THE POST-9/11 STATE OF EMERGENCY: REALITY VERSUS RHETORIC

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The September 11, 2001, attacks raised emergency response to the level of national consciousness in the United States. The George W. Bush Administration (Bush II hereafter) quickly took center stage in this respect, but with the help of Congress went beyond responding to an emergency to embrace aspects of police statism and global expansionism. Some call this mission creep; others, imperial overstretch.[1] Foreign affairs connoisseurs agree that it involves a quest for empire and dispute only whether this is good for the world.[2] If good, however, why has Bush II cloaked its global agenda in the rhetorical mantle of fighting 'terrorists' and 'terrorism'? Perhaps because it includes objectives which are too controversial to express in plain English? In-depth policy analysis is certainly in order.[3] Here, though, I focus on just one question: To what extent is the Administration's post-9/11 rhetoric compatible with the identifiable traits of emergency thinking and emergency planning?[4]

Emergency thinking and emergency planning are, I suggest, two quite different kinds of response to a perceived state of emergency. One is an immediate, the other, a long-term response. Emergency thinking, first, is a mental process of responding to a life-threatening situation in a short and unextendable period of time on the basis of incurably inadequate information. A person so situated can't wait to be fully informed before acting, but on the basis of limited information must quickly decide what to do. Such a course of action can barely satisfy philosophers' criteria for reasonableness and responsibility, never mind rationality.[5] But these criteria are ordinarily inapplicable to,

even counterproductive in, such an emergency situation. So whatever the outcome, such action should ordinarily be judged leniently.[6] Then, when the immediate emergency and its judgment-impairing circumstances have passed, planning how to handle future emergencies should begin.

Emergency planning goes beyond a particular emergency to reflect on emergencies both retrospectively and proactively. The outcome of emergency thinking depends, accordingly, on preparatory as well as situational deliberation. Time, though, is not always a friend in this regard. Some people live in constant peril of one emergency after another, for example, in a war zone. Others live more tranquil lives and have time to plan for future contingencies. This is especially the case for political leaders who are duly apprized of, so can usually protect themselves from, surrounding dangers. It is curious, then, that America's political leaders characterized the 9/11 emergency as having no end in sight and as being of such a nature that their response had to involve military action.

This issue obviously involves political questions; but it also raises ethical and legal as well as epistemological questions. Here I wish to address the latter – within the context of the former. I begin by examining political and journalistic discourse about terrorism both before and since 9/11/2001. Then I consider various approaches to emergency response in our social world -- in emergency-oriented organizations and in varying responses to repetitive crises, including air raid defenses and a '911' system. After some brief remarks about philosophers' minimal interest in such matters, I draw some quasi-philosophical conclusions about the US government's antiterrorism rhetoric.

US government emergency responses before and after 9/11

To what extent can Bush II's post-9/11 "antiterrorism" actions be understood as appropriate second-level responses to the 9/11 attacks and what they revealed as to dangers that lay ahead? US spokespersons have predicted multiple, inevitable crises, but warnings have never identified a definite time and place. There have indeed been a number of anti-Western bombing incidents overseas, especially after the US takeover of Iraq. But the major courses of action have all been US-initiated: attacking Afghanistan, attacking Iraq, and warning the world it will do more of the same whenever necessary for "national defense." Is any of this identifiable as emergency response?

Process in a political context is, of course, complex; and the post-9/11 process is no exception, involving, for example, selective attention to and funding of response arrangements both domestically and abroad. At the risk of over-simplifying, however, I suggest that there are two extremes of relevant response: one, based on direct attention to vulnerable people's well-being; the other, based on the belief that people's well-being requires a global if not imperialist agenda only incidentally tied to domestic security. The former is instantiated by practical proposals (e.g., the federalization of airport security) the implementation of which should improve Americans' ability to ward off terrorist acts. The latter takes shape only if one recognizes that US military initiatives after 9/11 are consistent with a strategy already in place and only rhetorically tied to the tragic attacks on that day. If tied in with this global strategy, President Bush's reference to three nation-states allegedly developing nuclear weapons (Iran, Iraq, and North Korea) as an "axis of evil" is emergency-related. But it is also a rhetorical umbrella, because it disregards the fact that (1) a half-dozen other nation-states have incomparably more nuclear weapons (Pakistan and India, Russia and Israel, the UK

and the US); that (2) "a decade after the end of the Cold War, hundreds of thousands of American troops, supplied with the world's most advanced weaponry, sometimes including nuclear arms, are stationed on over sixty-one base complexes in nineteen countries worldwide, using the Department of Defense's narrowest definition of a 'major installation'"[7] (e.g., Okinawa, Germany, and Turkey); and that (3) the US government is now establishing additional bases (e.g., in Uzbekistan, Qatar, and most recently four in Iraq).

These expansionary military arrangements do not easily qualify as emergency responses unless, say, the Soviet Union will soon be reassembled or the People's Republic of China will soon emerge as a competitive superpower, or a country such as Iraq will strike out against American interests. With the possible exception of pre-war portrayals of Iraq, none of these scenarios has instant credibility to ordinary people, so an open-ended war on terrorism is a convenient substitute. In other words, the Al Qaeda-centered rhetoric is diversionary if not deceptive. For, it is being used to legitimate not homeland defense so much as the aforementioned global outreach most of which is only remotely related to Americans' reasonable fears.[8]

Within policy-making circles, on the other hand, the particularities of this global outreach were already being identified by a group of self-styled conservative internationalists (among them Elliott Abrams, Paul Wolfowitz, and Richard Perle) a decade ago.[9] In the year 2000 their views came together with those of other neo-conservatives in a book entitled *Present Dangers*. In the book's preface co-editors Robert Kagan and William Kristol described their and their contributors' worries as follows:

Events of recent years have given us no reason to change our fundamental view either of the emerging dangers or of the prescriptions for meeting these dangers. . . . The emergence of China as a strong, determined, and potentially hostile power; the troubling direction of political developments in Russia; the continuing threat posed by aggressive dictatorships in Iraq, Serbia, and North Korea; the increasingly alarming decline in American military capabilities – all these and more suggest that the coming years may be critical in determining the fate of international peace and of the American hegemony on which that peace depends. The aim of this collection of essays is . . . to offer recommendations to American policy-makers on how to meet and overcome the challenges we face in the world.[10]

Granting, then, that post-9/11 discourse in the US has focused on finding ways to heighten people's security in the future, this discourse has split into a domestic and a foreign agenda. On the domestic side, Americans have been discussing better ways to protect their infrastructure in all its complexity against potential agents of destruction. The foreign side, by contrast, has focused on identifying targets for US warriors, devising strategies for striking these targets, and obtaining sufficient funds to do so. Only token attention is paid to causal analysis, alternative approaches such as policy review and diplomacy, the morality of killing civilians (referred to simply as "collateral damage") or incarcerating unnamed suspects without filing any charges against them.[11]

Almost all post-9/11 rhetoric has been associated with the emergency situation of that day and framed in terms of terrorists and terrorism. But the foreign agenda has had both a narrow focus on Afghanistan and a broad focus on other nations. Responses based on this agenda have been called at times a campaign but more often a war, embellished as "a war on terrorism" support for which distinguishes good nations from bad. In time this focus on terrorists gave way to a different focus on "rogue" states that allegedly support terrorists. Either focus, though, helps resurrect a Manichean dualism

that had been downplayed in public statements since the collapse of the Soviet Union, even vis-á-vis mainland China.[12] So these rhetorical tropes and the menacing metaphors they invoke warrant careful examination. I will do so first with regard to pre-9/11 US government foreign affairs, then in the post-9/11 context.

