

Introduction

Practising criticism is a matter of making facile gestures difficult.

Michel Foucault¹

A substantive makes us look for a thing that corresponds to it.

Ludwig Wittgenstein²

There is no terrorism beyond the discourse of terrorism. This discourse has its conditions and rules. The critique of these conditions and rules is what this dissertation does.

Thousands of scholarly articles and books have been published on the subject of terrorism in the few years that separate us from the catastrophic events of the 9/11.³ What makes this dissertation different is the perspective it assumes. It is a historical study of how States have articulated statements about terrorism since the 1930s, under what conditions these statements have been articulated, and what has been the effect of the discourses made of these statements on the international order.

Now a question may be asked: *Isn't it a waste of time to study States's discourse of terrorism when one can instead study terrorists' actions and their motives to provide for reliable future predictions of terrorism trends, or even possibly, by contributing to the accumulation of knowledge about terrorism, to advance its ultimate demise?* The discourse of terrorism, like any discourse, carries

¹ Michel Foucault, „Practising Criticism,“ in Lawrance Kritzman, ed., *Michel Foucault: Politics, Philosophy, Culture – Interviews and Other Writings 1977-1984* (London: Routledge, 1988) 155.

² Ludwig Wittgenstein, *The Blue and Brown Books* (New York: Harper Torchbooks, 1958) 1.

³ For a general overview of how the volume of academic discourse of terrorism has grown since the field was constituted in the 1970s see figures in the relevant section of the third chapter.

tremendous power. It is the power to constitute its Subject (Terrorist) and the complementary Selves in difference from this Other that, by identifying the normal, discipline the political order (which arguably in a continuous need of such disciplination). The Terrorist Other has been elevated to the position of the total enemy of all humankind in one of the most important power management apparati, or *dispositifs* (cf. Foucault 1980 [1977])⁴ in the contemporary world politics, the *global terrorism*. Therefore, States' discourse of terrorism has an important reifying function for this order and consequences for modalities of distribution of legitimate violence *vis-a-vis* both pariah States in this hegemonic order and individual human bodies constituted as enemies under the paradigm of Global War on Terror (GWOT) which, despite a recent attempt to purge the term from White House's vocabulary, seems far from over.⁵

This dissertation is a critical project. It does not aim at formulating a new theory of the Terrorist. Rather, to use Michel Foucault's words, it strives to make facile gestures difficult. In attempt to forget the successfully reified object (terrorism), it brings to fore the invisible practices of power and knowledge which constitute it. The dominant knowledge of terrorism, it is argued, is insensitized and *insensitizing* to the false realism of the object and to the practices of power that make it possible. Thus it reinforces and reproduces societal narcosis toward those practices of government (or *governmentality*), which a critical inquiry aims at disturbing.

Indeed, it has become a commonplace to start scientific treatises on terrorism with a lament that the object is notoriously difficult to define, not least because of its politically contested nature. This, however, has arguably become something of a *ritual*, with no practical consequences for the subsequent inquiry, and attempts at objective definitions and positive statements about terrorism

⁴ I use the Chicago style, fifteenth edition, throughout the text. Where referencing secondary literature, the preference is given to *author-date* system; where primary sources are cited, the bibliographic information is given in a note. I explain the reasons for this choice in more detail in the research design section of the first chapter.

⁵ „The language we use matters,“ Barack Obama reportedly told *Al-Arabiya* upon assuming office, and he scratched the phrase *war on terror* from the White House vocabulary. NYT Magazine, Jan. 4, 2010. But at the time of writing, drone justice is still distributed in distant lands, Guantánamo is running (with the practice of military trials recently renewed after a moratorium) and Patriot Act intact.

following such exasperations have been in no short supply.⁶ The field's reflexivity, therefore, has been more or less simulated.

A multitude of disparate phenomena have been unproblematically subsumed under the category of terrorism, as the standard typologies plentifully demonstrate. However, the dominant field of terrorism knowledge has been arguably most subservient to the hegemonical power not in reinforcing the contingent unity of the phenomenon – making it possible to label Terrorist a wide array of actors with diverse agendas and employing a variety of strategies – but in sustaining and promoting the concept of „new terrorism“ with its unprecedented lethality, capacity to undermine „our way of life“, and not mere *transgression*, but *lack* of both normative and spatial boundaries demonstrated in the Terrorist's irrationality (underlied by new Orientalist narratives) and potential omnipresence as the epitome of (anti-)globalization. It is here that the mainstream terrorism science emerges most clearly as a part of the Foucault's *dispositif*: dependent, in articulating statements about terrorism, on the truth claims issued by governments that are unfalsifiable by standard methods of scientific inquiry to which it claims to adhere, while lending its scientific posture (with the corresponding entitlement to the production of authoritative knowledge) to the purpose of authorizing them.

