2) references to international relations as a referent object of terrorist action came to be emphasized.

To better see how the IBUCL discourse could condition the states' discourse of terrorism, the key statements articulated in the former are now surveyed. The very first report on terrorism, delivered during the Brussels conference (1930) by Niko Gunzburg, identified terrorism as a series of crimes capable of producing a common danger.[18] This common danger could be a result of a rather broad scope of activities: from explosions to spreading contagious diseases and causing floods. The reference to a common danger was included in the final commission proposal, unlike the catalogue of activities (which would, however, be drawn upon and expanded in the final proposition of the Paris conference).[19] Terrorism would additionally be defined also as acts against the life and liberty of (as yet unspecified) persons or against private and state property which, moreover,

are committed 'with the purpose of expressing or executing political or social ideas'.[20]

There would as yet be no link to the state, as an orchestrator of terrorist violence or as its victim. At the same time, in the final report of the conference terrorism was considered as having as its object 'détruire toute organisation sociale',[21] introducing into the legal discourse of unification of criminal law the familiar aspect of disorder. In Paris (1931) and Madrid (1933) too, terrorism was defined as undermining social order and instituting anarchy. The subjectification of the terrorist proposed during the Madrid conference, for example, read as follows: 'He, who with the aim of destroying the entire social order [*toute organisation sociale*] employs any means whatsoever to terrorize the population, will be punished.'[22] These statements about undermining the social order were actually themselves a replication of the Institute of International Law's earlier definition of 'social crimes' as 'criminal acts directed against the bases of the entire social order [*toute organisation sociale*], and not against only a certain state or a certain form of government'.[23]

In both Paris and Madrid, however, the issue of whether terrorism constituted a new international crime (*un délit de droit des gens*) that would make the suspect subject to extradition and warrant a universal repression was resolved in the negative. It was conceded in Paris that the terrorist could operate in more state territories and could even imperil the *bien morale* which was international peace. Yet the danger he produced was a *common*, not an international, danger. Two reports delivered on the issue in Madrid also argued against the notion of terrorism as an international crime. In fact, in the first report it was claimed that the contrary view would actually imperil international relations since it would compel states to pass judgments on other states' politics. What would seem a rare conservative statement in the period of universalism and positivation of absolute principles is followed by the conclusion, however, that some other acts, such as *barbarie* against defenseless populations (massacres, collective cruelties, etc.) indeed should be internationally punishable notwithstanding the identity of the crimes' perpetrators and the declared political motive.[24] (This is hardly surprising when it is recalled that Raphael Lemkin, the report's author, later famously coined the term 'genocide', which encompassed precisely such activities.[25]) In terms of the definition of terrorism, Lemkin's

report noted that terrorism was not *une notion juridique*, but a concept which united other crimes (such as murder or arson) in that there existed a special state of mind on the part of the criminal (rather than the terrorized victim), a part of which was a political objective. Roux's report, on the other hand, made an important connection between targeting *hommes politiques* and terror aimed toward the general population: a connection which would become subject to some controversy in the political discourse but would eventually be normalized.[26]

The Copenhagen conference (1935) endorsed the dual nature of terrorism that was coming to be established in the states' discourse (assassination of protected persons, and explosions directed at the general public). It also introduced international relations as a referent object of harm of the terrorist action. The final report, published in *Revue de Droit Pénal et de Criminologie* and sent to the League of Nations' Expert Committee,[27] found it desirable to criminalize terrorism because it changed or impeded the operation of the public authorities and disturbed international peace. The one common characteristic of all terrorism was the sense of insecurity of life, liberty and property (in other words, the sacred liberal triad). In addition to attributing to the terrorist an attempt to undermine the liberal order, the debate in Copenhagen seems to have furthermore followed the patterns of the states' basic discourse of civilization and barbarism – in statements that it had heretofore avoided, terrorism was identified with danger for humanity or 'lutte politique aux extremes de la barbarie et de la sauvagerie'.[28]

The legal discourse also played an important role in the depoliticization of terrorism among states. In this discourse, the key force behind denying the terrorist any political motive was the perceived need to remove terrorism from the category of political crimes for which a certain special protection, namely with respect to possible extradition, existed.[29] This legalistic or technical depoliticization could then reinforce the general depoliticization linked to the dehumanization of the terrorist and his or her subjectification as an absolute enemy of civilization and order in the states' discourse.

The legal discourse of unification of criminal law depoliticized the terrorist with considerable force. However, it should be emphasized that even here marginal discourses of 'political terrorism' existed.

At the very moment of the genesis of the discourse of terrorism in international criminal law, Gunzburg's report mentioned no social or political intent of terrorism, yet in the final commission proposal to the plenary session of the Brussels conference, it would indeed be characterized as expressing or executing political and social ideas. In the subsequent conferences, the presented reports also referred to political and social motives of terrorism (Lemkin's terrorist state of mind demanded a political end, for example).[30] That said, in the end terrorism would only be limited to practices intended 'for the purpose of terrorizing the population'[31] or to cause social disorder at the most abstract level. This indeed amounted to an effective depoliticization since the terrorist's objective was therefore pure negation: the destruction of any political order. The terrorist, as Givanovitch claimed in Copenhagen, was 'un vulgaire bandit et non un homme politique', whatever his cause was. Terrorists always corrupted the political; their crimes, however, never were political.[32]

The dominant conceptualization of terrorism as a depoliticized crime in Copenhagen followed the effective depoliticization that could be witnessed at the Paris and Madrid conferences. The terrorist's ultimate objective, it was conceded, was to overthrow the existing social order in the most general sense (that is, including in the sense of the 'international order'). Because of the purely abstract character of this end, the terrorist's objective would generally not be considered 'political' – a term reserved for combating an incumbent government.[33] Proposals were actually made in Copenhagen to substitute 'political terrorism', a term enjoying a certain popularity in the general discourse, with 'public terrorism', which had no immediate relation to the political and could be unproblematically removed from the category of political crimes and subjected to universal repressive action.[34]

1970s

Two ideologies of violence

The basic duality in the states' discursive orders in the 1970s was, in the most abstract terms, organized around the violence problematique. In the TWD, the systematic violence built into the fabric of capitalism and colonialism was emphasized. In the FWD, the killing

by those professing to be emancipating themselves and the masses they claimed to represent from this system was the violence that mattered. Both positions were ideological in that their respective visions were narrowed to one contemporary manifestation of violence. If they were willing to consider the other (as in the TWD's second logic of exception), then it was only as a moment in a chain of causality in which it was preceded (and thus produced) by the other form. A way to further reflect on and refine these two positions is to replay the debate on violence that Jean-Paul Sartre and Albert Camus, two widely internationally influential intellectuals of their time, had engaged in concerning the war in Algeria (1954–1962). Despite the intellect of both participants, it was indeed a debate characterized by ideological myopia. It was also one which ultimately ended their friendship (cf. Aronson 2001; 2005; Sprintzen and van den Hovern 2004).

The author of *l'Homme Revolté* (1951) vigorously refused all necessitarian and abstract justifications of violence. The freedom that the rebel claims must be for all. In their rebellion, rebels assert their humanity by detaching themselves from the world of the master and the slave; and in murder or terrorism (standing for killing of 'the innocent'), rebels commit an unjustifiable double sacrifice of innocence and life.[35] Already in *Les Justes* (1949), Camus had affirmed this morality, which he exposed in the deliberations and actions of Ivan Kaliaev, a Socialist Revolutionary and a designated assassin of Grand Duke Sergei, brother to Tzar Alexander III (1905). Kaliaev actually decided not to proceed with a planned attack once he learned that the Grand Duke's children were in the carriage that was to be hit. In a fictional scene in the play, whose plot follows this event, members of the organization discuss the justice of his action. Some claim that the lives of two children ('innocents') are not significant when the fate of humanity is at stake. Thousands of others die every year because of the systemic violence. But Kaliaev and others disagree. Indeed, despotism must be literally 'killed' and a brave new world built. But it cannot be founded on a murder of two innocent children.[36] Camus' conservative position on violence would later translate into a rather blind advocacy of the French counter-insurgency campaign in Algeria – the proper reason for the clash with Sartre, who by that time had become one of the foremost spokesmen for emancipatory violence.

Sartre emphatically distanced himself from Camus' view. Not only did he see revolutionary violence as an appropriate response to the systemic bourgeois violence and a highway towards future humanity. He also celebrated the particular violence against Europeans (the French) in Algeria – most vocally in his preface to Franz Fanon's *The Wretched of the Earth* (1963). Furthermore, he would endorse the Munich massacre and claim that it was the only available means to resist the existing system of oppression (Aronson 2005: 308). To Sartre, every liberal discourse of limits was only a manifestation of the *status quo* power keen on its own preservation.[37] In the preface to Fanon, he embraced the latter's psychologizing view of the colonial situation and the constitution of the colonial Self/Other. He would claim that the revolutionary violence was constitutive of the postcolonial subject, cured of the 'colonial neurosis' and more advanced and humane than the present Man. From this Fanonesque perspective, violence was not only justified as a means to an end, but it had a liberating and constitutive function in *itself*. But what was more: the conflict unfolding in the third world was, for Sartre, *symbolic*, and its consequence transcended its boundaries. For the decolonization was simultaneously taking place also in Europe, or better yet, in the European subjects' *psyche*, from which the 'settler' was being 'savagely rooted out'.[38]

The third world's *Epistémé*

Interestingly, despite their autonomizing ambition, the postcolonial states of the third world looked for authoritative 'truth claims' to reinforce the discursive challenge of the dominant *status quo* seemingly mostly in Western knowledges. Marxism-Leninism comes to mind first as the distinct knowledge that authorized the materialist world system analysis behind the TWD's discourse of underlying causes. This is the case notably of the statements about the exploitative character of colonialism and imperialism, their driving forces and their relationship to capitalism, as much as of the emancipatory rhetoric of revolution.[39] At the same time, the envisioned modalities of the new autonomous political space of the third world remained constrained by the logic of nationalism (rather than national emancipation as a stage in the realization of the consciousness that would be followed in the historical dialectic by transnational socialism).

Emancipation and national independence were one, and they were to remain so.

Another knowledge which seemed to have a conditioning effect on the third world's discursive order was Freudian psychoanalysis, mediated through the influential writings of Franz Fanon. Fanon's analysis would be organized around issues such as the internalization of the unequal positions of the colonizing and the colonized, the purifying role of violence that transforms the 'narrow world' of normalized power relations, or the consequent mental rebirth of the (post)colonized Self.[40] These issues would resonate also in the TWD, providing basic legitimization for the liberation violence and ruling out the preference for the peaceful and gradualist method of achieving independence. On the other hand, the Fanonesque radical Utopia populated by the new humankind born from the successful decolonization violence never was echoed in the TWD.

A major factor facilitating the influence of Fanon's analysis of the colonial situation in terms of power was its dramatization in Gillo Pontecorvo's *Battle of Algiers* (1966).[41] This remarkable movie captures the problematic of both state and revolutionary violence while it manages – despite having been commissioned by the Algerian government – not to dehumanize the Colonizing Other or romanticize the revolutionary struggle. It also emphasizes some of the aspects of Fanon's analysis which are of consequence to the TWD. First, it gives material reality to Fanon's geography of the soul in presenting the two distinct colonial worlds: the Casbah and the Cité Européenne, the latter of which must be conquered if the new postcolonial subject is to be constituted.[42] Second, it forcefully articulates the inevitable historical dialectic of an emancipatory revolution. Despite the seeming success of the counter-terrorism operation led by Colonel Mathieu, after some time – 'nobody knows how and why', as the commentary reads – a mass action follows, leading to national independence. The French are unable to resist the dictate of history. Third, it legitimizes the use of all means of resistance available, as much as the refusal to be bound by any limits on the exercise of violence that are imposed on the *status quo* power. Following his capture, a (fictional) charismatic leader of the *Front de Libération Nationale* (FLN), Ben M'Hidi, is asked during a press conference whether he found it cowardly to send out women carrying bombs in their baskets that killed a number of innocent people in Cité Europeenne.

His answer: It is even more cowardly to attack defenseless villages with napalm bombs. Having no air bombers, the FLN uses baskets to carry the explosives instead; baskets which it would be happy to trade with the French for their planes, should the latter wish to make the exchange.

Enter terrorism science

When the UN Dag Hammarskjöld Library compiled a list of literature on terrorism in 1972, most of the items were studies of legal problems associated with protection of diplomats, colonialism, the Middle East or urban insurgency in Latin America. The remainder were general social science treatises on civil and revolutionary violence or government terror, including classic works of the European *emigrés* Hannah Arendt and C. J. Friedrich,[43] and a more recent study by E. Victor Walter (which did not actually deal with modern totalitarianism, but with the tribal structures in Africa in the nineteenth century).[44] If the same list were composed a few years later, it would have looked strikingly different. The reason was that after the Munich massacre, the first world's science of terrorism was born. It was born in the United States. And it was born, to paraphrase Nietzsche, from the spirit of counter-terrorism.

The picture of this science of terrorism in the 1970s that emerges from an archaeological analysis is that of a relatively small community with a limited number of scholars of various backgrounds that produced a discourse without much rigid discipline. Yet it featured 'instant classics' by authors such as Rapoport, Crenshaw, Wilkinson or Laqueur and had its own agendas, members, funding and established means of linking separate research groups, as well as shared causal beliefs and notions of validity (cf. Ranstorp 2006; Ranstorp 2009; Reid 1993; Raphael 2009). From the institutional perspective, an important founding moment was the creation of a terrorism program at RAND (1972) headed by Brian Jenkins and funded by the United States government as a part of its new counter-terrorism apparatus that was meant to 'provide a broad understanding of the origins, theory, strategy and tactics of modern terrorism' (quoted in Ranstorp 2009: 20). RAND was a crucial institutional site for the constitution of discursive practices of both power and knowledge in this period, since it was a major recipient of government funding and a privileged provider of scientific expertise. Furthermore, researchers

associated with RAND played an important role in establishing academic centers such as the Centre for the Study of Terrorism and Political Violence at St. Andrews (Jackson 2009: 81).

The object formation

Institutions do determine enunciative possibilities. But the archaeology of the field should be interested in much more. Here, it is used to examine the rules and practices of the formation of objects and the assembling of their grids of specification; theoretical concepts that make possible inferences, descriptions or generalizations and their borrowings from other discourses; and, finally, the overall discursive strategies. In terms of object formation, the new science was primarily interested in the phenomenon of terrorism, and it would also articulate statements about the terrorist subject. A common definition of terrorism as an object of scientific research would have provided the field with clear boundaries. It was indeed sought, but not found, and a kind of *Definitionenstreit* followed. Admittedly, it did not result in a complete chaos, as, for instance, Schmid and Jongman's study (2006 [1984]) showed that 83.5 per cent of 109 definitions of terrorism assembled before 1984 included the element of violence and force, 65 per cent stressed its political character and 51 per cent associated it with fear and terror. But Schmid also found that the majority of researchers (58 per cent) preferred their own definition to anyone else's, whereas the rest would favor a wide variety of other definitions (Schmid and Jongman 2006 [1984]: 25).

The absence of a commonly agreed definition facilitated the overreach (cf. Silke 2004a: 4; Gordon 2004: 107) and, as the field grew institutionally, an ever wider dispersion of statements. This presented no obstacle to their continuing articulation. Forgetting the concept's accidental nature and in absence of a clear definition of terrorism, researchers produced a wealth of essentialist, nomothetic and normative statements about it. Reflectivity about and sensitiveness to the problem of power relations in the constitution of terrorism would be rare if not absent. Even the often cited claims by Jenkins that the 'use of the term terrorism implies a moral judgment', terrorism is 'what bad guys do' and it can consist of 'almost any violent act by the opponent' which is once labeled terrorist are actually not relativist, but essentialist in nature. What Jenkins meant to say was that terrorism was abused, and *therefore* the true meaning of terrorism

was obfuscated.[45] Even Laqueur, who claimed that there were many terrorisms and concluded that a truly scientific, predictive study was consequently impossible,[46] never reached the conclusion that perhaps there was little benefit in subsuming these disparate phenomena under one object of study. Instead, he made a number of generalizing conjectures about the ineffectiveness of terrorism or the absence of a causal relation between its occurrence and perceived grievances.[47] Stohl, another voice critical of the period science of terrorism, would, in his turn, deconstruct the myths obtaining in the field, which he, however, also understood not as *constitutive* of the social reality, but rather as *obscuring* it.[48]

Turning to the terrorist subject, drawing a character sketch of him would be a rather common exercise among terrorism researchers, and it would not be hindered by a lack of actual empirical research on the perpetrators of terrorist violence (cf. Silke 2004a). In a number of statements, terrorists emerge as politically motivated and rational rather than mindless, senseless and irrational.[49] However, in many other statements that examine their social background or mental health, they are portrayed as abnormal, psychologically disturbed, fanatical or foolish (in the sense of a false conscience resulting from their mental disease), or self-destructive (that is, disrespecting the sanctity of their own life).[50] Their apparently senseless behavior is explained by pointing to the most curious causes – from inconsistent mothering to faulty vestibular functions of the middle ear, a rejection of the father and the values he represented, a thirst for power that is satiated only by inflicting pain and death upon other human beings, or failed socialization (see an overview in Schmid and Jongman 2006 [1984]: 89–91). Indeed, it seems that the nexus of power, sex and destruction was much more common in explaining the terrorists' behavior than their inspiration in the doctrinary treatises of Mao, Trotsky or Ho Chi-Minh (however, they could have been indoctrinated with the ideas in those treatises while at university, according to the narratives stressing their social background and implicitly refusing material deprivation as a cause of their violence).[51] This nexus was likely even more salient than the established period social scientific concepts such as 'relative deprivation'.[52] The terrorist is not 'normal', but sociopathic, narcissistic and paranoid, and occasionally he or she is even portrayed as having pathological features without actually suffering from any disorder – a rather convenient

kind of abnormality and a way around the absence of evidence of any clinical symptoms (cf. Silke 1998). The terrorists' abnormality and irrationality are then useful in sustaining their depoliticization and rendering their profiles in medical terms in the FWD.

Grids of specification

The science of terrorism was born at a time when 'systematic ordering and classification of empirical data' was considered a condition for a successful explanation of social reality.[53] Yet, as one researcher complained in a period statement, by the end of the 1970s there were 'almost as many typologies of terrorism as there [were] analysts'.[54] Interestingly, in an overwhelming majority of studies terrorism encompassed both state and revolutionary activity (with the latter being possibly divided into 'revolutionary' activity, attempting an overall change of the existing order, and 'subrevolutionary' activity, striving for a change within the existing order).[55] To exclude state activity from the study of terrorism, for example, by means of establishing a semantic opposition of 'terror' and 'terrorism' (observable today), would be rather rare.[56] It did not seem eccentric when Jenkins claimed that 'governments, their armies, [and] their secret police may also be terrorists'.[57]

Speaking of state terrorism as an object to study would seem to be a rather important difference from the FWD. Yet caution is in place. Most authors list state terrorism in their introductory typologies, but the actual focus of their studies is then exclusively *nonstate* terrorism (cf. Jackson 2009). Moreover, when they do speak of state terrorism, it is in a way that alludes exclusively to the authoritarian dictatorships of the second world, and their statements thus show little critical purchase with regard to their own governments and their policies. The duality of state and nonstate terrorism, which could have been influenced by the popular discourse, does not seem, moreover, to have been reflected in the real research agenda.

Theoretical concepts

Mirroring the lack of discipline in the field, no paradigmatic theory or competing theories as sets of general inferences about terrorism would emerge.[58] Nonetheless, there can be identified several theoretical concepts that were recurrent in a number of statements in the field, and which seem to mirror and possibly even be constitutive

of the contemporary states' discourse. The first of those concepts is terrorism as *theater*, *spectacle*, *drama, advertisement* or, generally, *communication*.[59] This concept was conditioned by (and reinforced) a certain economy of violence (as an exchange of symbols) and the excessive rendering of the effect of terrorist violence as transcending the limits of the immediate and the material. From such a conceptualization of terrorism, it was only one step to the condemnation of the role of the media in effecting and sustaining the then present (international) political crisis.[60] The media, in addition to succumbing to 'political correctness' in their liberal overstretch, not only obfuscated the true meaning of terrorism. They also provided a medium for terrorism as communication – its *oxygen*, as Margaret Thatcher put it – and thus disseminated fear and made possible the global traffic of ideas undermining the international order. Finally, by playing their part in making the terrorism crises into live spectacles, the media were understood to hamper rescue operations and jeopardize the lives of hostages. In contrast, the performative or communicative understanding of terrorism does not seem to dislocate the subjectification of terrorism as irrational and depoliticized: what is at stake is either a perverse aesthetic of killing, or the substance of the message, the subjectivity. The context involved in its formulation is forgotten in favor of the focus on the *way* it is delivered.

