



ВЫПУСК 5

ПРОФЕССИОНАЛЫ
ЗА
СОТРУДНИЧЕСТВО

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GLOBAL TERRORISM, DOMESTIC ORDER, AND THE UNITED STATES

Глобальный терроризм, внутренний порядок и Соединенные Штаты Америки. *Кеннет Джанда*, проф. отделения политической науки Северо-Западного Университета, Иллинойс, США.

Исследуется влияние международного терроризма, этого побочного негативного продукта глобализации, на изначальную задачу государства — защиту жизни своих граждан и обеспечение общественного порядка. Анализируя последствия террористических актов 11 сентября 2001 г., направленных против Америки, автор приходит к следующим выводам:

1. Нападение террористов на Америку не только повлияло на политическое сознание американского общества, но и радикально изменило внешнюю политику США.
2. Если изначально на первом плане находились экономические аспекты глобализации, то сейчас внимания сфокусировано на том воздействии, которое глобализация оказывает на основную функцию правительства — сохранение порядка.
3. Пока что, Соединенные Штаты достаточно адекватно отреагировали на вызов террористов, найдя скорее многосторонний, чем односторонний ответ.
4. Будущее покажет, сумеют ли Соединенные Штаты справиться с международным терроризмом посредством многосторонней внешней политики, сохранив при этом гражданские свободы у себя дома.

1. The Terrorist Attack on America and Its Consequences

Throughout most of the twentieth century, citizens in the United States enjoyed a unique orientation toward the rest of the world. Although the country became a superpower in international politics, its citizens stood largely isolated from direct conflict with people of other nations. The eastern and western borders of the United States were protected by great oceans. Its northern and southern borders were safe thanks to friendly neighbors: Canada to the north and Mexico to the south. Although the US had fought wars with both

nations in earlier times, each border was militarily undefended on both sides throughout the twentieth century.

In contrast to Europe, where most nations had fought two world wars with neighboring states — citizens and politicians in the United States were blessed by splendid isolation from international aggression. As a result, they could more clearly separate domestic politics from international politics. Both Democrats and Republicans in office separated politics and home from politics abroad with the simple claim, „Politics stops at the water's edge.“ Few countries elsewhere in the world could segregate foreign policy from domestic life so effectively.

The attack: Why?

On September 11, 2001, the United States became more like other nations by suffering a foreign attack on its land. It was attacked, however, not by a foreign state but by foreigners of various middle eastern nationalities. They were assumed to be operating under the direction of Al Qaeda, a terrorist organization of radical muslim extremists based in Afghanistan and led by Osama bin Laden, a Saudi. By crashing huge airplanes into the World Trade Center in New York and the Pentagon in Washington, D. C., the terrorists killed themselves and almost 3,000 innocent people, mostly Americans but also hundreds of other nationals.

Many Americans were almost as baffled as shocked by the attack. They could not understand what caused the foreign terrorists to hate us enough to sacrifice their lives to inflict such damage on America. Prior to the attack, almost 75 percent of the public thought that the US was viewed „favorably“ by the rest of the world, and only 4 percent thought that it was viewed „very unfavorably.“¹ Speaking to a joint session of Congress for the first time after the attack and addressing the nation over television, President George W. Bush asked the baffling question and gave this answer:

Americans are asking, why do they hate us? They hate what we see right here in this chamber — a democratically elected government. Their leaders are self-appointed. They hate our freedoms — our freedom of religion, our freedom of speech, our freedom to vote and assemble and disagree with each other.²

¹Gallup Poll, „America's Role in World Affairs,“ on November 18 — 21, 2000. The question was, „In general, how do you think the United States rates in the eyes of the world: very favorably, somewhat favorably, somewhat unfavorably, or very unfavorably?“ The breakdown was found on January 14, 2002, at <http://www.pollingreport.com/defense.htm>.

²President George W. Bush, Address to a Joint Session of Congress and the American

Of course that was a simple, misleading explanation, but not entirely untrue. Clearly the freedom of expression in our mass media allows for plenty of material consumption, violence, and nudity. The American lifestyle — which was widely advertised through the global media — was resented and even hated in deeply religious lands, where it was perceived many muslims in the Middle East as impious, if not profane. But a more adequate explanation of the terrorists' motive lies in the United States' international reach and role: its foreign policies and its global economic and military power. One American reporter offered three reasons why many foreigners hate the United States:³

1. Despite upholding democracy as an ideal, Americans support authoritarian governments when it serves their interests — e. g., during the Cold War, when even dictators were included in the „Free World“ as long as they were anti-communist; and even now, when nations possess something that the United States wants, such as oil.
2. On almost every important conflict between the Palestinians and the Israelis, the United States sides with Israel, which also receives — on a per capital basis — the highest share of US foreign aid.⁴
3. American culture, spread world-wide through mass media, tends to infect and smother other cultures, and — especially for non-European societies — it represents the worst form of cultural „Westoxication“.

In truth, American foreign policy had always affected American society in important ways, but the linkage was generally unclear to the average citizen, who grasped the connection only under war-like conditions (hot or cold). Absent an identifiable foreign enemy, most citizens drew few connections between foreign affairs and their personal lives. Given that there were 15 Saudis among the 19 hijackers who commanded the airplanes in the September 11 attack and that the al Qaeda network was also headed by Saudi Osama bin Laden, many Americans began re-examining the United States' relationship with Saudi Arabia — a major source of oil for the US.

People, September 20, 2001. Text of the address was downloaded on January 14, 2002, from <http://www.whitehouse.gov/news/releases/2001/09/20010920-8.html>.

³Elaine Sciolino, „Who Hates the US? Who Loves It?“ New York Times, 9 September 2001, Section 4, p. 1.

⁴In 1999, for example, Israel received about \$ 1 billion in aid, which amounted to \$ 171 per Israeli. Russia (a much larger country) received about \$ 1.4 billion, which was only \$ 9 per person. „Where US Foreign Aid Money Goes,“ Chicago Tribune, November 11, 2001, Section 2, p. 3.

Drunk on foreign oil: With only about 5 percent of the world's population, the United States, consumes about 25 percent (19 million barrels) of the total daily consumption of 76 million.⁵ (Compare this to Russia, where 150 million people, representing roughly 3 percent of the world's population, use only about 2.4 million barrels percent of the world's oil, just about 3 percent.)⁶ The United States is itself a major oil producer, accounting for about 12 percent of the world's output in 2000 (about the same as Saudi Arabia).⁷ However, the US consumes virtually all of its production and depends on foreign sources for more than what it produces.⁸

Astute observers of American politics have long recognized the price paid for its dependence on foreign oil. In addition to the cost of oil itself, the US pays dearly for the military defense of oil-exporting Middle Eastern countries. A letter to the Editor of the *New York Times*, notes additional costs „in terms of America's international reputation and moral credibility: our appetite for foreign fossil fuels has created a long history of unsavory marriages of convenience with petrodespots, generalissimos and fomenters of terrorism.“⁹

If not the most unsavory of its marriages for oil, the US's wedding with Saudi Arabia was the grandest of its unsavory marriages. When oil was discovered in the Arabian peninsula around 1930, the United States began courting the desert kingdom. American companies helped create the state oil company, Aramco, and American influence returned after the 1973 Arab oil embargo. Indeed, in 1991 when Iraq invaded Kuwait, the US moved quickly against Iraq in large part to protect Saudi Arabia — and its marriage for oil. Prior to the September 11 attack, the US and Saudi governments had a cozy relationship: the Saudis even sold oil to the United States below world prices to retain diplomatic favor — despite the world economic downturn and falling oil prices.¹⁰ Since the attack, angry young Saudis outside the ruling family became more outspoken in blaming their country's economic deterioration on

⁵Neela Bannerjee, „The High, Hidden Cost of Saudi Arabian Oil,“ *New York Times*, 10/21/01, Section 4, page 3. Daily oil consumption in the US is about 19 million barrels.