Long before those hijacked planes struck centers of finance and war-planning in the United States, the US government had shown itself to be the biggest bully on this planet. In particular, its singular manner of dealing with "uncooperative" entities around the world could arguably earn it the title of world's most active terrorist or, at least, supporter of terrorists. It has not been so designated domestically, of course, largely because of its ability to sanitize its own statements and discourage other renditions in those of the media. First, some facts in this regard; then some examples of their rhetorical cover.

The nineteenth century history of the US government's policy of virtual genocide against Native Americans is well known; that of its use of military force to bring Cuba, Hawaii, and The Philippines under its self-righteously protective wings, less so. Not even its twentieth-century actions to prevent Central American, South American, and Southeast Asian countries from deviating from its "sphere of influence" are mentioned any more. Nonetheless, the CIA did train and arm state agents to "pacify" uncooperative people in South Vietnam (the Phoenix program), Indonesia, and elsewhere even to this day. If all instances of US support of violent repression to keep the world open to corporate "values" were gathered into one detailed account, a resourceful editor might use the word 'terrorism' to systematize this imperialist history. But in the United States as elsewhere official defenders of controversial policies

routinely deny or try to put a positive "spin" on such facts. Many scholars who ought to

know better simply take it for granted that truth-telling is not to be expected of political

spokespersons.[13] A better approach, I believe, is that of Noam Chomsky, who prefers

to learn "the true meaning of principles that are proclaimed" and to this end invites us to

"go beyond rhetorical flourishes and public pronouncements, and . . . investigate actual

practice."[14] Note, then, how slippery US spokespersons had been for decades prior to

9/11 in their talk about terrorism.

A convenient place to begin this review is with the US government's repeated

rejection of UN declarations and World Court rulings that impugn its direct or indirect

armed interference in countries where potentially uncooperative insurgents are active,

e.g., regarding Nicaragua (1986) and Panama (1987). No less telling is the US's

position on a December 7, 1987, resolution of the UN General Assembly condemning

"Terrorism Whenever and by Whomever Committed." This resolution was passed by a

vote of 153 to 2, with only the United States and Israel opposed. Six years later, in

1993, the US representatives at a World Conference on Human Rights in Vienna

proudly proclaimed their country's commitment to universal human rights. With

comparable dexterity in 2002, the US agreed to an Anti-Terror Pact with Southeast Asia

countries only after wording was changed to say that it "recognizes" rather than

promises to act in accordance with "the principles of sovereign equality, territorial

integrity and . . . nonintervention in the domestic affairs of other states."

The rhetorical rules that guide these manifestly inconsistent stances can be

gleaned from a US State Department press conference in April 2000 at which

Counterterrorism Coordinator Michael Sheehan demonstrated how the government he

served assigns the terrorist label. The report he was presenting to reporters praised Turkey's efforts to suppress terrorists and in answer to questions he promptly identified Cuba as a state that sponsors terrorism. When asked why Colombian paramilitaries were not so identified in spite of their known commitment of atrocities against civilians, he declared that such designations involve a very meticulous legal process, their activities were under review, and "if we come up with a case from our legal definition, they'll be designated" as terrorists.[15] The review in question is apparently still pending; meanwhile the US is supporting a new hard-line president in Colombia whose policy towards guerillas favors extermination over negotiation.

During the months immediately before 9/11, talk of terrorists and terrorism was not a centerpiece of rhetoric for public consumption. There were laws in effect that used this terminology, including one passed in the United States in1996. Moreover, the previous administration is said to have provided the new incumbents with a detailed plan to deal with Al Qaeda and the Taliban. This plan was buried in bureaucratic re-examination, though, until endorsed just days before the attacks. At the top of Bush II's global agenda were mounting a missile defense system and rejecting international agreements. After reviewing US military strategy for the future, the US Secretary of Defense announced mid-2001 that the country should no longer plan for two foreign wars but for one foreign and one domestic war. Tax relief and "family values" still dominated the administration's domestic rhetoric.[16]

In the wake of 9/11, all this changed dramatically, but neither government nor media called attention to the change. At first each cited inadequate knowledge to account for the US government's failure to have prevented the attacks. Yet in a matter

of days the government claimed it had more than enough detailed information to justify military responses, focused initially on Al Qaeda and the Taliban government in Afghanistan, but soon expanded to include other nation-states as potential targets. Rather than proving the linkages asserted, both government and media have relied on the terms 'terrorists' and 'terrorism' to refer directly to non-governmental agents and indirectly to nation-states which, they allege, sponsor terrorists.

This terminology is used only selectively. It disregards armed conflicts that seem not to endanger perceived US interests. As for those that do, the US identifies a preferred winner and brands the disfavored cause terrorist in inspiration and motivation.[17] So doing, it mimics Israel's longstanding practice of branding as terrorist any Palestinian violence in protest against their occupation and oppression.[18] As applied around the globe it lends itself to an imperialistic doctrine that only authorized agents of US-approved nation-states have any right to bear arms against their oppressors.[19] And the US backs up its Manichean foreign policy with money, materiel, and sometimes personnel -- secretly if possible, otherwise openly. Recent problematic beneficiaries of this strategy include Colombia, The Phillippines, and Indonesia.[20]

As noted, US spokespersons do identify some nation-states as targets of their "war on terrorism"; but, perhaps to avoid discussions about where and to whom the US distributes weapons, they tend to apply the terms 'terrorist' and 'terrorism' only to groups and not to nation-states.[21] In so doing, they narrow the scope of these terms far more than do dictionaries or, for that matter, scholars as renowned as Hannah Arendt.[22] Indirectly, however, their war on terrorism covers each of the principal dictionary meanings. For this so-called war is directed against the use of violence (1) by a state to

control its people (state terrorism), (2) by agents of a state to challenge others within or beyond its borders (state-sponsored terrorism), and (3) by non-aligned groups against civilians and/or against one or more nation-states. But they do not do this consistently, as might a social scientist. They loudly associated Iraq under Saddam Hussein with the first usage, Iraq, Iran, and North Korea with the second; and sotto voce suggested that Arab nations' support of Palestinians also fits the second usage. They've applied the third with intensity to the Al Qaeda movement. Each type of targeting an entity for their antiterrorism campaign has generated controversy. Europeans and Russians have disputed identifying Iran or even Iraq with the second usage, and Arab leaders face dissent at home if they do not support Palestinians. (Inversely, the current leader of Pakistan faces dissent for supporting the US agenda.) The third usage, though, has created the most complex diplomatic problems. Take just three examples: nations using 'terrorist' rhetoric to demean their own internal opposition; freezing of bank accounts; and holding prisoners at Guantánamo.