The second concept is that of terrorism as a *new mode of conflict*. Similarly to the states' discourse, this new war was characterized by the increased threat it posed to civilized society and public order. This threat could be alternatively a consequence of the society's dependence on modern technology; the lack of a spatial limitation of the conflict and hence the lack of a notion of neutrality, and the capability of the contemporary terrorist to materialize and strike anywhere; his abuse of the technological progress to his own advantage; or a transgression of the established norms limiting the use of violence.[61] The notion of the unprecedented threat terrorism presented was furthermore strengthened by raising the specter of nuclear (or CBRT) terrorism.[62]

The concept of terrorism as a new mode of warfare facilitated apocalyptic visions of the future, and occasionally even of the present. Jenkins would readily admit that 'measured against other disruptive forces in the world' such as oil embargoes, conventional wars, inflation or food shortages, the impact of terrorism was rather limited.[63]

But even in his estimate, the destructiveness of terrorist acts would rise as the public grew more bored. Terrorist organizations could be turned into new armies in the states' service or, alternatively, they could become private companies offering their services on the terrorism market (presumably also to state actors). Finally, in a distant echo of a state discourse of the 1930s, these organizations would be imagined as hypothetically forming a terrorist 'society' that would carry out a worldwide revolution or, resigning on the terrorists' original political aims, establish an independent income base sustained by criminal activities.[64] Laqueur too envisioned future terrorism as a 'multinational corporation', but one financed by Moscow.[65] The central role of Moscow was in fact asserted in a series of truth claims in the American science of terrorism in the next decade, which portrayed international terrorism as a global 'network' masterminded by the second world's metropolis.[66] This knowledge not only became a commonplace in Washington's policy circles (Schmid and Jongman 2006 [1984]: 102–103). It also served to legitimize its covert policies, in particular in Latin America,[67] and it also seems to have inspired the later commonplace conceptualization (in both political and academic or expert discourses) of global terrorism as a network – a conceptualization likely reinforced by the burgeoning literature of global governance, which relies on the metaphor of a network (or 'steering') to make power intelligible.

Discursive strategies

Regarding the dominant discursive strategies of terrorism science, the field can be best described as (1) liberal and (2) positivist. Its liberal character is manifested in the concern about the future of the liberal political order in the first world not only because it was threatened from the *outside*, but also because of the response it could cause on the *inside*.[68] At the same time, the field's ethos was not progressive and emancipatory, but rather favoring the political *status quo* (Gunning 2007; Jackson 2009; Jarvis 2009; cf. Cox 1981). A greater understanding of social problems (in this case, the accumulation of the knowledge about terrorism) would inevitably translate into social progress, including a reduction of violence. But this could be achieved without the necessity to transform the existing order, since the causes of those problems were not systemic. A government's effectivity *vis-à-vis* the terrorist would be the best prevention of its excess

vis-à-vis the citizen. Therefore, terrorism science acted (or aspired to act) as an extended arm of the state and was involved in its hegemonical project by producing truth claims that reinforced the discourse of power and could be readily used to legitimize governmental policies (Gurr 1988; Herman and O'Sullivan 1990; George 1991; Reid 1997; Silke 2004a; Schmid and Jongman 2006; Jackson 2009).

Therefore, policy relevance, that is, the contribution to state counter-terrorism policies, was by and large the only criterion of relevance. The means of achieving this relevance was producing statements conforming to the positivist standard of scientific inquiry that privileged quantitative methods, and explanatory nomothetic statements as the preferred research outcomes.[69] Ever since the science of terrorism was founded, however, it was criticized from within for failing to live up to those standards – for being too descriptive, for producing few explanatory or predictive testable hypotheses about terrorism and its recurrent patterns, for tolerating poor research methods, or for lacking a sound empirical basis for its essentially speculative and unfalsifiable conclusions (cf. Gurr 1988; Merari 1991; Silke 2004a; 2004b; Schmid and Jongman 2006). These misgivings nothwithstanding, in its general operation of relying on 'facts' that were not acquired by anything close to the positivist standard of scientific inquiry (that is, relying on 'facts' produced by governments instead) while at the same time presenting itself as producing objective knowledge about terrorism, terrorism science was not only inconsistent. It also legitimized the reality created by those 'facts' by endowing them with scientific credentials.

2000s

Terrorism and law: Between an apology and a critique of counter-terrorism

In the 1970s, international law seems to have been primarily focused on the technical aspects of counter-terrorism. This is no longer the case. The global state of emergency associated with the war on terror and manifested in the suspension of the established rules of international order related to limits on international violence, but also of the protective medium of law between violence exercised by the incumbent power and individual persons and their bodies, has had

a profound effect on international law. It is plausible to assume that some of the reactions to this new state of affairs have been constitutive of the states' discourse of terrorism and have become an element in the global terrorism dispositif. This includes, in particular, apologetic discourses of the state of emergency which comprise statements articulated by critics of modern positive legalism and/or government counsels[70] and which are based on distorted concepts of natural law and the state of nature which has been enacted by the terrorists (cf. Ward 2009). There can be little doubt that to claim with scientific authority that the 'state of nature' now exists in the international order or, in other words, that international law is 'shattering' because of terrorism[71] contributes to the reification of the construct of global chaos and to the legitimization of extreme and violent responses to the actions of others.

Law has been no gentle civilizer, in particular insofar as its apologetic or constativist schools of argument are concerned. At the same time, it has not been a pure apologist either. From various quarters the state of affairs has been criticized.[72] It could moreover be suggested, for example, in resistance to both the dominant legal theory and the political practice, that terrorism was a 'term without legal significance . . . a convenient way of alluding to activities . . . widely disapproved of'.[73]

Terrorism science: Inflated but still (generally) subservient

The science of terrorism in the 1970s was produced by a relatively small community of scholars without a strict discipline. Yet these scholars shared, at least to some extent, discursive strategies, concepts and so on. In the 2000s, in contrast, the scientific field inflated into vast proportions in terms of dedicated academic departments, academic courses offered, books and research articles published, and defended Ph.D. dissertations (cf. Ranstorp 2009; Silke 2004; 2009). At the same time, to answer the exponential rise of the demand for terrorism truth claims, the field for producing authoritative statements about terrorism has outgrown its former narrow institutional limits. Where privileged access to governmental information translates into a competitive advantage, think-tanks, often employing former government experts and thus institutionally binding the field even more with the structures of power (cf. Ranstorp 2009; Herman and O'Sullivan 1990) have sprouted like dandelions as a *sui generis*

locus for producing authoritative claims about terrorism. In this environment, trends such as reliance on government sources with no possibility or capacity for their verification and the circular reproduction of a few claims until their dubious source was forgotten could mature. Quality controls for what constitutes solid science, while theoretically still in place and certainly adhered to by some, cannot possibly be followed *en masse*. Tales of mythomaniacal analysts such as Alexis Debat rising to a privileged position in the field with fake credentials furthermore testify to the lack of control over the field's access points and rules for establishing authority (Ranstorp 2009: 26; Burnett and Whyte, 2005).

That said, the very same lack of discipline may have facilitated the flourishing of the critique at the field's margins. There, a research program of Critical Terrorism Studies (CTS) was established with the foundation of the Centre for the Study of Radicalisation and Contemporary Political Violence at Aberystwyth University and the launching of the journal *Critical Studies on Terrorism* (2008).[74] While open to a variety of perspectives informed by different metatheoretical assumptions, the program can be generally characterized by an interpretative method of critique of the constructs of terrorism within the field and outside of it (including discourses of power, the media and so on), and by a focus on the neglected area of state (counter-)terrorist violence or the constitutive relationship between terror and the modern state.[75] Despite the effective dissolution of the program in institutional terms, as a distinct field for production of critical knowledge about terrorism CTS continue to thrive. Moreover, critical research of security practices that may be seen as elements of the global terrorism dispositif has been produced elsewhere too. A notable example has been a group of authors around Didier Bigo researching the contemporary modalities of liberal security while taking inspiration from the thought of Foucault and Pierre Bourdieu.[76] Finally, established journals such as *Security Dialogue* have printed a number of articles critically inquiring into different aspects of modern security and biopolitics, many of which, in one way or another, have also drawn on Foucault.

The object formation

Regarding the discursive regularities, one finds considerable continuities in the field of terrorism knowledge (cf. Silke 2004; Jackson et

al. 2009). The first of those continuities relates to the field's object. It has become commonplace to start scientific treatises on terrorism with an obligatory statement about the problem of the definition of terrorism. Some authors indeed have been sceptical regarding the enterprise of defining terrorism[77] and do not seem to resent navigating the waters of 'X Studies'. Others, on the other hand, have seen the lack of a definition as a contingent rather than an inherent problem (cf. Jarvis 2009: 14) and have not given up their quest (sometimes synthetizing in nature[78]) for scientific progress predicated on a consensus on what constitutes the field's object.[79] Indeed, it is being recurrently pointed out that terrorism is a politically contested term; a construct constituted of a number of phenomena.[80] But this does not generally seem to be a fundamental obstacle to the attempts to define terrorism, nor does it prevent the articulating of positive statements about it.

In the mainstream science of terrorism, pointing to the problem of definition is something of a ritual, with no practical consequences for further research. That said, there indeed does seem to be at least *some* commonality among the definitions formulated in the academia. First, an element of publicity or the effect on the watching audience is still rather recurrent in the academic definitions.[81] Second, terrorism is often defined by reference to its innocent or civilian/noncombatant victims (linked to the new concept of double targeting/victimization).[82] In particular the latter element has been rather salient in the states' discourse since the 1970s, and its domestication in the science of terrorism testifies to how deeply problematic concepts can be normalized – rather than challenged – at the academic sites of terrorism knowledge production.

The interest in devising a common terrorist profile has also persisted in the field (cf. Silke 1998; Crenshaw 2000).[83] The basic duality of the terrorist as either a rational person (for example, one driven by a strategic logic to compel liberal democracies to territorial concessions)[84] or a madman, has continued from the 1970s. Individual psychology remains to be used as a basis for explanations of terrorist behavior,[85] including, for example, the idea that the terrorist's narcissistic ego produces sociopathic behavior.[86] But radicalization would become the dominant concept used in such explanations (Jackson 2009: 72), incorporating an element of structural conditioning. This has enabled a fusion with explanations based

on the understanding of terrorism as primarily a group activity, that is, an activity including individual and collective stages in the evolution of the terrorist mind, to the constitution of which political and social environments also may contribute.[87] However, in the field of terrorism knowledge more broadly conceived, the paradigm of the terrorist as madman, so salient in the states' discourse, seems to dominate, and it finds a forceful new expression within the concept of 'new terrorism' (see below).

Grids of specifications

The typologies (grids of specification) too continue to include the duality of subversive and repressive terrorism. The general lack of interest in state terrorism as compared to nonstate terrorism (Jackson 2009) furthermore still testifies to the terrorism science's bias in favor of the state. More generally, the multitude of typologies that variously focus on *actors*; *victims*; *causes* (ideological, religious, nationalist or single issue terrorism; organized criminal or causeless terrorism, perpetrated by madmen); *environments* (domestic, international, transnational or global with unclear boundaries among these categories); *means*; or *purposes* (such as building of morale or group cohesiveness, advertisement of the cause, undermining order, elimination of forces, provocation of countermeasures)[88] is telling of the multitude of disparate phenomena that could be – just like in the states' discourse – stuffed into the terrorism box.

Theoretical concepts

No paradigmatic theory or set of competing theories of terrorism has emerged in the field of terrorism knowledge since the 1970s. That this field has been able to sustain itself without both an object and normal theories is in itself rather extraordinary. It also may explain why generally it has conceived of its relevance in practical, 'firefighting' terms and has had little incentive to estrange itself from the dominant structures of power on which it depends in producing its truth claims.

However, as in the 1970s the absence of paradigm(s) does not mean that terrorism science is devoid of concepts. The concept of *terrorism as theater* continues to thrive, particularly among the scholars inclined to rational interpretations of terrorism who do not succumb to the idea that terrorists want a lot of people dead. Yet perhaps the most salient concept in the field today, which seems to be related

to the earlier concept of terrorism as a new mode of warfare in the states' discourse, is the 'new terrorism'.[89] Unproblematically incorporating new methods of violence (such as suicide bombings) under the heading of terrorism, or endlessly debating the never-realized threat of nuclear terrorism,[90] the concept of new terrorism facilitates and sustains the later excess of responses after 9/11.[91] It constructs terrorism as more lethal than any previous form of subversive violence, as absolutely indiscriminate, aiming at pure destruction, as potentially omnipresent and limitless (and hence uncontrollable under normal circumstances), and as totalitarian (undermining the basic values of the – fictional – world democratic society).[92] Terrorism has turned from 'theater' to 'slaughter'. It is still rehearsed in front of the cameras but without any script, with the only apparent intent of the actors being to spread fear, chaos and destruction. The new terrorists want a total war, 'unfettered by laws, norms, regulations and conventions. In the terrorist conception of warfare, there is no room for the Red Cross.'[93] Through both the psychological analysis of the terrorist as *malade* and the concept of new terrorism, which also deploys medical metaphors such as 'cancer', the terrorist subject is excluded from society in much the same way as the terrorist subject encountered in the states' discourse of terrorism.[94]

As in the states' discourse, the 'new' terrorist also makes use of globalization (conceived in terms of progress) for the sake of undermining it.[95] Terrorism is a true *anti*-globalization: the absolute antithesis of the (supposedly) positive processes that globalization entails (such as increased circulation of people, goods and capital). That said, globalization is seldom used to explain terrorism, except when it is argued that the latter is a revolt of those whose time has passed and who, as the revisionists in the states' discourse of terrorism in the 1930s, are somehow imprisoned in the past.[96] More often, the concept of globalization is used to sustain the construct of omnipresent terrorism; of a terrorism which is a true *anti*-governance, since its global network structure[97] seems specifically aimed at undermining the existing international political order of states (only modified, but not fundamentally transformed by global governance); and of terrorism as 'inextricably linked' to organized crime as another 'global network' (the *crime-terror* nexus facilitating the depoliticization of terrorism).[98]

In the heart of the concept of new terrorism, however, lies another, more important nexus: that of terrorism and religion.[99] Religion and

terror have indeed been related one to another in the past.[100] However, now the nexus is used as the most important explanation for the total enmity and the indiscriminate slaughter which are the trademarks of the new terrorism. In this explanation, a fanatic adherence to the inherently transcendental values of religion is the true source of the madness (irrationality, complete incomprehensibility) that is manifested, for example, in suicide bombings.[101] Religion is what makes the new terrorism ultimately possible down on the Earth. In this constructed causal pattern, religion means, above all, Islam (cf. Jackson 2007).

A powerful concept that sustains this pattern of reasoning has been Samuel Huntington's *clash of civilizations*: 'Nation states will remain the most powerful actors in world affairs, but the principal conflicts of global politics will occur between nations and groups of different civilizations.'[102] Because of Huntington's identification of civilization and religion, his essentially belligerent posture in theorizing patterns of interaction between civilizations, and his use of terms such as 'bloody borders of Islam', what was intended as an alternative blueprint for understanding international relations after the Cold War became a powerful means of the association of Islam and terrorism.[103] The binary and *par excellence* Orientalist dichotomy between Islam and the West,[104] which Huntington drew under the influence of Bernard Lewis, one of the foremost Western scholars of Islam (who himself had written earlier that 'it is appropriate to use Islam as a term of definition and classification in discussing present-day terrorism'[105]), readily offered itself as an explanation of the world after 9/11. With their emphasis on conflict rather than cooperation and exchange, their drawing of dystopian visions of the future[106] and their proposing of simple ideographs for association and dissociation (one cultural trait), such explanations have underpinned a range of exceptional (military, disciplinary, purgatory) policies and have been conducive to intercultural alienation.

Discursive strategies

In terms of discursive strategies, a significant continuity can be observed in terrorism science. Positivism, objectivism and the 'problem-solving' bias continue to dominate the field, whereas, in continuing tension with its proclaimed adherence (or aspiration) to the principles of normal social sciences, it remains dependent on

claims issued by the government structures and essentially unfalsifiable by standard methods of scientific inquiry. Yet it is still the very 'scientific' posture or, alternatively, the 'expertise' which arises from the think-tank senior fellow's proximity to the government structures, which seems even worse, that is used to authorize those claims. On the other hand, as the *status quo* bias is in no way inherent to positivism, the liberal critique of counter-terrorist policies or threat perceptions has not been incompatible with its discursive strategies. In other words, while the mainstream terrorist science continues to lack a reflexivity related to its object of inquiry, concepts and so on, critical inquiries into security practices have not been limited to the critical (sub)field.

Conclusion

The aim of this chapter was not to establish a definite set of constitutive linkages between discursive formations for knowledge production and the truth claims articulated in the discourse of terrorism among states. Instead, it pointed out some general conditions (such as the relationship between sovereignty and reason) and important interdiscursive linkages: the linkages are between crime science (facilitating the subjectification of the terrorist as a mobile professional in the environment of ever increasing transnational circulation), law (with its paradigm of legal positivism defined by universality, progressivism, rationalism and liberalism in the 1930s; and as a source of the concept of the civilian victim of terrorism, which was used in IHL in the narrow context of armed conflict but translated in a way that effaced those boundaries) and, finally, terrorism science, constituted as a discrete formation, or a field for knowledge production, since the 1970s. This field, with notable exceptions, remains to be dominated by a *Polizeiwissenschaft* ethos and lends scientific or expert credibility to claims based on data which often cannot be verified and thus fail to conform to its own standards of scientific inquiry. Moreover, through concepts such as 'new terrorism,' which in its ahistorical hyperbole facilitates excessive inferences about the nature of the threat, the field validates the extraordinary practices bestowed on states, populations and individual human bodies.

Conclusion: The Global Terrorism Dispositif and Its Critique

This book historicizes terrorism and the construction of the terrorist subject in the discourse of states. It points out various present and past practices in which the subject has been constructed, and draws attention to some (but certainly not all) of the constitutive relations of power and knowledge that are at play in this – in principle, never-ending – process. It is a genealogical critique of terrorism. Such a critique arguably retains its purchase even as the White House proposes that the war on terror must seek new tactics (it was previously scratched from the administration's vocabulary, but it has made its way back since).[1] President Obama's latest major speech on the subject well demonstrates the continuing purchase of the issues outlined in the previous chapters. Indeed, Obama claimed that the war on terror must not be 'boundless'. Furthermore, he suggested that more oversight should be imposed on the use of drones outside 'warzones' (in Pakistan, Somalia and Yemen, where they are run by the CIA), as well as tighter standards (the government's internal guidelines): the only case for an attack should now be a 'continuing and imminent threat to the American people' rather than to United States interests.[2] But do the killings of an Al-Shabaab bombmaker (Ibrahim Ali) and even a Pakistani Taliban leader (Hakimullah Mehsud) that have taken place since then really conform to this new definition? And, more generally, how is the war on terror made less boundless if it is to be reduced to 'a series of persistent, targeted efforts' against Al-Qaeda 'affiliates' worldwide, of whose activities even the newspapers report almost daily (AQAP in Yemen; AQIM in North Africa; Al-Nusra Front and ISIL in the war-torn Syria; Al-Shabaab in and around Somalia;

Boko Haram in Nigeria; and Ansar Al-Sharia in Mali, Tunisia, Libya, Egypt and Yemen)? The point made here is not that these groups do not exist or engage in very real acts of political violence because of which other people perish (though perhaps they 'exist' in an ontologically different way from that in which our reason, always sorting and categorizing, sees them as existing). It is rather to question the terrorist's depoliticized and global conspiratorial character – which is reinforced, for example, by the disseminated imagery, reminiscent of Umberto Eco's Prague cemetery meeting, of a 'conference call' of more than 20 leaders of the 'global' Al-Qaeda (including Ayman Al-Zawahiri) and its minions from Nigeria to Uzbekistan, the interception of which was allegedly behind the United States' decision to close 19 of its diplomatic missions abroad in August 2013[3] – and emphasize his or her local political agendas. While indeed some violence professionals (including violence entrepreneurs) may travel across various battlefields of the 'global jihad' and engage in the struggles waged there, the battles are invariably fought for the establishment of new political entities whose constitution is a fundamentally interpreted version of Islamic law.

What is at stake here is not just words. As suggested above, the discourse of global terrorism is a constitutive element of the dispositif of global terrorism as a 'complex edifice' of practices: rationalities and technologies that can be associated with war and law, discipline and surveillance, or security and biopolitics (Ditrych 2013a). Indeed, many of these practices have been critically interrogated before, either within the research program of Critical Terrorism Studies – which is situated at the margins of the field of terrorism knowledge or, to allude to its (once) institutional site at Aberystwyth, at its distant *shores* – or elsewhere. These practices include 'exceptional' practices like war; the radical curing of rogue states through regime change, and failing states through state-building procedures (cf. Chandler 2006); and extra-judicial procedures in sites like Guantánamo, perhaps the best contemporary representation of Agamben's 'camp' where individuals, reduced to 'bare life', confront unmediated and unchecked power (cf. Agamben 1998; Agamben 2005; Butler 2002), but also in much more extensive 'zones' in Pakistan, Yemen or Somalia (where 'drone justice' is silently distributed from above[4]) or in the North Caucasus (cf. Souleimanov 2007; Souleimanov and Ditrych 2008). Even where the terrorist

subject is claimed to be dealt with within the realm of law, which is not suspended entirely (since as an 'enemy combatant' he or she does not enjoy any rights), suspensions are in place regarding *habeas corpus*, special trial procedures and so on. In Europe, many of these suspensions have been put in place already in the 1970s (Ditrych 2013b). The dispositif practices furthermore include 'normal' pre-emptive risk management techniques for governing mobilities in the neoliberal economy through the emergence of the biometric state and its cultural performances (Amoore 2006: 2009; Aradau and van Munster 2007; Muller 2008; de Goede 2008), and also biopolitical practices (cf. Kiersey and Stokes 2010) and practices combining biopolitics with surveillance (discipline) in new constellations (Bigo 2008; cf. Lyon 2003; Levi and Wall 2004). What is suggested here is that all these practices that significantly affect the existence and conduct of states, populations and individual human bodies in global politics are strategically oriented by the concept of terrorism – and constantly validated with reference to the catastrophic possibility of a future terror event (cf. Aradau and van Munster 2011).