⁶Michael Wines and Sabrina Tavernise, *New York Times*, November 21, 2001, page A3. In the very early 1990 s, Russia consumed an additional 1 million barrels daily.

⁷United States Department of Energy, Energy Information Administration, „Non - OPEC Fact Sheet,“ available at <http://www.eia.doe.gov/emeu/cabs/nonope.html> on January 16, 2002.

⁸US Department of Energy, Energy Efficiency and Renewable Energy Network, „Transportation Topics,“ available at <http://www.eren.doe.gov/EE/transportation.html> on January 12, 2002. It should be noted that Canada, not the Middle East, is the largest foreign source of oil for the United States.

⁹Rob Nixon, „A Dangerous Appetite for Oil,“ *New York Times*, October 29, 2001, p. A15.

¹⁰Neela Bannerjee, „The High, Hidden Cost of Saudi Arabian Oil,“ *New York Times*, 10/21/01, Section 4, page 3.

the US, while fundamentalist muslims (there are many among the Saudis) cursed the presence of the infidel American troops based there during the war with Iraq.¹¹ An uneasy royal family, which has maintained its autocratic rule despite the wave of democracy across the world, began to speak of their separate interests, particularly with regard to their opposing position on the Israeli-Palestinian conflict.¹²

Demanding more to drink: Why do we Americans consume so much oil? We burn it mostly for transportation, which consumes 65 percent of all domestic usage — mostly in passenger vehicles.¹³ Indeed, American cars and sport-utility vehicles alone consume about 10 percent of the global daily consumption of oil.¹⁴ In part, because the United States has neglected the development of efficient travel by rail, personal travel in American society is mostly by automobiles, which are notoriously large and fuel-inefficient.¹⁵ Travel by personal automobiles is encouraged by low taxes on gasoline, which makes fuel quite cheap. In April 2001, Americans paid about \$0.41 for a liter of gasoline, which was about half the cost per liter in European countries like France, Germany, Italy, Spain, and Britain.¹⁶ Nevertheless, a survey in May 2001 found that 60 percent of the US public thought the price of gasoline was „a major problem“ and 19 percent saw it as a „crisis“ for the country.¹⁷ When asked who is to blame for the high price of oil, most Americans pinned

¹¹James M. Dorsey, „In US — Led War, Young Saudis See the Seeds of Chaos,“ *Wall Street Journal*, October 23, 2001.

¹²James M. Dorsey, „Saudi Leader Warns US of 'Separate Interests,“ *Wall Street Journal*, October 29, 2001, p. A17.

¹³US Department of Energy, Energy Efficiency and Renewable Energy Network, „Transportation Topics,“ available at <http://www.eren.doe.gov/EE/transportation.html> on January 12, 2002

¹⁴Banerjee, p. 3.

¹⁵For more than two decades (since the 1974 Arab oil embargo), standard automobiles sold in the United States have been subject to increasingly severe government regulations to increase fuel efficiency. Under these laws, „light trucks“ were subject to less severe regulations. About a decade ago, automobile companies began to build passenger vehicles on light truck frames, which led to sport utility vehicles and mini — vans. Sales of SUVs and mini — vans, which do not need to meet the tougher fuel standards for automobiles, now account for more than half of all new — car sales in the United States. A bill to impose the same fuel standards for SUVs and mini — vans was defeated in Congress, due to lobbying by auto companies and the United Auto Workers. See R. C. Longworth, „Why Do Americans Refuse to Conserve?“ *Chicago Tribune*, November 11, 2001, Section 2, p. 1.

¹⁶California Energy Commission, „Selected World Gasoline Prices, Average Prices for April 2001,“ available at http://www.energy.ca.gov/fuels/gasoline/world_gasoline_prices.html on January 12, 2002.

¹⁷Gallup Poll News Service, „Public Blames Oil and Electric Companies Most for Current Energy Problems,“ (May 29, 2001), available at <http://www.gallup.com/poll/releases/pr010529.asp> on January 12, 2002.

a „great deal“ of the blame on those who produced the oil (52 percent cited US oil companies and 44 cited foreign countries), but only 22 percent blamed „American consumers“ — those who guzzled the oil in the first place.¹⁸

Fueling patriotism: During the last decade, for instance, few knew that their gas-guzzling sport utility vehicles were economically viable largely because the United States reliably obtained nearly twenty percent of its oil from Saudi Arabia, an undemocratic monarchy and religiously intolerant state. A reporter for the *New York Times* interviewed people filling their SUVs at a small-town gas station in Wayne, New Jersey. When informed that American dependence on oil might indirectly promote terrorism, one woman said, „I never thought of it that way — that we should be conserving more.“ Another said, „I don't think it's unpatriotic to use so much gas. It's very patriotic. It's our way of life.“¹⁹

Fortunately, political leaders are beginning to speak out on the linkage between American dependence on foreign oil and our current problem with international terrorism. Edward L. Morse, former assistant secretary of state for international energy policy in the 1980s under President Reagan, said, „The stark truth is that we're dependent on this country [Saudi Arabia] that directly or indirectly finances people who are a direct threat to you and me as individuals.“²⁰ Since September 11, some leading thinkers have proposed that the US should turn away from Saudi Arabia and toward Russia for its major source of oil abroad.²¹

Linking policy abroad to life at home: Although most Americans may still be only dimly aware of linkage between our demand for Middle East oil and our status as a target for Middle East terrorists, the number of citizens who think about the consequences of our foreign involvements has increased since September 11. A unique pre-post comparison of public opinion comes from two national surveys of citizens' views on international affairs. The PEW Research Center had conducted a survey of 2,002 people from August 21 to September 5, 2001. After the September 11 attack, PEW arranged for a call-back during October 15-21, and reinterviewed 1,281 of the same respondents. Overall, the researchers found „a new internationalist sentiment among the pub-

¹⁸Ibid.

¹⁹Neela Banerjee, „Made in America, and Never Mind the Gas Mileage,“ *New York Times*, November 23, 2001, p. C5.

²⁰Banerjee, p. 3.

²¹Richard Butler, „A New Oil Game, with New Winners“, *New York Times*, January 18, 2002, p. A25.

lic.“ For example, before September 11, only 48 percent of the respondents said that the US should take into account its allies' interests in its foreign policies, but after September 11, 59 percent (of the same respondents) favored taking into account the views and interests of its allies.²²

A later poll taken on November 1-4, found that 81 percent of respondents favored the US taking „an active part“ in world affairs, „the highest level since the end of World War II.“ Moreover, despite the United States' squabbles with the United Nations, which led to the US government's failure to pay over \$500 million in back dues to the U.N., 70 percent of the respondents also agreed that „the United States should cooperate fully with the United Nations.“²³ In fact, just two weeks after the September 11 attack, the House of Representatives quickly, and by a voice vote, passed a bill (which had been stalled in Congress for months) to release the money that the US owed to the U.N.²⁴ Suddenly, US lawmakers also became more supportive of international cooperation.

2. Globalization's Threat to Domestic Order

William Clinton, the 42nd president of the United States, recently wrote in a newspaper opinion article on the new century of interdependence, „The terrorist attacks on Sept. 11 were just as much a manifestation of this globalization and interdependence as the explosion of economic growth.“²⁵ How can globalization facilitate terrorism?

Globalization defined: In its simplest terms, globalization refers to the increasing interdependence of citizens and nations across the world. In 2001, an international consulting firm, A.T. Kearney, reported the extent of „globalization“ for fifty countries with „advanced economies“ across the world based on data from 1995 through 1998.²⁶ Recently, the same firm revised its mea-

²²PEW Research Center for the People and the Press, „America's New Internationalist Point of View,“ available at <http://www.people-press.org/102401rpt.htm> on January 12, 2002.

