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Two Narratives, Two Wars

The Political and Legal Rhetoric of the War on Terror

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OMMITTING ANY NATION TO WAR NECESSITATES POLITICAL authority, but the War on Terror presupposes that authority in new spaces. These spaces are new because the War on Terror, rather than striking a nation or even an organization, targets a particular ideology. Constructing a rationale for this war required a narrative, one that began with the attacks of September 11th but that continues to morph to this day. The recent killing of Osama bin Laden in a compound in Pakistan, though hailed as a keystone in the War on Terror by American media and politicians alike, has done little in bringing that narrative to a close. The War on Terror, from its infancy in the weeks following September 11th to its post-bin Laden reality, continues to be seen as necessary and righteous as much as it is critiqued as illegal and unprincipled. There is little doubt that this war has underscored the increasing importance of public debate with regards to policy. Few scholars and politicians, however, discuss how the narrative behind this modern war, starting with the language used to describe it, has shaped public policy. Even its name constitutes a peculiar rhetorical construction, as Richard Jackson of Manchester University has noted. Jackson characterizes language in the context of this war as a quasi-military tool crafted and wielded by American leaders; “counter-terrorism … would not be possible,” he asserts, “without the deployment of language” (8). In fact, entirely new legal designations such as “illegal enemy combatant” were created in order to wage this war. Historian Julian Zelizer shows that these kinds of new legal designations effectively normalized practices, such as torture, that might otherwise be considered objectionable (30). In short, scholars have maintained that the Bush Administration employed broad rhetorical strategies to frame the War on Terror in terms of the survival of American civilians as much as the American way of life.

But where academics such as Zelizer and Jackson tend to focus on discursive aspects of the war, politicians tend to limit their debate to ramifications in law and policy. Looking at President Bush’s framing of the war would certainly highlight this divide between scholars and politicians. Bush seemed to ignore the ways in which his language went beyond describing his policies. He seemed to ignore, in other words, that his language shaped his worldview. This is perhaps best documented in Bush’s description of the War on Terror as a crusade, when he invoked an overtly religious purpose behind the American response to terror. It would seem, then, that politicians like Bush and scholars like Zelizer and Jackson speak about the War on Terror in patently different modes, even as they address the same war and the same issues. These various elements of the War on Terror, however, are intimately connected. It was the amalgamation of these narratives—one rhetorical, the other political—that allowed a more symbolic War on Terror to be manifested in the invasions of Afghanistan and Iraq. While we tend to conceive of the War on Terror as the battlefield sites in which these conflicts are lived out, they in fact represent the materialization of a more panoptic War on Terror. This more figurative war is one grounded in language as much as it is in military activity.

The language surrounding the War on Terror, in other words, requires a deeper critical assessment than that provided by politicians and scholars. This is in part because the academic and political narratives of the war were initially employed at a moment of acute national trauma. As we attempted to assemble the shattered pieces of our collective identity in the wake of September 11th, we demanded a physical, forceful response to the suffering caused that day. It was a day, as Bush described it in his address to the nation, when “Every American is a soldier, and every citizen is in this fight” (Bumiller). And yet, we also stopped questioning our leaders’ statements and actions. In a time of national vulnerability that should have placed more responsibility on figures of authority, our leaders instead wrote their own narratives, often in accordance with their own political motivations. In the process, we ignored reality. Some ten years later, we can now reflect more critically to see how the War on Terror marks a potential shift in writing about that trauma. So, while militaristic politics have not escaped academic review, the traumatic context of the War on Terror requires renewed analytical modes that assess the deployment of language in waging this war. In other words, in the initial years following September 11th, the language of the War on Terror seemed descriptive and therefore reflective of certain realities of the war: its indefinite nature, its legal irregularities, its disconnect between principle and practice. However, the more we examine the intersection of the war’s discursive and legal valences, the more we see that war and the language used to narrate it remain inseparable. In other words, language in the context of the War on Terror does not merely describe reality; language instead shapes our perception of it. In this shaping we can see the ideological impetus behind the War on Terror.