Much ink has been spilled in writing about the history of terrorism. Ironically, however, standard histories of terrorism in the discipline (discussed in the second chapter) do little to historicize this presentist reification of terrorism since they tend to be characterized by backward projection of the present concept of terrorism in the past and thus endowing it with certain essential and æternal substance (effectively allowing for mutability only of the *accidental* properties). The history of terrorism in this dissertation is different. It is a critical history, a history of the present as it was understood by Nietzsche and Foucault. It is a *genealogical critique* of the concept of terrorism, which by means of proper historicization points to the present invisible reifying practices.

⁶ For a detailed discussion see the fifth chapter. Since this dissertation does not aspire in any way at contributing to the debate about the definition of terrorism, I only look at those positive statements in the context of the nexus of power and knowledge.

It does not look for its essential origin (*Ursprung*) or its linear evolution until the present state. In fact, it concludes that there is no such origin of terrorism. Focusing on how States articulated statements about terrorism across time and tracing both continuities and discontinuities in their discourses, it instead points out contingency of their understanding of terrorism, and shows how each time terrorism was rendered as an exceptional threat warranting extraordinary responses. Drawing on the theoretical reflection of the international order by Carl Schmitt, it also proposes basic conditions of emergence and evolution of the discourse of terrorism among States from the 1930s to the present day.

It proceeds in the following steps. In the first chapter (*Concerning Method*), theoretical and methodological assumptions are laid down, followed by a construction of a research design. In the second chapter (*Overture: Against Ursprung*), to undermine the *Ursprung*-based histories of terrorism and prepare ground for the conclusion that when terrorism emerged in the discourse among States in the 1930s in a process contingent on a certain constellation of power, the unity of the concept was purely accidental, multiplicity of the meaning of the term as it was used in the preceding period is demonstrated. The two next chapters inquire into historical series of the discourse of terrorism among States in the 1930s and the 1970s.

In *Emergence/y (1930s)* it is suggested that the discourse's initial emergence was conditioned on the crisis of international order. International terrorism was constructed as a monumental object against which a universalist and normalizing action uniting all civilized mankind could be taken to preserve the waning *status quo* order, and in addition to serve as an immediate conflict management measure after the Marseilles attentat (whereas in the latter limited end it was successful, in the former it ultimately failed.) The international terrorism's unity was accidentally constituted from the multiplicity of „terrorisms“ existing in the general discourse, reduced to two disparate expressions: assassination of protected persons, and mass explosion.

As the next chapter, *Division (1970s)*, proposes, a crisis of international order conditioned also the new emergence of the discourse of terrorism in the following series. Yet this time, in contrast

to the 1930s, because of the restitution of the political under the provisional *nomos* of the Cold War a battle over the discourse followed between First World and the autonomizing Third World, resulting in a duality of discursive orders. (Not silent, the Second World States enunciated statements according to rules borrowed from both discursive orders, but curiously more from the First World's order, which points to their essentially conservative position related to the new provisional *nomos*.) In this battle, claims about the limits of (civilized) violence based on the *status quo* preference were countered by a discourse of underlying causes pointing to the systemic violence embedded in the international political and economic order, that either amounted to terrorism as such, or at least was its most important cause. In the latter case, terrorism could even be considered legitimate by States – those States who themselves had only recently been constituted in acts of what Benjamin (1978) terms lawmaking violence. The continuity with the previous discursive series will be observed particularly in the First World's discursive order, in which terrorism is once again portrayed as a threat of unprecedented lethality and magnitude which abuses human progress and modernity and undermines the entire social (rather than a particular political) order. In both series, basic enunciative possibilities will be suggested to be limited so that the terrorism discussed had to be international in some way, and more importantly, to thrive it required a link to the *regular* – a State that sponsored it and instrumentalized it into a means of foreign policy (while paradoxically States were at the same time alienated from terrorism driving wedge into their virtual community), and from the 1970s also perpetrated „state terrorism“ or sustained the structure of domination that made any terrorism possible.

The constitution of the Terrorist as a Subject in the discourse is assumed to take place in relational patterns of identity and difference. Three such patterns (*basic discourses*) will be identified in the States' discourse of terrorism in the 1930s: *civilization / barbarism*, *order / chaos*, and *political / criminal*. In the discursive practices organized around those basic discourses the Terrorist could be identified as a *hostis humani generis*, the depoliticized and dehumanized enemy of order who undermines the peace and reason guaranteed by States and their servants (Bureaucrats, Soldiers) and whose *uncivilized* character is due to his unconstrained use of violence. In the 1970s, in both

discursive orders the pattern of *civilization / barbarism* is preserved, as much as the discourse of *order / chaos* among the First World States, who also introduced the discourse of (mental) disease in which the Terrorist was identified with a contagion threatening the international political body's survival and sanity.