First, the concept of a war on terrorism has proven a godsend to troubled governments everywhere. They apply the third usage with alacrity to movements they want to suppress: Russia to Chechens, Israel (now more than ever) to Palestinians, Spain to militant Basques, China to the Falun Gong, Indonesia to the Gam in Aceh, and Colombia, The Philippines, Pakistan, and India to other dissident groups.[23]

Second, the process of freezing accounts has had limited success, largely because the usual suspects transfer funds by means of e-mails and faxes that update the age-old system of *hawala*, which involves authorizing exchanges by means of strategically dispersed letters of credit. Nor are Western-style transfers easily

monitored, as witness what happened to three Somali-born, well respected citizens of Sweden. Their names were included on a list of 170 groups and individuals that the US Treasury Department cited for funding Al Qaeda. The Swedish government promptly froze their accounts, and negative reactions in Sweden reverberated in the UN Security Council. When France appealed for specific criteria, such as a direct link to the Taliban or Al Qaeda, before freezing an account, the chairman of the UN sanctions committee justified the freezes with circular reasoning. Said he: "We are dealing with terrorism. It may be controversial, but all who have suggested alternatives are aware that we must not waste time on definitions, because the terrorists are acting." Months later, the names of two of the Swedes were removed from the list.[24]

Third, the US government's antiterrorist justification for bypassing the legal rights of people arrested and held without charges, especially those caught up in some violation of their immigrant status, has generated considerable controversy. Even countries otherwise supportive of Bush II's "war on terrorism" disapprove of its refusal to identify the "detainees" being held on Cuba as prisoners of war. U.S. Secretary of State Colin Powell shares their concern because he does not want captured American military personnel to be treated as other than prisoners of war. Oblivious to this and other negative consequences beyond its borders, the Administration at first espoused the noncommittal definition for pragmatic reasons. Those being held, they explained, are there to be underrogated, but Article III of the Geneva Conventions prohibits interrogating prisoners of war beyond such basics as name, rank, and serial number. So, the administration rejoined, this war is not really a war, because the enemy is not a nation-state, so those being held are merely "unlawful combatants." Put simply, these

people have information we want, so they can't be prisoners of war, which they're not because they are terrorists.[25]

Opposition to this casuistry was immediate and intense. One columnist argued that "(t)he Geneva Conventions of 1949 say they must be considered prisoners of war unless a competent tribunal finds otherwise"[26] and many influential leaders around the world agreed. So Bush II eventually conceded that captured Taliban (but not Al Qaeda) fighters had been military agents of a nation-state, hence are prisoners of war. Afghanistan, though, is not a "High Contracting Party" of the Geneva Conventions, the international community never recognized its government under the Taliban as a state, and, inversely, it is moot whether any detainee is a terrorist under any existing law.[27] But even if the individuals being held at Guantánamo are not clearly covered under international law, they are arguably entitled to fundamental human rights.[28]

Not everyone is prepared to extend human rights to combatants, of course, especially if their status is not readily identified with the way wars are supposed to be fought, namely, between recognized nation-states. It so happens, though, that most wars are not of this type. Nation-states are often involved, though, at least indirectly. This all too common practice, notes Joseph Nye, is consistent with the recent trend towards putting public functions in private hands: "Privatisation," he says, "has been increasing, and terrorism is the privatisation of war."[29] One need only add that US citizens have often undertaken military activities outside of the nation-state standard -- from the Minute Men in the colonial era down through CIA operatives and military "advisors" in numerous countries including pre-Taliban Afghanistan. Each such nontraditional activity and/or counter-activity generates pros and cons.

In response to widespread defense of the Guantànamo captives' rights, Bush II announced some due process rules for trials, including a right of appeal to a three-member military panel.[30] The President can appoint a civilian to this panel as a temporary military officer. By law such an appointment is authorized only in <u>a national emergency</u>; but this, says the Administration, is the case here. And, they add, since the war on terrorism is open-ended, these tribunals have no "sunset provision"; and, they insist, a detainee need not be released even if acquitted. Not even a US citizen can appeal to a federal court if being held as an enemy combatant in the war on terrorism.[31]

Some commentators agree with this open-ended detention because, they say, combatants are not released till hostilities cease, as was the case in World War II. This is a false analogy, however, because in the current situation the very concept of cessation is vacuous. Indeed, Bush II contends that we face a national emergency which is ongoing and without discernible end.[32] Even if true, it is nonetheless disturbing that new funding for this emergency is aimed almost exclusively at military and post-military projects, notably in Iraq, even as funds heretofore directed to social needs are being cut if not eliminated.[33] What matters in the context of this paper, however, is that those engaged in this ongoing discourse regarding terrorism must eventually recognize that the initial emergency has passed.

If this be granted, then the task before us is to reassess the gravity of dangers we face and how well we are prepared to defend ourselves against them. If this reassessment is to be effective, it must be based on adequate information shared among all who need to know. If we let naked appeals to national security justify excessive secrecy, we facilitate transforming a finite emergency into a generalized state

of emergency without supporting evidence. To the contrary, as some permanent members of the UN Security Council argued in the debate regarding action against Iraq, Bush II should be held to convincing evidentiary standards if it expects support for bellicosity under the guise of fighting terrorism. Unfortunately, its modus operandi has shown no interest in such epistemological constraints. Its rhetoric is directed rather to persuading people that they are and will remain in an emergency situation. Indeed, according to President Bush and his entourage, the 9/11 emergency is not only ongoing and without discernible end but is becoming ever more dangerous.[34]   If this is the case, as claimed, then reliance on flexibility (one of their favorite ideas) as the heart of emergency response will increasingly trump the more reasonable approach of emergency planning.[35] Reasonable emergency planning is, however, an antidote to excessive flexibility. It is appropriate, then, to include here a brief account of emergency planning especially as it relates to counterterrorism.

Organized responses to emergencies

Emergency responses range from the proverbial band-aid to total war. The more complex the envisioned danger, the more complex advanced planning may need to be. But as the futility of the Maginot Line showed in 1939, organized complexity is no assurance of security in the absence of accurate analysis of dangers likely to be faced.

Organized responses to emergencies presuppose a recognition that emergencies are multi-faceted and as such call for complex structures that can be appropriately activated as needed. The appropriate degree of complexity at any given time is inevitably a compromise between breadth and versatility, as US lawmakers have

learned while trying to upgrade and interconnect the vastly different agencies whose missions in any way involve neutralizing trans-border threats.[36] This, though, is only one segment of the emergency response complex, each component of which focuses on some type of danger that needs to be minimized. In a democracy, moreover, authorizing legislation typically specifies the nature, scope, and orientation of each organized response to emergencies. Not surprisingly, then, both statutory and case law have engendered a network of policies that apply to emergency responses. Extra-legal considerations often transform intended specificity, however.

