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RESPONSIBILITY, INJUSTICE AND THE AMERICAN DILEMMA

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Catching a nonchalant America engaged more than ever in the business of entertaining itself and ignoring its responsibilities as a superpower, the September 11, 2001 attacks on New York and Washington marked the end of American insouciance. In spite of all that has been written and said about these events, there remains, paradoxically, a deep-seated reluctance in the United States to openly confront the reasons behind the assault, and to answer accurately the one question that continues to matter urgently: Why did this happen? Why *indeed* did this happen? What was driving the perpetrators of the attacks? What made these modern, urban-savvy, college-educated young men plan such an operation so professionally and so carefully? From where did they muster their motivation and dedication? And why were they willing to give their lives in their prime?

Because the attacks were the work of nineteen Arab Muslims (including fifteen Saudis led by an Egyptian, an Emirati, and a Lebanese), the required analysis also concerns the relationship between the United States (and the Western world as a whole) and the Arabo-Islamic world. These questions cannot, however, be addressed without establishing the historical context in which the events took place.

BLINDED BY AFFLUENCE

September 11 abruptly closed the confused decade of transition known as the post-Cold War era. It is in the nature of uncertain times to be defined in relation to what preceded them, and that was how many observers liked to think of the 1990s. In hindsight, those ten years were a decade of chimeras, a make-believe world whose swift demise was epitomized by the fate of the "dot-com" era. Hasty analyses, such as Francis Fukuyama's THE END OF HISTORY AND THE LAST MAN, reigned supported by neo-

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Orwellian agendas posing as pragmatic accounts of global progress (e.g., Thomas Friedman's THE LEXUS AND THE OLIVE TREE[1]). As events in the second half of the 1990s started pointing to the persistence of "real world" problems, and indeed to a "coming anarchy"[2] in many places around the globe, Fukuyama's concept, in particular, proved shortsighted.[3] History had not culminated in modern Western liberal democracy and market-oriented capitalism.

The aggressive pursuit of that ideal notwithstanding, for most of the twentieth century, the United States had been an inspiring land – a nation whose ideals and ways could be and were worthy of admiration worldwide. It was a country that had taken significant steps into ridding itself of discrimination and class disparities (with uneven success to be certain), but at times with a forceful, nationally-shared drive. Though imperfect, its model of democracy was becoming "the least worst" system that modernity could provide for the West. Gradually, however, American society fell under a spell of cynicism. The growth of greed and of irreverence overtook the land, and, once rationalized, became the measure of all endeavors, leading America onto a culturally and politically self-destructive path.[4]

In time, *fin-de-siècle* America had become a voraciously consumerist system with an eager appetite for closure and little patience for complexity. A society characterized by cultural phenomena such as the trivialization and commodification of everything, the dictate of immediacy and its natural corollary – the end of patience, the relativization of all things, the individualization of power, the institutionalization of cynicism, and the infantilization of people. The cumulative effect of these phenom-

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[1] THOMAS L. FRIEDMAN, THE LEXUS AND THE OLIVE TREE: UNDERSTANDING GLOBALIZATION (1999).

[2] *See* Robert D. Kaplan, *The Coming Anarchy: How Scarcity, Crime, Overpopulation, Tribalism, and Disease are Rapidly Destroying the Social Fabric of Our Planet*, ATLANTIC MONTHLY, Feb. 1994, at 44-76 (foreshadowing such a development has been vindicated by events in Africa and the Middle East since its publication in 1994).

[3] FRANCIS FUKUYAMA, THE END OF HISTORY AND THE LAST MAN (1992). Fukuyama's exclusive approach is best summarized in his statement, in the original article from which the book is expanded, that "[f]or our purposes, it matters very little what strange thoughts occur to people in Albania or Burkina Faso . . . ." Francis Fukuyama, *The End of History?*, NAT'L INTEREST, Summer 1989, at 9.

[4] This evolution is documented by Alan Bloom, among others, who notes the cumulatively negative social effects of self-centeredness, separateness, nihilism, and what he terms the "Nietzscheanization" of American intellectuals. *See* ALLAN D. BLOOM, THE CLOSING OF THE AMERICAN MIND (1987).

ena was an America obliviously indifferent to the rest of the world. A doctrinaire but somewhat debonair, almost nonchalant America became engaged in something best described as *la démission civilisatrice*, and its self-centeredness tantamount to exclusionary living.

To wit, by the late 1990s, the deliberate application of the techniques of theatre to politics, religion, education, literature, commerce, warfare, crime, *everything*, had converted them into branches of show business, where the overriding objective had become getting and satisfying an audience.[5] Such civic cacophony led to an emotional flattening of democracy shoehorned by ignorance of the world, whereas, paradoxically, American culture was reaching the apex of its international influence in the context of globalization. The anarchy prevailing in the rest of the world, however profound, morally arresting, and resulting partly from United States foreign policy, could not be allowed to disturb the national perception of prosperity.

Peace, or rather a manufactured perception of it, was forced on international events. Naturally, such denial produced a numbing of the political senses. This endured in the United States until the bourgeois and commercial passion for material well-being were shaken to their foundations on September 11, and the urgent need for a cultural market correction was provided by Mohammad Atta and his group. A nation bloated by good living suddenly realized that it had serious enemies, which it had dangerously dismissed in a blind fit of ethnocentrism.