²³The Center for International and Security Studies at Maryland, Program on International Policy Attitudes (PIPA), poll of 602 respondents on November 1-4, 2001. Available on January 13, 2001 at <http://www.pipa.org/OnlineReports/Terrorism/WarOnTerror.html>.

²⁴Lizette Alvarez, „House Approves \$ 582 Million for Back Dues Owed to U.N.,“ *New York Times*, September 25, 2001, p. A8.

²⁵William Jefferson Clinton, „Shaping the Future: America's Role in a Challenging World,“ *Chicago Tribune*, January 13, 2002, Section 2, p. 1.

²⁶A. T. Kearney, „Measuring Globalization,“ *Foreign Policy*, (January — February, 2001), 56 —

tures and updated its study with data for 1999 and 2000 while extending it to 62 nations.²⁷

Briefly, the latest methodology involved using multiple indicators grouped into four dimensions:

1. *Economic integration*: trade, foreign direct investment and portfolio capital flows, and income from nonresident employees and from foreign assets;

2. *Personal contacts*: international travel and tourism, international telephone calls, and cross-border transfers;

3. *Technology*: number of internet users, internet hosts, and secure servers;

4. *Political engagement*: number of memberships in international organizations, participation in US Security Council missions, and foreign embassies.²⁸

A. T. Kearney's ambitious and laudable attempt to measure globalization may not be perfect, but it captures the concept rather fairly. The economic aspect of globalization, which early attracted wide attention, is represented by various indicators of „economic integration.“ The next two elements in A.T. Kearney's model — international indicators of „personal contact“ and international applications of „technology“ — extend the thinking behind economic integration to social integration. The last element — „political engagement“ in international bodies — seems to round out the concept. Taken together, these indicators all seem to reflect rather benign aspects of interdependence among people and nations.

Table 1 shows all 62 nations rank-ordered by their combined scores on the A.T. Kearney index of globalization. Although the United States, does not rank at the top of the list, it does rank twelfth, which puts it in the top 20 percent. The two Middle Eastern countries on the list (Saudi Arabia and Egypt) are in the bottom half.

65.

²⁷A. T. Kearney, „Globalization's Last Hurrah?“ Foreign Policy (January — February, 2002), 38 — 51.

²⁸A. T. Kearney, Foreign Policy, p. 39. The index is explained more on the A. T. Kearney web site at <http://www.atkearney.com/main.taf?site=1&a=5&b=4&c=1&d=42>, from which (on January 14, 2002) one could also download the raw data.

Table 1: Rank-Order of Nations on Globalization Scores for 2000

1	Ireland	32	Taiwan
2	Switzerland	33	Nigeria
3	Singapore	34	Chile
4	Netherlands	35	Uganda
5	Sweden	36	Tunisia
6	Finland	37	Saudi Arabia
7	Canada	38	Japan
8	Denmark	39	Russian Federation
9	Austria	40	Senegal
10	United Kingdom	41	Romania
11	Norway	42	Ukraine
12	United States	43	Sri Lanka
13	France	44	Argentina
14	Germany	45	Egypt, Arab Republic
15	Portugal	46	Morocco
16	Czech Republic	47	Kenya
17	Spain	48	Bangladesh
18	Israel	49	India
19	New Zealand	50	Mexico
20	Malaysia	51	Thailand
21	Australia	52	Philippines
22	Slovak Republic	53	China
23	Hungary	54	South Africa
24	Italy	55	Turkey
25	Croatia	56	Pakistan
26	Greece	57	Venezuela, RB
27	Poland	58	Brazil
28	Panama	59	Indonesia
29	Botswana	60	Colombia
30	Slovenia	61	Peru
31	Korea, Rep.	62	Iran

Globalization was expected to present challenges to American government, but none that would leave thousands of citizens dead from an attack by non-state actors, in this case, an international organization of terrorists.

The dark side of globalization: Many of the benign aspects of globalization — economic integration, international travel and communication, and

technological advances — open the most globalized nations to unanticipated, external, crippling attacks. Global societies are wide-open targets that, according to Homer-Dixon, are easy prey because of two key trends: First, the growing technological capacity of small groups and individuals to destroy things and people; and, second, the increasing vulnerability of our economic and technological systems to carefully aimed attacks.²⁹

Homer-Dixon argues that the destructive capability of small groups of individuals is steadily increasing, „driven largely by three technological advances: more powerful weapons, the dramatic progress in communications and information processing, and more abundant opportunities to divert nonweapons technologies [e. g., passenger airplanes] to destructive ends.“³⁰ History has shown that authorities have found it hard to prevent, much less defeat, domestic sources of terrorism (e. g., in Northern Ireland, in the Basque region of Spain, in Egypt, and in Israel). The ominous specter of international terrorism poses huge threats to order in all nations in a global world.

Terrorism defined: Political actors whom one government might call terrorists (e. g., India's term for those who wage armed struggle against its authority in Kashmir), another government may call „freedom fighters“ (which is how Pakistan has viewed the same people). For governmental officials, the actor's politics determines a terrorist versus a freedom fighter. For neutral scholars consulting the *Historical Dictionary of Terrorism*, terrorism is essentially „armed propaganda,“ which involves using violence to send a message.³¹ The more widely the terrorist act is disseminated in the mass media, the more effective terrorism becomes as propaganda — which makes international terrorism well-suited to achieving political ends in a globalized world.

Although governments tend to judge acts of „armed propaganda“ as much by their motives as their means, governments nevertheless need legal definitions of terrorist acts in their law books. Accordingly in late December, 2001, the European Union solemnly defined a „terrorist act“ as one of the following intentional acts, which, given its nature or its context, may seriously damage a country or an international organisation, as defined as offence under national law, where committed with the aim of

²⁹Thomas Homer-Dixon, „The Rise of Complex Terrorism,“ *Foreign Policy*, (January — February, 2002), p. 53.

³⁰Thomas Homer-Dixon, p. 54.

³¹Sean Anderson and Stephen Sloan, *Historical Dictionary of Terrorism*. (Metuchen, N.J.: The Scarecrow Press, 1995), p. 3.

- i. seriously intimidating a population, or
- ii. unduly compelling a Government or an international organisation to perform or abstain from performing any act, or
- iii. seriously destabilising or destroying the fundamental political, constitutional, economic or social structures of a country or an international organisation.³²

Point iii was followed by a list of specific acts, including (a) attacks on a person that may cause death; (b) attacks on a person's physical integrity; (c) kidnapping or hostage-taking; (d) extensive destruction to a public facility or infrastructure (including an information system); (e) seizing an airplane or ship; (f) manufacturing, transporting, or acquiring weapons of any sort; (g) release of dangerous substances that endanger human life; (h) interfering with water supplies; (i) threatening any above acts; (j) directing a terrorist group; and (k) participating in the activities of a terrorist group, including by funding or supplying information.

Note that the European Union avoided mentioning motives in defining terrorism and simply defined specific acts that threaten to destroy order.

Maintaining domestic order: the first purpose of government: Throughout history, government has served two major purposes: maintaining order (preserving life and protecting property) and providing public goods. More recently, some governments have pursued a more controversial third purpose: promoting equality. Terrorist attacks threaten order — the first purpose of government.

To the seventeenth-century English philosopher Thomas Hobbes, preserving life was the most important function of government. In *Leviathan* (1651), Hobbes described life without government as life in a „state of nature.“ Without rules, people would live as predators do, stealing and killing for their personal benefit. In Hobbes's classic phrase, life in a state of nature would be „solitary, poor, nasty, brutish, and short.“ He believed that a single ruler, or sovereign — which he named Leviathan after a biblical sea monster — must possess unquestioned authority to guarantee the safety of the weak, to protect them from the attacks of the strong.