In the United States, for example, the over-all purpose of the military-industrial complex is purportedly for "national defense," not for aggressive intervention beyond its borders. When asked to assess a seemingly repressive policy, ordinarily during wartime, the U.S. Supreme Court has consistently decided that the emergency facing the nation justifies the action taken, for example, confining Japanese-American citizens during World War II. Throughout the twentieth century, whether during wartime or not, the Court struggled to salvage the First Amendment even as it supported most government actions aimed at keeping Communists at bay. Famous for this purpose was the "clear and present danger test," which as interpreted over the years protected non-activist public speech however critical of the government. So too was the Court's denial of a right to falsely shout "fire" in a crowded theater. These cases created a First Amendment doctrine that speech is protected except when it goes beyond expressing ideas to inciting others to violence. But they did not directly address covert speech, i.e., secret discussions, in which subversive plans are laid and thereafter concealed until they emerge as actions. These too must be monitored, some say, if law enforcement

personnel are to prevent terrorist activities. So new laws that address these needs have been adopted that put at risk the very values they are meant to protect.[37]

The counter-intelligence community, we are told, now considers religious (meaning primarily Islamist) fundamentalism a more dangerous mind set than "atheistic communism".[38] Laws passed in recent decades to counteract terrorism apply, however, to terrorists of whatever stripe. In Europe acts against airplanes and airports are criminalized by the Hague Convention, 1970; the Bonn Summit, 1978; the EEC Terrorism, Radicalism, Violence International Agreement; and the Council of Europe's Convention on the Suppression of Terrorism, 1977. In 1973-1974, the UK passed temporary and emergency laws to deal with mostly land-based acts of terrorism in Northern Ireland[39]; and a quarter-century later it passed The Regulation of Investigatory Powers Act (effective July 2000) and made permanent and generalized its Northern Ireland provisions as The Terrorism Act (effective 2001). The latter broadens the definition of domestic and transnational terrorism throughout the UK to cover violent acts and threats against individuals and property – including electronic systems – intended to influence the government or promote political, religious, or ideological causes. It authorizes the government to ban groups involved in domestic or transnational terrorism and to use special arrest powers to prosecute their members or supporters.[40]

Such laws are passed in response to a profound sense of danger -– not necessarily to the people but at times only to the government, as recently illustrated in Zimbabwe. Already in 1798, however, the US Congress passed the Alien and Sedition Acts to criminalize anti-government activities of all kinds, whether by immigrants whom

the Federalists feared would vote Republican or by "domestic traitors" who uttered anti-government words. These laws expired when Jefferson became president in 1800,[41] and nothing comparable emerged until the hot and cold wars of the twentieth century. More recent additions include: the Foreign Intelligence Surveillance Act of 1978 (FISA), which created secret federal courts that are essentially not subject to constitutional limits on searches and seizures and on trial proceedings; the Anti-Terrorism and Effective Death Penalty Act of 1996, which bolstered criminal penalties in the wake of anti-government bombings; and the USA PATRIOT Act, passed and signed in late October, 2001. The 1996 Act authorizes (a) appropriate U.S. government agencies to identify individuals, groups, and nation-states that sponsor terrorism, restrain them by legal and extra-legal means, and (b) the President to take military action against them.[42] The 2001 Act greatly expands the government's investigatory prerogatives as authorized under the earlier laws.[43]

Other countries have acted both legally and otherwise to suppress threatening organizations in their midst.[44] And a number of UN conventions seek to control terrorist acts: by protecting diplomats and other internationalists (New York,1973), prohibiting hostage taking (New York, 1979), terrorist bombings (New York,1997), financing terrorism (New York, 1999), committing an endangering act on an airplane (Tokyo, 1963), seizing a plane (The Hague, 1970), endangering international civil aviation (Montreal, 1971 and 1988) or maritime navigation (Rome, 1988); protecting nuclear material (Vienna,1980), and requiring that plastic explosives be clearly marked for shipping (Montreal, 1991). The efficacy of these multilateral treaties on terrorism depends, of course, on how well they are incorporated into member-states' laws and

enforced.

Enforcement is a challenging exercise in organizational ingenuity. For, statutory authorizations do not automatically yield coordinated responses but may instead lead to balkanization and jurisdictional turf-protection. In the United States in particular, numerous emergency-oriented entities are in place on both the federal and state levels and in civil society. Most of these deal with a specific kind of emergency, e.g., those involving natural disasters (the Federal Emergency Management Agency), plane crashes (the Federal Aviation Agency), nuclear power plants (the Nuclear Regulatory Commission), and the nation's electric grid (monitored by the little-known National Infrastructure Protection Center, located at FBI headquarters since 1998). Individual states and cities also have agencies that deal with disasters, including those caused by terrorists. Most have around-the-clock emergency operations centers, usually supported by such on-call emergency communications systems as 911. Various professional organizations, e.g., of emergency health care providers and managers of emergency response networks, routinely look for ways to improve response procedures and practices, as do such transnational non-governmental organizations as Oxfam, Doctors Without Borders, and the American Friends Service Committee.

Post-9/11, improvement of emergency response organizations has become at least a political priority. New task forces, commissions, and advisory panels have been created to devise better ways to protect such vulnerable public goods as bridges, seaports, and water supplies. The US executive branch took the lead in this endeavor by establishing an advisory office of "homeland security." Soon seen to be little more than a public relations ploy, it remained just that until revelations of pre-9/11 failure to

coordinate intelligence information began to threaten the President's approval rating. So in response to the Congress's improvement rhetoric, the administration proposed and Congress eventually passed the Homeland Security Act, which elevates the so-named office into a cabinet-level intelligence-screening agency to which a number of other agencies not directly involved in intelligence are to report.[45] In actual practice, however, state and local governments still bear principal responsibility for people's security.[46] They have accordingly been reassessing their response capabilities, e.g., to protect nuclear power plants against aerial attacks and if required to evacuate people from an area where an attack has occurred.[47] The private sector protection industry, long a provider of guards, property security experts, metal detectors, and surveillance cameras, is now offering to sell bomb-sniffing dogs, neutron scanners of freight containers, facial recognition devices, identity cards, and specialized schools for "first responders".[48]

Apart from such state-of-the-art approaches to safety and security, our lived world is built up out of thousands of practices and products each of which has been introduced over time to minimize some perceived danger. In lieu of a complete phenomenology of these artifacts, here's a sample list: curbs on sidewalks, railings along stairways and elevated walkways; train whistles and automatic gates where vehicles cross the tracks; traffic signals, flashing lights, and posted speed limits on streets and roadways; hinge-mounted stop signs on school buses; gutters and down-spouts on houses; the horn on an equestrian saddle; the countless pharmaceuticals for every unwanted condition from asthma to zoster; the airplane seat usable as a flotation device; ice-melting pellets and sun-shielding creams; gas masks and bullet-proof vests.

Add to these such obsolete safety devices as parapets and moats, city walls and gates. Protective helmets are on view in museums, but also on American-style football fields and at auto racing events.

In short, protective measures have been a part of human existence from time immemorial; but the dangers that need to be addressed change over time. Some devices or strategies become obsolete; others that can be modified and improved to meet new threats endure; still others are introduced anew to respond to unprecedented challenges. Out of this ongoing quest for security come danger-specific organized responses which by their nature remain open to improvement in light of past experience.