THE SHADOW OF THE SECOND GULF WAR

When not unreflective about the world around it, America was oftentimes antagonistic towards large parts of it. Nowhere more than in its relationship with Islam (as a faith) and Arabs (as a people) was the enmity of the United States more manifested. The unprecedented economic prosperity and global political power that the United States had enjoyed in the 1990s were linked to the end of the Cold War, but also, and possibly more directly, to the outcome of the 1990-91 Second Gulf War. The selling of that complex, unfinished conflict as a political and military success combined with the euphoria of having gone back safely from the brink of World War III set the stage for a period where Americans (and later Europeans and Third World elites) would indeed want to focus exclusively on "the economy, stupid." In addition, the CNN-delivered portrayal of a "heroic" American army helped cure the psychological trauma of the Vietnam War, and temporarily endowed America with self-confidence. In fact, the decade

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[5] NEAL GABLER, LIFE: THE MOVIE: HOW ENTERTAINMENT CONQUERED REALITY 5 (1998). *See also* GEOFFREY O'BRIEN, THE PHANTOM EMPIRE (1993).

that followed was in significant measure about the blowback of that war, which would only be settled decisively on April 9, 2003 with the fall of the Ba'ath regime in Baghdad.

Contrary to what many believe, the September 11 attacks did not mark the opening salvo of the contest between the United States and Islam. To adduce this claim is to ignore that the long-coddled conflict had been going on for a while, and that September 11 was, therefore, merely a continuation and an escalation of the pattern that had begun following the Second Gulf War.[6] Thus, between 1991 and 2001, America sustained five major assaults: the February 26, 1993 first World Trade Center operation; the November 13, 1995 bombing of a Saudi-American base in Riyadh; the June 25, 1996 attack on the Al Khobar towers near Dhahran, Saudi Arabia (housing site for the crews enforcing the no-fly zones over Iraq); the simultaneous bombings of the United States embassies in Kenya and Tanzania on August 7, 1998; the attack against the U.S.S. Cole warship in Yemen on October 12, 2000; and the operation against the World Trade Center and the Pentagon on September 11, 2001. In addition, there had been at least two thwarted attacks: a plot to bomb eleven American airliners over the Pacific Ocean in January 1995, and a bombing (possibly of the Space Needle) during the millennial festivities in Seattle, Washington in December 2000.

For its part, the United States government has been consistently and increasingly in conflict with Muslims and Arabs. According to the United States Department of Defense, between 1980 and 1995, the United States engaged in seventeen military operations in the Middle East, every one of them directed against Muslims. The United States also took direct action against Muslims in the Sudan and in Afghanistan on August 20, 1998. No such pattern (which multiplied dramatically in the years that followed, culminating in the 2003 war on Iraq) occurred against the people of any other civilization.[7] The United States' hegemonic attitudes towards the Islamic world and America's failure to recognize and take into account that its civilization is not the only one vying for a leadership place in the world, further fueled the conflict setting the stage for September 11.

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[6] Elaine Sciolino, *Seeing Green: The Red Menace is Gone. But Here's Islam*, N.Y. TIMES, Jan. 21, 1996, at A1 (constituting a sign of things to come after 2001).

[7] SAMUEL P. HUNTINGTON, THE CLASH OF CIVILIZATIONS AND THE REMAKING OF WORLD ORDER 217 (1996).

THE SERIOUSNESS OF INJUSTICE

With the veil of ignorance abruptly lifted, post September 11 Americans began asking themselves all kinds of questions with despondency. Looking contentedly on the order of things, 1990s style, was no longer an option as interrogations abounded: Could the United States remain a superpower? Should it resort to torture? Cut adrift by the shattering of their reality, Americans could not cushion the emotional experience. The sense of disconnectedness was too powerful. Yet, though there could have been no bigger wake up call than the events of September 11, it was as if nothing was learned, and the Gulf War matrix was dusted off. "Osama" joined and dethroned "Saddam" in the pantheon of all-star villains (though Hussein continued to run conveniently a close second), and, ten years later, the Arabs were still the ultimate enemy.

Equally, the answers provided by officials and commentators alike – "*they* hate our way of life," "*they* detest democracy," "this is a war of freedom-loving people against evil ones" – were misleading.[8] For far too long, Americans had been listening complacently to current affairs commentators, *à la* Fouad Ajami and Judith Miller and historians of the Bernard Lewis camp, who contributed actively to the American cecity towards the political grievances of more than one billion individuals. The result of such stigmatizing discourse and dichotomizing history was that, as Don DeLillo remarked, the sense of disarticulation heard in the formula "Us versus Them" has never been so striking, at either end.[9]

Questions have been asked about who has done this and how this could have happened.[10] However, there has been no proper introspection into why the attacks took place. While the answer to this question is quite clear to Arabs and Muslims around the world, as noted, the question that remains unanswered to many an American is "Why did this happen?"[11] In

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[8] *See* Frank Rich, *On "Fixed Ideas" Since September 11*, N.Y. REV. OF BOOKS, Mar. 13, 2003, at 20 (pointing out, "history will have to explain why post-9/11 America was so quick to rein in the freedom of debate even as [Americans] paid constant self-congratulatory lip service to this moral distinction between them and us").

[9] Don DeLillo, *In the Ruins of the Future: Reflections on Terror and Loss in the Shadow of September*, HARPER'S MAG., Dec. 2001, at 34.

[10] *See, e.g.*, JAMES F. HOGE, JR. & GIDEON ROSE, HOW DID THIS HAPPEN? TERRORISM AND THE NEW WAR (2002).