Most of us can only imagine what a state of nature would be like, but, from all reports, life in Afghanistan following the withdrawal of Soviet forces in

³²Official Journal of the European Communities, „Council Common Positions as of 27 December 2001, on the Application of Specific Measures to Combat Terrorism,“ (2001 / 931 / CSFSP), L 344 / 93, dated December 28, 2001.

1989 amounted to living in a state of nature. The disparate group of warlords and their bands of fighters that drove out the Soviets quickly fell to fighting among themselves in pursuit of territory, money, and even women, which resulted in pillage, murder, and rape. Indeed, ordinary Afghans (and even western countries at the time) came to welcome the radical Islamic Taliban movement for putting an end to the lawlessness. One story attributes Mullah Omar's rise as leader of the Taliban to his leading an attack on a group of warlords who had raped and shaved the head of a girl.³³ In establishing order, however, the Taliban functioned like a religious Leviathan, enforcing an extreme interpretation of Islamic law.

Maintaining international order: the need for a global Leviathan? In the first half of the twentieth century, people thought of government mainly in territorial terms. Indeed, a standard definition of government was the legitimate use of force — including firearms, imprisonment, and execution — within specified geographical boundaries to control human behavior. For over three centuries, since the Peace of Westphalia in 1648 ended the Thirty Years War in Europe, international relations and diplomacy have been based on the principle of national sovereignty, defined as „a political entity's externally recognized right to exercise final authority over its affairs.“³⁴ Simply put, national sovereignty means that each national government has the right to govern its people as it wishes, without interference from other nations.

Some scholars argued strongly early in the twentieth century that a body of international law controlled the actions of supposedly sovereign nations, but their argument was essentially theoretical.³⁵ In the practice of international relations, there was no sovereign power over nations. Each enjoyed complete independence to govern its territory without interference from other nations. Although the League of Nations and later the United Nations were supposed to introduce supranational order into the world, even these international organizations explicitly respected national sovereignty as the guiding principle of international relations. The U. N. Charter, Article 2.1, states: „The Organization is based on the principle of the sovereign equality of all its Members.“

³³Dexter Filkins, „The Legacy of the Taliban Is a Sad and Broken Land,“ *New York Times*, December 31, 2001, pp. 1 and B4.

³⁴Thomas Biersteker and Cynthia Weber (eds.) *State Sovereignty as a Social Construct* (Cambridge: Cambridge University Press, 1996), p. 12.

³⁵William T. R. Fox and Annette Baker Fox, „International Politics,“ in David L. Sills (ed.), *International Encyclopedia of the Social Sciences*. Volume 8 (New York: The Macmillan Company and the Free Press, 1968), pp. 50 — 53.

As we enter into the twenty-first century, the principle of national sovereignty has eroded before the forces of globalization. For example, after the European Union defined terrorism for its member nations, it published a list of terrorist organizations that included Irish, Basque, Greek, and Middle Eastern extremist groups and required all member countries to freeze their assets and arrest their members.³⁶ Responding to the September 11 attack, the United States decided to act as policeman for the world, if not quite the world's Leviathan, to eliminate global terrorism, thus protecting itself and other nations against similar attacks.

3. The US Response to the Terrorist Attack

In his September 20 speech before Congress after the terrorist attack, President George W. Bush vowed, „I will not yield; I will not rest; I will not relent in waging this struggle for freedom and security for the American people.“ In that speech, Bush set forth his plans — as leader of the world's only remaining superpower — for eliminating the threat to order posed by international terrorism. So it is worthwhile to quote selective sections. First, Bush defined the victims of the September 11 attack as people from around the world. The victims included:

the citizens of 80 other nations who died with our own: dozens of Pakistanis; more than 130 Israelis; more than 250 citizens of India; men and women from El Salvador, Iran, Mexico and Japan; and hundreds of British citizens.³⁷

Later, he said, that this is not „just America's fight“:

And what is at stake is not just America's freedom. This is the world's fight. This is civilization's fight. This is the fight of all who believe in progress and pluralism, tolerance and freedom.

Contending that the attack on America was a crime against the world community, Bush defined the enemy in an equally sweeping way:

³⁶Donald G. McNeil, Jr., „European Union Expands Its List of Terrorist Groups, Requiring Sanctions and Arrests,“ *New York Times*, December 29, 2001, p. B3.

³⁷As cited above; the text of the address was downloaded on January 14, 2002, from <http://www.whitehouse.gov/news/releases/2001/09/20010920-8.html>.

Our enemy is a radical network of terrorists, and every government that supports them. Our war on terror begins with al Qaeda, but it does not end there. It will not end until every terrorist group of global reach has been found, stopped and defeated.

By including supportive foreign governments in the scope of the US response to terrorism, Bush signaled that a nation's claim of sovereignty would not limit the US acting as world policeman to eliminate terrorism.³⁸ Moreover, the world's superpower would not draw back in exercising its self-assumed police power:

We will direct every resource at our command — every means of diplomacy, every tool of intelligence, every instrument of law enforcement, every financial influence, and every necessary weapon of war — to the disruption and to the defeat of the global terror network.

We will starve terrorists of funding, turn them one against another, drive them from place to place, until there is no refuge or no rest. And we will pursue nations that provide aid or safe haven to terrorism. Every nation, in every region, now has a decision to make. Either you are with us, or you are with the terrorists. From this day forward, any nation that continues to harbor or support terrorism will be regarded by the United States as a hostile regime.

An estimated 88 percent of the US public viewed or read Bush's speech to Congress, and nine in ten judged it as „excellent“ (62%) or „good“ (25%).³⁹ Although the American public overwhelmingly approved Bush's speech — and 89 percent favored taking „military action in retaliation“ for the attack — many worried about the specific military action that Bush would take. In a nationwide telephone poll of 619 people taken on the evening of September 11, 71 percent of the respondents felt that the US should refrain from military strikes until it could identify „the terrorist organization's responsible for today's attack, even if it takes months to clearly identify them.“⁴⁰ However,

³⁸Bush's position was not much different from that taken by United Nations General Kofi Annan, speaking about human rights on the occasion of receiving the Nobel Peace Prize: „The sovereignty of states must no longer be used as a shield for gross violations of human rights.“ Quoted in the *New York Times*, December 11, 2001, p. A3.

³⁹David W. Moore, „Bush Job Approval Highest in Gallup History,“ Gallup Poll News Service, September 24, 2001. Available at <http://www.gallup.com/poll/releases/pr010924.asp> on January 16, 2002.

⁴⁰David W. Moore, „Americans See Terrorist Attacks as 'Act of War,“ Gallup Poll News Ser-

only 45 percent of the respondents were „very confident“ in Bush's ability to handle the situation, and about 20 percent were „not confident“ that he was up to the job.

Bush — who had not traveled much abroad and was unschooled in foreign affairs — was viewed by many (even at home) as a „cowboy“ who distrusted international institutions and cooperation. He unabashedly promoted American interests over the concerns of foreign nations and spoke disparagingly about involving the military in „nation building“ projects in countries troubled by internal conflict. Eventually, an overwhelming majority in the country was pleasantly surprised by his actions, which showed focus and patience.

Bush's Focus: The events of September 11 changed Bush himself, causing him to focus on foreign affairs to the virtual exclusion of domestic politics. Within days, political reporters were writing about a „transformed“ presidency.⁴¹ Bush told his cabinet that nothing about their roles would ever be the same — that everything paled before the war on terrorism, which he said, „is the purpose of our administration.“ A top aide said, „The terrorist attacks impacted him personally. . . His days have changed.“ Two weeks later, the same aide observed, „The question in meetings is, 'How is this helping or hurting our effort to fight global terrorism?‘“⁴²

Bush's Patience: Most scholars who closely follow international politics were relieved that Bush did not strike back quickly and blindly with military force. As early as September 14, Congress had granted him authority to „use all necessary and appropriate force against those nations, organizations or persons he determines planned, authorized committed or aided the terrorist attacks . . . or harbored such organizations or persons.“ Instead, Bush proposed building a „global coalition against terrorism.“⁴³ The North Atlantic Treaty Organization (NATO) had already responded by invoking (for the first time) the treaty's Article 5, qualifying the attack on America as an attack on the alliance.⁴⁴ By early

vice, September 12, 2001, available at <http://www.gallup.com/poll/releases/pr010912.asp> on January 16, 2002.