In terms of the nexi between the discursive practices of power and knowledge, States's discourse of terrorism in the 1930s will be argued to be conditioned above all on the paradigm of sovereign reason excluding madness from the realm of civilization, and the legal positivism *epistémé* which framed the discourse as a part of the process of „progressive codification of international law“ that not only would manage, but eventually also entirely eliminate international conflict. The dominant role of law had receded by the 1970s, whereas Terrorism Studies were established in this period as a field for (re)producing authoritative truth claims about terrorism. Particularly because of the field's dependence on the incumbent power and reflection of its interests, those truth claims will be considered as constitutive of the First World's discursive order. The sources of truth claims for statements enunciated by Third World's states were also originally located in the First World, but outside the new terrorism science, in the *epistémé* of Marxism and Leninism. The most important interdiscursive relationship with consequence for the States's discourse of terrorism in this period was with the discourse of international humanitarian law, another attempt at a conservative response to the international crisis at hand. The conceptualization of the victim of terrorist violence as the Civilian outside the rather narrow borders of armed conflict set by the Geneva laws, will be argued to sow the seeds of the later dominant characterization of terrorism as war, sanctioning extreme and exceptional responses included under the GWOT.

Moving to the present, and based on the conclusions reached in the historical chapters, in the last chapter, *Enclosure (2000s)*, this genealogy historicizes the categories and concepts used in the discourse of terrorism which seem *inevitable* and *necessary* because they stem from some objective essence of the substantive / Subject or are governed by inescapable laws of history. Questions may be asked at this point, however: *Where is this inevitability and necessity in the States' discourse of terrorism? What are the facile gestures sustained by reference to inevitability and necessity that need to*

be criticized? Where is the certainty that ought to be disturbed? After all, it has been repeated many times that one man's terrorist is another man's freedom fighter, and the consensus in the United Nations on the issue of terrorism seems to continue to be marred by an absence of a standard legal definition of the terrorist crime and the endless disputes over the draft comprehensive convention in the *Ad Hoc* Committee. First, the absence of legal definition has far from prevented States to enunciate statements on terrorism. Second, dissent over the legal definition and the Convention has been limited to one rather specific and narrow area of the discourse of terrorism which in its totality includes a vast amount of statements with no direct relation to the issues underlying those disputes, and thus it should not *a priori* prevent the possibility of a single order of discourse (provided that no order of discourse is ever total). Third and most important, after the *emergence* of the discourse of terrorism in the 1930s and the *division* in the 1970s, there can indeed be observed at present an *enclosure* of the discourse under hegemonical rules forming one discursive order.

Characteristic of this enclosure has been *excess* in the construction of the reality of global terrorism, translated into extreme dehumanization and depoliticization of the Terrorist in the familiar basic discourses of *order / chaos* and *civilization / barbarism* and sanctioning extraordinary responses in a new war without rules (or at the very least suspending those roles) which more than a continuation of politics by other means is turned into *social pest control* and imagined as a surgical intervention that removes the cancer cells of terrorism (including rogue states). In a number of ways, it will be argued, this discourse betrays continuity with the discourse of the 1930s. Terrorism once again emerges as a phenomenon the unity of which is accidentally constituted, and is presented as a threat of unprecedented proportions which requires a universalist action by the international community. Moreover, as in the 1930s a counter-construction of the civilized and ordered mankind is juxtaposed to this global threat, disciplining both the *inside* of particular political orders and the *outside* of the hegemonic international order. Statements once articulated under the rules of Third World's discursive order (e.g. about state terrorism) are silenced or marginalized, and the discourse of root causes, once a discourse of resistance, is depoliticized and transformed into a moderate liberal discourse of development as a means of structural conflict prevention.