[11] The preferred, and more convenient, interrogation was "Why do they hate us?" *See* Peter Ford, *Why Do They Hate Us?*, CHRISTIAN SCI. MONITOR, Sept. 27, 2001, *available at* www.csmonitor.com/2001/0927/p1s1-wogi.html; Cass R. Sunstein, *Why They Hate Us: The Role of Social Dynamics*, 25 HARV. J.L. & PUB. POL'Y

fact, proper inquiry into the reasons behind the events is regarded as almost insidious. The late Edward Said pointed out that

> today almost the least likely argument to be listened to in the United States in the public domain is one that suggests that there are historical reasons why America, as a major world actor, has drawn such animosity to itself by virtue of what it has done . . . . The assumption seems to be that . . . any minimising or explanation of that is an intolerable idea even to contemplate, much less to investigate rationally.[12]

Why then did September 11 take place? Primarily, the answer is a deep and heavy sense of injustice harbored by millions around the Arab and Islamic world. The issue is not Islamic fundamentalism, religious fanaticism, poverty, or the lack of democracy in the Arab world. It is merely a yearning for justice, in light of what many in the Arab and Islamic world view as American injustice. This injustice is specifically shown by the United States' unceasing and unflinching support for Israel's occupation of Palestinian territories. It bears reminding that it is not America's paramountcy that is resented, but its hegemonic policies.[13] The predominance is an accepted fact to most Muslims. Many in the United States and some in

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429, 429-40 (2002); Lisa Beyer, *Roots of Rage*, TIME, Oct. 1, 2001, at 44-47; Brigitte L. Nacos' insightful discussion of this issue in *Terrorism as Breaking News: Attack on America*, 118 POL. SCI. Q. 23, 23-52 (2003).

[12] Edward Said, *Suicidal Ignorance,* 560 AL AHRAM WEEKLY (Cairo), Nov. 15-21, 2001, *available at* http://weekly.ahram.org.eg/2001/560/op2.htm. As he notes elsewhere, "peace cannot exist without equality; this is an intellectual value desperately in need of reiteration, demonstration, and reinforcement." EDWARD SAID, HUMANISM AND DEMOCRATIC CRITICISM 142 (2004).

[13] Before his September 11, 2002 arrest in Karachi, Ramzi Ben al Shaiba, a member of Mohammad Atta's group in Hamburg (and in all likelihood the original twentieth hijacker who was replaced by Zakaria Moussaoui when he repeatedly failed to enter the United States), gave an interview to Al Jazeera investigative journalist Yosri Fouda in which he made it clear that the United States hegemony and its policies towards the Islamic world were the key motive of the attacks on New York and Washington. Ben al Shaiba provided Fouda with a copy of a 112-page document entitled *The Reality of the New Crusaders' War* that he had written to explain the attackers' motivations (he asked the journalist to translate the document into English and deliver it to the Library of Congress). *See The Road to September 11* (Al Jazeera television broadcast Sept. 5, 12, 2002); Yosri Fouda, *The Masterminds: E-mails and Riddles Hid the Terror Plot*, SUNDAY TIMES (London), Sept. 8, 2002, at 15-17. An English translation of the document is extracted in YOSRI FOUDA & NICK FIELDING, MASTERMINDS OF TERROR 196-202 (2003).

Europe have argued that those who committed the attacks "hate our way of life." These protests are hypocritical. No Arab hates the West's way of life to the point of committing suicide attacks, but almost every Arab and Muslim youth (and they need not be dim-witted lunatics) resents America's policies and its *pax Americana-Israelica*. With the American and British colonization of Iraq, this feeling will multiply in the years ahead. Revenge is a powerful motivation and victimhood no myth. It is a painful reality to large numbers of dispossessed Arabs and Muslims, including the families of the 100,000 killed in Iraq in 2003-04.[14] Yet for many Americans it is difficult to countenance the fact that there might be more to the September 11 operation or the Iraqi resistance than religious fanaticism or "terrorism" – namely a political dimension.[15]

One could say, equally, that hatred of Muslims runs deep among some Westerners. The best selling book in France over the summer of 2001 was *Plateforme*, a novel whose author, Michel Houellebecq (who had previously penned the critically acclaimed, award-winning *The Elementary Particles*[16]), was boasting publicly of his hatred for Islam only days before the attacks.[17] In the book, the main character explains that nothing makes him happier than the sight on the evening news of a dead Palestinian woman, preferably a pregnant one.[18] Intemperate statements such as those of nationally-syndicated columnist Ann Coulter who wrote that "[w]e should invade their countries, kill their leaders and convert them to Christianity,"[19]

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[14] Les Roberts et al., *Mortality Before and After the 2003 Invasion of Iraq: Cluster Sample Survey*, LANCET, Nov. 20, 2004, at 1857; Richard Horton, *The War in Iraq: Civilian Casualties, Political Responsibilities*, LANCET, Nov. 6, 2004, at 1831.

[15] A political science professor of the University of Chicago argues that nearly all terrorist campaigns have historically been aimed at compelling a party to withdraw military forces from disputed territory as part of a "large, coherent political or military campaign." Reviewing the 188 suicide bombings and attacks that took place around the world from 1980 to 2001, he concludes that "the data show that there is little connection between suicide terrorism and Islamic fundamentalism, or any religion for that matter." Robert A. Pape, *The Strategic Logic of Suicide Bombers*, INT'L HERALD TRIB., Sept. 23, 2003, at 6; ROBERT A. PAPE, DYING TO WIN: THE STRATEGIC LOGIC OF SUICIDE TERRORISM (2005).

[16] MICHEL HOUELLEBECQ, LES PARTICULES ÉLÉMENTAIRES (1998). In that book, a lead character remarks that ". . . Islam is by far the most stupid, fake, and obscurantist of all religions." *Id.* at 335-36.

[17] Interview by Didier Sénécal with Michel Houellebecq in Paris, Fr. (Sept. 2001).