⁴¹Frank Bruni, „Bush, and His Presidency, Are Transformed,“ *New York Times*, 22 September 2001, p. 1.

⁴²Both quotations come from Dan Bartlett, White House Communications Director. The first was in Jim Vandehei, „President's New Life Has an International Focus,“ *Wall Street Journal*, 27 September 2001, p. A20. The second was in David E. Sanger and Elisabeth Bumiller, „In One Month, a Presidency Transformed,“ *New York Times*, 11 October 2001, p. B11.

⁴³Miles A. Pomper, „In for the Long Haul,“ *CQ Weekly Report*, 15 September 2001, p. 2118.

⁴⁴Ironically, NATO pledged assistance to the United States — long regarded as its military guarantor.

November, NATO officials began planning for concerted action in support of the antiterrorist campaign. Even earlier, the United States received military support from Canada, Britain, and Germany — among other countries.⁴⁵

That the United States was actively cultivating international support was signaled by three abrupt changes in its foreign policy:

1. Whereas Bush and other Republicans had once embraced the so-called „Powell Doctrine“ that required a clear goal before military involvement and a plan for extracting its forces, the United States was heading into an Asian war that prompted frightening comparisons with its Vietnam failure.⁴⁶
2. Whereas President Bush had disparaged using the military in „nation-building“ (remaking foreign governments), he now said, „We should not simply leave after a military objective has been achieved.“⁴⁷
3. Whereas (as noted above), the United States had for years failed to pay more than \$500 million in debt to the United Nations, now the House quickly cleared legislation to pay up.

Most of the public as well as most opinion leaders welcomed these changes and Bush's deliberate approach to framing a response to the terrorist attack.

A policeman seeking new friends:⁴⁸ On November 6, less than two months after the attack, Bush spoke via satellite to leaders of Central and Eastern European nations meeting in Warsaw. Seeking to broaden his coalition against global terrorism, Bush said, „You are our partners in the fight against terrorism, and we share an important moment in history.“ Noting that their citizens had lived for nearly fifty years under totalitarian regimes, he warned, „Today our freedom is threatened once again.“ This time, he said, the threat came from an global network of terrorists operating in more than sixty nations, including their own. He asked for their support in building „an

⁴⁵David E. Sanger and Michael R. Gordon, „US Takes Steps to Bolster Bloc Fighting Terror,“ *New York Times*, 7 November 2001, page 1.

⁴⁶R. W. Apple, jr., „A Military Quagmire Remembered: Afghanistan as Vietnam,“ *New York Times*, 31 October 2001, p. B1.

⁴⁷Miles A. Pomper, „Once — Shunned Countries Now Get Close Attention on Hill,“ *CQ Weekly Report*, 13 October 2001, p. 2417.

⁴⁸This section draws heavily on the introductory vignette to Chapter 20 in Kenneth Janda, Jeffrey Berry, and Jerry Goldman, *The Challenge of Democracy* (Boston: Houghton Mifflin, 2001).

international coalition of unprecedented scope and cooperation“ to conduct the war against terrorism.⁴⁹

There was something poignant about Bush's appeal to leaders whose countries more than a decade ago were allied with the former Soviet Union against the United States. Literally overnight, the terrorist attack on September 11 had transformed American global policy. In Secretary of State Colin Powell's words, the situation called for a „new strategic framework“ in America's relationships with other nations.⁵⁰ Now former communist countries were being courted as allies. Even Russia was solicited for support, and President Vladimir Putin responded by accepting the deployment of United States troops in Tajikistan, Uzbekistan, and elsewhere in former Soviet republics still under Russian influence.⁵¹ The first week in November, Secretary of Defense Donald Rumsfeld, on the way to Tajikistan and Uzbekistan where American forces were already stationed, met with President Putin in Moscow. There, inside the Kremlin, the American Defense Secretary talked with the former Soviet KBG espionage officer about using Russian intelligence to support the US military campaign in Afghanistan.⁵²

The coalition strikes back: The US spent three weeks following the September 11 attack lining up international support and planning for a military response before taking action. Although it clearly led the assault against the al Qaeda network in Afghanistan, the United States portrayed itself as leading an international coalition against terrorism. In truth, it did get sufficient support from other countries to justify its claim. For example, the first airstrikes (which did not occur until October 7) were conducted jointly with Britain. By the end of the month, the US released a list of twenty nations offering material help to the military campaign. Table 2 shows which countries made offers and which offers were accepted as of November 7.

For the first two weeks, the war consisted mainly of US planes dropping bombs, often by high-flying B-52 bombers. The US military assured the public that these plans were not laying a carpet of untargeted „dumb“ bombs (as in Vietnam) that indiscriminately killed civilians as well as

⁴⁹Excerpts from the president's speech reported in the *New York Times*, 7 November 2001, p. B4.

⁵⁰James Kitfield, „A New and Colder War,“ *National Journal*, 29 September 2001, p. 2894.

⁵¹Michael Wines, „An Act of Terror Reshapes the Globe,“ *New York Times*, 30 September 2001, Section 4, page 1.

⁵²Michael Wines, „Rumsfeld, on Visit to Russia and Central Asia, Meets Putin,“ *New York Times*, 4 November 2001, p. A6.

fighters. Instead, they were „smart“ bombs, guided by tracking devices, that could selectively hit military targets, thus minimizing civilian deaths. Military spokesmen had said that about bombs used in the 1991 Persian Gulf War, but a declassified government report cited „a pattern of overstatement“ by the spokesmen.⁵³ Later, the military claimed that the bombs used in the 1999 Balkan War were even smarter, yet one managed to destroy the Chinese Embassy in Belgrade. In 2001, the bombs may have been super smart, nevertheless US bombs mistakenly killed many civilians and some friendly fighters from the Northern Alliance⁵⁴ On the ground, the US role was limited to assisting the Northern Alliance in attacking the Taliban, which were fighting as „proxy forces“ for US troops. The United States did not lead a ground attack until October 19, when some 100 Special Operations Forces struck at an airfield and Taliban headquarters.

Table 2: Offers of Help from Countries in the Coalition Against Terrorism⁵⁵

Offers Accepted	Equipment			Personnel			Use of . . .	
	Ships	Sub-marines	Aircraft	Of any type	Special Forces	Rough Totals	Airspace	Bases
Britain	X	X	X	X	X	4,200		
Germany	X		X	X	X	3,900		
Canada	X		X	X	X	2,000		
Australia	X		X	X	X	1,550		
Italy	X		X	X	X	3,000		
France	X		X	X	X	2,000	X	
Turkey				X				
Pakistan							X	X
Oman								X
Qatar								X
Saudi Arabia								X

⁵³Associated Press, „Effectiveness of Persian Gulf War Weapons Overstated, Report Says,“ Chicago Tribune, June 29, 1997, p. 8.

⁵⁴October 24, 2001, Paul Richter and Peter Pae, „Bombs Still Not Perfect,“ Chicago Tribune, p. 30.

⁵⁵Adapted from a table in the New York Times, November 8, 2001, p. B5.