The genealogical critique of this concept seeks to contribute to this broader critical endeavor. What is the *telos* of such a critique from a Foucauldean perspective? Or, to ask together with Jürgen Habermas, '[I]f power is inescapable, why fight?' (1986: 7). What is to be done when the subject is produced by power, and knowledge is inevitably in a very close constitutive relationship with it? Foucault provides no simple answer. Indeed, his view on the prospects of critique, while always challenging the emancipation stressed by critical theory, developed over time. In his earlier years, Foucault would campaign against *logophobia*, and this campaign would consist first and foremost in challenging the sovereignty of the signifier and putting 'en question notre volonté de verité; restituer au discours son caracter d'événement; lever en fin la souverainité du signifiant' (Foucault 1970: 53). The purpose of such a campaign: not simply reversing existing relations of domination, but opening new possibilities for subjectivation that would substitute the closed dichotomic structure of identity and difference by an open structure featuring multiple differences. Later in life, one finds him defending negative liberty (while never claiming that there was anything natural about it) as a way of preserving the political, and assigning Hayek and Mises to his students for reading. Even here, however, Foucault's objectives remained

more ambitious than to preserve the political. It is the human condition, he maintained, to exist in a system of power. But it is also the human condition to continuously resist the irresistible. Every day, an individual is faced with a choice of which power is the most dangerous, which power to challenge and which hegemony to try to destabilize (Foucault 1983: 231–232; cf. Thiele 1990: 916–918). Revolution is here substituted by resistance, and the state of freedom by the continuous practice of liberating, resisting and transcending the 'double bind' of individualization and totalization.

It is in this context that Foucault's character of the 'new intellectual' enters the stage. Intellectuals of this kind do not explain the world for others. Instead, they problematize it and disturb that which seemed certain (Barša and Fulka 2005: 71–84), and thus they create a possibility of reconfiguration. Theirs is not a theory which accommodates the spectator to the strange – in the Orphic sense, to the suffering god, and in the modern sense, pushing the boundaries of science by explaining the hitherto unexplained (cf. Der Derian 1987: 10) – but one which makes strange what he or she used to be accommodated to. The new intellectual is a 'guerilla fighter', a nomad constantly (but metaphorically) on the move and ever ready to fire a shot at the detected weak spot of the existing structures of domination.

For some, the romantic figure of the founder of *WikiLeaks* may embody best the character of such a new intellectual, one constantly (and literally) on the move searching for the Achilles' heels of the deceitful and conspiring governments (while it can also be argued that Assange is a partisan of a very traditional kind, just like Edward Snowden, who, while less charismatic, has undoubtedly caused much more serious damage to the systems he assaulted). Yet, while Foucault's new intellectuals by definition do not have to be scholars, they indeed can be: they can be critical scholars whose contribution is the continuous expanding of the space of dissent within the existing structures of knowledge and thus a shaping of power's productive possibilities. It is a process that may never end: not of liberation, but of a continuous *liberating*.

The genealogy of terrorism in this book is an attempt at such a scholarly critique, or better yet, at a 'metacritique', since instead of firing shots at particular governmental practices, it inquires into the deeper discursive structures that ultimately make them possible.

By inquiring into the conditions for the constitution of the terrorist subject, it does not seek to substitute the closed dichotomic structures of identity and difference with an open structure of multiple differences, but to challenge these structures by making hitherto 'facile gestures difficult' (Foucault 1988: 155). There can be little doubt that even if it successfully establishes the accidentality, contingency and basic uncertainty in the heart of terrorism in the discourse among states and in the mainstream terrorism science, the essence of this concept is bound to remain deeply rooted in the field of terrorism knowledge. Further action is required.

Notes

1 Concerning Method

1. As Foucault would have it:

   > All my books . . . are, if you will, little tool kits. If people wish to open them and make use of this certain phrase, idea, or analysis, as one would use a screwdriver or a wrench . . . to break the systems of power, including those from which my books are conceived . . . well, so much the better.
   >
   > (interview in *Le Monde*, Feb. 21, 1975; quoted in Thiele 1990: 917)

2. Since Der Derian's subject matter converges with mine, it is useful to briefly sum up his arguments. Security, according to Der Derian, is 'born out of a primal terror and estrangements which diplomacy has historically sought – and often failed – to mediate' (Der Derian 1992: 73). The terror of a violent death turns out to be the radical difference of security. Terrorism then emerges as a challenge to the national security pledge on which the modern state is founded. Yet it is only a 'spectacular, microcosmic simulation' of a crisis in the international order (1992: 81), and the counter-terrorism is constructed as a counter-simulation – an attempt to engender a new discipline within this order that can save its dominant legitimizing principle. While the theoretical argument of this book resembles Der Derian's in some ways, I find his use of the Baudrillardian concepts of simulation, simulacrum and hyperreality (cf. Baudrillard 1981) difficult to accommodate with the underlying assumptions of genealogical inquiries, notably Foucault's concept of power (see below). Baudrillard himself positioned himself in the radical opposition to this notion in a manuscript article which he sent, audaciously, to *Critique* while Foucault was the editor there (the manuscript was rejected), arguing that power *itself* was a simulation, and the Foucauldian analysis effectively asserted its truth-principle instead of exposing its nakedness (Baudrillard 2007 [1976]; cf. Fardy 2012).
3. Jackson's genealogy is a genealogy which inquires into an issue close to this book's topic – the 'wars on terrorism' waged by Ronald Reagan and George W. Bush – but it is also one which, in pointing out their mutual similarities and linkages to the common ideological foundation established through America's foundational myths, is grounded in critical discourse analysis (CDA).
4. Bartelson's and Hansen's books in particular have methodological overtures too and provided much inspiration for the present genealogical

project. For a recent methodological contribution on genealogy that was influential for this chapter, see also Vucetic (2011).

5. It is important to note, however, that not all scholars associated with these strands would call themselves 'poststructuralists', and the poststructuralist is partly a caricature drawn by his critics in the field (as once was the idealist or the neorealist).
6. For Foucault himself, the turn to language started already with Kant, whose philosophy articulated certain possibilities of modern thought, marking the distinct ways in which it has been related to knowledge, including the traditions of formalization and hermeneutic interpretation (Foucault 1966).
7. William Shakespeare, *Midsummer Night's Dream*, V.i, 16–18.
8. In his strategic model of discourse focused on the function of statements Foucault did indeed find a source of inspiration in Austin (cf. Austin 1962).
9. Foucault inquires into these modes of power notably in his published volumes *Discipline and Punish* (Foucault 1979 [1975]) and *History of Sexuality I: The Will to Know* (Foucault 1976) as well as the lectures at Collège de France (Foucault 2004; 2007; 2010).
10. Agamben usefully counterposes the dispositif to static sovereignty. Associated with the pure activity of governing and everyday management (οἰκονομία), a dispositif can be 'anything that has in some way the capacity to capture, orient, determine, intercept, model, control, or secure the gestures, behaviors, opinions, or discourses of living beings' (2009: 14).
11. The source of inspiration for these initial remarks was a lecture by Raymond Geuss, which I had the pleasure to attend years ago while at Cambridge.
12. In the words of a poet who was a contemporary of Nietzsche and shared his distaste for grand narratives endowing the past with linearity and meaning: 'Wo ist der, der sagen dürfe /So will ich's, so sei's gemacht!/Unsre Taten sind nur Würfe /In des Zufalls blinde Nacht.' Franz Grillparzer, *Die Ahnfrau* (1817).
13. In a separate lecture (Foucault 2000a), Foucault deals separately with *Enfindung* (invention), another Nietzschean concept counterposed to *Ursprung*.
14. To remain true to his aversion to becoming a founder of a school, Foucault presented this treatise as a hindsight reflection on his method rather than an attempt at an edifice to be inhabited by future generations of scholars in the history of thought. In other words, he intended to make plain 'what made it possible to say what I did' (Foucault 1997: 128).
15. Knowledge here combines two words, *connaissance* and *savoir*, of which it is the latter that appears in *Archaelogy of Knowledge*'s original title. This is important insofar as Foucault associates the former with a particular corpus of knowledge – its subject, its object, and its governing formal rules – and the latter with the conditions that make particular *connaissances* possible in given periods (Foucault 1997: 16ff.).

16. Dreyfus and Rabinow emphasize the methodological considerations behind Foucault's turn to genealogy, whereas Behrent suggests, based on an interpretation of Foucault's lectures from 1970–1971, that it was the subject matter (law) that may have been more important in its genesis (Behrent 2012; cf. Foucault 2011).
17. Even as in the opinion of some who have recently attempted to write them, such theories are now 'the key to the knowledge of political reality' (Ulmen 2007: 101; cf. also Benoist 2007; for the original theory of the partisan see Schmitt 2004).
18. Combining the perspectives of Foucault and Schmitt may cause a certain unease. In particular, their different conceptions of the nature of politics can be pointed out. For Schmitt, the political is decisively located in the realm of *exception*. For Foucault, it is likely to be found more in the realm of *normation*. This difference need not emphasized too much, however. As suggested in the conclusion, exceptional and normalizing elements are both constitutive of the global terrorism dispositif and interact in forming new heterogeneous practices such as states of exception involving panopticism and decisionism emerging in the circulation management apparatuses as contingency is read in risk practices in terms of radical uncertainty and catastrophe (cf Aradau and van Munster 2007; Bigo 2008: 124).
19. Because of these differences and the fact that they are often coupled with an often undisciplined and liberal attitude to method, it is difficult to speak of discourse analysis as a discrete methodology. Nonetheless, as such it has entered the *organon* of social sciences (for a widely cited review of discourse analysis in international relations with a prospect of contributing to its constitution as a normal science cf. Milliken 1999).
20. To say that states make statements is, of course, nothing but a figure of speech intended for the presentation's purposes, and with no anthropomorphizing intent. Key in the decision of what constitutes a relevant statement is the state authority behind it.
21. To arrive at the proper point of departure is a rather formidable challenge. Foucault himself was accused by Derrida that in his *Reason and Madness* (1961) he wrongly situated the moment at which reason rejected and began to repress its counterpart, madness, with Descartes' *Meditations*. Derrida argued that the difference between reason and madness, or *logos* and *chaos*, was already present with the Presocratic philosophers (Derrida 1978).
22. Doc. C.506.M.225.1934.VII.
23. Doc. C.542.M.249.1934.VII. For the drafts, see docs. A.7.1936.V; C.222.M.162.1937.V.
24. Docs. C.546.M.383.1937.VII and C.547.M.384.1937.VII.
25. These comments are collected, for example, in docs. C.184.M.102.1935.V and A.241936.V; for an analytical summary of the second round of responses by the Secretariat cf. Doc. C.R.T.25 (1936).
26. Doc. C.255.1937.V.

27. See the international conference's Final Act, Conf. R.T.29, and the report to the Council, Doc. C.50.1938.V. The conference was attended by 35 states. Invitations were sent not only to the League of Nations' members, but also to the United States, Germany, Brazil, Costa Rica, the Free City of Danzig, Japan, Iceland, Liechtenstein, Monaco and San Marino. The list of the states that signed the convention includes Albania, Argentine, Belgium, Bulgaria, Czechoslovakia, Cuba, the Dominican Republic, Egypt, Ecuador, Estonia, France, Greece, India, Haiti, Monaco, the Netherlands, Norway, Peru, Romania, Spain, Turkey, the USSR, Venezuela and Yugoslavia.
28. Doc. C.546(I).M.383(I).1937.V.
29. A compilation of views presented in the General Assembly was made by the Secretariat and presented to the Sixth Committee as Doc. A/C.6/L.867 (1972).
30. Doc. A/L.673 (1972).
31. Doc. A/9028 (1973); A/32/37 (1977); A/34/37 (1979). The Committee's original mandate was later extended by the resolutions 31/102 (1976) and 32/147 (1977).
32. In the final report, the Committee stated that there was a 'diversity of existing views on the various aspects of the subject submitted for consideration.' Doc. A/9028 (1973), Report of the *Ad Hoc* Committee.
33. UN Treaty Series, vol. 1035, no. 15410.
34. UN Treaty Series, vol. 1316, no. 21931.
35. Doc. A/RES/52/164.
36. Res. 49/60 (1994) identified with terrorism 'criminal acts intended or calculated to provoke a state of terror in the general public, a group of persons or particular persons for political purposes'.
37. Sectoral treaties would also be concluded by specialized intergovernmental agencies in the 1970s. Two such treaties were passed in the International Civil Aviation Organization (ICAO) – the Hague Convention (1970) and the Montreal Convention (1971), in addition to the earlier Tokyo Convention (1963) – and one was passed by the International Atomic Energy Agency (IAEA) – the Convention on the Physical Protection of Nuclear Materials (1979). Acts associated with terrorism would furthermore be the subject of treaties of regional organizations such as the Organization of American States (the Convention to Prevent and Punish Acts of Terrorism, 1971), the Council of Europe (the European Convention on the Suppression of Terrorism, 1977) or the European Community (the Dublin Agreement, 1979). The Conference on Security and Cooperation in Europe's (CSCE) Final Act also obliged the parties 'to refrain from direct or indirect assistance to terrorist activities' (reprinted in Friedlander 1981).
38. Docs. A/RES/57/338 (2002); A/RES/60/288 (2005), Global Counter-Terrorism Strategy; A/RES/62/272 (2007) and A/RES/64/235 (2009).
39. Docs. A/RES/56/88 (2001), A/RES/57/27 (2002), A/RES/58/81 (2003), A/RES/59/46 (2004), A/RES/60/43 (2005), A/RES/61/40 (2006), A/RES/62/71 (2007), A/RES/63/129 (2008) and A/RES/64/118 (2009).

40. Docs. A/RES/56/160 (2001), A/RES/58/174 (2003), A/RES/59/195 (2004).
41. Docs. A/RES/57/219 (2002), A/RES/58/187 (2003), A/RES/59/191 (2004), A/RES/60/158 (2005), A/RES/61/171 (2006), A/RES/62/159 (2007), A/RES A/RES/63/185 (2008) and A/RES/64/168 (2009).
42. Docs. A/RES/56/24 (2001), A/RES/57/83 (2002), A/RES/58/48 (2003), A/RES/59/80 (2004), A/RES/60/78 (2005), A/RES/61/86 (2006), A/RES/62/33 (2007), A/RES/63/60 (2008) and A/RES/64/38 (2009).
43. Reports of the Working Group are available as Docs. A/C.6/56/L.9 (2001), A/C.6/57/L.9 (2002), A/C.6/58/L.10 (2003), A/C.6/59/L.10 (2004) and A/C.6/60/L.6 (2005). Afterwards, the reports were presented orally during the Sixth Committee's session; cf. Doc. /AC.6/61/SR.21- (2006), A/C.6/62/SR.16- (2007), A/C.6/63/SR.14- (2008) and A/C.6/64/SR.14- (2009).
44. The Committee's reports are available as Docs. A/56/37 (2001) to A/65/37 (2010).
45. Doc. A/C.6/55/1 (2000). This draft was an amended document originally presented in 1995 (A/C.6/51/6). India called for a new comprehensive convention ever since the early 1990s. Cf. Doc. A/C.6/48/SR.11 (1993), Minutes of the Sixth Committee.
46. The definition comprises an objective element (death or serious bodily injury to a person; serious damage to public or *private* property; damage to property, places, facilities or systems that is likely to result in a major economic loss) and a subjective element borrowed from the International Convention against the Taking of Hostages (1979) – 'when the purpose of the conduct, by its nature or context, is to intimidate a population, or to compel a Government or an international organization to do or to abstain from doing any act'.
47. This *bianco* check would be used by the United States and its allies in Afghanistan, without any challenge to the interpretation of self-defense that departed significantly from both the customary 'no choice of means, and no moment of deliberation' and the procedure established under the UN Charter's art. 51. A year later, Russia too justified her strikes in Georgia's Kodori Valley by a reference to res. 1368 (2001).
48. The most important 'sovereign' resolutions issued by the Security Council are S/RES/1373 (2001) and S/RES/1540 (2004). Under the first, states are required to define terrorist acts as serious criminal offences in their domestic legislations; ensure that perpetrators of terrorist acts are brought to justice and punished according to the gravity of their acts; prevent terrorist acts, recruitment to terrorist groups, and use of their territory by terrorists; and foreclose any forgery of identity documents. Furthermore, states must criminalize activities related to financing terrorism (i.e. freeze assets of entities implicated in terrorism) and exchange information (i.e. again, to create a global regime of surveillance). Many of those measures had been established in various sectoral treaties, but now they were imposed on all states. To ensure the compliance of the states, the Counter-Terrorism Committee (CTC) was established under the authority

of the Council (res. S/1535/2004 later reinforced its position by creating a Counter-Terrorism Executive Directorate). Res. 1540 (2004), which was passed after the exposure of A.Q. Khan's network, extended states' obligations in the context of terrorism to the area of weapons of mass destruction. Pursuant to the resolution, states must criminalize activities related to the production, transfer and use of weapons of mass destruction (WMDs) and the means of their delivery. The compliance is monitored by the 1540 Committee (cf. Heupel 2007).

49. Cf. Docs. S/RES/1386 (2001), S/RES/1511 (2003) or S/RES/1546 (2004).
50. S/RES/1368 (2001), S/RES/1373 (2001), S/RES/1377 (2001), S/RES/1438 (2002), S/RES/1440 (2002), S/RES/1450 (2002), S/RES/1452 (2002), S/RES/1455 (2003), S/RES/1465 (2003), S/RES/1516 (2003), S/RES/1526 (2004), S/RES/1530 (2004), S/RES/1535 (2004), S/RES/1566 (2004), S/RES/1611 (2005), S/RES/1617 (2005), S/RES/1618 (2005), S/RES/1735 (2006), S/RES/1787 (2007), S/RES/1805 (2008), S/RES/1822 (2008), S/RES/1904 (2009).
51. The working group was established pursuant to Docs. E/CN.4/Sub.2/2004/40 and res. 2004/109.
52. Cf. The Commission of Human Rights' resolutions 2003/68, 2004/87, and 2005/80 and the Human Rights Council's resolutions 6/28 (2007), 7/7 (2008), and 10/15 (2009) and the decision 2/112 (2006).

2 Overture: One World, Many Terrorisms

1. NYT, Dec. 10, 1880; NYT, Dec. 25, 1880; Jan. 21, 1886.
2. NYT, Dec. 21, 1880.
3. NYT, Dec. 6, 1880.
4. Ibid. The quote is dated to 1871.
5. NYT, Mar. 29, 1887.
6. NYT, Dec. 7, 1880.
7. NYT, Jan. 17, 1881.
8. NYT, Jan. 9, 1870.
9. NYT, Oct. 21, 1881.
10. NYT, Jun. 19, 1877; NYT, Nov. 26, 1877; NYT, Nov. 3, 1878; Sep. 8, 1880.
11. NYT, Jun. 5, 1872.
12. NYT, Nov. 27, 1876.
13. NYT, Aug. 23, 1872.
14. NYT, Aug. 5, 1872.
15. NYT, Dec. 17, 1923.
16. NYT, Nov. 25, 1930; NYT, Jan. 25, 1931.
17. NYT, Jul. 7, 1913.
18. NYT, Aug. 14, 1876.
19. NYT, Oct. 11, 1920.
20. NYT, Jan. 14, 1933.
21. NYT, Feb. 5, 1888.
22. NYT, Jun. 27, 1871.

23. NYT, Oct. 2, 1919.
24. NYT, Mar. 4, 1908.
25. NYT, Oct. 30, 1919.
26. NYT, Sep. 18, 1920.
27. NYT, Sep. 4, 1903.
28. NYT, Aug. 17, 1906.
29. NYT, Sep. 9, 1918; NYT, Oct. 9, 1919.
30. NYT, Sep. 21, 1918.
31. NYT, Sep. 22, 1918.
32. NYT, Dec. 19, 1923.
33. NYT, Aug. 24, 1925.
34. NYT, Jun. 11, 1927; NYT, Jul. 18, 1930.
35. NYT, Dec. 4, 1934.
36. NYT, Dec. 18, 1934.
37. NYT, Dec. 27, 1934.
38. NYT, Jan. 11, 1918; NYT, Nov. 26, 1918.
39. NYT, Aug. 5, 1932; NYT, Jun. 14, 1933; NYT, Jun. 29, 1934.
40. NYT, Jan. 18, 1934.
41. NYT, Nov. 10, 1934. See League of Nations, Official Journal (Jan. 1934).
42. NYT, Sep. 12, 1933.
43. The 'sea terrorism' related mainly to the submarines, but once it was reported as involving fire bombs planted on ships in Marseilles. NYT, Jul. 11, 1915.
44. NYT, Jan. 18, 1917; NYT, Mar. 15, 1918.
45. Cf. NYT, Apr. 8, 1940; NYT, Sep. 16, 1941; NYT, Sep. 30., 1941; NYT, Oct. 22, 1940.
46. NYT, Jul. 26, 1918.
47. NYT, Jul. 16, 1923.
48. NYT, Jul. 8, 1923.
49. NYT, Apr. 23, 1925.
50. NYT, Apr. 14, 1933.
51. NYT, Dec. 1, 1931.
52. NYT, Apr. 7, 1902; NYT, Aug. 17, 1930.
53. NYT, Mar. 9, 1934.
54. NYT, Sep. 20, 1900.
55. NYT, May 16, 1932.
56. NYT, Jan. 25, 1912.
57. NYT, Feb. 11, 1900; NYT, Nov. 21, 1930.
58. The Times, Aug. 27, 1796.
59. The Times, Jul. 17, 1815.
60. The Times, Feb. 22, 1827; The Times, Nov. 4, 1828.
61. The Times, Sep. 18, 1826.
62. The Times, Dec. 6, 1837.
63. The Times, Sep. 24, 1832.
64. The Times, Dec. 19, 1831
65. The Times, Sep. 30, 1840.
66. The Times, Nov. 8, 1848.