[18] MICHEL HOUELLEBECQ, PLATEFORME 357 (2001).

[19] Ann Coulter, *This is War*, NAT'L REV., Sept. 13, 2001. With the back-to-back invasions of Afghanistan and Iraq and the killing of Saddam Hussein's sons, Uday

or Italian Prime Minister Silvio Berlusconi's claim, on September 28, 2001, that Western civilization is "superior" to the Islamic one,[20] Reverend Jerry Falwell's October 6, 2002 remark that the Prophet Mohammad is a "terrorist,"[21] or indeed President Bush's September 15, 2001 declaration that this crusade will take a while[22] attest to the fact that reactions to the September 11 attacks were indeed strictly along civilizational lines. Such dormant hate – awakened at once and embodied in Italian journalist Orianna Fallaci's diatribe-filled best-seller *The Rage and the Pride*[23] – is also what made it easy for many a Westerner to start seeing Osama bin Laden (previously a supporting character in the background noise of world politics) as the new face of evil.

MISREPRESENTATIONS AND DISTORTIONS

Unfortunately, not asking the right questions (Have we been committing injustice? Should we reassess our foreign policy?), the United States could hardly come up with the proper political answers. This has led the "land of the free" on a path where, within a mere few weeks, institutionalized racism became tolerated nationwide, torture rationalized,[24] and the very same indoctrination methods that characterize dictatorial regimes, in-

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and Ousay, the Bush administration had, within two years, acted on the first two calls.

[20] Associated Press, *Italian Leader Says West Can "Conquer" Islam*, WASH. POST, Sept. 27, 2001, at A15.

[21] *60 Minutes: Zion's Christian Soldiers* (CBS television broadcast June 9, 2003).

[22] George W. Bush, President of the United States, President Urges Readiness and Patience, Address at Camp David, Thurmont, MD (Sept. 15, 2001) (transcript *available at* http://www.whitehouse.gov/news/releases/2001/09/20010915-4.html).

[23] ORIANA FALLACI, THE RAGE AND THE PRIDE (2001). The book was expanded from her article, *Anger and Pride*, CORRIERE DELLA SERA, Sept. 29, 2001.

[24] *See, e.g.*, Steve Chapman, *Should We Use Torture to Stop Terrorism?*, CHICAGO TRIB., Nov. 1, 2001; Jim Rutenberg, *Torture Seeps into Discussion by News Media*, N.Y. TIMES, Nov. 5, 2001, at C1; Jonathan Alter, *Time to Think about Torture as U.S. Option*, NEWSWEEK, Nov. 5, 2001; Alan M. Dershowitz, *Is There a Torturous Road to Justice*, L.A. TIMES, Nov. 8, 2001; Bruce Hoffman, *Nasty Business: Gathering "Good Intelligence" Against Terrorists is an Inherently Brutish Enterprise, Involving Methods a Civics Class Might Not Condone. Should We Care?*, ATLANTIC MONTHLY, Jan. 2002, at 49-52; Dana Priest & Barton Gellman, *US Decries Abuse But Defends Interrogations*, WASH. POST, Dec. 26, 2002, at A1; Raymond Bonner et al., *Questioning Terror Suspects in a Dark and Surreal World*, N.Y. TIMES, March 9, 2003, at 1, 14.

cluding secret trials and executions, self-censorship,[25] and witch-hunts were implemented nationwide and accepted enthusiastically.[26] By 2002, sweeping policies were secretly introduced[27] and were radical departures from the constitutional guarantees at the core of American democracy: the rights to an independent judiciary, trial by jury, public proceedings, due process, and appeals to higher courts.[28] In time, the country embarked on an illegal, immoral, and ill-advised colonial war on a sovereign state.[29]

If the United States of the late 1990s were a country yearning for meaning, post September 11 America ached for direction. It knew only too well that something about its behavior was amiss, but, "militarist, agitated, uncertain, anxious, projecting its internal disorder on the planet,"[30] America refused to admit it. The self-congratulating masquerade that was displayed in full effect after September 11 was, thus, no recipe for responsible leadership. In almost all matters, America's reply, including that of the vast majority of its intellectuals,[31] took the form of reasserting American

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[25] *See* Amy Harmon, *U.S. Scientific Journals Make a Pact to Censor*, INT'L HERALD TRIB., Feb. 17, 2003, at 3.

[26] *See* MICHELLE MALKIN, IN DEFENSE OF INTERNMENT: THE CASE FOR RACIAL PROFILING IN WORLD WAR II AND THE WAR ON TERROR (2004).

[27] *See* Tim Golden, *After Terror, a Secret Rewriting of Military Law*, N.Y. TIMES, Oct. 24, 2004, at 1, 12-13; Tim Golden, *Administration Officials Split Over Stalled Military Tribunals*, N.Y. TIMES, Oct. 25, 2004, at 1, 8-9.

[28] BARBARA OLSHANKSY, SECRET TRIALS AND EXECUTIONS: MILITARY TRIBUNALS AND THE THREAT TO DEMOCRACY 7-8 (2002).

[29] Although it is stated in the National Security Strategy of the United States (released on September 19, 2002) that "[t]he reasons for our actions will be clear, the force measured, and the cause just," that was arguably not the case with the Iraq conflict. THE NAT'L SEC. STRATEGY OF THE U.S. § 5 (Winterhouse ed., 2002), *available at* http://www.whitehouse.gov/nsc/nss.html.

[30] EMMANUEL TODD, APRÈS L'EMPIRE: ESSAI SUR LA DÉCOMPOSITION DU SYSTÈME AMÉRICAIN 286 (2004).