Offers Made	Equipment			Personnel			Use of . . .	
	Ships	Sub-marines	Aircraft	Of any type	Special Forces	Rough Totals	Airspace	Bases
New Zealand				X				
Philippines				X				
Spain				X				
Japan	X		X	X		1,000		
Poland				X	X			
Czech Republic				X		300		
Uzbekistan							X	X
Tajikistan							X	
Russia							X	

By the end of October, the American press was reporting doubts among US citizens on the progress of the war against terrorism, publishing stories titled

„Hundreds of Arrests, but Promising Leads Unravel,“⁵⁶
 „Survey Shows Doubts Stirring on Terror War,“⁵⁷ and
 „A Military Quagmire Remembered: Afghanistan as Vietnam.“⁵⁸

The US press also reported worldwide concerns with the military campaign in stories titled

„US Appears to Be Losing Public Relations War So Far,“⁵⁹
 „Public Apprehension Felt in Europe over the Goals of Afghanistan Bombing,“⁶⁰ and
 „More and More, Other Countries See the War as Solely America's.“⁶¹

⁵⁶Christopher Drew, Jo Thomas, and Don Van Natta, Jr., „Hundreds of Arrests, but Promising Leads Unravel,“ New York Times, October 21, 2001, p. B1.

⁵⁷Richard L. Berke and Janet Elder, „Survey Shows Doubts Stirring on Terror War,“ New York Times, October 30, 2001, p. 1.

⁵⁸R. W. Apple, „A Military Quagmire Remembered: Afghanistan as Vietnam,“ New York Times, October 31, 2001, p. B1.

⁵⁹Susan Sachs, „US Appears to Be Losing Public Relations War So Far,“ New York Times, October 28, 2001, p. B8.

⁶⁰Warren Hoge, „Public Apprehension Felt in Europe over the Goals of Afghanistan Bombing,“ New York Times, November 1, 2001, p. B2.

⁶¹Donald G. McNeil, „More and More, Other Countries See the War as Solely America's,“ New York Times, November 4, 2001, p. B1.

One western diplomat said:

People are starting to wonder where does this way of waging war bring us? There are no evident results. There are no big Taliban leaders captured or killed. And the collateral damage doesn't make nice pictures. I just don't know what's been achieved.⁶²

Eventually, the relentless bombing on Taliban and al Qaeda targets, which had seemed ineffective, paid off by weakening their forces. On November 9, Northern Alliance forces captured the northern city, Mazari-Sharif.⁶³ On November 10, they took the northeastern city of Talian, and two days later they moved into Kabul. By December 6, Taliban forces agreed to surrender their last stronghold, Kandahar. On December 20, Hamid Karzai arrived in Kabul to head an interim government along with British Royal Marines in the vanguard of a United Nations peacekeeping force.

The coalition wins: After a slow beginning, the war against the Taliban advanced at an astonishingly rapid pace, concluding positively in at least five respects:

1. The war was short, lasting less than two months, and ending before winter fully arrived.
2. The outcome was decisive: the Taliban regime was replaced by an interim government negotiated with U.N supervision, and an international peacekeeping force was sent to patrol Kabul.
3. Most Afghan people welcomed the end of the Taliban's harsh legal code, which not only required that women be fully covered and men wear long beards but also banned flying kites, listening to music, playing chess, watching television, and other simple pleasures that people enjoyed all over the world.⁶⁴

⁶²Quoted in Michael R. Gordon and Eric Schmitt, „US Campaign on 2nd Front: Public Opinion," New York Times, October 31, 2001, p. B2.

⁶³This account of the progress of the war comes from Bill Berkeley, William McNulty, and Archie Tse, „The First Months in the War on Terror," New York Times, December 29, 2001, p. B4.

⁶⁴Amy Walden, „No TV, No Chess, No Kites: Taliban's Code, from A to Z," New York Times, November 22, 2001, p. 1 and B5.

4. The muslim world did not rise up against the fall of an Islamic regime, perhaps because most of the actual combat was done by other Afghan muslims.

5. Indeed, following the destruction of the al Qaeda terrorist operation in Afghanistan, other nations troubled by fundamentalist Islamic groups — e. g., Pakistan,⁶⁵ Singapore,⁶⁶ the Philippines,⁶⁷ Kuwait,⁶⁸ and even Syria⁶⁹ and Yemen⁷⁰ — began to crack down on them. For the United States, the war in Afghanistan carried one negative result and one especially positive outcome. The negative result was the failure to capture either Osama bin Laden or Mullah Muhammad Omar. On the positive side, very few American troops died — owing to the use of native Afghans as proxy troops and to selective use of American special operations forces. A headline in the *New York Times* reflected the relief of many US citizens, „Surprise, War Works after All!"⁷¹

Nothing succeeds like success: Early European critics of war in Afghanistan were quieted by the war's pace and outcome. Antonio Carlucci, an editor of *L'Espresso*, a left leaning Italian news magazine was quoted as saying, „The critics became silent because we began to see results." Noël Mamère, a French legislator and author of an anti-war letter to *Le Monde*, confessed, „I overreacted when I said that the military response launched by the Americans is an act of war against the Afghan people." Eckart Lohse, Berlin correspondent for *Allgemeine Zeitung* in Frankfurt, said, „Now the left is really only discussing the peacekeeping, and the political problems seem to have disappeared."⁷²

⁶⁵Erik Eckholm, „Broad Support in Pakistan for a Promised Purge of Islamic Militants," New York Times, January 14, 2002, p. A6; and Uli Schmetzer, „We will light on,' Islamist Leaders Vow, Chicago Tribune, January 16, 2002, p. 4.

⁶⁶Seth Mydans, „Singapore Stunned as Ordinary Men Are Tied to Terror," New York Times, January 14, 2002, p. A9.

⁶⁷US and Philippines Setting Up Joint Command to Combat Terror," New York Times, January 16, 2002, pp. A1 and A11.

⁶⁸Yaroslav Trofimov, „As Taliban Falls Inside Afghanistan, so Do Islamic Rules Beyond Borders," Wall Street Journal, December 31, 2001, p. A10.

⁶⁹Neil MacFarquhar, „Syria Repackages Its Repression of Muslim Militants as Antiterror Lesson," New York Times, January 14, 2002, p. A8.

⁷⁰Yaroslav Trofimov, „Yemen Is Eager to Remain a US Ally," Wall Street Journal, October 31, 2001, p. A16.

⁷¹Erica Schmitt, „Surprise, War Works After All," New York Times, November 18, 2001., Section 4, p. 1.

⁷²All these quotations were reported by Melinda Henneberger, „European Critics of US Find That the War Gives Them Little Ammunition," New York Times, December 12, 2001, p. B5.

In December, 2001, following the positive news from Afghanistan, 90 percent of the US public approved „the way George W. Bush is handling the campaign against terrorism.“⁷³ People abroad, however, were concerned about the aggressiveness of the war on terrorism and about Bush’s commitment to a multilateral approach in foreign policy. Would the US project its war on terrorism into Iraq, hoping to topple President Saddam Hussein?⁷⁴ Would President Bush, who in late 2001 unilaterally ended the 1973 Antiballistic Missile Treaty with Russia, become flushed with success over the Afghanistan war and operate more unilaterally?⁷⁶

Europeans were clearly concerned with both questions. An Italian government official asked an American reporter about the ending of the ABM treaty: „Why announce it now? Was it that urgent?“⁷⁵ Charles Grant, director of the London-based Center for European Reform, said, „If America misses this opportunity to have a closer relationship with Russia, then relations [with Europe] will suffer.“ Similar sentiments about the United States were expressed by an official in the European Union: „We thought they were correcting a unilateralist trend when they put together a coalition to fight terrorism, but now we see the forces for going it alone are very much ascendant in the Bush administration.“⁷⁶

More systematic research revealed widespread suspicion of the United States among ordinarily friendly foreign leaders. A senior American journalist headlined his lengthy analysis, „A Nation Alone: Even Our Friends Don’t Share America’s Image of Itself.“⁷⁷ The writer reported a survey of 275 „influentials“ — leaders in business, government, the media, and culture in 24 countries — interviewed between November 12 and December 13, 2001.⁷⁸ Forty leaders came from the United States and 235 from other countries. One question asked whether the US was taking into account the interests of its allies in the war on terrorism? A full 70 percent of the US leaders said that the US was taking other countries’ interest into account, compared with

⁷³New York Times / CBS News Poll, based on 1,052 interviews conducted December 7 to 10. Reported in Robin Toner and Janet Elder, „Public Is Wary but Supportive on Rights, Curbs,“ New York Times, December 12, 2001, p. 1 and B9.