67. The Times, Oct. 29, 1856.
68. The Times, Sep 26, 1863.
69. The Times, Nov. 6, 1873.
70. The Times, Jan. 26, 1885.
71. The Times, Apr. 12, 1887.
72. The Times, Sep. 14, 1898.
73. The Times, Jun. 11, 1906; The Times, May 18, 1907.
74. The Times, Jul. 4, 1923.
75. The Times, Dec. 2, 1918.
76. Le Figaro, Apr. 5, 1908.
77. Le Figaro, Jan. 5, 1917.
78. Le Figaro, Jan. 30, 1917.
79. Le Figaro, Jun. 7, 1917.
80. Le Figaro, Jan. 10, 1919.
81. Since Bolshevik revolutionary terrorism was mentioned in all three outlets, it is worthwhile to lend a voice here to one of the prominent revolutionary voices, Leon Trotsky:

    > Our class enemies are in the habit of complaining against our terrorism. What they mean by terrorism is not always clear. They would particularly like to brand with the name of terrorism all those acts of the proletariat directed against their interests. In their view, strikes are the chief method of terrorism.

    In fact, Trotsky did not resist a representation of class war as terrorism, provided that the broadest possible definition of terrorism was used, that is, if terrorism was taken to mean instilling fear in the enemy or causing him to suffer damage. Nonetheless, the bourgeois politicians had no right to speak of proletarian terrorism, since 'their whole state apparatus, with its laws, police, and army, is none other than the apparatus of capitalist terror'. Leon Trotsky, 'The Collapse of Terrorism II,' in *Voices of Terror*, ed. Walter Laqueur (Naperville, IL: Sourcebooks, 2004).
82. Le Figaro, Jul. 6, 1925.
83. Le Figaro, Feb. 22, 1933.
84. Le Figaro, Apr. 28, 1932.

3 Emergence/y (1930s)

1. NYT, Oct. 10, 1934.
2. *Nezavisna Hrvatska Država*, Jun. 16, 1934 (quoted in Seton-Watson 1935, 32).
3. This was a summary of the League of Nations action by Count Carton de Wiart, the President of the Conference on the International Suppression of Terrorism, in his introductory speech on Nov. 1, 1937. Conf. R.T./P.V.1.
4. 'C'est un mot qui ne figure même pas dans certaines encyclopédies et qui, dans d'autres, est indiqué come ayant été inventé par les historiens

qui ont étudié la Révolution française et notamment le régime de la terreur,' as the President of the Committee of Experts Carton de Wiart would complain, for example. Doc. C.R.T./P.V.3 (1935).

5. 'International terrorism' does not appear in the title of the Convention, despite attempts to include it (see Doc. Conf.R.T.1/P.V.7, Minutes of the Diplomatic Conference). But the international character of terrorism is unequivocally asserted in art. 2, 3 and 10.
6. League of Nations, Official Journal, Records of the Seventeenth Ordinary Session of the Assembly, Special Supplement no. 156 (1936), Minutes of the First Committee; Doc. C.R.T./P.V.2(1).
7. Doc. C.542.M.249.1934.VII.
8. In the 1930s, terrorism would continue to be related in the Western press to state repression (USSR) as much as to campaigns of assassination and explosions (e.g. those in Palestine, but also those in Punjab and Bengal), transgression of the norms of warfare, Mafia crime, Kristallnacht, Nazi activity in Austria or the actions by Henlein's paramilitary units in Czechoslovakia after Munich (in the German press, it was, in turn, the Czechoslovak government's previous suppression of Nazi elements which was repeatedly termed terrorism). Regarding transgression of the norms of warfare (and also in view of the later British policy), it is not without interest that Neville Chamberlain stated in the House of Commons in response to the German threat that Polish towns would be subjected to indiscriminate aerial bombing in Sep. 1939 that 'whatever be the lengths to which others may go, His Majesty's Government will never resort to deliberate attack on women, children and other civilians for the purposes of mere terrorism'. NYT, Sep. 15, 1939.
9. Doc. C.542.M.249.1934.VII.
10. Cf. Doc. C.R.T.25 (1936).
11. Doc. C.R.T.1 (1935), Committee for the Repression of Terrorism, Responses of Governments; cf. also the synopsis of the proposals that is included in Doc. C.R.T.6 (1935).
12. Doc. C.R.T.1 (1935), Committee for the Repression of Terrorism, Responses of Governments.
13. Doc. C.546.M.383.1937.VII.
14. League of Nations, Official Journal, vol. 18, no. 5–6 (May 1937), Council minutes; cf. also League of Nations, Official Journal, Records of the Seventeenth Ordinary Session of the Assembly, Special Supplement no. 156 (1936), Minutes of the First Committee.
15. Doc. C.R.T.1 (1935), Committee for the Repression of Terrorism, Responses of Governments.
16. Doc. Conf.R.T./P.V.1(1937), Minutes of the Diplomatic Conference.
17. League of Nations, Official Journal, Records of the Seventeenth Ordinary Session of the Assembly, Special Supplement no. 156 (1936), Minutes of the First Committee, statement by Haiti.
18. Doc. Conf.R.T./P.V.3 (1937), Minutes of the Diplomatic Conference, statement by Haiti.

19. Doc. C.R.T.1 (1935), Committee for the Repression of Terrorism, Responses of Governments.
20. Doc. C.518.M.234.1934.VII (annex 1523e).
21. Doc. C.506.M.225.1934.VII.
22. League of Nations, Official Journal, Records of the Seventeenth Ordinary Session of the Assembly, Special Supplement no. 156 (Minutes of the First Committee), statement by the Soviet Union.
23. League of Nations, Official Journal, vol. 15, no. 11 (Dec. 1934), Council Minutes, statement by Czechoslovakia.
24. The original formulation of this concept of the 'complicit' state with the above characteristics is found in Yugoslavia's memorandum from after the Marseilles attentat, Doc. C.518.M.234.1934.VII.
25. League of Nations, Official Journal, vol. 15, no. 11 (Dec. 1934), Council Minutes, statement by Yugoslavia.
26. League of Nations, Official Journal, vol. 15, no. 11 (Dec. 1934), Council Minutes, statement by Czechoslovakia.
27. Doc. C.222.M.162.1937.V, Report adopted by the Commitee of Experts. In the final wording of the convention (Doc. C.546.M.383.1937.V), the obligation is limited to 'terrorist activities' without any further reference to public order.
28. The customary rule of non-intervention and its embodiment in Art. 10 of the League of Nations Covenant were recalled on many occasions, including that of the Council Resolution (1934), that of the Assembly resolution (1936), and that of the final Convention for the Prevention and Punishment (with its implicit reference to non-intervention when speaking of the 'principle of international law in virtue of which it is the duty of every state' to refrain from encouraging or tolerating on its territory terrorist activities directed against another state). Doc. C.546.C.383.1937.V.
29. Doc. C.R.T.25 (1936), statement by Finland.
30. Cf. League of Nations, Official Journal, vol. 15, no. 11 (Dec. 1934), statement by the Soviet Union; see also C.R.T.18 (1936), amendment by the Soviet Union.
31. Doc. C.518.M.234.1934.VII.
32. A letter from Yugoslavia to Hungary, Mar. 13, 1934, included in League of Nations, Official Journal, vol. 15, no. 11 (Dec. 1934).
33. Cf. letter by Yugoslavia to Hungary, Jun. 4, 1934, included in Doc. C.506.M.225.1934.VII.
34. League of Nations, Official Journal, vol. 15, no. 11 (Dec. 1934).
35. Doc. C.518.M.234.1934.VII. Hungary would insist, however, that Janka Puszta was merely a refugee camp for Croat *emigrés*.
36. Doc C.589.M.246.1934.VII.
37. Doc. C.518.M.234.1934.VII, memorandum by Yugoslavia.
38. Doc C.589.M.246.1934.VII. Education appeared also in a different context in a disciplining proposal of an 'educational campaign, emphasizing the futility of terrorism as a political weapon and a factor of revolution, and teaching individuals and nations to use other more effective and civilized methods' as a means of effective counter-terrorism. Doc.

C.R.T.1 (1935), Committee for the Repression of Terrorism, Responses of Governments.

39. Cf. League of Nations, Official Journal, Records of the Seventeenth Ordinary Session of the Assembly, Special Supplement no. 156 (1936), Minutes of the First Commitee, statement by Switzerland.
40. League of Nations, Official Journal, vol. 15, no. 11 (Dec. 1934), Council Minutes.
41. League of Nations, Official Journal, Records of the Seventeenth Ordinary Session of the Assembly, Special Supplement no. 156 (Minutes of the First Committee), statement by Belgium.
42. League of Nations, Official Journal, Records of the Seventeenth Ordinary Session of the Assembly, Special Supplement no. 156 (Minutes of the First Committee).
43. Doc. Conf.R.T./P.V.3 (1937), Minutes of the Diplomatic Conference, statement by Belgium.
44. League of Nations, Official Journal, vol. 15, no. 11 (Dec. 1934), Council Minutes, statement by France.
45. Doc. C.R.T.1 (1935), Committee for the Repression of Terrorism, Responses of Governments; Conf. R.T./P.V.3 (1937), Minutes of the Diplomatic Conference.
46. League of Nations, Official Journal, vol. 15, no. 11 (Dec. 1934), Council Minutes.
47. League of Nations, Official Journal, Records of the Seventeenth Ordinary Session of the Assembly, Special Supplement no. 156 (1936), Minutes of the First Committee.
48. Doc. Conf.R.T./P.V.1(1937), Minutes of the Diplomatic Conference.
49. League of Nations, Official Journal, vol. 18, no. 5–6 (May 1937), Council Minutes, statement by Romania.
50. Doc. C.R.T.1 (1935), Committee for the Repression of Terrorism, Responses of Governments.
51. Doc. Conf.R.T./P.V.3 (1937), Minutes of the Diplomatic Conference, statement by Czechoslovakia.
52. League of Nations, Official Journal, Records of the Seventeenth Ordinary Session of the Assembly, Special Supplement no. 156 (1936), Minutes of the First Committee.
53. Doc. C.518.M.234.1934.VII, memorandum by Yugoslavia.
54. League of Nations, Official Journal, vol. 15, no. 11 (Dec. 1934), Council Minutes, statement by Turkey.
55. There was some debate at the diplomatic conference concerning whether the state of terror in a single mind could play this role since the state of terror implied 'infinite plurality'. But in the end the link was preserved. Doc. Conf.R.T./P.V.6(1937), Minutes of the Diplomatic Conference.
56. Doc. C.542.M.249.1934.VII.
57. League of Nations, Official Journal, Records of the Seventeenth Ordinary Session of the Assembly, Special Supplement no. 156 (1936), Minutes of the First Committee.

58. Doc. C.R.T.1 (1935), Committee for the Repression of Terrorism, Responses of Governments.
59. League of Nations, Official Journal, vol. 15, no. 11 (Dec. 1934), Council Minutes.
60. Doc. C.506.M.225.1934.VII.
61. League of Nations, Official Journal, vol. 15, no. 11 (Dec. 1934), Council Minutes, statement by France.
62. Doc. C.506.M.225.1934.VII.
63. Ibid., statement by Czechoslovakia.
64. Ibid., statement by the Soviet Union.
65. Doc. Conf.R.T./P.V.18 (1937), Minutes of the Diplomatic Conference.
66. League of Nations, Official Journal, vol. 15, no. 11 (Dec. 1934), Council Minutes, statement by the Soviet Union.
67. Doc. C.542.M.249.1934.VII.
68. Council Resolution, art. 4. League of Nations, Official Journal, vol. 15, no. 11 (Dec. 1934).
69. League of Nations, Official Journal, Records of the Seventeenth Ordinary Session of the Assembly, Special Supplement no. 156 (1936), Minutes of the First Committee.
70. Doc. Conf.R.T./P.V.3 (1937), Minutes of the Diplomatic Conference, statement by Argentina.
71. League of Nations, Official Journal, Records of the Seventeenth Ordinary Session of the Assembly, Special Supplement no. 156 (1936), Minutes of the First Committee.
72. Doc. Conf.R.T./P.V.18 (1937), Minutes of the Diplomatic Conference.
73. 'Things fall apart; the centre cannot hold/Mere anarchy is loosed upon the world,' reads Yeats' verse from *Second Coming* (1919). Hardly could one find a more fitting poetic rendering of Schmitt's exalted criticism of the dissolution of the nomos following WWI.
74. Bach Jensen uses the term 'anarchist terrorism' rather unproblematically, and while skeptical to comparisons with al-Qaeda (cf. also Bach Jensen 2008), he furthermore relays his fascination with the perceived similarity between the two in securitization processes and responses to the perceived threat: in both cases, a coalition was formed but later collapsed for ideological reasons, and in both cases 'a strong temptation existed (and exists) for governments to exploit and exaggerate the danger of terrorism in order to attain political goals distinct from simply repressing terrorism' (Bach Jensen 2009:106).
75. Commission, op. cit.
76. In the 1920s, Romania suggested in a written response to a query made by the League of Nations' Committee of Experts for the Codification of International Criminal Law that terrorism be included among international crimes (Doc. C.196.M.70.1927.V). The expert body, however, took no action to that end.
77. Cf. the correspondence between Yugoslavia and Hungary (1930–1934) reprinted in Doc. C.518.M.234.1934.VII (annex 1523e), appendices 1–48.

78. Council Resolution, art. 4. League of Nations, Official Journal, vol. 15, no. 11 (Dec. 1934).
79. Humanity plays this role, e.g. in the report of the Commission on the Responsibility of the Authors of the War and on Enforcement of Penalties. The report was published in *The American Journal of International Law*, vol. 14 (1920), no. 1; cf. also Schmitt (2003, 265). While the League of Nations only provided a mechanism to prevent war, the indictment of a head of state (Wilhelm II), the war guilt clause in the Versailles Treaty, the Geneva Protocol (1924) defining aggressive war as an international crime, and the Kellog-Briand Pact can all be seen as manifestations of this paradigm of criminalization.
80. Although their interpretations were phrased differently, in the emerging discipline of International Relations E. H. Carr (1946) and Hans Morgenthau (1948) proposed very similar readings of the interwar situation.
81. League of Nations, Official Journal, vol. 15, no. 11 (Dec. 1934), statement by Poland.
82. League of Nations, Official Journal, Records of the Seventeenth Ordinary Session of the Assembly, Special Supplement no. 156 (1936), Minutes of the First Committee.

4 Division (1970s)

1. NYT, Sep. 6, 1972.
2. The authenticity of this statement is doubtful, however, as in a widely available record from the conference it comes in response to a press question, directly from the interpreter rather than from the released Black September members themselves, who are then asked by the press whether these indeed were their own words.
3. Brian Jenkins, *Terrorism: A New Kind of Warfare* (Santa Monica, CA: RAND, 1974) 4.
4. The emergence of the discourse of terrorism in the 1970s with an unprecedented intensity did not mean that states would have been entirely silent on the issue at international fora in previous decades. The Draft Code of Offences, prepared by the International Law Commission (1954), which was charged with the task by UNGA resolution 177 (1947), proposed to make 'the undertaking or encouragement by the authorities of a state in another state, or the toleration by the authorities of a state of organized activities calculated to carry out terrorist acts in another state' an offence against the peace and security of mankind, and a crime under international law (Doc. A/2693 [1954], Report of the International Law Commission). In the 1960s, terrorism was discussed during the preparation of res. 2131 (1965), the Declaration on the Inadmissibility of Intervention, which stated that 'no state shall organize, assist, foment, finance, incite or tolerate subversive, terrorist or armed activities directed towards the violent overthrow of the

regime of another state, or interfere in civil strife in another state'. There was also the Declaration on Principles of International Law Concerning Friendly Relations and Cooperation among States, later passed as res. 2625 (1970), which reiterated the categorical prohibition of intervention and general use of force, and provided an exemplary (but not exhaustive) enumeration of acts by which it was constituted, including organizing armed bands and instigation of civil strife and acts of terrorism.

5. A prelude to this power play can be found already in the negotiations of res. 2131 (1965). The formulation of the relevant articles posed particular difficulties from the beginning, but it is noteworthy that the third world states failed to amend them with an exception clause stipulating that the people subjected to colonial oppression were entitled to seek and receive all support in accordance with the UN Charter and res. 1514 (1960). The provision was indeed finally included in the Declaration, yet it was removed from the immediate context of acts of terrorism. In any case, these debates reflected the perception by the first world states of the same international crisis mentioned below, which was essentially brought about, as in the 1930s, by the acts of states sponsoring terrorist violence, in addition to the resolve of the third world states to renegotiate some rules of international society. The similarity obtained also in that the positive prohibition of intervention was seen as a product of a 'progressive codification of international law', in this case a norm enshrined in both the UN Charter (art. 2/4) and the customary law which obliged states to prevent the use of their territory for activity harmful to other states (cf. Lotus Case, 1927; Corfu Channel Case, 1949).
6. A/C.6/SR.1386 (1972), Minutes of the Sixth Committee.
7. Cf. Doc. A/9028 (1973), Report of the *Ad Hoc* Committee.
8. Doc. A/9028 (1973), Report of the *Ad Hoc* Committee.
9. Ibid.
10. Doc. A/C.6/SR.1355 (1972), Minutes of the Sixth Committee, statement by Belgium.
11. Doc. A/C.6/SR.1356 (1972), Minutes of the Sixth Committee, statement by Sri Lanka.
12. Doc. A/C.6/SR.1356 (1972), Minutes of the Sixth Committee, statement by Sudan.
13. Doc. A/C.6.SR.1359 (1972), Minutes of the Sixth Committee, statement by Uruguay. Interestingly, in this statement the enumeration of actions by which terror could be aroused followed to a great extent the broad list presented at the International Bureau for the Unification in Criminal Law (IBUCL) Brussels conference (1930) rather than the duality asserted at Copenhagen (1935) and in the states' discourse in the 1930s (see *Power and Knowledge*).
14. Doc. A/C.6/SR.1369 (1972), Minutes of the Sixth Committee, statement by Italy.

15. Doc. A/C.6/SR.1356 (1972), Minutes of the Sixth Committee, statement by Pakistan. Repetition as an essential characteristic of terrorist action had previously been mentioned marginally in the Givanovitch Report to the IBUCL's Copenhagen conference (1935).
16. Cf. Doc. A/PV.2037 (1972), Minutes of the General Assembly; A/AC.160/SR.8 (1977), Minutes of the *Ad Hoc* Committee, statements by the USSR and Czechoslovakia; A/AC.160/L.3 (1973), Draft Report of the *Ad Hoc* Committee.
17. Doc. A/9028 (1973), Report of the *Ad Hoc* Committee, draft definition submitted by non-aligned countries.
18. Doc. A/C.6/SR.1357 (1972), Minutes of the Sixth Committee, statement by Algeria.
19. Doc. A/9028 (1973), Report of the *Ad Hoc* Committee, annex submitted by Algeria.
20. Doc. A/AC.160/SR.5 (1977), Minutes of the *Ad Hoc* Committee, statement by Algeria.
21. Doc. A/C.6/SR.1355 (1972), Minutes of the Sixth Committee, statement by Saudi Arabia.
22. Doc. A/AC.160/1 (1973), observation by Syria to the *Ad Hoc* Committee.
23. Doc. A/PV.2149 (1973), Minutes of the General Assembly, statement by Libya.
24. Doc. A/RES/3034 (1972); A/AC.160/1 (1973), observations by states, statements by Austria, Belgium, Germany, Italy, Spain, Fiji, etc.
25. Doc. A/PV.2125 (1973), Minutes of the General Assembly, statement by Paraguay.
26. Doc. A/PV.2037 (1972), statement by Canada.
27. Doc. A/PV.2125 (1973), Minutes of the General Assembly, statement by Paraguay; A/PV.2129 (1973), statement by El Salvador; A/C.6/34/SR.7 (1979), Minutes of the Sixth Committee, statements by Brazil and the United States.
28. Doc. A/PV.2127 (1973), Minutes of the General Assembly, statement by Iran; A/PV.2142 (1973), statement by Austria.
29. Doc. A/AC/160/1 (1973), observation by the United States. A very similar statement was actually articulated by the USSR (Doc. A/C.6/SR.1362), and made in the Report of the Ad Hoc Committee (1979), Doc. A/34/37; cf. also A/C.6/SR.1366 (1972).
30. Doc. A/C.6/34/SR.6 (1979), Minutes of the Sixth Committee, statement by Turkey.
31. Doc. A/34/37 (1979), Report of the *Ad Hoc* Committee.
32. Doc. A/PV.2037 (1972), Minutes of the General Assembly; A/PV.2045 (1972).
33. Doc. A/PV.2129 (1973), Minutes of the General Assembly, statement by El Salvador.
34. Doc. A/C.6/SR.1358 (1972), Minutes of the Sixth Committee, statement by Iran.
35. Doc. A/C.6/SR.1379 (1972), Minutes of the Sixth Committee, statement by Venezuela.