[31] *See, e.g.*, PAUL BERMAN, TERROR AND LIBERALISM (2003); Christopher Hitchens, *A View from the Patriotic Left*, BOSTON GLOBE, Sept. 9, 2002. *See also*, Stephen Peter Rosen, *An Empire, If You Can Keep It*, NAT'L INT., Spring 2003, at 51.

> Writers from the political Left and Right . . . not only discuss American imperialism but call for more of it in the name of humanitarian nation-building or global stability. Moreover, what is being discussed is not simply the reach and influence of American capitalism or culture, but the harder kind of imperialism – the kind exercised by coercive intimidation and actual soldiers on the ground.

Id.

imperialism (disguised as legitimate, defensive patriotism) rather than reexamining and reassessing its policies.[32] In so doing, and in reelecting President George W. Bush, the majority of Americans took a calculated risk. Occupying countries will, at most, disrupt terrorist operations in the short-term, however, over time they will increase the number of terrorists targeting America.[33]

More dangerously, for Americans, the United States government did not hesitate to change its laws to non-democratic ones to dispose of its foreign and domestic enemies.[34] Similarly, the American media have, for the most part, foregone their information mission namely to report the facts. Any dissenting views were denounced as unpatriotic and treasonous, not merely by the likes of Bill O'Reilly of the Fox News network but also by respected national commentators. As one of the few dissenting voices (along with Gore Vidal,[35] Lewis H. Lapham,[36] and Kurt Vonnegut[37]), Norman Mailer argued convincingly that, after September 11, Americans re-

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[32] This is clearly the subtext of the Bush administration's National Security Strategy, which redefines the country's approach to international politics along lines that rest on the use of imperial rhetoric; "We will disrupt and destroy," "We will wage a war," and so forth.

[33] Pape, *The Strategic Logic of Suicide Bombers*, *supra* note 15 at 8. *See also*, Stanley Hoffmann, *America Goes Backward*, N.Y. REV. OF BOOKS, June 12, 2003, at 74-80 ("Such [United States] domination will certainly incite some enemies either to resort to terrorism or to obtain weapons of mass destruction . . . ."); BENJAMIN R. BARBER, FEAR'S EMPIRE: WAR, TERRORISM AND DEMOCRACY (2003) (deeming the United States' military strategies "obsolete.").

[34] On the post-September 11 wave of attacks perpetrated by the United States government on civil liberties, *see* NAT HENTOFF, THE WAR ON THE BILL OF RIGHTS AND THE GATHERING RESISTANCE (2003); LOST LIBERTIES: ASHCROFT AND THE ASSAULT ON PERSONAL FREEDOM (Cynthia Brown ed., 2003); THE WAR ON OUR FREEDOMS: CIVIL LIBERTIES IN AN AGE OF TERRORISM (Richard C. Leone & Greg Anrig, Jr. eds., 2003); DAVID LYON, SURVEILLANCE AFTER SEPTEMBER 11 (2003); CHRISTIAN PARENTI, THE SOFT CAGE: SURVEILLANCE IN AMERICA FROM SLAVERY TO THE WAR ON TERROR (2003); BARBARA OLSHANSKY, SECRET TRIALS AND EXECUTIONS (2002).

[35] *See* GORE VIDAL, PERPETUAL WAR FOR PERPETUAL PEACE: HOW WE GOT TO BE SO HATED (2002).

[36] *See* LEWIS H. LAPHAM, THEATRE OF WAR: THE INNOCENT AMERICAN EMPIRE (2003).

[37] Interestingly, it is novelists (including the science-fiction author Kurt Vonnegut) more than other intellectuals, who have been the most vocal and openly critical about the dangers of United States policies. Others, like human rights activists who have documented and denounced the anti-democratic nature of the mea-

ceived a shock that is not wholly out of proportion to what happened to the Germans after World War I. This blow to their sense of security allowed a form of fascism to creep in, whereby the United States could become a species of totalitarian country, dominating the world with very little freedom of speech.[38] In fact, the new era that began on September 11 has merely brought into the open certain latent pathologies in American society.[39]

For the first time since the United States government's mistreatment of Japanese nationals and descendants in the 1940s, civil liberties and freedoms have been officially curbed. Secret military tribunals, racial profiling, expanded domestic and international surveillance powers,[40] and censorship have proliferated in a matter of days.[41] Particularly alarming is the upsurge of xenophobia. In a September 16, 2001 USA Today/CNN/Gallup poll asking Americans about their reactions to the attacks in New York and Washington, forty-nine percent of the interviewees said that they would approve requiring Arabs, including those who are United States citizens, to

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sures, have not necessarily addressed the larger picture of the meaning of such drift for the United States, at home and abroad.

[38] Norman Mailer, *Only in America*, N.Y. REV. OF BOOKS, March 27, 2003, at 49-53. *See also* NORMAN MAILER, WHY ARE WE AT WAR (2003); Norman Mailer, Speech to Los Angeles Institute for the Humanities (Feb. 22, 2003); Interview with Norman Mailer, SUNDAY TIMES (London), Sept. 8, 2002, at 41-51.

[39] Anatol Lieven, *A Trap of Their Own Making*, LONDON REV. OF BOOKS, May 8, 2003, *available at* http://www.lrb.co.uk/v25/n09/print/liev01_.html; *see also* Kevin Baker, *We're in the Army Now: The GOP's Plan to Militarize Our Culture*, HARPER'S MAG., Oct. 2003, at 35-46.