⁷⁴Serge Schmemmann, „If Saddam Hussein Is Next, Experts Say, Do It Fast,“ New York Times, January 6, 2002, p. 12.

⁷⁵Steven Erlanger, „Bush’s Move on ABM Pact Gives Pause to Europeans,“ New York Times, December 13, 2001, p. A13.

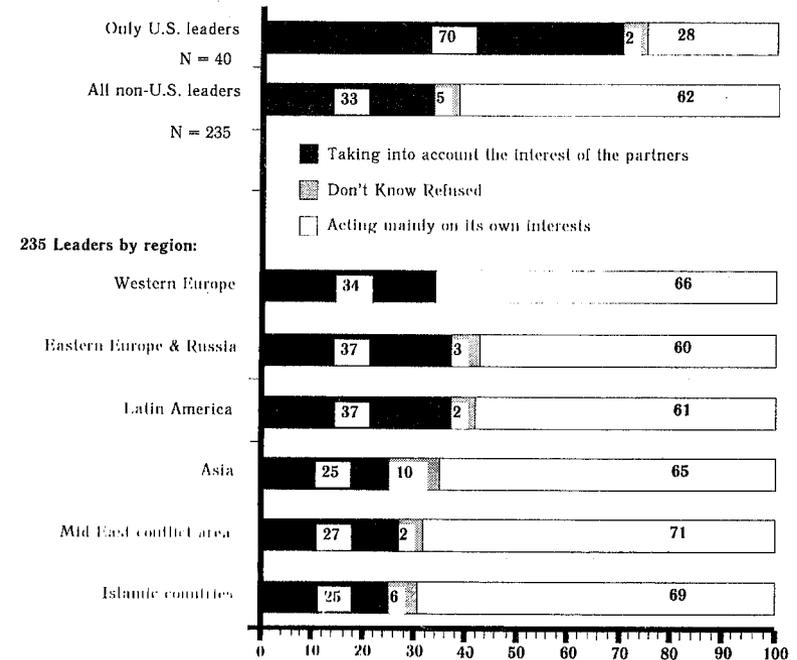
⁷⁶The quotations were reported by Vincent J. Schodolski, „Blair Feeling Heat as US — Europe Bridge,“ Chicago Tribune, January 18, 2002, p. 3.

⁷⁷R.C. Longworth, „A Nation Alone: Even Our Friends Don’t Share America’s Image of Itself,“ Chicago Tribune, December 30, 2001, Section 2, pp. 1 and 6.

⁷⁸The PEW Research Center, „America Admired, Yet Its New Vulnerability Seen as Good Thing, Say Opinion Leaders,“ December 19, 2001. The full report was available on January 18, 2002, at <http://www.people-press.org/reports/display.php3?ReportID=145>.

only 33 percent for all 235 foreign leaders. As shown in Table 3, the foreign leaders’ differences with the US were consistently sharp among all regional breakdowns.

Table 3: 2001 Survey of World Opinion Leaders on the War on Terrorism



The survey conducted and reported by the PEW Research Center, „America Admired, Yet Its New Vulnerability Seen as Good Thing, Say Opinion Leaders,“ December 19, 2001. These data were reported on January 18, 2002, at <http://www.people-press.org/reports/print.php3?PageID=62>.

The question was, „How do you see the conflict? Do you think the US is taking into account the interests of its partners in the fight against terrorism or do you think the US is acting mainly on its own interests?“

4. The Future: Maintaining Order but Losing Freedom?

Order is imposed on a society by restricting freedom.⁷⁹ Thomas Hobbes believed that complete obedience to Leviathan's strict laws was a small price to pay for living in a secure society, a principle that some initially used to justify Taliban rule. (Indeed, with the Taliban ousted from the Afghan city of Jalalabad, which was not patrolled by U.N. peacekeepers, reporters said that the city „returned to the thieves.“⁸⁰ A citizen of Kandahar said, „I'm not missing the Taliban, but security was very good under them.“⁸¹) After the September 11 attack, the United States took extraordinary measures abroad and at home to prevent further terrorism. Some measures merely cost money; others limited freedom.

Spending money to prevent terrorism: In mid-November, the US government released its first estimate of the cost of waging war in Afghanistan. The biggest expense — up to then — was \$634 million for deploying more than 50,000 members of the armed forces, three carrier battle groups, and more than 400 aircraft into the region. The total cost estimate at that time was over \$1 billion per month, and it was expected to rise as the war progressed.⁸² Defense against terrorism at home included round-the-clock military air patrols over US cities, which cost \$324 million.⁸³ More millions were spent stationing armed reserve troops at all major airports and severely tightening airport security. To coordinate the defense against terrorism at home, President Bush created an entirely new agency, the Office of Homeland Defense, which Congress was preparing to fund in 2002 with over \$7 billion, a large part intended to help guard the previously unguarded 5,500 mile border with Canada.⁸⁴

In addition, the attack itself hit the US economy hard. All airports were shut for days after the attack, and many travelers were afraid to

⁷⁹Restrictions on personal freedom was the Communist's Party's price for order in the Soviet Union.

⁸⁰C. J. Chivers, „A City, Free of Taliban, Returns to Thieves,“ *New York Times*, January 6, 2002, p. 1.

⁸¹Norimitsu Onishi, „Afghan Warlords and Bandits Are Back in Business,“ *New York Times*, December 28, 2001, p. B1.

⁸²James Dao, „The Costs of Enduring Freedom,“ *New York Times* November 11, 2001, Section 4, p. 3. Here are some specific costs: one 2,000 pound unguided „dumb“ bomb cost about \$ 2,500 (and many hundreds were used); each cruise missile fired from ship cost from \$ 1 million to \$ 2 million; and each hour of flight for a B — 52 bomber cost \$ 8,600.

⁸³Pauline Jelinek, „Pentagon Weighs Cut in Air Partols over US Cities,“ *Chicago Tribune*, January 15, 2002, p. 13.

⁸⁴John D. McKinnon and Gary Fields, „Homeland Defense Is Focus of Budget Fight as Bush Resists Spending,“ *Wall Street Journal*, December 3, 2001, p. A20.

fly after they opened. One research institute calculated that the attack caused the loss of 1.8 million jobs across the nation, mainly in restaurants, financial services, and the airline industry.⁸⁵ As a result of defense costs and the economic downturn, the government's annual budget — which was expected to show a healthy surplus — would show a deficit of billions of dollars for the year and perhaps a decade afterward.⁸⁶ Nevertheless, Congress was preparing to increase substantially the defense allocation in the 2002 budget, providing for new technological hardware.⁸⁷

Curtailling liberties to prevent terrorism: Of greater significance for American society and politics was its citizens' loss of freedom in the form of curtailed civil liberties. United States citizens are justifiably proud of their freedom of expression. The First Amendment to the US Constitution says „Congress shall make no law... abridging the freedom of speech, or of the press.“ The Supreme Court (and thus lower courts) have rigorously enforced this provision, which has become close to an „absolute“ freedom that can be infringed only under special circumstances. For example, in 1919 the Supreme Court cautioned that „The most stringent protection of freedom of speech would not protect a man in falsely shouting fire in a theater, and causing a panic.“⁸⁸ By the same reasoning, the Court allowed air travelers to be prosecuted for joking that they had a bomb in their suitcase — even prior to September 11. Since September 11, there is no tolerance within the legal community or among the public for any traveler's reference to knives, guns, or terrorism.