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o argue that the War on Terror is driven by language does not mean to imply that the war is any less real or that the televised attacks on September 11th were simulacra of real tragedy. But September 11th as much marks a concrete beginning to the War on Terror as it does a political narrative. It is, in this sense, as much a date as it is an ongoing event, one that has become synonymous with the very idea of terrorism. September 11th and its subsequent shortening to “9/11” evoke powerful emotions among most if not all Americans, especially those who lost loved ones. It is a sacred date, bearing the motto “never forget,” one that evokes sober and even fearful emotions about the world we live in. At the same time, it invokes feelings of vigilance, perseverance, and patriotism, especially in the wake of bin Laden’s killing by U.S. Navy SEALs . Marc Redfield of Brown University argues that “the name-date ‘September 11’ has too much rhetorical power,” and as such, “the empty date suggests itself as a zero point,” that “*everything changed* that day” (17). Redfield goes on to argue that “September 11th” became powerful because Americans had no preconceived notions about the day itself. Although important to other countries, most notably Chile for the date of the United States-backed overthrow of Salvador Allende, the date meant little to Americans before 2001; Americans’ understanding, experiences, and memories of the day are drawn entirely from the terrorist attacks (Redfield 18). In the weeks if not months after, the attacks became inescapable due to the non-stop coverage by American media outlets. As Redfield notes, the attacks became a media spectacle of the worst kind, an event that would rival and perhaps even surpass Pearl Harbor in how it shocked the American public:

The World Trade Center was (and is) so heavily mediatized, so utterly penetrated by representational technologies of global reach, and so symbolically at the heart of the world’s various political, financial, and semiotic webs of power that the destruction of the towers could not help being … the ultimate media event … disseminating images of disaster from the symbolic center of technological, capitalist, and national power. (Redfield 3)

Redfield suggests that the “mediatized” nature of the attacks was a product of where the attacks took place, the center of the financial world. The towers symbolized America’s expansive reach as an economic and technological hegemon, a fact intrinsically linked to its political and military dominance. Furthermore, the entire nation collectively held its breath as it watched the second tower collapse on television. The world became witness to real-time tragedy, however far we were from Manhattan. It was a scene too horrific to be true and only seemed to add to the cinematic nature of the attacks. Reading scholarship about the attacks, which often focuses on the linguistic acrobatics that these events engendered, we might mislead ourselves into thinking that these events exist in the immaterial world of language. But the suffering was real, and continues to be real for many of us. There is a reason, in other words, that the phrase “never forget” assumes an importance in how we perceive the attacks.

As such, the most useful word to describe the September 11th attacks may well be *traumatic*. The attack struck at the very core of America’s financial and political urban areas, physically and psychologically wounding an American public that turned to its leaders for an immediate plan of action. This plan of action derived from a political narrative about the attacks themselves, and it was this narrative in the wake of trauma that created a culture of consent among the American public for retalliation. To put it succinctly: in the aftermath of 9/11, we wanted war. But if Americans understood the facts of September 11th, they did not yet understand its larger significance. As Jackson has suggested, Americans were justifiably dazed and shocked, and their understanding of the attacks remained narrowly confined to the repeated, horrific images they witnessed on their television screens. This ultimately created an even larger void to be filled by a political narrative: the attack of September 11th became the initial chapter of the War on Terror (Jackson 31). Americans thus understood September 11th as an act of war rather than a crime against humanity. Military deployment, it seemed, was the only appropriate response.

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n the wake of this trauma, President Bush introduced the idea of moral absolutes to frame both the conflict and the enemy at hand. From the beginning, President Bush characterized this war as a conflict between “evil terrorists” and “innocent Americans,” a distinction not only impossible but also politically imprudent to dismantle. In an address to Congress, President Bush declared to the world “either you are with us or you are with the terrorist” and “in this conflict, there is no neutral ground” (Bush). The declaration here, as Jackson has noted, simplified the question of allegiance within the war as a choice between two absolutes (86). The President’s statements, and statements such as these, locked the doors to public debate before they were ever opened: questions were equated with treason, and unconditional support became the standard American ally. Eventually, the *evil* designation applied to terrorists began to expand, encompassing language such as *barbarous, uncivilized,* and *parasites* (Jackson 64-74). The terrorists became *inhuman*, and they surrendered their human rights in the process.

The Bush Administration extended this narrative beyond the realm of identity. The president appealed to our overriding sense of fear by characterizing terrorism as an existential and apocalyptic hazard. The terrorist became a new threat, the likes of which America had never experienced, not even during the Cold War. The U.S.S.R., a radical but ultimately logical nation-state, had been replaced by irrational actors with nothing to lose. Indeed, the balance of power during the Cold War, in which neither side was willing to risk the destruction of civilization, had been replaced by the scenario of a “potentially catastrophic combination of a rogue regime, weapons of mass destruction and terrorists” (Jackson 105). The consequences of a second attack began to involve images of a mushroom cloud over Washington D.C. or New York. At stake, it seemed, was the free world itself. From such a foundation of fear, a new language emerged; “Ground Zero,” a term previously applied to the nuclear bombings of Hiroshima and Nagasaki, now assumed its place in New York (Jackson 73). But the language of this uniquely modern war also integrated seamlessly into the historical continuum understood by most Americans. Where the re-introduction of the term “Ground Zero” recast America as victim rather than perpetrator, referring to the “Axis of Evil” by President Bush summoned memories of both World War II and the Cold War. Jackson notes that the phrase “Axis of Evil” “discursively combines the meta-narratives of World War II, where the Allies fought the Axis powers … and the cold war struggle against the Soviet Union – which Reagan famously referred to as the ‘evil empire’” (Jackson 44). With Pearl Harbor, World War II had begun for the United States in a fashion similar to the attack on the twin towers, and the Cold War constituted a war of ideology in much the same way as the War on Terror. In both wars America fought against despotic dictators, a feature that bolstered support for this new, seemingly parallel conflict. Thus, the War on Terror contained at once all the peculiarities of its own identity as well as the ghosts of American history.