As the desire for a black belt in karate illustrates, this improvement process applies to individuals as well as to organizations. But the average individual's need to respond to an emergency might well be a once-in-a-lifetime experience. For many persons in positions of public responsibility, emergencies are recurrent and as such necessitate planning to prevent or at least limit damages associated with their occurrence. Military personnel, for example, train for life-threatening situations on an ongoing basis. Other people, without being in such an inherently hazardous situation, face emergencies repeatedly. These emergencies are of two types, those that regularly involve a high degree of personal endangerment and those that usually do not. An example of the former is the air raid; of the latter, a 911 call.[49]

Except in the case of a surprise attack such as that on Pearl Harbor in 1941, an air raid occurring as it does under wartime conditions is perceived to be both currently endangering and repeatable. On the basis of knowledge available about the kinds of

planes being used to deliver bombs, civil defense authorities will have identified places usable as air raid shelters, stocked them appropriately, and set up a warning system such as a siren to inform people of an imminent attack. Anyone who survives a particular air raid is, of course, relieved; but this relief is dampened both by seeing the new damage above ground and by realizing that there is likely to be another air raid, perhaps the following night (as in London during the WW II blitz). Living under these conditions of recurring assault is traumatizing, but one can cling to the hope that some raid will be the last and, if one survives that, then the bliss of pre-war peace and quiet will return.[50] Since Hiroshima and Nagasaki such consolations are of limited value, especially now that "first strike" capability is being elevated to the level of policy. But there was a time, early in the cold war era, when people were led to believe that civil defense drills and air raid shelters could somehow limit the carnage that a nuclear explosion would unleash.

A 911 system also involves people using devices to help save lives. A 911 call, if authentic, signals an emergency; and, as in the case of an air raid, those who respond assume there will be other emergencies to which they must also respond. Some first responders, notably police and firefighters, know they may be putting themselves in harm's way; others, notably emergency medical technicians, ordinarily do not. All are however part of an organized system that has grown out of reflections on past emergencies and proposals about how better to address those to come in the future. Their efficacy, like that of air traffic controllers, depends to a great extent on the caliber of their equipment. In the first place, a 911 dispatcher seldom gets all information needed to assess the nature and severity of an emergency and arrange for the most

appropriate response.[51] So call centers rely on Automatic Number Identification and Automatic Location Identification (ANI/ALI) to learn the caller's address and phone number as well as any other pre-provided information. Other equipment indicates the type of phone being used. And many 911 centers now use Computer Aided Dispatch (CAD) and satellite-based Global Positioning to pinpoint a caller's location. All this equipment facilitates sending appropriate responders to a specific site to address the crisis situation and minimize its consequences insofar as possible.[52]

In short, both a 911 call and an air raid involve an emergency. At some point in time, it will be over; and the person or persons in danger will either have survived intact, been hospitalized, or been listed as a fatality. That is to say, each particular emergency does end. But neither those who respond to emergencies nor their hierarchy of supervisors can just forget about past incidents without learning anything from them. They must instead do emergency planning, which involves consulting and building on available data in order to prevent or at least reduce the harm that results from future emergencies. This understood, it is no less obvious that the 9/11 attacks created an emergency and called for no less complex responses. What by now should be clear, though, is that not all those responses, especially those by the US government, have in fact been focused on that emergency or on any reasonably foreseeable emergency. Instead, political rhetoric has practically abandoned concrete reality. Often accused of having done likewise, then, philosophers do not immediately come to mind as professionals able to remedy this situation. Yet they do have a few well-pointed arrows in their quiver.

Emergency response in philosophy

Philosophers have not dealt with emergency thinking or planning as such, for reasons suggested below. But they haven't ignored emergencies altogether. So a brief review is in order.

Many philosophers have deliberated, for example, about the ethics of war, which just war theory in effect endorses only as an emergency response. And social contract theorists make a hypothetical emergency their point of departure. For Hobbes, this took the form of people's inability to go on living their short and brutish "natural" lives. Rousseau's departure point is similar albeit quasi-anthropological and came with a warning that Hobbes's approach justifies state monopoly of violence.[53] Once internationalized in the Westphalian doctrine it became an excuse for the horrendous wars that have since dominated history.[54] Academic opposition to this canonization of state-sponsored war has been serious and sustained, but for the most part ineffectual. This is understandable, though, in view of the inherent risks entailed in any questioning of a popular war. Also understandable is philosophers' lack of attention to emergency planning, which involves practical matters not a forte of the discipline. Why, though, would philosophers not address emergency thinking as such? Perhaps because emergency thinking, being subject to time and content constraints, seems alien to a philosophical agenda, which ordinarily seeks stable if not universal verities.

Political theorists, for example, do devise principles or rules that their preferred polity should embody, but they posit no time-frame within which these should be discovered and/or activated. If one tried to impose time constraints on this process, this would arguably discourage philosophizing about it. On the other hand the content

constraints inherent in emergency thinking do not preclude philosophical reflection. After all, some philosophers have put content constraints at the very heart of their methodology. Kierkegaard, for one, turns the dialectical dead ends of human knowledge into occasions for reason-defying revelation. And Rawls insists that his principle-producers could not delineate justice as fairness were they not behind a veil of ignorance. Well below such rarified theoretical air we also find philosophers who recognize the epistemological importance of content-constrained practical thinking.[55] Only occasionally does one find a philosopher who dares address the emergency situation itself, as did Leibniz and William James.

A devastating factual emergency, namely the Lisbon earthquake, set Leibniz to thinking, not about how to prepare better for earthquakes but how to let God off the hook for allowing such disasters. His optimistic theodicy is less well remembered than Voltaire's satirical response. A better example of philosophical concern about emergencies is the James-Lange theory of emotions. According to this theory, fear of an oncoming bear does not initiate but is generated by physiological responses to perceptions of danger.[56] It inspired few twentieth century epistemologists. But by replacing the absolutism they inherited with a humbler search for humanly attainable standards of belief, they left the door ajar for emergency thinking. As an indication of this shift, a 1967 encyclopedia article on epistemology focused on certitude; but a 1995 encyclopedia article examined the "ethics of belief." In the latter, Peter Hare asks when one may act on an opinion without offending reason. Views about this differ sharply, depending on whether one (1) wants to prohibit any action based on inadequate evidence or (2) would ban only actions based on a failure to satisfy some less rigorous

evidentiary standard.[57] Such concessions to content constraints recognize that we do at times have to deal with bent circles, to borrow Plato's example in the *Meno*. But they do not tell us what to do if a bent circle threatens life and limb. It is at this point that emergency response must quite literally come to the rescue. This need not be taken, however, as a declaration of philosophical irrelevance to emergencies in general or to that arising out of 9/11. For, there is an important conclusion to draw from my critique of post-9/11 rhetoric, and this conclusion invites the input of philosophers.