36. Doc. A/C.6/SR.1367 (1972), Minutes of the Sixth Committee, statement by Sierra Leone.
37. For example, a Central Intelligence Agency (CIA) report of the time differentiated between 'international terrorism' as an instrument of state policy and the 'transnational' terrorism practiced by autonomous non-state groups, while it noted that the borders were difficult to draw. David Milibank, *International and Transnational Terrorism: Diagnosis and Prognosis* (Langley: Central Intelligence Agency, 1976).
38. This discourse included statements about terrorism as a threat to the fundamental rights of states which is organized, armed and financed from the 'outside' (Doc. A/AC.160/1, statement by Turkey) and as such constitutes the act of aggression (Doc. A/C.6/SR.1359, statement by Uruguay); about the 'common knowledge that terrorists penetrated states, assisted in doing so by other states' (Doc. A/C.6/SR.1365, statement by Belgium); and about terrorist bases which 'were not on the moon' or the possibility to virtually eliminate terrorism 'if certain states ceased to support it' (Doc. A/34/PV.12). A separate chapter consisted of Israel's condemnations of other Middle Eastern governments, which often related to admitting plane hijackers and other terrorists to their respective countries, where they would not face prosecution ('safe havens'), starting with the aftermath of the October 29, 1972 hijacking described above, where Libya is termed 'the paymaster and instigator of international terror'. Cf. Doc. A/31/182 (1976), A/PV.2045 (1972); A/9150 (1973); A/C.6/L.872 (1972).
39. Doc. A/AC.160/SR.5 (1977), debate in the *Ad Hoc* Committee. In a presidential debate in 1980, President Carter would claim that 'the most serious terrorist threat is [that] one of those radical nations who believe in terrorism as a policy should have atomic weapons' (reprinted in Friedlander 1981, Doc. 18).
40. The elementary duality of positions emerges clearly from the observations submitted to the *Ad Hoc* Committee in Doc. A/AC.160/1 and the debate in the Committee in Doc. A/AC.160/L.3 (1973). The summary of those early positions is included also in A/9028 (1973), Report of the *Ad Hoc* Committee.
41. Doc. A/AC.160/1 (1973), observation by Iran to the *Ad Hoc* Committee; A/C.6/SR.1358 (1972), Minutes of the Sixth Committee, statement by Iran.
42. A proposal for an international conference of plenipotentiaries, an *ad hoc* forum similar to the diplomatic conference in the 1930s, was proposed in a United States draft convention in 1973 (Doc. A/C.6/L.851). It was promptly refused, and an *ad hoc* committee with a different mandate would be established instead.
43. Cf. Doc. A/AC.160/WG/R.2 (1979), a working paper by the United Kingdom for the *Ad Hoc* Committee. The United States, the first state to propose the universal regime in its draft (Doc. A/C.6/L.850) and in the general debate (A/PV.2038) continued to press the idea even at this time (Doc. A/AC.160/WG/R.3), but it was rather isolated.

44. Cf. The debates in the Ad Hoc Committee recorded in its reports A/9028 (1973), A/32/37 (1977) and A/34/37 (1979); and also Doc. A/AC.138/L.22 (1978), Report of the *Ad Hoc* Committee on the Convention against the Taking of Hostages; or A/C.6/SR.1179 (1970), Minutes of the Sixth Committee, statement by Pakistan; A/AC.160/L.3 (1973).
45. During the Sixth Committee's debate, Yugoslavia would argue, for example, that resistance to terror could not be defined as terrorism since it was an integral part of the effort to realize universal peace and progress. Doc. A/C.6/SR.1657 (1972); cf. also Doc. A/PV.2037 (1972), Minutes of the General Assembly, statement by Cuba; A/AC.138/L.22 (1978).
46. This subargument of the first exception appears, for example, in the following statement by Mauritania in the General Committee (1972): '[The term terrorist] could hardly be held to apply to persons who were denied the most elementary human rights, dignity, freedom and independence, and whose countries were subjected to foreign occupation' (quoted by Sofaer 1986: 904).
47. Cf. A/C.6/34/SR.10, Minutes of the Sixth Committee, statement by Mauritania; A/9028 (1973), Report of the *Ad Hoc* Committee.
48. Doc. A/PV.2037 (1972), Minutes of the General Assembly, statement by Jordan.
49. Doc. A/RES/3034 (1972), A/RES/31/102 (1976), A/RES/32/147 (1977), and A/RES/34/145 (1979). The exception was also articulated as a special supplement to the convention on crimes against internationally protected persons (Sofaer 1986: 918).
50. Cf. Doc. A/AC.160/1 (1973), debate in the *Ad Hoc* Committee.
51. Doc. A/C.6/SR.1362 (1972), Minutes of the Sixth Committee, statement by Guinea.
52. Cf. Doc. A/AC.160/L.3 (1973); A/C.6/SR.1365 (1973); A/AC.160/L.3 (1973), Draft Report of the *Ad Hoc* Committee; A/AC.160/L.3/Add.2 (1973), statement by Algeria. An exception to the rule seems to have been a statement by Madagascar in the Sixth Committee in which it claimed that acts of political terrorism undertaken to vindicate 'hallowed rights recognized by the United Nations' were *praiseworthy* (while it was regrettable that they involved innocent persons). Doc. A/C.6./SR.1365 (1973).
53. Cf. Doc. A/C.6/SR.1358, Minutes of the Sixth Committee, statement by Saudi Arabia.
54. In the perhaps most telling statement in this respect, in the final Report of the *Ad Hoc* Committee (1979) it is maintained that international terrorism should be considered within the framework of broader actions aimed at building new democratic international relations. Doc. A/34/37 (1979).
55. Doc. A/PV.2037 (1972), Minutes of the General Assembly, statement by Kuwait.
56. Doc. A/PV.2045 (1972), Minutes of the General Assembly, statement by Israel. This tension, Israel claimed, existed in the case of Israel's liberation, but not in the case of Arab terrorism, which was not intended to achieve freedom, but rather to *eliminate* it.

57. Doc. A/C.6/SR.1356 (1972), Minutes of the Sixth Committee, statement by Sri Lanka.
58. Doc. A/C.6/SR.1366 (1972), Minutes of the Sixth Committee, statement by Pakistan.
59. Doc. A/C.6/SR.1355 and A/C.6/SR.1357 (1972).
60. Doc. A/AC.160/1 (1973), debate in the *Ad Hoc* Committee, statement by Syria; A/9028 (1973), Report of the *Ad Hoc* Committee.
61. Doc. A/C.6/SR.1368 (1972), Minutes of the Sixth Committee, statement by China.
62. Doc. A/9028 (1973), Report of the *Ad Hoc* Committee; A/AC.160/L.3 (1973); A/AC.160/L.3/Add.2 (1973); A/C.6/L.867 (1972), summary of the General Assembly debate.
63. Cf. Doc. A/C.6/SR.1367 (1972), Minutes of the Sixth Committee, statement by Algeria; A/34/37 (1979), Report of the *Ad Hoc* Committee, working paper by the subcommittee for underlying causes.
64. Cf. Doc. A/AC.160/L.3 (1973), Draft Report of the *Ad Hoc* Committee; A/32/37 (1977), Report of the *Ad Hoc* Committee; A/AC.160/SR.7 (1977), Minutes of the *Ad Hoc* Committee.
65. On the basis of (unidentified) scientific studies, it would be asserted that a typical terrorist tended to have a middle-class background. Doc. A/34/37 (1979), Report of the *Ad Hoc* Committee, working paper by the subcommittee for underlying causes; A/C.6/L.418 (1972).
66. Cf. Doc. A/PV.2129 (1973), statement by El Salvador. There was no room for psychological or sociological analysis, claimed Paraguay, since terrorism amounted to aggression (Doc. A/C.6/SR.1359). 'The tree is known by its fruit,' Portugal added laconically (ibid.). And, making an analogy of terrorism and war, Belgium pointed out that the special committee on the question of defining aggression had never been asked to consider causes of aggression – in trying to abolish war in international law, the causes of war were of no relevance (Doc. A/C.6/SR.1365).
67. Cf. Doc. A/AC.160/1 (1973); A/PV.2037 (1972); A/PV.2125 (1973); A/C.6/SR.1355 (1972); A/C.6/SR.1357 (1972); A/C.6/SR.1367 (1972); A/9028 (1973).
68. Doc. A/C.6/SR.1359 (1972), Minutes of the Sixth Committee, statement by Denmark. Such arguments can be encountered even in the present: 'Deliberate and indiscriminate attacks against civilian populations . . . can only be considered even more serious crimes in times of peace.' Doc. A/56/PV.13 (2001), Minutes of General Assembly, statement by Argentina.
69. Doc. A/PV.2045 (1972), Minutes of the General Assembly, statement by Israel.
70. Doc. A/AC.160.1 (1972), observations by states to the *Ad Hoc* Committee, statement by Austria.
71. Doc. A/C.6/SR.1368 (1972), Minutes of the Sixth Committee, statement by Indonesia; cf. also A/C.6/SR.1367 (1972), statement by Oman; A/C.6/SR.1365 (1972), statement by Cuba.

72. Doc. A/C.6/SR.1369 (1972), Minutes of the Sixth Committee, statement by Kuwait.
73. Cf. Doc. A/PV.2037 (1972), Minutes of the General Assembly.
74. For a rare exception mentioned in the previous chapter see League of Nations, Official Journal, Records of the Seventeenth Ordinary Session of the Assembly, Special Supplement no. 156 (1936), Minutes of the First Committee.
75. Doc. A/PV.2037 (1972), Minutes of the General Assembly, statements by Uruguay, Colombia and the United States; A/9028 (1973), Report of the *Ad Hoc* Committee, proposal by France; A/AC.160/1 (1973), observation by Austria to the *Ad Hoc* Committee; A/PV.2125 (1973), Minutes of the General Assembly, statement by Paraguay; A/C.6/34/SR.6 (1979), Minutes of the Sixth Committee, statement by Spain; A/C.6/L.872 (1972), Israel's report on Arab states' sponsoring of terrorism; A/C.6/SR.1357 (1972), Minutes of the Sixth Committee, statement by Brazil; A/C.6/SR.1359 (1972), statement by Uruguay; A/PV.2125 (1973), Minutes of the General Assembly, statement by Paraguay; A/AC.160/1 (1973), observation by Portugal to the *Ad Hoc* Committee; A/PV.2037 (1972), Minutes of the General Assembly, statement by Israel.
76. A similar position would be articulated also in the second world's statements; cf. A/C.6/SR.1362 (1972), debate in the Sixth Assembly, statement by the USSR.
77. Doc. A/34/37 (1979), Report of the *Ad Hoc* Committee.
78. Doc. A/PV.2045 (1972), Minutes of the General Assembly, statement by Israel.
79. Doc. A/C.6/SR.1357 (1972), Minutes of the Sixth Committee, statement by Guatemala; A/C.6/SR.1386 (1972), statement by the United States.
80. Doc. A/AC.160/1 (1973), observation by Syria to the *Ad Hoc* Committee.
81. Doc. A/PV.2144 (1973), Minutes of the General Assembly, statement by Somalia.
82. Doc. A/PV.2037 (1972), Minutes of the General Assembly.
83. Doc. A/PV.2037 (1972), Minutes of the General Assembly; A/RES/3034 (1972); A/AC.160/L.3/Add.2 (1973); A/AC.160/L.3 (1973); A/AC.160/1 (1973), observations by governments to the *Ad Hoc* Committee; A/C.6/SR.1362 (1972), Minutes of the Sixth Committee, statement by Colombia; cf. also Doc. A/C.6/418 (1972).
84. Doc. A/AC.160/1/Add.1 (1973); cf. also A/C.6/SR.1386 (1972), Minutes of the Sixth Committee, statement by the United States. A/C.6/SR.1355 (1972). Statement by Sweden; A/C.6/SR.1369 (1972), statement by Spain; A/AC.160/2 (1973), debate in the *Ad Hoc* Committee; cf. also the United States' Draft Convention (A/C.6/L.850/1972), in which an uninvolved state's national would not be considered an object of the terrorist act if he was targeted in the terrorist's home country. Similarly, a national of a conflict's protagonist state targeted in his home country would not be subject to the convention. But an uninvolved state's citizens outside the area of conflict, as much as the citizens of the

protagonist states outside the area, that is, the citizens of 'innocent territories', would fall within the purview of the convention. For the explicit purpose – to spatially contain violence – see the report *The Role of International Law in Combating Terrorism* (1973), reproduced in Friedlander (1979b, Doc. 77).

85. Doc. A/C.6/SR.1355 (1972), Minutes of the Sixth Committee, statement by the United States.
86. Cf. Doc. A/C.6/SR.1362 (1972), Minutes of the Sixth Committee.
87. There would be a marginal discourse of order also in the third world's discourse, characterized by (1) constituting the state terrorist as undermining the international order (cf. Doc. A/AC.160/1/1973, observation by Syria to the *Ad Hoc* Committee) and (2) excluding NLMs from the discourse of nonstate terrorism because their aim was to restore order in the third world and thus bring about a just international order, an effort the colonial, alien and racist regimes of the first world continued to resist (Cf. Doc. A/9028/1973, Report of the *Ad Hoc* Committee).
88. Doc. A/PV.2038 (1972), Minutes of the General Assembly, statement by the United States; cf. also A/C.6/L.872 (1972), Israel's report on Arab states' sponsoring of terrorism; A/PV.2126 (1973), Minutes of the General Assembly, statement by Canada; A/PV.2142 (1973), Minutes of the General Assembly, statement by South Africa; A/C.6/SR.1358 (1972), Minutes of the Sixth Committee, statement by Colombia; A/C.6/SR.1366 (1972), statement by Costa Rica.
89. Doc. A/C.6/34/SR.7 (1979), Minutes of the Sixth Committee, statement by Brazil.
90. Doc. A/PV.2045 (1972), Minutes of the General Assembly, statement by Israel.
91. Doc. A/C.6/SR.1366 (1972), Minutes of the Sixth Committee, statement by Costa Rica.
92. Doc. A/AC.160/1 (1973), observation by Iran to the *Ad Hoc* Committee; A/C.6/SR.1357 (1972), Minutes of the Sixth Committee, statement by the United States; A/C.6/SR.1364 (1972), statement by Nepal; A/C.6/SR.1359 (1972), statement by Portugal, which invoked the authority of Hedley Bull to strike the point home; A/C.6/SR.1359 (1972), statement by Uruguay; A/C.6/SR.1365 (1972), statement by Belgium; A/AC.160/1 (1973), observation by Austria to the *Ad Hoc* Committee; A/AC.160/SR.6 (1977), Minutes of the *Ad Hoc* Committee, statement by Austria.
93. Doc. A/PV.2139 (1973), Minutes of the General Assembly, statement by Israel.
94. Doc. A/PV.2035 (1972), Minutes of the General Assembly, statement by Paraguay.
95. Doc. A/AC.160/SR.5 (1977), Minutes of the *Ad Hoc* Committee, statement by Paraguay.
96. Doc. A/AC.160/SR.5 (1977), Minutes of the *Ad Hoc* Committee, statement by Uruguay.

97. Doc. S/10683 (1972), letter by Israel to the President of the Security Council; A/PV.2037 (1972), Minutes of the General Assembly, statement by the USSR; A/PV.2129 (1973), Minutes of the General Assembly, statement by El Salvador; A/PV.2135 (1973), statement by Rwanda; A/C.6/34/SR.6 (1979), Minutes of the Sixth Committee, statement by Hungary; A/AC.160/SR.8 (1977), Minutes of the *Ad Hoc* Committee, statement by Tunisia; cf. also the Council of Europe's Consultative Assembly recommendations 599 (1970) and 613 (1970). Statements about aerial piracy would be found in both discursive orders, but they were much more common in the FWD.
98. The Hague Convention established a regime for airplanes during flight, whereas the Montreal Convention added regulations governing situations on the ground.
99. It was noted already in the academic literature of the time that terrorism and piracy were associated 'souvent mais faussement' (Glaser 1973: 833).
100. Doc. A/PV.2125 (1973), Minutes of the General Assembly, statement by Paraguay. The argument that terrorism cannot be seen as an expression of political will would be articulated also by Czechoslovakia as a Second World state (Doc. A/AC.160/1/Add.2/1973), and the Soviet Union would repeat this statement with its approval (Doc. A/C.6/SR.1363/1972). Brazil's view (Doc. A/C.6/SR.1357/1972) was that since terrorist crimes were directed against anyone who crossed the criminal's path, they should be considered as international offences *erga omnes*. But both the second world superpower and its satellite excluded NLMs from the category of terrorism.
101. The representation of sedition in the body politic as a disease surely had its precedents. To take but two illustrious examples, strife in the polis was a *nosos* to Plato (cf. Constantinou 2004) and a 'consumptive disease' to Machiavelli (1988: 11).
102. Doc. A/PV.2038 (1972), Minutes of the General Assembly, statement by the United States; A/AC.160/SR.5 (1977), Minutes of the *Ad Hoc* Committee, statement by Paraguay.
103. Doc. A/C.6/SR.1357 (1972), Minutes of the Sixth Committee, statement by the United States; A/C.6/SR.1359 (1972), statement by Senegal; A/C.6/SR.1369, statement by the United Arab Emirates; A/AC.160/SR.5 (1977). See also the Council of Europe's Consultative Assembly recommendation 613 (1970).
104. Doc. A/C.6/SR.1366 (1972), Minutes of the Sixth Committee, statement by South Africa.
105. Doc. A/C.6/SR.1357 (1972), Minutes of the Sixth Committee, statement by the United States; cf. also A/C.6/SR.1361 (1972), statement by Austria.
106. Cf. Doc. A/C.6/SR.1367 (1972), Minutes of the Sixth Committee, statement by Algeria.
107. The assertion that the state terrorist is a criminal and that the revolutionary terrorist, under the second logic of exception, as political, or using the 'political' significant to distinguish NLMs from terrorists was an important way to legitimize their violence and prevent its

'criminalization'. Cf. Doc. A/AC.160.1 (1973), statement by Syria to the *Ad Hoc* Committee.

108. Cf. Doc. A/C.6/L.896 (1972), a paper titled 'On Terrorism' delivered by Yemen to the Sixth Committee; cf. also Doc. S/10688 (1972), a letter by Egypt to the President of the Security Council.
109. Cf. Doc. S/10684 (1972). In this communication to the Security Council by Lebanon, a madness which ruined 'once prosperous cities' is also attributed to 'Zionists'.
110. Doc. A/PV.2037, Minutes of the General Assembly, statement by Egypt.
111. Cf. Doc. A/C.6/L.869 (1972), a report submitted by Arab governments.
112. Doc. A/PV.2149 (1973), Minutes of the General Assembly, statement by Libya.
113. Doc. A/PV.2133 (1973), Minutes of the General Assembly, statement by Oman; A/PV.2141 (1973), statement by Qatar.
114. Doc. A/C.6/SR.1360 (1972), Minutes of the Sixth Committee, statement by Uganda.
115. For instance, RAND's Terrorism Incident Database (1972) records 2,150 incidents of international terrorism in the 1970s. RAND defines terrorism 'by nature of the act, not by the identity of the perpetrators', and the act is defined as 'violence calculated to create an atmosphere of fear and alarm to coerce others into actions they would not otherwise undertake, or refrain from actions they desired to take', which is usually perpetrated on civilians for political purposes and with the aim of achieving maximum publicity. International terrorist acts are those committed by someone other than a citizen of the country where they occur, and against domestic targets with 'international significance' or planes (http://www.rand.org/nsrd/projects/terrorism-incidents/about/scope.html).
116. In the same vein, while events such as the Six Days War and the Yom Kippur War (cf. Franck and Lockwood 1974), the OPEC oil embargo (cf. Baxter 1974) or even the agreement between the USSR and Syria on the lease of the Latakia naval base, as well as the increased exposure to the nonstate political violence of Arab governments in the latter part of the 1970s (res. 34/145/1979 was the first resolution which, besides the obligatory reference made separately to terrorist acts by colonial, racist and alien regimes, 'unequivocally condemned all acts of terrorism'; cf. Saul 2006a: 202–203) may have caused minor turns in positions assumed in the UN debate, it is hard to imagine that they were constitutive of the entire discursive orders. The progressive moderation of some third world states, of which some limited evidence can indeed be found, could in fact have been rather the consequence of the progressive socialization of those states into international society and the decreased resolve to materially support the revolutionary violence seen by this society as undermining the prevailing international order. This was actually the conclusion of a CIA National Foreign Assessment Center research paper on terrorism reprinted in Friedlander (1983, Doc. 2), which claimed that by the end of the 1970s there had been 'a notable decline in government patronage of international terrorist acts' by Arab

governments who had realized that such patronage was detrimental to their relations with the West.