One of the final and, perhaps, most baffling characteristics of President Bush’s characterization of the War on Terror was his deployment of religious language. Just days after the attacks, President Bush made the most explicit and shocking of these references, one that would be analyzed and scrutinized in the years to come: “This is a – a new kind of evil … and the American people are beginning to understand. This crusade, this war on terrorism is going to take a while” (Graham 23). The overt reference to a holy war with the use of “crusade” stands out in what is undeniably one of the most serious rhetorical blunders of the War on Terror. The crusades represented a long and even barbaric holy war; after September 11th, “crusade” implied another long and perhaps equally barbaric war on the Middle East. Furthermore, the narrative of a “crusade” reflected a direct response to the concept of *jihad*, a perversion of the religious duty and “struggle” of Muslims. This counter-narrative suggests that Christianity, rather than America, was responding to the attacks.The subtle and recurring reference to evil furthered this religious language. Colin Powell stated that terrorism “represents no faith, no religion. It is evil,” to which Jackson responds, “in a theological construction of evil, being atheistic and godless is a common assumption” (Jackson 68). The conflation of “evil” and atheism seems particularly problematic in a society in which atheism is widely accepted. That the United States government, founded upon the separation of Church and State, would appeal to religion as a moral justification to go to war remains one of the most disturbing legacies of how politicians derived authority for the War on Terror. Ultimately, the rhetorical strategies were successful and the American public was ready for war. Following the initial attacks, Bush’s approval ratings hit nearly ninety percent.

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owever necessary political authority was to justify a military invasion of both Afghanistan and Iraq, the Bush Administration still sought a legal basis for its actions. It may seem odd that such successful appeals to emotion and rhetoric also needed legal mechanisms before war could be waged, but the extent to which the Bush Administration sought a legal basis for the War on Terror may well indicate the extent to which it sought to invade these countries; in other words, the legal basis for war in this case may only indicate the extent to which the President was covering his bases. It is this legal framework for the War on Terror that provides the most useful and pragmatic lens to see how language implicates practice and policy. The War on Terror, more than any other modern conflict, represents a unique fusion of political and legal rhetoric whose purposes remain inseparable. One of the earliest legal documents of the war, the Authorization for the Use of Military Force, foreshadowed the vague nature of this new war. The resolution implicitly communicated the difficulties of converting the symbolic War on Terror into coherent strategies for foreign policy. Intended as a direct response to the September 11th attacks, this Congressional Joint Resolution authorized the President to “use all necessary and appropriate force against those nations, organizations, or persons he determined planned, authorized, committed or aided … September 11th, 2001, or harbored such organizations or persons” (Authorization for the Use of Military Force). Suddenly, the enemy in the War on Terror had become any nation or actor who had aided terrorists in any way. It was a notion difficult to define and one that would later blur American objectives in Afghanistan and Iraq. But it was also a notion that expanded the more metaphorical reaches of the war.

The legal peculiarities of the War on Terror further evolved with the creation of Guantanamo Bay and “illegal enemy combatants.” Both of these constructions represent mechanisms by which President Bush was able to evade the spirit of the Geneva Conventions while remaining narrowly within its legal limits. Such an approach to the laws of war, says Mary Dudziak of the University of Southern California, might best be described as “‘strategic lawfare’ … [where] law appears as a tool of power, not a practice of democratic constraint” (Zelizer 46). Rather than offer advice in accordance with the best legal practices, Bush Administration lawyers began to conflate legal and security-related concerns, ultimately compromising the integrity of such advice. And rather than develop legal policies based on their reading of the law, lawyers would interpret laws to support a specific policy.