Put briefly, the rhetorical manipulation being practiced by Bush II is not just a case of "politics as usual." It is a prolegomena to the manufacture of additional emergencies to come, all of which can be subsumed under the code word 'Iraq.' To be sure, in the immediate aftermath of the 9/11 attacks our local and national leaders had to make some decisions on the basis of inadequate information. But the US government was partly responsible for the state of affairs in Afghanistan at that time, especially because its retaliatory cruise missile attack in 1998 brought the previously unfriendly Taliban and Al Qaeda together.[58] So the US government lacks a clear justification for responding with a war however defined by experts in international law. Above all, there is no emergency-related justification for Bush II's expansion of that war into an open-ended program of military engagements aimed at unrelated objectives. It simply stretches the meaning of words too far to say that all these activities are initiated to fight a war on terrorism. Besides, neo-conservative hawks had been looking for a way to justify their global agenda after the demise of the Soviet Union,[59] so the events of September 11 were in that respect serendipitous.

What we are facing, then, are deliberate and consequential abuses of clarity.

And philosophers, being professionally sensitized to language usage, should not ignore such abuses of clarity. Rather should we be challenging the biases that are inherent in antiterrorist terminology. Granted, we are in no position to do so without benefit of empirical research; yet those of us who do not consider empirical research appropriate to our discipline can surely look to what others have found for guidance. So doing, they could learn from the conclusion of a sociologist, for example, that the term terrorism "is inappropriate in every case in which one would do better to speak in terms of political or communal violence, or of all-out war."[60] Other scholars whose job description is not averse to looking at the world we all inhabit have also argued that such biased usages as 'terrorism' be replaced by the more neutral term 'violence'.[61] This shift in usage would not bring imperialism to heel, quite obviously. As is the case with police brutality charges, though, any use of violence as a means to an end would be open to the criticism that it was or would be excessive, thereby necessitating a justification based, say, on self-defense. This mode of justification can also be abused. But such abuse of language can be put to the test of proportionality in a way that the old rules for a just war no longer can. These observations only limn the surface of all that is at issue, but this in itself seems to make the subject eminently worthy of debate among philosophers and other academics.

Reality, of course, is never fully captured in rhetoric; but rhetoric can reveal what its users would like reality to be.[62] The desired reality in the case at hand, it seems, is well described by the word 'empire.' The quest for empire, though, is not response to an emergency. Nor is it even antiterrorism. It is rather pursuit of a policy of world supremacy; and no previous seeker of that objective has come close to achieving it

without becoming the most skillful terrorist of them all.[63] So antiterrorism has coopted

emergency response and is itself being co-opted by a vision of empire espoused by

self-styled conservative internationalists. If we choose not to contest their dominance-

oriented vision, we may need to adapt our vocabulary to a version of Newspeak

fashioned for us by doctrinaire "free enterprise" expansionists.

Notes

Abbreviations: CSM = *Christian Science Monitor*; NYT= *New York Times*; WSJ = *Wall Street Journal*.

1. Franz Nuscheler, "Multilateralism vs. Unilateralism," Development and Peace Foundation, Policy Paper 16, Bonn, 2001, 8, as cited by Joseph S. Nye, Jr., *The Paradox of American Power* (New York: Oxford University Press, 2002), 136. Such expansionist policies are necessary, some contend, because without "wide" rather than "narrow" options we cannot fight the newly emergent terrorists, for they seek not political goals, as did their more rational predecessors, but religious goals that call for acts that are sacramental and transcendental in nature. See Nicholas Lehman, "What Terrorists Want," *The New Yorker*, Oct. 29, 2001, 36-41; "Unmaking of the President," *The Nation*, May 13, 2002, 3.

2. See Michael Ignatieff, "The Burden,' NYT Magazine, Jan. 5, 2003, 22–27+; Richard Falk, "The New Bush Doctrine," *The Nation*, July 15, 2002, 9-11; Michael Klare, "Endless Military Superiority," ibid., 12-16; Bill Emmott, "Present at the Creation: A Survey of America's World Role," *The Economist*, June 29, 2002, special section; Max Boot, *The Savage Wars of Peace: Small Wars and the Rise of American Power* (New York: Basic Books, 2002).

3. I address these objectives more straightforwardly in articles now in progress that deal with "Global Affairs and the Philosopher's Voice" and "Rhetoric, Realpolitik, and Oil." Especially in the latter I document the connection between oil industry priorities and policies adopted by Bush II.

4. This work has benefitted greatly from the suggestions of several anonymous reviewers and especially those of Anne Donchin. See also n. 21, below.

5. See Stephen Toulmin, *Return to Reason* (Cambridge, MA: Harvard University Press, 2001), ch. 2.

6. Literature is, of course, full of protagonists, e.g., Joseph Conrad's Billy Budd and Victor Hugo's Jean Valjean, whose momentary response to a critical situation violates and brings down the harsh retribution of a draconian code of conduct. And such non-fictional responses to crises as those addressed by, e.g., cannibalism or killing an assailant, are also relevant here.

7. Chalmers Johnson, *Blowback: The Costs and Consequences of American Empire*

(New York: Henry Holt Owl Book, 2000), 4 and n. 2. See also The Editors, "U.S. Military Bases and Empire," *Monthly Review* 53:10 (March 2002), online at http://www.monthlyreview.org/0302editr.htm

8. See Alison Mitchell, "Scoring Points While Connecting the Dots," *NYT*, June 9, 2002, Sect. 4, 1+; Maureen Dowd, "Summer of All Fears," *ibid.,* June 12, 2002, A29; Bill Keller, "Fear Factor," *ibid*., June 15, 2002, A17; Ann Scott Tyson, "Wider Mission Stretches Military," *CSM*, May 2, 2002.

9. See James Atlas, "A Classicist's Legacy: New Empire Builders," NYT, May 4, 2003, WK 1, 4; Srdja Trifkovic, "President Bush and Foreign Affairs," The Rockford Institute Center for International Affairs, Dec. 15, 2000, online at http://www.rockfordinstitute.org/NewsST121500.htm

10. *Present Dangers: Crisis and Opportunity in American Foreign and Defense Policy*, ed. Robert Kagan and William Kristol (San Francisco: Encounter Books, 2000), vii.

11. See Judith Lichtenberg, "The Ethics of Retaliation," *Philosophy & Public Policy Quarterly* 21:4 (Fall 2001) 4-8.

12. The People's Republic of China, though not included in current antiterrorism rhetoric, does seem to be a focal point for the administration's military strategy. See James Reilly, "Back to the Future in the War on Terror," *Quaker Service Bulletin*, 83:1 (Spring 2002) 5; Ross H. Munro, "China: The Challenge of a Rising Power," in *Present Dangers*, 47-73.

13. For an in-depth but ultimately acquiescent study of this problem see Martin Benjamin, *Splitting the Difference: Compromise and Integrity in Ethics and Politics* (University Press of Kansas, 1990).

14. Noam Chomsky, *Rogue States: The Rule of Force in World Affairs* (Cambridge, MA: South End Press, 2000), 125.

15. *Ibid*., 42, 57, 66, 129, and accompanying citations. Wording changes in the ASEAN pact are reported by David Thurber, Associated Press, July 29, 2002.

16. See Michael Elliott, "Could 9/11 Have Been Prevented?" cover article, *Time*, Aug. 12, 2002; Albert R. Hunt, "The Unaccountable Attorney General," *WSJ*, June 6, 2002, A15.