117. Cf. Doc. A/34/37, Report of the *Ad Hoc* Committee (1979).
118. The clause continued to be inserted in the resolutions up to the early 1990s. Cf. General Assembly Res. 38/130 (1983), 40/61 (1985), 42/159 (1987), 44/29 (1989), 46/51 (1991).
119. UN Treaty Series, vol. 1316, no. 21931.
120. Doc. A/9028, Report of the *Ad Hoc* Committee (1973); A/34/37 (1979), Report of the *Ad Hoc* Committee.
121. While the idea that the Soviet Union should weaken imperialist powers by supporting revolutionary movements in the colonies existed almost since its inception, once it became clear that imperialist wars would not undermine the capitalist system in the near future, it was only in the Cold War that it became an actual government policy. 'I am not an adventurer . . . but we must aid national liberation movements', as Khrushchev would remark (quoted in Gaddis 2005:122).
122. These protocols were the outcomes of a conference on international humanitarian law held in Geneva under the auspices of the International Committee of the Red Cross (1974–1977). Already in their draft versions presented in 1973 (cf. Baxter 1974: 384) they prohibited, among other things, acts or threats of violence the primary purpose of which was to spread terror among the civilian population (cf. Protocol I, Art. 51/2; Protocol II, Art. 13/2). But the most important and controversial change was the elevation of peoples fighting against colonial domination and alien occupation and against racist regimes in the exercise of their right to self-determination to the status of parties to international conflicts, with certain rights and obligations (Protocol I, Art. 1/4). This may seem *prima facie* as a victory of the autonomizing third world. Indeed it has been argued to be one, because the fundamentally criminal nature of terrorism seems to have been obscured by granting terrorists a legal status under the law of war (Sofaer 1986). It is, however, important also to point to the positive implications from the first world's point of view (cf. Lehto 2003). These consisted primarily in the bounding obligations imposed on those movements, the grave breach of which could from now be considered war crimes.
123. It would, however, be commonly reported by the First World's media (cf. Sloan 1978).
124. Needless to say, the possibly discomforting consequences of such an implication were forgotten in the process. For an argument that treating terrorism in general under the law of war would, for example, legalize terrorists' targeting of government facilities or make it possible to claim the status of prisoners of war, cf. Scharf (2001).

5 Enclosure (2000s)

1. NYT, Sep. 12, 2001.
2. Joseph Conrad, *The Secret Agent* (Oxford: Oxford University Press, 2004), 227.

3. Laqueur notes that *The Secret Agent* (1907) was recommended for reading among law enforcement agencies already in the 1970s (Laqueur 2001:173).
4. *Le Monde*, Sep. 13, 2001.
5. Jean Baudrillard, 'L'Esprit du terrorisme,' *Le Monde*, Nov. 2, 2001.
6. To some extent, this definition is indebted to the Terrorism Convention of 1937, particularly in the tautological reference to the 'state of terror'. In contrast to the 1937 Convention, on the other hand, acts of terrorism are not defined as directed against a state. Furthermore, an enumerative part (either exemplary or exhaustive), detailing what material acts could constitute terrorism, is missing from the definition, making the concept's boundaries more ambiguous.
7. After the bombings of the United States embassies in Kenya and Tanzania (1998), the U.N. Security Council issued a series of resolutions which called upon the Taliban regime in Afghanistan to refrain from providing a 'safe haven' and a training base for Al-Qaeda terrorists. When the government failed to do so, the UNSC imposed economic sanctions on Kabul (cf. S/RES/1189/1998, S/RES/1193/1998, S/RES/1214/1998 and S/RES/1267/1999). After the fall of the Taliban regime, the sanctions were restructured to exclude Kabul and focus directly on Al-Qaeda and its associates (S/RES/1390/2002, S/RES/1526/2004 and S/RES/1617/2005), but it is noteworthy that the first resolution to impose sanctions directly on Al-Qaeda (i.e. not on what was determined as the network's main state sponsor) was passed already in 2000 (S/RES/1333).
8. Jonathan Safran Foer, *Extremely Loud and Incredibly Close* (Boston: Houghton Mifflin Harcourt, 2005).
9. Doc. S/PV.5261 (2005), Minutes of the Security Council, statement by Denmark.
10. Even states that frequently articulated marginal statements would speak of terrorism as a 'perverted response to injustice and exclusion'. Doc. A/56/PV.15 (2001), statement by Iran.
11. Doc. A/59/37 (2004), Report of the *Ad Hoc* Committee.
12. Among those emphatically stressing that they had been subjected to terrorism before were Russia, Turkey, Yugoslavia and Afghanistan. Interestingly, the last (represented by the Northern Alliance at this time) would claim to be threatened by a 'reign of terror bred by Pakistan'. Doc. A/56/PV.20/2001, Minutes of the General Assembly.
13. Doc. A/59/PV.12 (2004), Minutes of the General Assembly, statement by Turkmenistan.
14. Doc. A/56/PV.12 (2001), Minutes of the General Assembly, statement by the United Kingdom. In the rather eloquent speech from which this quote is taken, Sir Jeremy Greenstock would also claim that '[t]errorism is terrorism. It uses violence to kill and damage indiscriminately to make a political or cultural point and to influence legitimate Governments or public opinion unfairly or amorally . . . [This is] terrorism pure and simple, [. . .] the use of violence without honour, discrimination or regard for human decency.'

15. Doc. A/59/PV.12 (2004), Minutes of the General Assembly, statement by Kazakhstan.
16. Cf. Doc. A/60/PV.99 (2005), Minutes of General Assembly, statements by Syria, Sudan and India.
17. Doc. A/62/PV.112 (2007), Minutes of General Assembly, statement by Guatemala.
18. Cf. Docs. A/RES/56/160 (2001), A/RES/58/174 (2003), A/RES/59/195 (2004), S/RES/1566 (2004), or A/56/PV.12 (2001), Minutes of the General Assembly, statements by Norway, the United Kingdom and Belarus; A/56/PV.13 (2001), statements by Morocco and Liechtenstein; A/56/PV.14 (2001), statements by Guatemala and Sudan.
19. Doc. A/C.6/64/SR.4 (2009), Minutes of the Sixth Committee, statement by Israel.
20. Doc. A/56/PV.1 (2001), A/56/PV.12 (2001), Minutes of the General Assembly; S/PV.4370 (2001), Minutes of the Security Council.
21. Doc. A/56/PV.7 (2001), Minutes of the General Assembly, statement by Russia.
22. Doc. A/56/PV.9 (2001), Minutes of the General Assembly, statement by Bhutan; A/56/PV.12 (2001), Minutes of the General Assembly, statement by Ukraine; A/56/PV.18 (2001), Minutes of the General Assembly, statement by the United Kingdom; A/56/PV.14 (2001), Minutes of the General Assembly, statement by Pakistan; A/56/PV.14 (2001), Minutes of the General Assembly, statement by Yemen; A/56/PV.15 (2001), Minutes of the General Assembly, statement by Oman; A/56/PV.4 (2001), Minutes of the General Assembly, statement by Russia.
23. Doc. A/56/PV.18 (2001), Minutes of the General Assembly, statement by Tanzania.
24. Doc. A/56/PV.12 (2001), Minutes of the General Assembly, statement by Burkina Faso.
25. Doc. A/56/PV.12 (2001), Minutes of the General Assembly, statement by Algeria; A/56/PV.20 (2001), statement by Myanmar; A/56/PV.21 (2001), statement by Nauru; A/C.6/64/SR.9 (2009), Minutes of the Sixth Committee, statement by Trinidad and Tobago; S/PV.4370 (2001), Minutes of the Security Council, statement by Mauritius; A/56/PV.17, Minutes of the General Assembly, statement by Nicaragua.
26. Doc. A/C.3/56/SR.18, Minutes of the Third Committee, statement by Russia.
27. Doc. A/58/PV.12 (2003), statement by Poland.
28. Doc. A/56/PV.10 (2001), Minutes of the General Assembly, statement by Norway; cf. also A/62/PV.20 (2007), Minutes of t he General Assembly, statement by Maldives; A/56/PV.13 (2001), Minutes of the General Assembly, statement by Ecuador.
29. Cf. Doc. A/60/PV.25 (2005), Minutes of the General Assembly, statement by Turkey.
30. Doc. S/PV.5261 (2005), Minutes of the Security Council, statement by Denmark.

31. Doc. A/56/PV.12 (2001), Minutes of the General Assembly, statement by Belgium (on behalf of the EU); A/56/PV.15 (2001), Minutes of General Assembly, statement by Bhutan; A/C.1/57/PV.3 (2002), Minutes of the First Committee, statements by Singapore and Mozambique. See also the First Committee's resolutions on measures to prevent terrorists from acquiring weapons of mass destruction, which recognize the 'growing risk that terrorists may seek to acquire weapons of mass destruction and means of their delivery', specific resolutions on radiological terrorism (A/RES/60/73/2005) and acquisition of radioactive materials (A/RES/62/46/2007), and the Security Council's res. 1456/2003, which notes the 'serious and growing danger of terrorist access to and use of nuclear, chemical, biological and other potentially deadly materials'.
32. Doc. A/60/PV.2 (2005), Minutes of General Assembly, statement by the United States.
33. Cf. Doc. A/C.1/57/PV.16 (2002), Minutes of the First Committee; A/C.6/64/SR.2 (2009), Minutes of the Sixth Committee, statement by Uzbekistan.
34. Doc. A/RES/59/290 (2004); cf. also A/C.1/57/PV.3 (2002), statement by South Korea on the need to 'combat nuclear terrorism'.
35. Cf. Doc. A/56/PV.9 (2001), Minutes of the General Assembly, statement by Brazil; A/56/PV.7 (2001), statement by Russia; A/56/PV.12 (2001), statements by Algeria and Croatia; A/56/PV.18 (2001), statement by Namibia; A/C.6/56/SR.26 (2001), Minutes of the Sixth Committee; A/62/PV.120 (2007), Minutes of the General Assembly, statement by Thailand; S/RES/1456 (2003).
36. Doc. A/56/PV.12 (2001), Minutes of the General Assembly, statement by Nicaragua; A/56/PV.15 (2001), statement by Cyprus; A/64/PV.64 (2009), Minutes of the General Assembly, statement by Burkina Faso.
37. Doc. A/56/PV.12 (2001), Minutes of the General Assembly; A/56/PV.13 (2001).
38. Cf. Doc. S/RES/1373 (2001) and other Security Council resolutions, or the UNGA resolutions in the series 'Measures to Eliminate International Terrorism'. The duty of states to 'refrain from financing, encouraging, providing training for or otherwise supporting terrorist activities' articulated in this particular form in A/RES/2625 (1970), would also be mentioned in A/RES/60/288 (2005) and even declared customary by the International Court of Justice in the Armed Activities on the Territory of Congo case (2005). Cf. also A/RES/56/1 (2001).
39. Doc. A/59/PV.5 (2004), Minutes of the General Assembly, statement by Djibouti.
40. Cf. Docs. A/56/PV.12 (2001), Minutes of the General Assembly, statements by the United States and Algeria; A/56/PV.8 (2001), statement by Brazil; A/56/PV.14 (2001), statements by Iceland and Yugoslavia; A/56/PV.20 (2001), statement by Laos; A/57/PV.3 (2002), Minutes of the General Assembly, statement by Equatorial Guinea; S/PV.5261 (2005), Minutes of the Security Council, statement by the United States.

41. Cf. Docs. A/56/PV.9 (2001), Minutes of the General Assembly, statement by Pakistan; A/56/PV.15 (2001), statement by Bhutan; A/56/PV.18 (2001), statement by Senegal.
42. The Reagan administration's discourse of the terrorist danger, with its conception of acts of terrorism as acts of war, its basic discourses of *good/evil* and *civilization/barbarism* and also the morphology of the global terrorist entity as a network, can in many ways be seen as reflected in the present state discourse of terrorism (cf. Said 1988; Der Derian 1992; Campbell 1998; Wills 2003; Jackson 2006). One obvious difference between the former and the latter is that in Reagan's times the terrorist network had a center in Moscow, a state capital, and terrorism was therefore not yet emancipated (see the chapter *Power and Knowledge* below).
43. Doc. A/56/PV.12 (2001), Minutes of the General Assembly, statement by Algeria.
44. Doc. A/59/PV.5 (2004), Minutes of the General Assembly, statement by Latvia.
45. Doc. A/56/PV.13 (2001), Minutes of the General Assembly, statement by Chile.
46. Doc. A/56/PV.9 (2001), Minutes of the General Assembly, statement by Slovakia.
47. Doc. A/56/PV.12 (2001), Minutes of the General Assembly, statements by the United States and Nicaragua; A/56/PV.19 (2001), statement by Israel; A/56/PV.20 (2001), statement by Nepal.
48. Cf. Doc. A/56/PV.12 (2001), Minutes of the General Assembly, statements by Norway and Egypt; A/56/PV.13 (2001), statement by Costa Rica.
49. At the same time, the United States reserved the right to decide on 'further actions with respect to other organizations and other states' should this invasion prove unsatisfactory to meet the purpose. Doc. S/2001/946, a letter by the United States to the President of the Security Council, Oct. 7.
50. Cf. Doc. A/RES/60/288 (2005); A/56/PV.12 (2001), Minutes of the General Assembly, statements by Belgium (on behalf of the EU), Algeria and Norway; A/56/PV.13 (2001), statements by Costa Rica, Tunisia and Mongolia; A/57/PV.4 (2002), Minutes of the General Assembly, statement by Italy; cf. also the UNGA resolutions series on Measures to Eliminate International Terrorism.
51. Cf. Doc. A/60/PV.99 (2005), statements by Syria, Iran and Libya; A/62/37 (2007) and A/65/37 (2009), Reports of the *Ad Hoc* Committee.
52. The statements associating Israel with state terrorism would remain rather emphatic in nature, making use, for example, of the previously encountered pattern of the binary opposition between the Zionist 'entity' and the Palestinian 'people'. Cf. Doc. A/56/PV.10/2001, Minutes of the General Assembly; Doc. A/60/PV.99/2005, Minutes of the General Assembly, Statement by Syria. In turn, Israel would later call Iran 'the world's most pernicious sponsor and practitioner of terrorism' in Doc.

A/64/PV.5 (2009). The issue of terrorism perpetrated by armed forces (but not state terrorism *per se*) is currently subject to the debates about the scope of art. 18 of the draft comprehensive convention.

53. Doc. A/59/PV.5 (2004), Minutes of the General Assembly.
54. Doc. A/C.6/60/L.6 (2005), Report of the Working Group of the Sixth Committee.
55. To take just one example, Cuba would repeat in its statements tropes such as 'rejection of all acts, methods and practices of terrorism in all its forms and manifestations, by whomsoever and against whomsoever committed'. Cf. Doc. A/60/PV.99 (2005), Minutes of the General Assembly.
56. Doc. A/56/PV.13 (2001), Minutes of the General Assembly, statement by Cuba.
57. Doc. A/62/PV.18 (2007), Minutes of the General Assembly, statement by Cuba.
58. Doc. A/57/PV.3 (2002), Minutes of the General Assembly, statement by Equatorial Guinea.
59. Doc. A/C.6/64/SR.5 (2009), Minutes of the Sixth Committee, statement by Belarus.
60. Doc. A/61/PV.24 (2006), Minutes of the General Assembly, statement by Belarus.
61. Doc. A/59/PV.5 (2004), Minutes of the General Assembly, statement by Zimbabwe.
62. Cf. Docs. A/56/PV.13 (2001), Minutes of the General Assembly, statements by Tunisia and Argentina; S/PV.4370 (2001), Minutes of the Security Council, statement by Ireland.
63. Doc. A/58/PV.12 (2003), Minutes of the General Assembly, statement by Armenia.
64. Doc. A/59/PV.4 (2004), Minutes of the General Assembly, statement by Georgia.
65. Doc. A/56/PV.15 (2001), Minutes of the General Assembly, statement by Uruguay.
66. Doc. S/PV.5261 (2005), Minutes of the Security Council, statement by the United Kingdom.
67. Doc. A/59/PV.12 (2004), Minutes of the General Assembly, statement by Ukraine.
68. Docs. A/56/PV.13 (2001), Minutes of the General Assembly, statement by Russia; A/56/PV.19 (2001), statement by North Korea; A/56/PV.20 (2001), statements by Nepal and Laos; A/C.6/57/SR.8 (2002), Minutes of the Sixth Committee, statement by China; A/62/PV.120 (2007), Minutes of the General Assembly, statement by Sri Lanka.
69. Doc. A/56/PV.15 (2001), Minutes of the General Assembly, statement by Bulgaria.
70. Doc. A/56/PV.5 (2001), Minutes of the General Assembly, statement by Bhutan.
71. Doc. A/56/PV.13 (2001), Minutes of the General Assembly, statement by Ecuador.

72. Docs. A/56/PV.14 (2001), Minutes of the General Assembly, statement by Venezuela; A/56/PV.15 (2001), statement by Austria.
73. Doc A/56/PV.12 (2001), Minutes of the General Assembly, statement by Belarus.
74. Doc. A/63/PV.7 (2008), Minutes of the General Assembly, statement by Israel.
75. That the nature of terrorism is criminal whatever the considerations of a political, philosophical, ideological, racial, ethnic, religious or any other nature, and irrespective of its motivation, wherever and whenever the terrorist act was committed and whoever committed it has been asserted in numerous General Assembly and Security Council resolutions, and also in just as many statements by states and *Ad Hoc* Committee Reports.
76. Cf. Doc. A/56/PV.12 (2001), Minutes of the General Assembly, statement by Belarus; A/59/PV.10 (2004), Minutes of the General Assembly, statement by Iraq; A/63/PV.42 (2008), Minutes of the General Assembly, statement by Afghanistan.
77. Cf. Doc. A/56/PV.12 (2001), Minutes of the General Assembly, statement by the United States; A/56/PV.18 (2001), statement by Tanzania; S/PV.6128 (2009), Minutes of the Security Council, statement by the United States.
78. Cf. Doc. A/56/PV.8 (2001), Minutes of the General Assembly, statement by Uruguay; A/56/PV.9 (2001), statement by the Netherlands; S/PV.4370 (2001), Minutes of the Security Council, statement by Ukraine.
79. Cf. Docs. A/56/PV.2 (2001), Minutes of the General Assembly, statement by Peru; A/56/PV.13 (2001), statement by Cuba; A/56/PV.14 (2001), statement by Madagascar; A/63/PV.5 (2008), Minutes of the General Assembly, statement by Liberia.
80. Doc. A/56/PV.13, Minutes of the General Assembly, statements by Costa Rica and Morocco.
81. Doc. A/56/PV.18 (2001), Minutes of the General Assembly, statement by Ghana.
82. Doc. A/56/PV.3 (2001), Minutes of the General Assembly, statement by France.
83. Doc. A/56/PV.13 (2001), Minutes of the General Assembly, statement by Singapore.
84. Doc. A/60/PV.2 (2005), Minutes of the General Assembly, statement by the United States.
85. Doc. A/56/PV.13 (2001), Minutes of General Assembly, statement by Ecuador.
86. Docs. A/63/PV.7 (2008), Minutes of General Assembly, statement by Sri Lanka; A/56/PV.1 (2001), Minutes of General Assembly, statement by Czech Republic; A/56/PV.14 (2001), statement by Ireland.
87. Doc. S/PV.5261 (2005), Minutes of Security Council, statement by Argentina.
88. Doc. A/63/PV.7 (2008), Minutes of General Assembly, statement by Paraguay; A/56/PV.15 (2001), Minutes of General Assembly, statement by Bhutan; A/56/PV.13 (2001), statement by Costa Rica.

89. Docs. A/56/PV.12 (2001), Minutes of General Assembly, statements by the United States, Belgium (on behalf of EU), Ukraine and Belarus; A/56/PV.13 (2001), statements by Mongolia, Ecuador and Bangladesh; A/56/PV.14 (2001), statements by Yemen and Ireland; A/56/PV.4 (2001), statement by Russia; A/56/PV.10 (2001) statements by Germany and Indonesia; A/56/PV.15 (2001), Iran and Mauritania; A/56/PV.17 (2001), statement by Syria; A/56/PV.20 (2001), statement by Myanmar.
90. Doc. A/56/PV.10 (2001), Minutes of General Assembly, statement by Germany;
91. Cf. Doc. A/59/PV.12 (2004), Minutes of General Assembly, statement by Guinea or A/63/PV.9 (2008), Minutes of General Assembly, statement by Iraq.
92. Doc. A/57/PV.3 (2002), Minutes of General Assembly, statement by France.
93. Doc. A/57/PV.3 (2002), Minutes of General Assembly, statement by Micronesia.
94. Doc. A/56/PV.12 (2001), Minutes of General Assembly, statement by the United States.
95. Doc. A/60/PV.2 (2005), Minutes of General Assembly, statement by the United States.
96. Doc. A/56/PV.15 (2001), Minutes of the General Assembly, statement by Paraguay.
97. Doc. A/63/PV.9 (2008), Minutes of the General Assembly, statement by Iraq.
98. Doc. A/59/PV.4 (2004), Minutes of the General Assembly, statement by Georgia.
99. Doc. A/56/PV.13 (2001), Minutes of the General Assembly, statement by Chile; cf. also S/PV.5261 (2005), Minutes of the Security Council, statement by the United States.
100. Doc. A/56/PV.15 (2001), Minutes of the General Assembly, statement by Germany.
101. Doc. A/56/PV.13 (2001), Minutes of the General Assembly, statement by Nigeria; A/56/PV.11 (2001), statement by Israel; A/56/PV.18 (2001), statements by Portugal and Ghana; A/56/PV.20 (2001), statement by Albania; S/PV.4370 (2001), Minutes of the Security Council, statement by Mauritius.
102. Doc. A/56/PV.13 (2001), Minutes of the General Assembly, statement by Chile; cf. also the statement by Bangladesh from the same minutes, or A/56/PV.16 (2001), statement by Mauritius.
103. Docs. A/56/PV.13 (2001), Minutes of the General Assembly, statement by Tunisia; A/56/PV.15 (2001), statement by Austria.
104. Doc. A/56/PV.21 (2001), Minutes of the General Assembly, statement by Guinea-Bissau.
105. Cf. Docs. A/56/PV.12 (2001), Minutes of the General Assembly, statements by the United States, Belgium (on behalf of the EU), Algeria, Norway and Croatia; A/56/PV.13 (2001), statement by Russia; A/56/PV.14 (2001), statement by Pakistan; A/56/PV.7 (2001), statement

by Croatia; A/56/PV.16 (2001), statement by Jamaica; A/56/PV.17 (2001), statement by Ethiopia; A/56/PV.18 (2001), statement by Slovakia; cf. also all the resolutions of the UNGA First Committee; S/RES/1377 (2001); S/PV.4370 (2001), Minutes of the Security Council, statement by Russia; S/PV.5261 (2005), statement by Romania; or A/C.6/56/SR.8 (2001), Minutes of the Sixth Committee, statement by China.