In order to bypass many of these mechanisms and justify these actions, President Bush leveraged alternative legal jargon, such as terming terrorists “illegal enemy combatants” rather than “prisoners of war.” Their status as “illegal” implied that they would not benefit from the protection of the law. Furthermore, the construction of Guantanamo Bay, although not discursive in nature, represented a technique by which the Bush Administration evaded the US Constitution by locating the camp outside U.S. soil. Justice Sandra Day O’Connor voiced the most problematic aspect of these new policies in *Hamdi v. Rumsfeld*, when she speculated about “the substantial prospect of perpetual detention … that Hamdi’s detention could last for the rest of his life” (quoted in Zelizer 48). While cases such as *Hamdi, Hamdan, and Boumediene* posed checks on President Bush’s discretionary executive power, they ultimately constituted little more than a mild dissent in the context of all else that occurred in the war (Zelizer 50).

Just as the Authorization for the Use of Military Force provided the legal foundation for the invasion of Afghanistan, a memo from the Office of Legal Council to the Office of the Assistant Attorney General provided the legal basis for questionable interrogation methods, notably waterboarding. These internal “torture memos” epitomized the ways in which President Bush and his staff manipulated the law to justify a pre-determined policy (Bybee 1). The torture memos flew in the face of international law, such as the War Crimes Act of 1996, which defines a war crime as “any conduct defined as a grave breach in any of the international conventions signed at Geneva” (War Crimes Act). Among the stipulations of the Torture Statute is the provision that the threat of imminent death to a victim constitutes torture, an experience felt by any prisoner being waterboarded. However, the Office of Legal Council succeeded in manipulating the language of the Geneva Conventions to deny its applicability to the War on Terror. In general, the Conventions apply only to an “international armed conflict between High Contracting Parties,” which excluded Al-Qaeda as a non-state actor (Garcia 2). On the other hand, Article Three of the Conventions, which prohibits torture, is applicable to conflicts “not of an international character,” to prevent war crimes in civil wars. However the Bush Administration argued that this provision also did not apply, as the War on Terror was clearly an international conflict (Garcia 3). While far removed from the emotional and evocative political rhetoric displayed in public, the Bush Administration also clearly used careful craftsmanship of its legal language to further its agenda. While never challenged in court, this clever yet fundamentally contradictory legal argument formed the basis for the recommendation that waterboarding constituted a legal interrogation technique under the War Crimes Act.

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he integration of these two narratives allowed President Bush to manifest this ideological war through the invasion of Afghanistan and, later, through the invasion of Iraq. Suddenly, the focus of the War on Terror shifted from the September 11th terrorists to the Taliban and finally to Saddam Hussein. It was a transition, made possible in part by the broad use of untethered pronouns like “they” and “them,” that underscored problems with the indefinite and blurred nature of the war. Nine years later, the problematic chasm between the goals of a global War on Terrorism, and its relatively provincial materializations in Afghanistan and Iraq, has become clear. In both sites, the enemy remains only loosely defined. The vague and shifting nature of American goals in Afghanistan, from originally weakening al-Qaeda to full-blown nation-building to counter-insurgency, has ultimately undermined the American mission while alienating the public. We are, it seems, fatigued by the fighting and the constantly shifting purposes of the war and beginning to witness the somber results of this “second Vietnam”: a resurgent Taliban, a deteriorating government, escalating violence, and public dissatisfaction. Also uninspiring is the tepid and unfocused statement that “we’ll know success when we see it,” made by Richard Holbrooke, U.S. Special Envoy to Afghanistan and Pakistan in 2009; such a statement only seemed to cast doubt upon any hope of a coherent goal (Ackerman). The War on Terror evidently highlights the importance of understanding how representational practices implicate the policies they describe.

Ultimately, time has tempered the fiery and unfiltered narrative that initially motivated the War on Terror. Now almost a decade removed from September 11th and faced with the sobering effects of two wars and pressing economic problems, the Obama Administration has shifted its focus away from the symbolic characteristics of this aspect of American foreign policy. In fact, President Obama has largely discontinued the use of the terminology “War on Terror,” instead speaking of Iraq and Afghanistan as conflicts independent of the broader context within which they first appeared. That U.S. intelligence found bin Laden in Pakistan, just north of that country’s capital, only underscores the war’s distance from the sites of ongoing conflict. We are a long way away from President Bush’s bold claim that “every American is a soldier” in the War on Terrorism (Bush). It is a statement that only now seems objectionably militaristic in nature, but at the time this remark seemed not only normal but righteous to an American public and media still suffering from the trauma of terrorist attacks. It is a harrowing idea. Such words perhaps reveal that only in this age of urban warfare, drone strikes, and hidden enemies has the idea of a “total war” manifested itself. The War on Terror uses guns, but the totality of this war also encompasses culture, economics, and religion. It is, in this sense, a war of ideology that is lived out in a narrative that might well be starting to unravel.

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