17. See Chomsky, *Rogue States*, 29-30. The United States has no monopoly on selective favoritism, as can be seen in Daniel L. Byman et al., *Trends in Outside Support for Insurgent Movements*, Santa Monica, CA: RAND, 2001.

18. See *Power, Politics, and Culture: Interviews with Edward W. Said*, ed. Gauri Viswanathan (New York: Pantheon, 2001), 288, 295, 298, 307-312, 317.

19. This is illustrated by the way the Israeli government and its supporters have been able to condemn a (failed) attempt to ship weapons to the Palestinians, as if Israel were not heavily armed itself and actively using its arms to suppress most aspects of normal life in the Palestinian territories.

20. US support of Indonesia's counterinsurgency is instructive: Exxon Mobil has huge natural gas fields in Aceh that are threatened by secessionists; longstanding military efforts to keep these from falling into the hands of, say, Chinese oil companies, are now associated with the war on terrorism. See Howard LaFranchi, "Indonesia Poses Test

for US on Human Rights," *CSM*, June 13, 2002; Dan Murphy, "Military Reasserts Power, Casualties Mount in Aceh," *CSM*, July 24, 2002; Todd S. Purdum, "U.S. to Resume Aid to Train Indonesia's Military Forces," *NYT*, Aug. 3, 2002, A3; Jane Perlez, "U.S. Backs Oil Giant on Lawsuit in Indonesia," *NYT*, Aug. 8, 2002, 11; Keith Bradsher, "Australia Wins 25-Year Deal to Sell Gas to China," ibid., Aug. 9, 2002, W1+. See also Raymond Bonner, "Antiterror Fight: Why the Phillippines?" *NYT*, June 10, 2002, A10; Howard LaFranchi, "US Poised to Take Terror War to Colombia," *CSM*, May 31, 2002.

21. Virginia Held correctly analyzed this narrow usage in a paper entitled "Kinds of Terrorism," presented at the Central Division Meeting of the American Philosophical Association, April 27, 2002. She also made several very insightful suggestions regarding my paper which as incorporated improve the final product substantially.

22. In *The Compact Edition of the Oxford English Dictionary*, vol. 2 (New York: Oxford University Press, 1971) the first definition of both terrorism and terrorist refers to the Reign of Terror in France, and a second definition applies to any policy or any person, respectively, that espouses such methods. In *The Random House Dictionary of the English Language* (New York: Random House, 1967) the historical definition takes second place to "a terroristic method of governing or resisting government." In the *Collins Concise Dictionary*, terrorism is defined as "the systematic use of violence and intimidation to achieve some goal." For Arendt's application of the terms to the behavior of nation-states, see her *The Origins of Totalitarianism*, 2nd ed. (New York: Meridian, 1958), esp. ch. 13.

23. See Luis Alberto Moreno, "Aiding Colombia's War on Terrorism," *NYT*, May 3, 2002, A3; Somini Sengupta, "India Passes Antiterror Bill over Protests about Rights," *NYT*, March 27, 2002, A5; "Other Nations Find 'Terrorist' Label Useful," *CSM*, Jan. 10, 2002. A new variation on this theme is Exxon Mobil's linkage of its interests in Aceh with antiterrorism (see n. 18, above).

24. Serge Schmemann, "Swedes Take Up the Cause of 3 on U.S. Terror List," *NYT*, Jan. 26, 2002, A9; Scott Baldauf, "The War on Terror's Money," CSM, July 22, 2002; "U.S. Drops Names of 2 Swedes From Al Qaeda List at U.N.," *NYT*, Aug. 23, 2002, A8. Some charitable foundations have filed lawsuits on constitutional grounds to have the freezing of their assets lifted. See *NYT*, March 9, 2002, A9.

25. Katherine Q. Seelye, "Rumsfeld Defends Treatment by U.S. of Cuba Detainees," *NYT*, Jan. 23, 2002, A1, A9; Jan. 28, 2002, A6; Robert Burns, "Rumsfeld Nixes POW Status for Captives," *Journal News*, Jan. 28, 2002, 2A.

26. Anthony Lewis, "Captives and the Law," *NYT*, Jan. 26, 2002, A15.

27. See "Geneva Unconventions," *CSM*, Jan. 28, 2002.

28. Judith Butler, "Guantánamo Limbo," *The Nation* 274:12 (April 1, 2002), 20-24. Butler's argument is bolstered by the fact that the United States also adopted the Uniform Code of Military Justice in 1950 and signed the International Covenant on Civil and Political Rights in 1992. It is incidentally undermined somewhat by such positive reports about detainee treatment as Charles Laurence, "Sweet Tea and Therapy for X-Ray Inmates," *The Sunday Telegraph* (London), March 10, 2002, 13. Other reports,

however, have been more negative.

29. Joseph Nye, "The New Rome Meets the New Barbarians," *The Economist*, March 23-29, 2002, 24. See also n. 1, above.

30. Little evidence having been obtained from detainees, the US administration has sought to invent a conspiracy-like charge based on membership in a terrorist group and connection to its aims. See Neil A. Lewis, "U.S. is Seeking Basis to Charge War Detainees," *NYT*, April 21, 2002, Sect. 1, 1+.

31. Katherine Q. Seelye, *NYT*, March 21, 2002, A1, A19; Id., March 22, 2002, A13; Jess Bravin, *WSJ*, March 23, 2002, A4; "Unlimited Presidential Powers" (editorial), *NYT*, Aug. 8, 2002, A24.

32. Emergency warnings after 9/11 were first used, it seems, to avoid blame and justify new government expenditures. Then when Congress undertook retrospective investigations of flaws in pre-9/11 processing of danger signs, the administration began issuing warnings even more dire, e.g., as to the likelihood of nuclear bombing. In time the warning system became more selective and sophisticated. See Don Van Natta, Jr., and David Johnston, "New F.B.I. Alert Warns of Threat Tied to July 4th, *NYT*, June 30, 2002, sect. 1, 1+.

33. Budgetary shortfall seems destined to become itself an emergency in need of response. See Richard W. Stevenson, "Tax Receipts Fall Short of Predictions," *NYT*, May 10, 2002, A18; Id., "Analysts Predict Sharp Increases in Spending by U.S.," *NYT*, May 12, 2002, Sect. 1, 1+.

34. President Bush said in his 2002 State of the Union address: "(T)ime is not on our side (because) dangers gather (and) peril draws closer and closer. (For,) the world's most dangerous regimes . . . threaten us with the world's most destructive weapons. (So) (o)ur war on terror (sic) . . . is only begun." – As published in *NYT*, Jan. 30, 2002, A22.   Few foreign leaders have endorsed this bellicose language. French Foreign Minister Hubert Védrine even called it "a new simplistic approach that reduces all the problems in the world to the struggle against terrorism." - *CSM*, Feb. 12, 2002.

35. This flexibility rationale is somewhat ironic considering that maintaining stability is the center stone of US justifications for retaining its military bases overseas. See Johnson, *Blowback*, 29.