[40] *See* John Barry, *Big Brother is Back*, NEWSWEEK, Dec. 2, 2002, at 33; Dan Eggen & Robert O'Harrow, Jr., *U.S. Steps Up Secret Surveillance*, WASH. POST, March 24, 2003, at A1; Dean E. Murphy, *As Security Cameras Sprout, Someone's Always Watching*, N.Y. TIMES, Sept. 29, 2002, at 1; Robert O' Harrow Jr., *Pentagon Begins Designing Global Surveillance System*, INT'L HERALD TRIB., Nov. 13, 2002, at 8.

[41] *See, e.g.*, DAVID COLE, ENEMY ALIENS: DOUBLE STANDARDS AND CONSTITUTIONAL FREEDOMS IN THE WAR ON TERRORISM (2003); WILLIAM F. SCHULZ, TAINTED LEGACY: 9-11 AND THE RUIN OF HUMAN RIGHTS (2003); LAWYER'S COMMITTEE FOR HUMAN RIGHTS, A YEAR OF LOSS: RE-EXAMINING CIVIL LIBERTIES SINCE SEPTEMBER 11 (2002); *If in Doubt, Jail Him*, ECONOMIST, June 15, 2002; Anthony Lewis, *Un-American Activities*, N.Y. REV. OF BOOKS, Oct. 23, 2003, at 16-19; Philip B. Heymann, *Civil Liberties and Human Rights in the Aftermath of September 11*, 29 HUM. RTS. 18 (2002); HUMAN RIGHTS WATCH, PRESUMPTION OF GUILT: HUMAN RIGHTS ABUSES OF POST-SEPTEMBER 11 DETAINEES (2002).

carry a special identity card. Fifty-eight percent were in favor of requiring Arabs, including those who are United States citizens, to undergo special, more intensive security checks before boarding airplanes in the United States.[42] This yellow star Germany-like hysteria reached the point where the credentials of a United States Secret Service agent of Arab lineage entrusted with protecting the President (after what can only be assumed to be a most thorough series of background checks and security clearances) were questioned by a zealous flight attendant and the agent was unceremoniously deboarded off a commercial flight.[43]

The simplistic gung-ho, in-your-face approach of the George W. Bush administration catered to feelings of punishment rather than the idea of justice. The "go get'em" demagogy has led to the dehumanization of the enemy whereby, as Makau Mutua argues, "the United States is now leading a conceptual struggle to re-define, revise, and amplify the meaning of the savage in the consciousness of Western civilization . . . . It is a re-definition that focuses on culture, political causes and struggles, religion, and nationality."[44] Consequently, the previously unseen and unknown Muslims are now the subject and object of Western paranoia and justice must be *brought* to them courtesy of United States military action. Like Star Wars' "Imperial Stormtroopers," soldiers now search for Muslim "rebels" in Afghanistan, Iraq, and Yemen,

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[42] *See* Salah D. Hassan, *Arabs, Race and the Post-September 11 National Security State*, MIDDLE EAST REP., Fall 2002, at 16; Associated Press, *Crimes Against Muslims in U.S. Soar*, INT'L HERALD TRIB., Nov. 26, 2002, at 3; USA TODAY/CNN/GALLUP POLL, Sept. 14, 2001; *see also* MAHMOOD MAMDANI, GOOD MUSLIM, BAD MUSLIM: AMERICA, THE COLD WAR, AND THE ROOTS OF TERROR (2004).

[43] Darryl Fears, *Prudence or Profiling: Arab-American Secret Service Agent Rebuts Airline*, WASH. POST, Jan. 15, 2002, at A3 (explaining how the flight attendant became "suspicious" when, "eyeing" the man's bag, she noticed a copy of award-winning Lebanese novelist AMIN MAALOUF'S book, THE CRUSADES THROUGH ARAB EYES (1989)).

[44] Makau Mutua, *Terrorism and Human Rights: Power, Culture, and Subordination*, 8 BUFF. HUM. RTS. L. REV. 1, 7 (2002). As another analyst aptly notes, the elephant in the room that nobody wants to acknowledge in the September 11-Afghanistan-Iraq debate is conquest ("old fashioned conquest, in which ground is seized and populations are controlled against their will for extended periods . . ."). Anna Simons, *The Death of Conquest*, NAT'L INTEREST, Spring 2003, at 41; *see* Paul Johnson, *Colonialism's Back – And Not a Moment Too Soon*, N.Y. TIMES MAG., Apr. 18, 1993, at 22 (arguing that a number of African countries, for instance, could not govern themselves, and that the "civilised nations" would be forced to impose order where chaos was reigning).

Blindness, ignorance, arrogance, and denial – every step of the way, the United States has misbehaved and miscalculated. Rather than shielding itself from reality – a useless delay tactic since reality always finds a way to breakthrough as it did on that fateful Tuesday – the United States should summon courage and tackle the political roots of the problem. For great responsibility demands honesty and clear-headed analysis. In that context, whether we like it or not, concepts such as "the West" and "Islam" carry weight and meaning. More importantly, they summon loyalty – possibly more today than ever before in recent history. Yet the conventional Western public discourse does not constructively accommodate such clarity of vision. It uses cultural reference only to reinforce oft-repeated notions such as the idea that Islam is the one major world culture that has "problems" with modernity, imposing in effect a subjective universality.[45] Scorned, Islam is presented as intolerant and antimodern. For a long time, the West tended to be dismissive and contemptuous of Islamists who were regarded, by security specialists no less, as powerless lunatics. Indulging such clichés and dismissing its enemies so easily, thereby adding insult to injury, is what blinded Americans domestically and reinforced the perception of an arrogant America abroad. Indeed, "it is remarkable that the ideological roots of the Crusades have been preserved almost intact up through modern times. Arabs are stereotyped as cruel, duplicitous, savage, backward, uncouth, and civilizationally inept."[46] Clearly, in the face of so much planning and meticulous preparation, it defies logic that the September 11 team would be less than a professional commando. Mohammad Atta had earned a summa cum laude Ph.D. and Ziad Jarrah was fluent in four languages.