Such restrictions on freedom of speech are understandable and not a major threat to civil liberties. Constitutional scholars and civil libertarians are more worried about the rights of US citizens of Middle Eastern origin. History gives reason for concern. Following Japan's attack on Pearl Harbor in December, 1941, and the beginning of World War II, the government forcefully transported Japanese-American citizens into „relocation“ (concentration) camps during the war. When one Fred

⁸⁵„Attacks May Cost US 1.8 Million Jobs,“ *New York Times*, January 13, 2002, p. 14.

⁸⁶Richard W. Stevenson, „Huge Decline Seen in Budget Surplus over Next Decade,“ *New York Times*, January 6, 2002, p. 1.

⁸⁷Pat Towell, „Bill Takes Incremental Approach Toward Reshaping the Military,“ *CQ Weekly Report*, December 22, 2001, p. 3097.

⁸⁸The 1919 case was *Schenck v. United States*. The court continued: „The question in every case is whether the words used are used in such circumstances and are of such a nature as to create a clear and present danger that they will bring about the substantive evils that Congress has a right to prevent. It is a question of proximity and degree.“

Korematsu sought to evade detention, he was arrested, tried, and convicted. When his case was appealed to the Supreme Court during the war, the Court upheld his conviction, saying, "... hardships are a part of war, and war is an aggregation of hardships" and holding that "when under conditions of modern warfare our shores are threatened by hostile forces, the power to protect must be commensurate with the threatened danger."⁸⁹

In reaching that decision, the Supreme Court drew on a legacy of historical writings, presidential actions, and court decisions. In 1787, Alexander Hamilton, one of the supporters of the proposed Constitution, wrote in defense of broad central powers during threat to the nation's security: "The circumstances that endanger the safety of nations are infinite; and for this reason no constitutional shackles can wisely be imposed on the power to which the care of it is committed."⁹⁰ During the Civil War, President Lincoln revoked the constitutional right of *habeas corpus*, which guarantees a court hearing to anyone imprisoned.⁹¹ Indeed, the Supreme Court has granted wide discretion to presidents in time of war, including authority "to seize and subject to disciplinary measures those enemies who in their attempt to thwart or impede our military effort have violated the law of war," including the use of military tribunals.⁹²

On December 4, President Bush announced that he wanted to create military tribunals to try suspected terrorist who are not US citizens. Before a cheering crowd in Florida, he said, "The United States is under attack, and at war, the president needs to have the capacity to protect the national security and interests of the American people." He explained that military tribunals were needed because trials in ordinary courts might compromise national security secrets about how we acquired information.⁹³ Of course, Bush was not acting without precedent. Nevertheless, within days, more than 300 law

⁸⁹Korematsu v. United States, decided in 1944 by a vote of six to three among the nine justices. Internment in relocation camps violated the Japanese — Americans' rights as citizens — a fact recognized in the 1980s when the government apologized and paid reparations for the harm done them. Korematsu's conviction was also overturned. More information can be found in David J. Garrow, "Another Lesson from World War II Internments," *New York Times*, September 23, 2001, Section 4, p. 6.

⁹⁰Alexander Hamilton, "The Necessity of a Government as Energetic as the One Proposed to the Preservation of the Union," *Federalist No. 23* (December 18, 1787). Available on January 8, 2002, at <http://www.constitution.org/fed/federa23.htm>.

⁹¹The Supreme Court later overturned the President's executive decree, but essentially on a technicality — he shouldn't have acted without congressional approval.

⁹²Ex Parte Quinn, 1942.

⁹³Elisabeth Bumiller and Katharine Q. Seelye, "Bush Defends Wartime Call for Tribunals," *New York Times*, December 5, 2001, p. 1.

professors from across the nation signed a letter charging that the tribunals were "legally deficient, unnecessary and unwise."⁹⁴

Perhaps of greater concern than providing for military tribunals (none of which had been created by mid-January 2002) were comments made by Bush's Attorney General, John Ashcroft, defending the administration's efforts to combat terrorism. Speaking before the Senate Judiciary Committee, he said, "To those who scare peace-loving people with phantoms of lost liberty, my message is this: your tactics only aid terrorism."⁹⁵ Many scholars, journalists, and political leaders were appalled by the Attorney General's remarks, which suggested that people were somehow disloyal if they did not support the administration's approach for combating terrorism at home. His comments warn of far more serious restrictions on freedom of speech than discussed above.

But average citizens seemed to support the administration. In a national poll — taken just after the administration announced its plan to create military tribunals to try suspected terrorists — 77 percent of the public thought it a good idea to detain noncitizens "indefinitely if the government thinks the person is a threat to national security." And 72 percent thought it a good idea "for the government to listen in on conversation between suspected terrorists in jail and their lawyers." And even 64 percent thought it a good idea "for the president to make changes in the rights usually granted by the Constitution."⁹⁶

How could a public which historically has been proud of its civil liberties respond like that? Democratic Representative Barney Franks, a longtime member of the Judiciary Committee in the US House of Representatives, noted that the measures under consideration generally involve noncitizens, so most Americans don't expect their own liberties to suffer. He added:

The rights of people who have done terrible things are hard to defend. You have to keep pointing out, the question is the process to determine whether they've done the terrible things.⁹⁷

⁹⁴Katharine Q. Seelye, "In Letter, 300 Law Professors Oppose Tribunal Plan," *New York Times*, December 8, 2001, p. B7.

⁹⁵Quoted in Neil A. Lewis, "Ashcroft Defends Antiterror Plan; Says Criticism May Aid US Foes," *New York Times*, December 7, 2001, p. 1.

⁹⁶*New York Times* / CBS News Poll, based on 1,052 interviews conducted December 7 to 10. Reported in Robin Toner and Janet Elder, "Public Is Wary but Supportive on Rights, Curbs," *New York Times*, December 12, 2001, p. 1 and B9.

⁹⁷Quoted in Robin Toner, "Civil Liberties: Less a Battle than a Tricky Balancing Act," *New York Times*, December 5, 2001, p. 1.

A legacy of the September 11 attack: When war or terrorism affects people's daily lives, they become frightened; they look to government to provide law and order for protection. They become less concerned with justice (i.e., fair and equal treatment of people accused of crimes) and more concerned with preventing harm. Administration of justice involves dealing with the past — with determining what happened and who did it. Prevention of crime involves dealing with the future — with keeping something from happening, not knowing who might do it, or even what „it“ is. Consequently, citizens are more likely to give wider latitude to government to provide order. And governments in Europe, as well as the US government, have acted accordingly.

About the same time that President Bush announced his plans to create military tribunals, France expanded its police powers to search private property without warrants, Spain curbed organizations associated with a Basque guerrilla group (E.T.A.), Germany loosened restraints on telephone taps, Britain gave prosecutors the right to detain indefinitely and without trial foreigners suspected of terrorist links, and the European Union formulated a common arrest warrant and a common definition of a terrorist act. Daniel Valliant, France's Interior Minister, said,

The scale of the attacks on the US and the way they were carried out has made us aware that no one is safe from such terrorist acts. We now speak in terms of before and after September 11.⁹⁸

Europe's new concern about preventing terrorist attacks illustrates how globalization has come to function like a broad collective security agreement (e. g., NATO) which regards an attack on one member as an attack on all. In this interpretation, economically advanced nations with global connections might imagine that the September 11 terrorist attack on the United States was, or might be, an attack on them. In this view, the terrorist attack on America was indeed an attack on civilization.

⁹⁸Warren Hoge, „US Terror Attacks Galvanize Europeans to Tighten Laws,“ New York Times, December 6, 2001, p. B1.