36. Richard W. Stevenson, "Breaking Up Is Hard. Merging is Harder," *NYT*, June 23, 2002, WK 9; Gail Russell Chaddock, "Why Congress Doesn't Rubber-Stamp Homeland Defense," *CSM*, June 14, 2002; Abraham McLaughlin, "New US Security Mantra: Keep Bad Guys Out," ibid., June 24, 2002.

37. See Martin Shapiro, "Dennis v. United States," in *The First Amendment*, ed. Leonard W. Levy et al. (New York: Macmillan, 1990), 156-158; Glenn R. Simpson, "Why the FBI Took Nine Years to Shut Group It Tied to Terror," *WSJ*, Feb. 27, 2002, A1+; Peter Ford, "Legal War on Terror Lacks Weapons," *CSM*, March 27, 2002.

38. See n. 1, above.

39. MILNET: "History of Laws Affecting Terrorism," www.milnet.com/milnet/tleghist.htm.

40. U.S. Dept. of State, Office of International Information Program, online at

usinfo.state.gov.

41. See Merrill D. Peterson, Alien and Sedition Acts," in *The First Amendment*, ed. Leonard Levy et al. (New York: Macmillan, 1990), 93-94.

42. MILNET, "Summary of the Terrorist Act of 1996," www.milnet.com/terract/terract.htm.

43. As summarized by *The NEW Observer* for Nov. 20, 2001, it "grossly violates Fourth Amendment [search and seizure] requirements. Every search is now "reasonable" if the FBI or CIA claims that a "significant purpose" of the warrant is to investigate "terrorism." Persons or places need not be identified. Roving wiretaps [on any and all of a person's telephones may be] authorized for a year or more . . ." Any person's medical, legal, credit card, bank or personal records almost without limitation can be obtained; and anyone who tells a targeted person what the government is doing commits a crime. See "The Patriot Act of 2001: Has Big Brother finally arrived?" online at thenewobserver.com . A burgeoning literature regarding the PATRIOT Act includes the following useful online analyses: "Summary and Analysis of Key Sections of USA PATRIOT ACT of 2001," Center for Democracy & Technology, online at cdt.org/security/011031summary.shtml; "Dangerous Provisions of the USA Act of 2001," ACLU (of Northern California) News, Autumn 2001, online at aclunc.org/aclunews011106/usaact.html; "Legal Aspects of Terrorism," AELE Law Enforcement Center, online at aele.org/terrorism.html.

44. Michael Theodoulou, "Arab Press Finds Roots of Terrorism Closer to Home," *CSM*, Jan. 28, 2002.

45. "A Systemic Failure," *Economist*, May 25, 2002, 29-30; "Bush, As Terror Inquiry Swirls, Seeks Cabinet Post on Security" (multiple articles), *NYT*, June 7, 2002, A1, 21-23; Frank Rich, "Department of Homeland Insecurity," *ibid*., June 8, 2002, A15. The proposal in question did not originate with the Bush administration, which for months had opposed the very idea. See Godfrey Sperling, "The Big Politics of Bush's Security Plan," *CSM*, June 18, 2002.

46. Abraham McLaughlin, "With US on alert, Ridge lacks clout," *CSM*, May 21, 2002; Ron Scherer, "Local officials shoulder terror-threat burden," *Id., CSM*, May 22, 2002; Jeanne Cummings, "States Mend Homeland Security Blankets," *WSJ*, Aug. 13, 2002, A4.

47. See "How Sept. 11 Changed America," *WSJ*, March 8, 2002, B1+; www.nemaweb.org, "Trends in Terrorism Preparedness." A case in point involves FEMA and NRC reluctance to honor post-9/11 citizen and local government efforts to close Entergy's Indian Point nuclear power plants north of New York City.

48. Especially significant in this field is insurer Marsh & McLennan Companies' Marsh Crisis Academy, whose Chairman and CEO, L. Paul Bremer III, was tapped by President Bush in April 2003 to establish civil order in US/UK-occupied Iraq.

49. This is the emergency number in the US. Elsewhere it may be different, e.g., 999 in the UK. I thank John A. Kneisly III for information about 911 procedures and Betty Weitz for pointing out the particular relevance of air raids to an analysis of emergencies.

50. Suicide bombers have created comparable ongoing anxiety among Israelis. See Cameron W. Barr, "Surviving a Bombing, Day by Day," *CSM*, June 6, 2002.

51. I know a woman, for example, who accidentally typed '911' on her computer keyboard when trying to call an Internet server whose number began with '922'. Minutes later two firemen appeared at her door prepared to handle whatever emergency her unintended call involved. She had not consciously provided any information about an emergency, but her fingers did so automatically.

52. At the 911 Center in Delaware County, Ohio, for example, each dispatcher on duty is assigned to fire, police, or medics to avoid confusion and facilitate proper handling of each call. The call taker inputs the information to the CAD system, which in turn tells the dispatcher how best to respond and what personnel are needed, and automatically replaces any equipment that is out on another call. If a second call relating to the same incident comes in while this process is underway, another dispatcher takes that call and adds any new information obtained to the first call. For, the dispatcher who took the first call ordinarily has full responsibility for tracking all phases of the response, from the time the first dispatch is aired to the time that all units activated (Police, Fire, EMS) are back at their stations or have left the hospital. Once no unit that was activated is still involved, the run is over. The dispatcher assigns a run number, and closes the call screen on the CAD. A CAD-generated "run sheet" report shows when each unit responded, where it went, and what it did. The dispatcher, finally, sends a copy of the run sheet to each department involved.

53. Jean-Jacques Rousseau, *The Social Contract*, ed. and tr. Charles Frankel (New York: Hafner, 1947), ch. 6, 14.

54. See John Keane, *Reflections on Violence* (London: Verso, 1996), 26-28, 45-47.

55. See Stephen Toulmin, *Return to Reason*.

56. This is an accurate but oversimplified account of the theory that suffices for my purposes. For details see William James, "What is an Emotion?" *Mind* 9 (1884), esp. 11-13.

57. Peter H. Hare, "Ethics of Belief," in *The Oxford Companion to Philosophy* (ed. Ted Honderich; New York: Oxford University Press, 1995), 83.

58. See Alan Cullison and Andrew Higgins, "Inside al Qaeda's Afghan Turmoil," *WSJ*, August 2, 2002, A1+.

59. Michael T. Klare, *Rogue States and Nuclear Outlaws: America's Search for a New Foreign Policy*, New York: Hill and Wang, 1995; Robert Litwak, *Rogue States and U.S. Foreign Policy: Containment after the Cold War*, Washington, DC: Woodrow Wilson Center, c2000.

60. Michel Wieviorka, *The Making of Terrorism*, tr. D. G. White (Chicago: University of Chicago Press, 1993; orig. 1988), 290. See also David Spurr, *The Rhetoric of Empire* (Durham: Duke University Press, 1993), pp. 189-190.

61. Edward Said has wisely so recommended in *Power, Politics, and Culture*, 331. See also John Keane, *Reflections on Violence*.

62. See, for example, Spurr, *The Rhetoric of Empire*.

63. See in this regard Johnson, *Blowback;* Chomsky, *Rogue States*.