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[45] *See, e.g.*, Francis Fukuyama, *Their Target: The Modern World*, 138 NEWSWEEK 42 (2001).

[46] AS'AD ABUKHALIL, BIN LADEN, ISLAM AND AMERICA'S NEW "WAR ON TERRORISM," 25 (2002) ("explaining" Arab politics through the understanding of an alleged idiosyncratic Arab psychology has witnessed a renaissance in the post September 11 era.). The founding texts of that tradition had been RAPHAEL PATAI, THE ARAB MIND (1973) and DAVID PRYCE-JONES, THE CLOSED CIRCLE: AN INTERPRETATION OF THE ARABS (1989). After September 11, the trend became almost openly racist and was expanded to encompass all Muslims. *See* ANTHONY J. DENNIS, THE RISE OF THE ISLAMIC EMPIRE AND THE THREAT TO THE WEST (1996); ROBERT SPENCER, ISLAM UNVEILED: DISTURBING QUESTIONS ABOUT THE WORLD'S FASTEST GROWING FAITH (2002); *and* SERGE TRIFKOVIC & SRDJA TRIFKOVIC, THE SWORD OF THE PROPHET: THE POLITICALLY INCORRECT GUIDE TO ISLAM: HISTORY, THEOLOGY, IMPACT ON THE WORLD (2002).

The oft-heard argument that the failure of Arab societies to develop democracy in their midst breeds foreign terrorism is equally misleading. Though the state-society relationship in all Arab countries has traditionally been, at best, a rocky one, democratization was initiated and gained momentum in the early 1990s in some countries where serious attempts at developing and retaining a degree of independence on the part of the civil society took place. Nevertheless, this population has had to face the challenge of an alternative project of society put forth by Islamist groups, at the same time that it found itself battling the existing authoritarian regimes and their resistance to change. Buttressed by the repressive behavior of the regimes and the historical legacy of failed and ill-advised secularization experiences, an Islam of rebellion emerged in the whole of the region.[47]

Although the long-term nature of this evolution is necessarily indeterminate (there are several signs that the democratization processes are not moving forward) an assessment of the state of human liberties and political freedom in the region indicates that the resentment is essentially domestic. The demands and activism are mostly, and in some cases exclusively, directed locally towards repressive regimes such as Mubarak's Egypt, King Saud's Saudi Arabia, Ben Ali's Tunisia, Assad's Syria, Bouteflika's Algeria and King Abdullah's Jordan, all of which are steadfast United States allies. Consequently, it can be maintained that had the twenty-two Arab countries been full-fledged democracies, the attacks of September 11 still could have taken place. The reason is that the issues that motivated Atta, and which continue to motivate Osama Bin Laden and Ayman al Zawahiri, were eminently political and about power asymmetry, not about the local struggles for political liberalization.[48]

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[47] As it were, the countries that had demonstrated the greatest willingness to distance themselves from a religiously organized political system (Algeria, Tunisia, Syria, and Egypt) came to be the ones where Islamist activity is the most prominent.

[48] Osama Bin Laden, Remarks to American People (Oct. 29, 2004) (Al Jazeera television broadcast) (explaining that the best way for Americans to avoid a repeat of the September 11, 2001 attacks was to stop threatening Muslims' security:

> It had not occurred to our mind to attack the towers, but after our patience ran out and we saw the injustice and the inflexibility of the American-Israeli alliance towards our people in Palestine and Lebanon, this came to my mind. As I watched the destroyed towers in Lebanon, it occurred to me to punish the unjust the same way – to destroy towers in America so that it can taste some of what we are tasting and stop killing our children and women.).

Id.

Hence, for the new breed of kamikazes, the dual source of armed action is the question of injustice and dispossession. To them, the Islamic world has for the time being lost the contest of ideas and vision of the world and such a constant reminder perpetuates their resentment and fuels grievances and a feeling of challenge. Today, the combined failure and emasculation of post-colonial and re-colonized states has led to a democratization and "privatization" of the struggle against foreign domination, ushering in the international rise of non-state actors filling the power vacuum with demonstrated military ambitions.[49]

LIVING UP TO THE CHALLENGE

The proper prognosis must first be accepted before the corresponding prescription can be adopted.[50] The issue is not airport security, the demise of Ba'athi Iraq or Osama Bin Laden's fate but the place of America in the world. Absent such understanding – namely that the United States must recognize at the policy level the existence of another civilization, currently weakened but potentially and historically just as powerful[51] – the debate about the genesis of September 11 will remain superficial and self-serving. So far, Washington has decided to avoid investigating the causes of terrorism. In November 2004, the majority of the American people continued to support this approach through the election of George W. Bush.

If, therefore, the stripped-down, bare truth is that the United States has embarked on a crusade against Islam, then Americans must awaken to the fact that such a war can never be won. A country of 280 million cannot defeat a religion of 1.3 billion believers. In the case at hand, America is also pitting itself against traditional societal forces at a time when these forces are stronger than ever in the Islamic world, and weaker than ever in the West.[52] One does not bomb a 1300 year old tradition or a consciousness out of existence, or indeed colonize it allegedly for the purpose of democra-

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[49] Hence, in specialized scholarship, Al Qaeda is now referred to as an NTO, i.e., a "non-state terrorist organization."