106. Doc. A/56/PV.13 (2001), Minutes of the General Assembly, statement by Costa Rica.
107. Cf. Docs. A/56/PV.13 (2001), Minutes of the General Assembly, statement by Mexico; A/56/PV.16 (2001), statement by Sweden; A/56/PV.22 (2001), statement by Greece.
108. Docs. A/58/PV.12 (2003), Minutes of the General Assembly, statement by Bali; A/59/PV.12 (2004), Minutes of the General Assembly, statement by Thailand.
109. Cf. Docs. A/RES/56/160 (2001) and other resolutions passed in the series 'Human Rights and Terrorism'; A/RES/60/288 (2005), S/RES/1566 (2004), S/RES/1624 (2005), A/C.3/56/SR.12 (2001), Minutes of the Third Committee; A/C.3/56/SR.53 (2001); A/C.3/56/SR.12 (2001), statement by Iran; A/56/PV.8 (2001), Minutes of the General Assembly, statement by Peru; A/56/PV.13 (2001), statements by Nigeria and Turkey; A/56/PV.19 (2001), statement by Eritrea.
110. Doc. A/RES/3034 (1972), A/RES/31/102 (1976), A/RES/32/147 (1977), A/RES/34/145 (1979). In the third world's discursive order, human rights were actually used to justify terrorism (under the second logic of exception), while first world states attempted to prevent the debate on state terrorism by redefining it in terms of human rights breaches and thus confining it to other discourses.
111. Cf. Koufa (2006). Dupuy (2004: 15) notes that this link between terrorism and human rights has made it possible to define terrorism as a breach of peremptory norms of international law.
112. Cf. Docs. A/C.3/56/SR.32 (2001) and A/C.3/56/SR.41 (2001), Minutes of the Third Committee.
113. Res. 62/159 (2007), for example, points out the

> detention of persons suspected of acts of terrorism in the absence of a legal basis for detention and due process guarantees, the deprivation of liberty that amounts to placing a detained person outside the protection of the law, the trial of suspects without fundamental judicial guarantees, the illegal deprivation of liberty and transfer of individuals suspected of terrorist activities, and the return of suspects to countries without individual assessment of the risk of there being substantial grounds for believing that they would be in danger of subjection to torture, and limitations to effective scrutiny of counter-terrorism measures . . .

114. Doc. A/56/PV.18 (2001), Minutes of the General Assembly, statement by Ghana.

115. Doc. A/56/PV.9 (2001), Minutes of the General Assembly, statement by Pakistan.
116. Doc. A/56/PV.13 (2001), Minutes of the General Assembly, statement by Chile.
117. Doc. A/56/PV.12 (2001), Minutes of the General Assembly, statement by Algeria.
118. Doc. A/63/PV.5 (2008), Minutes of the General Assembly, statement by the United States.
119. An image attributed to George W. Bush in Sands (2006: 174).
120. George W. Bush, a speech at the Joint Session of Congress, 20 Sep. 2001. See also the letter to the President of the Security Council following the invasion in Afghanistan on Oct. 7, 2001 (Doc. S/2001/946), cited above.
121. George W. Bush, a speech at the Joint Session of Congress, Sep. 20, 2001; see also the speech announcing the launching of the operation *Enduring Freedom* from Oct. 7, 2001.
122. Der Derian makes a similar claim when he says that a nuclear balance of terror which 'had provided a modicum of order, if not peace and justice, to the bipolar system' was substituted by a 'new imbalance of terror . . . based on a mimetic fear and hatred coupled with an asymmetrical willingness and capacity to destroy the other without the formalities of war' (Der Derian 2005: 25).
123. Cf. Doc. S/PV.4721 (2003), Minutes of the Security Council.

6 Power and Knowledge

1. For a previous survey of the discourse of civilization and barbarism in general in international relations cf. Salter (2002); for a previous discussion of the identification of the terrorist as a barbarian cf. Zulaika and Douglass (1996). The principle of a cultural ordering of humankind based on the dichotomy of the civilized Self and the barbarian Other can actually be traced way back to the ancient Hellas: 'It would not be fitting for the Athenians to prove traitors to the Greek people, with whom we are united in sharing the same kinship and language, with whom we have established shrines and conduct sacrifices to the gods together, and with whom we share the same way of life' (Herodotus, *Histories*, VIII.144). Barbarians also had a firm place in the *jus publicum Europeanum*. The extent to which they were recognized as subjects who could rely on the protection of the law of nations was, however, limited, if it existed at all (for a late enunciation of the limiting principle, cf. Oppenheim 1905).
2. 'Terrorism,' *Encyclopaedia of the Social Sciences*, vol. XIV, ed. Edwin Seligman (New York: Macmillan, 1934).
3. Ibid.
4. William Henry Chamberlin, 'The Evolution of Soviet Terrorism,' *International Affairs*, vol. 13, no. 1 (1934): 113–121.
5. J. O. Herzler, 'The Typical Life Cycle of Dictatorships,' *Social Forces*, vol. 17, no. 3 (1939): 303–339.

6. The linkage between power and law would remain important in other series, if only because of their institutional locus. But it is argued to be less significant in terms of fundamental conditions for the production of statements. This has likely been effected by the paradigmatic change in the discipline of international law, which gradually gave up on its attempts to achieve the status of a 'gentle civilizer of nations' (cf. Koskenniemi 2004b). Indeed, Glaser would lament in the 1970s that despite the humanization of international law that had been taking place since the nineteenth century, terrorism by the state against the individual had not been criminalized, and he called for including the state and the individual under one common law. Cf. Stefan Glaser, 'Le terrorisme international et ses divers aspects,' *Revue internationale de droit comparé*, vol. 25, no. 4 (1973): 825–850. But the majority of the legal literature of the period produced in the first world seems to deal rather with *technical* problems associated with sectoral treaties. Thus it tacitly consented to the political and normative basis on which acts of terrorism were criminalized.
7. Hans Kelsen, *Pure Theory of Law* (Berkeley: University of California Press, 1967).
8. Cf. Carl Schmitt, *Political Theology* (Chicago, Chicago University Press, 2005 [1922]); Carl Schmitt, *The Concept of the Political* (Chicago: Chicago University Press, 1996 [1927]). Shortly before Marseilles, Morgenthau wrote that the reality of a legal norm was founded in the sanction, which depended on the actual constellation of power. The very existence of international law, he added a year later, was conditioned on this balance. Hans Morgenthau, *La réalité de norms, en particulier des norms du droit international* (Paris: Felix Alcan, 1934); Hans Morgenthau, 'Théorie des sanctions internationales,' *Révue de droit international et de législation compareé*, vol. 36, no. 4 (1935): 809–836.
9. Koskenniemi (2004b) points to the genealogical relationship between liberal theory and the concept of non-intervention, suggesting that the founding of the dichotomy 'inside/outside', which is crucial for the dominant understanding of sovereignty, was established as a reflection of a liberal dichotomy of *private/public*.
10. Assembly resolution adopted on Sep. 22, 1924 (Official Journal, Special Supplement, no. 21, 1924, p. 10). For the period's views of the process see Hudson (1926) or Scott (1927). The legislative needs were varied indeed. For example, a convention on teaching of history passed by the League of Nations stated: 'It is desirable that the attention of competent authorities in every country, and of authors of school textbooks, should be drawn to the expediency of . . . giving prominence, in the teaching of world history, to facts calculated to bring about a realisation of the interdependence of nations.' Doc. C.485.M.326.1937.XII.
11. That normalization of municipal law could contribute to international peace and that it was necessary to adapt the former to the conditions of international life was a conclusion, for example, of the Report from the

International Association of Criminal Law's Fourth Congress (1937) to the League of Nations, registered as Doc. 3A.29706.2293.

12. Some concepts from the Convention on Counterfeiting Currency (1929), which in the period's academic literature would be described as an 'international crime of virulent and insidious character' that injured public order and monetary sovereignty and harmed all states because of existing economic interdependence (Ernestine Fitz-Maurice, 'Convention for the Suppression of Counterfeiting Currency,' *The American Journal of International Law*, vol. 26, no. 3 [1932] 533), would find their way into the Convention on the Prevention and Punishment of Terrorism. The most notable borrowings were the collocation 'prevention and punishment' (art. 1) and the wording of the constraint on extradition (art. 8).
13. For example, at the Hague diplomatic conference (1930) protocols on nationality and statelessness were indeed signed (cf. Final Act, Doc. C.228.M.115.1930.V.), whereas other issues such as the boundaries of territorial seas and state responsibility did not make it to the final round of deliberations. The reason why the issues of statelessness and dual nationality were seen as most unproblematic likely had to do both with the new political order following the Great War (which displaced vast numbers of people from their political communities) and, more generally, with the normalization of political units in the international order and the enclosure of human communities within the standardized forms of governance structures: the nation states.
14. Cf. Doc. C.P.D.I.110 (1928), Committee of Experts, Responses of Government; Doc. C.P.D.I.115 (1928), Committee of Experts, Final Report; or Doc. A.37.1933.V, Report of the First Committee on gradual unification of criminal law. While some argued for the necessity of instituting an international criminal law (standardization of 'the means of social defense unanimously approved by criminal science' because of the 'unceasing transformation and internationalisation of contemporary social life'), others favored unification from particularist positions only where there existed identical legal principles, social conceptions and traditions. Cf. Doc. A.7 (a).1933.V, letter by Austria.
15. In contrast, it did not seem to relate in any way to the discourse of 'systematic terrorism' developed in the law of war, which referred more particularly to the occupation. See H. de Watteville, 'The Military Administration of Occupied Territory in Time of War,' *Transactions of the Grotius Society*, no. 7 (1921): 133–152; Edward William Hall, *A Treatise on International Law*, Eighth Edition (Oxford: Clarendon Press, 1924); or George Whitecross Paton, *A Textbook of Jurisprudence* (New York: Oxford University Press, 1946).
16. For the discourse's own statements on its early history see Raphael Lemkin, *Terrorisme*: *Rapport Spécial* (Madrid: Imprenta de Galo Sáez, 1933); J.A. Roux, *Terrorisme: Rapport* (Madrid: Imprenta de Galo Sáez, 1933).
17. See above, n. 212.

18. Quoted from Lemkin (1933), op. cit.
19. In Paris, the proposed subjectification of the terrorist would read as follows:

> Whoever, for the purpose of terrorizing the population, uses against persons or property bombs, mines, incendiary or explosive devices or products, fire arms or other deadly or deleterious devices, or who provokes or attempts to provoke, spreads or attempts to spread an epidemy, a contagious disease or other disaster, or who interrupts or attempts to interrupt a public service or public utility.
>
> Quoted in Zlataric (1975: 480)

20. The definition is reprinted in Zlataric (1975: 479).
21. Quoted in Lemkin (1933), op. cit.
22. International Conference on the Unification of Criminal Law, Madrid (1933), *Actes de la conference* (Paris: A. Pedone, 1935) 335.
23. Annuaire de l'Institut de Droit International, no. 12 (1892–1894). Cf. Bach Jensen (2009).
24. Lemkin (1933), op. cit.
25. Raphael Lemkin, *Axis Rule in Occupied Europe* (New York: Carnegie Endowment for International Peace, 1944).
26. Roux, op. cit.
27. See *Revue de Droit Pénal et de Criminologie* (August–October 1935); Doc. C.R.T.17 (1936), Copenhagen Final Report.
28. Doc. C.R.T.17 (1936), Copenhagen Final Report.
29. This special treatment, founded in separating political crimes from common law, had its origin in the nineteenth century. It did not consist only in asylum, interpreted as non-intervention, but it also involved a different punishment or trial by jury. (On the other hand, exceptions developed soon, such as the famous 'Belgian Clause' or the IIL's theory of elimination that removed assassination from the list of political crimes.) In contrast, in Russia and, after WWI, also in other countries where new regimes which had recently taken power assumed a defensive character to prevent a reaction too, political crimes were, in contrast, approached with *increased* rather than decreased severity.
30. Lemkin (1933), op. cit.
31. Quoted in Zlataric (1975: 480).
32. Gunzburg, op. cit.
33. Thomas Givanovitch, *Terrorisme: Rapport* (Copenhague: Conférence internationale pour l'unification du droit penal, 1935). Givanovich also presented a similar report to the Committee of Experts, where it was registered as Doc. C.R.T.9 (1935).
34. Doc. C.R.T.17(1936), Copenhagen Final Report; Lemkin (1935), op. cit.
35. Albert Camus, *The Rebel* (London: Penguin, 2000); Albert Camus, *Réflexions sur le terrorisme* (Paris: Nicolas Philippe, 2002).
36. Albert Camus, 'The Just Assassins,' in *Caligula and Three other Plays* (New York: Vintage, 1962). For a commentary on Camus' justification of such violence in the play see Evangelista (2008: 40).

37. Jean-Paul Sartre, *Colonialism and Neocolonialism* (New York: Routledge, 2001).
38. Jean-Paul Sartre, 'Preface,' in Franz Fanon, *The Wretched of the Earth* (New York: Grove Press, 1963).
39. For Lenin's most notorious analysis of imperialism see 'Imperialism: The Highest Stage of Capitalism,' in *Essential Works of Lenin* (New York: Bantam Books, 1966). The rhetoric was even more salient in statements by the revolutionary movements, which rendered the liberation struggle in terms of class struggle (whereas the conventional war, with its limits, was a bourgeois war), or characterized themselves as the vanguard of the mass movement that would follow its lead. Cf. Manifesto of the People's Front for the Liberation of Palestine, in *Voices of Terror*, ed. Walter Laqueur (Naperville, IL: Sourcebooks, 2004) 149–152; and for a more general survey see Harkabi (1968).
40. Cf. Fanon, op. cit.
41. Pontecorvo admitted the heavy influence of *The Wretched of the Earth* on his work – for example, in a later interview with Edward Said (2001b: 285).
42. It should be noted that Freud himself, in his analysis of the *psyché*, employed geographical metaphors, rendering *Ich*, *Es* and *Überich* as *Reichte*, *Gebiete*, and *Provinzen* in a multiethnic state (such as the Habsbourg Empire). There is also a distinct power aspect to his theory that lends itself easily to the analysis of the colonial situation, as *Überich* (posing as a great power) allies with *Es* (the middle tier) and together they represent the archic and the stable, and mediate external reality to the dependent and repressed *Ich*, standing for the anarchic and unstable, whose repressed impulses are from time to time expressed, but within the boundaries of what Freud called 'internal foreign territory'. Sigmund Freud, *Introductory Lectures on Psycho-Analysis* (London: Penguin, 1991).
43. Hannah Arendt, *The Origins of Totalitarianism* (Fort Washington, PA: Harvest Books, 1951); Hannah Arendt, *On Revolution* (New York: Viking Press, 1963); Hannah Arendt, *On Violence* (New York: Harcourt, Brace and World, 1970); Carl Joachim Friedrich, *Totalitarian Dictatorship and Autocracy* (New York: Praeger, 1965), written in collaboration with a young Zbigniew Brzezinski.
44. E. Victor Walter, *Terror and Resistance* (New York: Oxford University Press, 1969).
45. Jenkins (1980), 1–2.
46. Walter Laqueur, *A History of Terrorism* (New Brunswick: Transaction Publishers, 2001 [1977]) 146.
47. Laqueur (2001 [1977]), 220–221.
48. Michael Stohl, ed., *The Politics of Terrorism*. New York: Marcel Dekker, 1979. For Stohl's recent use of the same approach see 'Old Myths, New Fantasies and the Enduring Realities of Terrorism,' *Critical Studies on Terrorism*, vol. 1, no. 1 (2008): 5–16.
49. Cf. Richard Shultz, 'Conceptualizing Political Terrorism: A Typology,' *Journal of International Affairs*, vol. 32, no. 1 (1978): 7–16; Jenkins

(1974: 3); Brian Jenkins, *Will Terrorists Go Nuclear?* (Santa Monica, CA: RAND, 1975a); Martha Crenshaw, 'The Causes of Terrorism,' *Comparative Politics*, vol. 13, no. 4 (1981): 377–399.

50. Cf. Gerald McKnight, *The Terrorist Mind* (Indianapolis: Bobbs and Merrill Co., 1974); Charles Russell and Bowman Miller, 'Profile of a Terrorist,' *Studies in Conflict and Terrorism*, vol. 1, no. 1 (1977): 17–34; Irving Louis Horowitz, 'Political Terrorism and State Power,' *Journal of Political and Military Sociology*, vol. 1, no. 1 (1973): 147–157; Albert Parry, *Terrorism: From Robespierre to Arafat* (New York: The Vanguard Press, 1976); Laqueur (2001 [1977]); Frederick J. Hacker, *Crusaders, Criminals, Crazies: Terror and Terrorism in Our Time* (New York: W.W. Norton, 1977).
51. Russell and Miller, op. cit.
52. Gurr's relative deprivation model of explaining violence was based on an influential refinement by Berkowitz of Dollard's frustration-aggression thesis, which itself was heavily indebted to Freudian psychoanalysis. Berkowitz expanded the model to account for a variety of responses to frustration, which may be seen as resonating in the FWD replies to the TWD's discourse of underlying causes. Ted Robert Gurr, *Why Men Rebel* (Princeton: Princeton University Press, 1970); Leonard Berkowitz, *Aggression: A Social Psychological Analysis* (New York: McGraw-Hill, 1962); John Dollard et al., *Frustration and Aggression* (New Haven: Yale University Press, 1939).
53. Eugene Meehan, *The Theory and Method of Political Analysis* (Homewood, IL: Dorsey Press, 1965).
54. Chalmers Johnson, 'Perspectives on Terrorism,' in ed. Walter Laqueur, *The Terrorism Reader* (New York: New American Library, 1978).
55. Paul Wilkinson, *Political Terrorism* (London: Macmillan, 1974). In *Terrorism and the Liberal State* Wilkinson would add 'epiphenomenal terrorism' to this grid. Paul Wilkinson, *Terrorism and the Liberal State* (London: Macmillan, 1977). Cf. also Thomas Thornton, 'Terror as a Weapon of Political Agitation,' in *Internal War: Problems and Approaches*, ed. Harry Eckstein (New York: The Free Press of Glencoe, 1964).
56. Brian Crozier, *A Theory of Conflict* (New York: Scribner, 1974).
57. Jenkins (1980: 3); cf. also Jenkins (1974: 7).
58. For a period survey of contending claims about terrorism, including, for example, claims about its effectiveness, cf. Bowyer Bell, *A Time of Terror* (New York: Basic Books, 1978); see also the review in Jenkins (1978), op. cit.
59. Cf. Thornton, op. cit.; Jenkins (1974; 1975a); Brian Jenkins, *International Terrorism: A New Mode of Conflict*. Research Paper no. 48, California Seminar on Arms Control and Foreign Policy (Los Angeles: Crescent Publications, 1975b); Horowitz, op. cit.
60. Cf. Walter Laqueur, 'The Futility of Terrorism,' *Harper's Magazine* (March 1976); Laqueur (2001 [1977]); Rapoport (1977); Yonah Alexander, 'Terrorism, the Media and the Police,' *Journal of International Affairs*, vol. 32, no.1 (1978); Yonah Alexander and S.M. Finger, 'Terrorism and the Media,' *Studies in Conflict and Terrorism*, vol. 2, no. 1–2 (1979); Richard

Clutterbuck, 'Terrorism is Likely to Increase,' *Times of London* (Apr. 10, 1975).