[50] *See* Zbigniew Brzezinski, *Confronting Anti-American Grievances,* N.Y. TIMES, Sept. 1, 2002, at 9 (noting, otherwise, "[i]t is as if terrorism is suspended in outer space as an abstract phenomenon, with ruthless terrorists acting under some Satanic inspiration unrelated to any specific motivation.").

[51] *See* Ken Ringle, *A Thousand Years of Bad Memories*, WASH. POST, Oct. 29-Nov. 4, 2001, at 8; ANDREW WHEATCROFT, INFIDELS: A HISTORY OF THE CONFLICT BETWEEN CHRISTENDOM AND ISLAM (2004); *Never the Twain Shall Peacefully Meet? Islam and the West*, ECONOMIST, Nov. 17, 2001.

[52] *See, e.g.*, FRANCIS FUKUYAMA, THE GREAT DISRUPTION: HUMAN NATURE AND THE RECONSTITUTION OF SOCIAL ORDER (1999).

tization. It is neither wise, nor decent, nor (as we have seen and will continue to witness) without deadly risk.

Yet the United States and some of its Western allies continue to create, fuel, or condone injustice, rationalize it, and depict all those Muslims opposed vigorously to their designs as "fundamentalists" (during the 1990s) or "terrorists" (in the 2000s). Because it is inherently chimerical, this approach is in fact dangerous. Indeed,

> it excoriates "the violence and the savagery of the fanatic." But it forgets that it can itself be a form of self-righteous fanaticism, because, so proud of its own form of enlightened advance, it imagines that other parts of the world can be wrenched from their own forms of life. The hypocrisy of this speech is to suppose that a superior morality is self-justifying.[53]

Whereas, it can be argued, President George W. Bush has been merely invoking fanaticism to combat what he describes as fanaticism. As John Gray notes,

> anyone who thinks that [the post-September 11] crisis is an opportunity to rebuild world order on a liberal universalist model has not understood it. The ideal of a universal civilization is a recipe for unending conflict, and it is time it was given up. What is urgently needed is an attempt to work out terms of civilized coexistence among cultures and regimes that will always remain different.[54]

A civilized coexistence, rather than mere tolerance, is born out of mutual respect and empathy.

In the final analysis, only an honestly peaceful and consistently balanced policy is in America's self-interest. This is where the fault lies. Yet policy by emotion rather than reason is what has consistently characterized the United States' approach to the Arabo-Islamic world, just as confusion dominated United States foreign policy in the Middle East in the past several years. That policy, or the lack thereof, has oscillated between looking for a way out of "the Mideast quagmire" and remaining committed to the

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[53] Hywel Williams, *Comment & Analysis: The Danger of Liberal Imperialism: Blair's Vision of a New World Order is a Moral Absurdity Based on Colonial Delusion*, GUARDIAN, Oct. 4, 2001, at 21.

[54] John Gray, *The Era of Globalisation is Over*, THE NEW STATESMAN, Sept. 24, 2001, at 25, 27.

interests of the predator – now making a call for mutual concessions, now endorsing Israeli occupation.[55]

During the 1990s, analysts referred to the United States as a "reluctant sheriff"[56] and a "lonely superpower."[57] Blinded by a false sense of victory, the United States sleepwalked through the decade of illusions, committing one injustice after another, until, to many in the world, America received its comeuppance, three times filled and running over, on September 11. It is surprising that attacks on United States soil such as those on Washington and New York had not happened before, as all indicates that the hostilities will not cease. For, after decades of sisyphean resignation to American domination, millions of anesthetized Muslims have now literally seen their eagerest hope, America's punishment, come true. Earning its name at long last, the "Mother of all Battles" begat September 11. What is next then? Systematic terrorism versus punitive world empire for the coming decades?

It is imperative that the United States take proper stock of its mistakes and live up to what in the end is no more than a challenge of responsibility. A week after the September 11 attacks, Gary Kamiya, Executive Editor of Salon.com, had the courage to name and answer the real dilemma for his fellow Americans: "It is legitimate to ask whether shifting America's Mideast policy, in the aftermath of a horrific terrorist attack, would not signal to terrorists that they had won. The answer is no."[58] After September 11, "doing the right thing has acquired a different urgency."[59] Reassessing and ultimately reorienting their foreign policy will indeed help Americans midwife a more secure future. In the final analysis, ignorance, even bias, is no absolution from responsibility. Now more than ever, great

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[55] *See* Dana H. Allin & Steven Simon, *The Moral Psychology of US Support for Israel*, SURVIVAL, Sept. 1, 2003, at 123.

[56] RICHARD N. HAAS, THE RELUCTANT SHERIFF: THE UNITED STATES AFTER THE COLD WAR (1997).

[57] Samuel Huntington, *The Lonely Superpower*, FOREIGN AFF., Mar. 1999, at 35.

[58] Gary Kamiya, *The Bloody Jordan River Now Flows through America*, Sept. 17, 2001, *available at* http://www.salon.com/news/feature/2001/09/17/israel/.

[59] *Id. See also* Rosen, *supra* note 31, at 60:

> Rather than wrestle with such difficult and unpleasant problems, the United States could give up the imperial mission, or pretensions to it, now. This would essentially mean the withdrawal of all U.S. forces from the Middle East, Europe and mainland Asia. It may be that all other peoples, without significant exception, will then turn to their own affairs and leave the United States alone.

responsibility spells out the need for a keen sense of fairness and justice, a willingness to understand the roots of the resentment directed at America, and the will to act to remedy the injustice its policies perpetuate or generate. In so doing, the United States will live up to its self-proclaimed ideals.