61. Cf. Jenkins, (1974; 1975b), op. cit.; Stephen Sloan, 'International Terrorism: Academic Quest, Operational Art and Policy Implications,' *Journal of International Affairs*, vol. 32, no. 1 (1978): 1–5; Jenkins (1980: 2); Shultz, op. cit., 8; Wilkinson (1974).
62. Cf. Mason Willrich and Theodore Taylor, *Nuclear Theft: Risks and Safeguards* (Cambridge: Ballinger, 1974); Augustus Norton and Michael Greenberg, *Studies in Nuclear Terrorism* (Boston: G.K. Hall, 1979); Thomas Schelling, 'Thinking about Nuclear Terrorism,' *International Security*, vol. 6, no. 4 (1982): 61–77; Laqueur, (2001 [1977]), 226–234. For a more comprehensive review see Cameron (2004). On the other hand, based on the subjectification of the terrorist as an instrumentally rational person minimizing costs and maximizing outcomes and the metaphor of terrorism as theater, Jenkins would be sceptical about the prospect of nuclear terrorism: 'Terrorists wanted a lot of people watching, not dead.' Jenkins, 1975a; cf. also Brian Jenkins, *The Potential for Nuclear Terrorism* (Santa Monica, CA: RAND, 1977).
63. Jenkins (1974: 10).
64. Cf. Jenkins (1974); Brian Jenkins, 'International Terrorism: Trends and Potentialities,' *Journal of International Affairs*, vol. 32, no. 1 (1978): 115–123.
65. Laqueur (2001 [1977]).
66. Cf. Claire Sterling, *Terror Network: The Secret War of International Terrorism* (New York: Holt, Rinehart and Winston, 1980); Samuel T. Francis, *The Soviet Strategy of Terror* (Washington: The Heritage Foundation, 1981); Ray S. Cline and Yonah Alexander, *Terrorism: The Soviet Connection* (New York: Crane Russak, 1984); or Benjamin Netanyahu et al., *Terrorism: How the West Can Win* (London: Weidenfeld and Nicolson, 1986). For an early criticism of the international terror network paradigm cf. Edward Herman, *The Real Terror Network: Terrorism in Fact and Propaganda* (Boston: South End Press, 1982).
67. In a review essay published in 1986, Edward Said noted that in the American discourse terrorism had 'displaced Communism as public enemy number one' (Said 1988 [1986]: 149).
68. Cf. most notably Paul Wilkinson, *Terrorism versus Liberal Democracy: The Problems of Response* (London: Institute for the Study of Conflict, 1976); Wilkinson 1977.
69. The nomothetic method was criticized in the period discourse, for example, by Laqueur (2001 [1977]: 146). But even Laqueur had no problem with articulating generalizing claims such as that terrorism is seldom effective (see above).
70. Cf. John Yoo, 'International Law and the War in Iraq,' *American Journal of International Law*, vol. 97, no. 3 (2003): 563–576.
71. Antonio Cassese, 'Terrorism is also Disrupting some Crucial Legal Categories of International Law,' *European Journal of International Law*, vol. 12, no. 5 (2001): 993–1001.

72. Cf. Ian Ward, *Law, Text, Terror* (Cambridge: Cambridge University Press, 2009); Marja Lehto, 'Terrorism in International Law: An Empty Box or Pandora's Box?' in Jarna Petman and Jan Klabbers, eds, *Nordic Cosmopolitanism: Essays in International Law for Martti Koskenniemi* (Leiden: Brill Academic Publishers, 2003); Dominic McGoldrick, *From '9–11' to the 'Iraq War 2003'* (Oxford: Hart, 2003); Theodor Menon, 'Is International Law Moving towards Criminalization?' *European Journal of International Law*, vol. 9, no. 1 (1998): 18–31.
73. Rosalyn Higgins, 'The General International Law of Terrorism,' in Rosalyn Higgins and Maurice Flory, eds., *Terrorism and International Law* (London: Routledge, 2003) 28.
74. Cf. Lee Jarvis, 'The Spaces and Faces of Critical Terrorism Studies,' *Security Dialogue*, vol. 40, no. 1 (2009): 5–27; Richard Jackson, Marie Breen Smyth and Jeroen Gunning, eds., *Critical Terrorism Studies: A New Research Agenda* (London: Routledge, 2009); Jeroen Gunning, 'A Case for Critical Terrorism Studies?' *Government and Opposition*, vol. 42, no. 3 (2007): 363–393.
75. Cf. Richard Jackson, 'Genealogy, Ideology and Counter-Terrorism: Writing Wars on Terrorism from Ronald Reagan to George W. Bush Jr.,' *Studies in Language and Capitalism*, vol. 1, no. 1 (2006): 163–193; Richard Jackson, *Writing the War on Terrorism: Language, Politics and Counter-terrorism* (Manchester: Manchester University Press, 2005); James Der Derian, '9/11 and Its Consequences for the Discipline,' *Zeitschrift für Internationale Beziehungen*, vol. 11, no. 1 (2004): 89–100; James Der Derian, 'Imaging Terror: Logos, Pathos and Ethos,' *Third World Quarterly*, vol. 26, no. 1 (2005): 23–37; Claudia Aradau and Rens van Munster, 'Insuring Terrorism, Assuring Subjects, Ensuring Normality: The Politics of Risk after 9/11,' *Alternatives*, vol. 33, no. 2 (2008): 191–210; Barry Hindess, 'Terrortory,' *Alternatives*, vol. 31, no. 3 (2006): 243–257; Michael Stohl, 'Old Myths, New Fantasies and the Enduring Realities of Terrorism,' *Critical Studies on Terrorism*, vol. 1, no. 1 (2008): 5–16; Anthony Burke, 'The End of Terrorism Studies,' *Critical Studies on Terrorism*, vol 1, no. 1 (2008): 37–49; Cynthia Weber, 'Popular Visual Language as Global Communication: The Remediation of United Airlines Flight 93,' *Review of International Studies*, vol. 34, no. 1 (2008): 137–153; Sandra Silberstein, *War of Words: Language, Politics and 9/11* (London: Routledge, 2002); John Collins and Ross Glover, eds., *Collateral Language: A User's Guide to America's New War* (London: New York University Press, 2002); Richard Devetak, 'The Gothic Scene of International Relations: Ghosts, Monsters, Terror and the Sublime after September 11,' *Review of International Studies,* vol. 31, no. 4 (2005): 621–643; Robert Ivie, 'Savagery in Democracy's Empire,' *Third World Quarterly*, vol. 26, no. 1 (2005): 55–65; Michael Bhatia, 'Fighting Words: Naming terrorists, Bandits, Rebels and other Violent Actors,' *Third World Quarterly*, vol. 26, no. 1 (2005): 5–22; Alexander Spencer, *The Tabloid Terrorist: The Predicative Construction of New Terrorism in the Media* (London: Palgrave Macmillan, 2010); John Edwards, 'After the Fall,' *Discourse and Society*,

vol. 15, no. 2 (2004): 155–184; Rainer Hülsse and Alexander Spencer, 'The Metaphor of Terror: Terrorism Studies and the Constructivist Turn,' *Security Dialogue*, vol. 39, no. 6 (2004): 571–592.

76. Didier Bigo, 'Security and Immigration: Toward a Critique of the Governmentality of Unease,' *Alternatives*, vol. 27, no. 1 (2002): 63–92. Didier Bigo et al., *Illiberal Practices of Liberal Regimes: The (In)Security Games* (Paris: L'Harmattan, 2006); Didier Bigo, Sergio Carrera and Elspeth Guild, *The Challenge Project: Final Policy Recommendations* (Brussels: CEPS, 2009).
77. Cf. Walter Laqueur, *No End to War: Terrorism in the Twenty-First Century* (London: Continuum, 2003) 232.
78. Leonard Weinberg, Ami Pedahzur and Sivan Hirsch-Hoefler, 'The Challenges of Conceptualizing Terrorism,' *Terrorism and Political Violence*, vol. 16, no. 4 (2004): 777–794; Alex Schmid and Albert Jongman, *Political Terrorism* (New Brunswick: Transaction Publishers, 2006).
79. Cf. Jessica Stern, *The Ultimate Terrorists* (Cambridge: Harvard University Press, 2001). There are indeed other reasons cited for the need of a definition, including improvement of the practice of counter-terrorism, eliminating abuse of the term, and simply achieving a better understanding of the current events. For a review of these positions cf. Schmid (2004), and for the last position see, for example, C.A.J. Coady, 'Defining Terrorism,' in Igor Primoratz, ed., *Terrorism: The Philosophical Issues* (Basingstoke: Palgrave, 2004); Gerhard Hafner, 'The Definition of the Crime of Terrorism,' in Giuseppe Nesi, ed., *International Cooperation in Counter-Terrorism* (Aldershot: Ashgate, 2006); Ariel Merari, 'Terrorism as a Strategy of Insurgency,' *Terrorism and Political Violence*, vol. 5, no. 4 (1993): 213–251; Louise Richardson, 'Terrorists as Transnational Actors,' *Terrorism and Political Violence*, vol. 11. no. 1 (1999): 209–219.
80. Cf. Schmid and Jongman (2006); Brian Jenkins, *The New Age of Terrorism* (Santa Monica: RAND, 2006).
81. Cf. the synthetic definitions of Weinberg, Pedahzur and Hirsch-Hoeffler (op. cit.) and of Schmid and Jongman (op.cit.); see also Martha Crenshaw, 'Psychology of Terrorism: An Agenda for the 21st Century,' *Political Psychology*, vol. 21, no. 2 (2000) 406; or Stern (2001: 11).
82. Cf. Igor Primoratz, 'What is Terrorism?' *Journal of Applied Philosophy*, vol. 7, no. 2 (1990) 131; Stern (2001); Bruce Hoffman, *Inside Terrorism* (New York: Columbia University Press, 2006); Ronald Crelinsten, quoted in Schmid and Jongman (2006: 23).
83. Some authors would engage in the profiling practice ostentatiously only to show the 'futility' of such an enterprise, that is, to show that there are no shared characteristics that could constitute a general terrorist profile. Cf. Marc Sageman, *Understanding Terror Networks* (Philadelphia: University of Pennsylvania Press, 2004); Ehud Sprinzak, 'Rational Fanatics,' *Foreign Policy*, no. 120 (2000): 66–73.
84. Robert Pape, 'The Strategic Logic of Suicide Terrorism,' *American Political Science Review*, vol. 97, no. 3 (2003): 343–361. Pape conceives of

terrorism as a strategy, an extreme case of Schelling's rationality of irrationality concept. Cf. Thomas Schelling, *Arms and Influence* (New Haven: Yale University Press, 1966). For some other contemporary examples of rationalist views on terrorism see Lawrence Freedman, 'Terrorism as a Strategy,' *Government and Opposition*, vol. 42, no. 3 (2007): 314–339; Brian Jenkins, 'The Organization Men: Anatomy of a Terrorist Attack,' in James Hoge and Gideon Rose, eds., *How Did This Happen? Terrorism and the New War* (New York: Public Affairs, 2001); Martha Crenshaw, 'The Logic of Terrorism: Terrorist Behavior as a Product of Choice,' *Terrorism and Counter Terrorism*, vol. 2, no. 1 (1998): 54–64.

85. Cf. John Horgan, *Psychology of Terrorism* (London: Routledge, 2005); Max Taylor and John Horgan, 'The Psychological and Behavioural Bases of Islamic Fundamentalism,' *Terrorism and Political Violence*, vol. 13, no. 4 (2001): 37–71; Max Taylor and John Horgan, 'A Conceptual Framework for Addressing Psychological Process in the Development of the Terrorist,' *Terrorism and Political Violence*, vol. 18, no. 1 (2006): 1–17.
86. M.J. Post, 'The Mind of the Terrorist: Individual and Group Psychology of Terrorist Behavior,' a testimony for the Subcommittee on Emerging Threats and Capabilities, Senate Armed Services Committee (November 2001); cf. also Richard Pearlstein, *The Mind of the Political Terrorist* (Wilmington: Scholarly Resources, 1991).
87. Cf. Donatella della Porta, *Social Movements, Political Violence, and the State* (Cambridge: Cambridge University Press, 1995); Donatella della Porta, ed., *Social Movements and Violence: Participation in Underground Organizations* (Greenwich, CT: Jai Press); Jeffrey Ian Ross, 'The Psychological Causes of Oppositional Political Terrorism: Toward an Integration of Findings,' *International Journal of Group Tensions*, vol. 24, no. 2 (1994): 157–185; Jeffrey Ian Ross, 'A Model of the Psychological Causes of Oppositional Political Terrorism,' *Peace and Conflict: Journal of Peace Psychology*, vol. 2, no. 2 (1996): 129–141; cf. also Reich, op. cit.
88. For an overview of those typologies cf. Schmid and Jongman (2006: 39–59).
89. Cf. Bruce Hoffman, 'The Contrasting Ethical Foundations of Terrorism in the 1980s,' *Terrorism and Political Violence*, vol. 1, no. 3 (1989): 361–377; Bruce Hoffman, *Terrorism and Weapons of Mass Destruction: An Analysis of Trends and Motivations* (Santa Monica, CA: RAND, 1999); Charles Kegley, ed., *The New Global Terrorism: Characteristics, Causes, Controls* (New Jersey: Prentice Hall, 2003); Hoffman (2006), op. cit.; Walter Laqueur, 'Postmodern Terrorism,' *Foreign Affairs*, vol. 75, no. 5 (1996): 24–37; Walter Laqueur, *The New Terrorism: Fanaticism and the Arms of Mass Destruction* (Oxford: Oxford University Press, 1998); Ashton Carter, John Deutsch and Philip Zelikow, 'Catastrophic Terrorism: Tackling the New Danger,' *Foreign Affairs*, vol. 77, no. 6 (1998): 80–94; Xavier Raufer, 'New World Disorder, New Terrorism: New Threats for Europe and the Western World,' *Terrorism and Political Violence*, vol. 11, no. 4 (1999): 30–51; David Rapoport, 'Terrorism and Weapons of the Apocalypse,' *National Security Studies Quarterly*, vol. 5, no. 3 (1999): 49–67; Steven

Simon and Daniel Benjamin, 'America and the New Terrorism,' *Survival*, 42, no. 1 (2000): 59–75; David Tucker, 'What's New about the New Terrorism and How Dangerous is It?' *Terrorism and Political Violence*, vol. 13, no. 1 (2001): 1–14; Sageman, op. cit.; Stern, 2001; Paul Beuman, *Terror and Liberalism* (New York: W.W. Norton, 2003); Ulrich Beck, 'The Terrorist Threat: World Risk Society Revisited,' *Theory, Culture and Society*, vol. 19, no. 4 (2002): 39–55; Brian Jenkins, *The New Age of Terrorism* (Santa Monica, CA: RAND, 2006).

90. The focus on the threat of nuclear terrorism, conditioned on the emphasis of opportunities over motives (which presumably could not be subjected to any rational analysis), has actually increased after the 9/11 attacks, which could be actually interpreted as a monstrous failure of this venue of the research's predictions (cf. Cameron 2004; Silke 2009).
91. See above, and also, for example, Robert Litwak, 'The New Calculus of Pre-Emption,' *Survival*, vol. 44, no. 4 (2002): 53–80.
92. The concept of new terrorism has been subjected also to criticism in the field. Cf. Isabelle Duyvesteyn, 'How New Is the New Terrorism,' *Studies in Conflict and Terrorism*, vol. 27, no. 5 (2004): 439–454; Alexander Spencer, 'Questioning the Concept of "New Terrorism",' *Peace, Conflict and Development*, vol. 8, no. 8 (2006): 1–33; Albert Bergsen and Omar Lizardo, 'International Terrorism and the World System,' *Sociological Theory*, vol. 22, no. 1 (2004): 38–52.
93. Walter Laqueur, 'The Terrorism to Come,' *Policy Review* 126 (2004) 59–60. For the concept of new terrorism as a total war see also Hoffman (1989).
94. The dehumanization of the terrorist, including also the metaphor of terrorism as a cancer, has some precedents from the 1980s, for example, those in the following notorious edited volume: Benjamin Netanyahu, ed., *Terrorism: How the West Can Win* (New York: Farrar, Straus and Giroux, 1986).
95. Gray, op. cit.; Stanley Hoffman, 'Clash of Globalizations,' *Foreign Affairs*, vol. 81, no. 4 (2002): 104–115; Daniel Byman, 'Al-Qaeda as an Adversary: Do We Understand our Enemy?' *World Politics*, vol. 56, no. 1 (2003): 139–163; Audrey Cronin, 'Behind the Curve: Globalization and International Terrorism,' *International Security*, vol. 27, no. 3 (2002): 30–58. For a critical review of those narratives cf. James Gelvin, 'Al-Qaeda and Anarchism: A Historian's Reply to Terrorology,' *Terrorism and Political Violence*, vol. 20, no. 4 (2008): 563–581.
96. For the understanding of globalization as engendering a need for expressive violence by the powerless in the face of the normalization of the world order, cf. Christopher Coker, *Globalization and Insecurity in the 21st Century: NATO and the Management of Risk*, Adelphi Paper no. 345 (Oxford: Oxford University Press, 2002).
97. Cf. Sageman, op. cit.; John Arguilla and David Ronfeldt, eds., *In Athena's Camp: Preparing for Conflict in the Information Age* (Santa Monica: RAND, 1997); or the notorious book by Rohan Gunaratna, *Inside Al-Qaeda: Global Network of Terror* (New York: Columbia University Press, 2002). For criticism of the use of the network concept by governments, see Cynthia

Stohl and Michael Stohl, 'Networks of Terror: Theoretical Assumptions and Pragmatic Consequences,' *Communication Theory*, vol. 17, no. 2 (2007): 93–124.

98. Louise I. Shelley and John T. Picarelli, 'Methods not Motives: Implications of the Convergence of International Organized Crime and Terrorism,' *Police Practice and Research*, vol. 3, no. 4 (2002) 306; cf. also Tamara Makarenko, 'The Crime-Terror Continuum: Tracing the Interplay between Transnational Organised Crime and Terrorism,' *Global Crime*, vol. 6, no. 1 (2004): 129–145.
99. Cf. Bruce Hoffman, *'Holy Terror': The Implications of Terrorism Motivated by a Religious Imperative* (Santa Monica, CA: RAND, 1993); Mark Jurgensmeyer, *Terror in the Mind of God: The Global Rise of Religious Violence* (Berkeley: Berkeley University Press, 2000); Mark Jurgensmeyer, *Global Rebellion: Religious Challenges to the Secular State* (Berkeley: Berkeley University Press, 2008); Jessica Stern, *Terror in the Name of God: Why Religious Militants Kill* (New York: HarperCollins, 2003).
100. Cf. Bernard Lewis, *The Assassins* (New York: Basic Books, 1968); Walter Laqueur, *A History of Terrorism* (New Brunswick: Transaction Publishers, 2001 [1977]); David Rapoport, 'The Politics of Atrocity,' in Yonah Alexander and S.M. Finger, eds., *Terrorism: Interdisciplinary Perspectives* (New York: John Jay, 1977); David Rapoport, 'Introduction: Religious Terror,' in David Rapoport and Yonah Alexander, eds., *The Morality of Terrorism: Religious and Secular Justifications* (New York: Pergamon, 1982); David Rapoport, 'Fear and Trembling: Terrorism in Three Religious Traditions,' *American Political Science Review*, vol. 78, no. 3 (1984): 658–677.
101. The causal relationship between religious fanaticism and suicide bombings has been criticized, for example, by Robert Pape, who has argued that in the majority of cases suicide campaigns have been intended to compel a (democratic) government to withdraw from a disputed territory. Pape, 2003; cf. Robert Pape, *Dying to Win: The Strategic Logic of Suicide Terrorism* (New York: Random House, 2005). The secular orientation of the groups practicing terrorism in the Middle East was also pointed to, for example, in Ariel Merari, 'The Readiness to Kill and Die: Suicidal Terrorism in the Middle East,' in Walter Reich, ed., *Origins of Terrorism* (Cambridge: Cambridge University Press, 1990).
102. Samuel Huntington, 'The Clash of Civilizations?' *Foreign Affairs*, vol. 72, no. 3 (1993) 22; cf. Samuel Huntington, *The Clash of Civilizations and the Remaking of World Order* (London: Simon and Schuster, 1997).
103. Cf. Laqueur, 2003; Gilles Kepel, *The War for Muslim Minds: Islam and the West* (Cambridge: Belknap Press, 2004); Quintan Wiktorowitz, *Islamic Activism: A Social Movement Approach* (Bloomington: Indiana University Press, 2004); Quintan Wiktorowitz, 'A Genealogy of Radical Islam,' *Studies in Conflict and Terrorism*, vol. 28, no. 2 (2005): 75–97; John Esposito, *The Islamic Threat: Myth or Reality?* (Oxford: Oxford University Press, 1992). The last book would be complained about by Sudan during a session of the Sixth Committee; see Doc. A/C.6/48/SR.12 (1993).

104. Because of its implicit Orientalism Huntington's clash of civilizations would soon become a subject of criticism by Edward Said himself; cf. his 'The Clash of Ignorance,' *The Nation*, Oct. 22, 2001; and, for a more general view, Edward Said, *Orientalism* (London: Penguin, 2003 [1978]); and Edward Said, *Covering Islam: How the Media and the Experts Determine How We See the Rest of the World* (New York: Vintage, 1997) 75–88.
105. Bernard Lewis, 'Islamic Terrorism,' in Benjamin Netanyahu, ed., *Terrorism: How the West Can Win* (New York: Farrar, Straus and Giroux, 1986); see also Bernard Lewis, 'The Roots of Muslim Rage,' *The Atlantic* (September 1990).
106. For a later explicit formulation of the concern about the rise of the Hobbesian anarchy associated with a resurgence of religion in international politics, cf. John Gray, *Al-Qaeda and What It Means to Be Modern* (New York: Faber and Faber, 2003).

Conclusion: The Global Terrorism Dispositif and Its Critique

1. *NYT Magazine*, Jan. 4, 2010. 'The language we use matters,' Obama reportedly told *Al-Arabiya* upon assuming office.
2. Barack Obama, a speech at the National Defense University, May 23, 2013.
3. Eli Lake and Josh Rogin, 'Al-Qaeda Conference Call Intercepted by U.S. Officials Sparked Alerts,' *Newsweek*, Aug. 7, 2013.
4. Shortly before leaving office, George W. Bush described the killing of Osama al-Kini and Ahmed Salim Swedan, two men involved in the bomb attacks against United States embassies in East Africa (1998), as 'bringing them to justice' (quoted in Bergen and Tindeman 2009).

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