The statements articulated under this hegemonic order of discourse are the facile gestures this genealogy seeks to make difficult. In this project, this dissertation is neither first nor alone. Indeed, the discourse of terrorism and the global state of exception which it has sustained has been criticized from great many various quarters. The critique of international violence has been, in various forms articulated from diverse ontological and epistemological positions, an established normative enterprise also within the discipline of International Relations (e.g. in International Theory, Peace Studies, including Critical Peace Studies, or various critical branches of Security Studies, including Human Security). Insofar as most of the field of terrorism knowledge has remained dependent on truth claims issued by the incumbent power on whose reproduction it has relied in sustaining its existence, even here a research program of Critical Terrorism Studies has recently emerged – critical, usually in an interpretative way, of the reifications of terrorism in formally diverse narratives and sensitive of the power relations and the role that the mainstream *problem-solving* terrorism science has been playing in sustaining them.⁷

It is with this research program, situated at the margins of the field of terrorism knowledge – or, to allude to its institutional locus at Aberystwyth, at its distant *shores* – that this dissertation loosely identifies (without prejudice to ontological, epistemological and methodological assumptions),⁸ for it comes closest to what it aims at achieving: productively forgetting terrorism to see better *what is going on* in the international political life where terrorism has become a major subject of States' practice of political violence. For the moment, the hegemonic, myopic and *status quo* reflection of condemning any revolutionary violence by reference to its means, rather than ends, seems to be met only with another (*Sartrian*) extreme, of systemic violence as the source of all evil that can be countered by *any* possible means. Forgetting terrorism, as argued in the conclusion, may be a way of expanding those narrow horizons of „thinking space“ (cf. George 1989) about legitimate

⁷ A concise literature review of critical terrorism studies is given within the discussion of the contemporary field of terrorism knowledge in the fifth chapter.

⁸ While not particularly restrictive in terms of articulating binding tenets about the nature of the social world and ways in which it can and should be studied, the core of the programme assumes a Critical Theoretical perspective which is not entirely compatible with the assumptions of this thesis, discussed in the first chapter. I have therefore, for example, a rather different understanding of *genealogy* than Richard Jackson, one of the program founders, who in inquiring into Reagan's and Bush's wars against terrorism situates it in the context of Critical Discourse Analysis (Jackson 2006). That said, I could draw on the critical literature produced in this research program to reflect on the field of terrorism knowledge since the 1970s, and indeed have done so extensively.

violence in international order – and thus, without the emancipatory ambition own to many authors in Critical Terrorism Studies, of making the world a somewhat better place.

Its unique contribution to this critical project lies in the historical (genealogical) perspective it assumes and which has been a potentially extremely useful but so far underdeveloped venue of critical inquiry. Furthermore, its conclusions rely on reading of extensive empirical material, including a mass of primary documents retrieved by archival research. Finally, a research design it devises making use of Foucault's „tools“ for analysis and with the aim of providing for a transparent and intellectually disciplined Poststructuralist discourse analysis may possible serve as a source of inspiration for future similar undertakings. While I do not aspire at contributing to „identifiable scholarly literature by increasing collective ability to construct verified scientific explanations of some aspect of the world“ (King, Keohane and Verba 1994, 15) – assuming that the causal science is but a particular discourse of knowledge the privilege of which can be asserted only under certain historical and political conditions (cf. Foucault 1970)⁹ – I believe that such analysis may meet the relevance criteria even of the mainstream International Relations insofar as it „illuminates important issues in world politics“ (Keohane 1988, 382), even if it does so on its own, yet transparent and sensible terms. The transparency in this sense includes also doing away, as much as possible, with jargon, that secret tongue of scientific communities to which one must be painfully initiated to penetrate their mysteria. „The reader longs for plain language,“ the terrorism scholar Martha Crenshaw noted, „especially when the subject is the power of words“ (2005).

While this dissertation is primarily interested in the discursive structures which ultimately make certain actions, including violent actions, possible and other prohibited, and not much human suffering actually caused by this violence thus finds way into its pages – except in descriptions of events at the (re)emergence of the discourse of terrorism in each series – it is never lost from sight. The physical violence, whoever commits it, and the human suffering which inevitably surrounds it, is

⁹ For an argument that despite pretending otherwise, political science is really a historical science because its concepts are historically conditioned cf. Farr (1982).

most real. It is with this violence always in mind that the conditions of discourses that narrow the horizons of our thought about it are inquired into here.

Having stated what this thesis is, it is as useful to state what it is not. It is not a theory of the Terrorist, but rather a critique of existing theories in the broadest sense. While it draws upon historical material that is to a great extent informed by the language of international law, it is not a legal analysis. Finally, since it does not reify terrorism in any way – actually, it attempts to do just the opposite – it cannot present any recommendations for effective *counter-terrorism*.

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Concerning Method

This chapter identifies the thesis' ontological and epistemological assumptions, and introduces its method. It is divided in three sections. In the first section, general assumptions of Poststructuralism are sketched and a brief review of Poststructuralism in International Relations provided to locate this dissertation's project in the field; Foucault's concepts of discourse and power are discussed, together with his views on effective possibilities of critical intellectual projects; and finally, Carl Schmitt's body of concepts used to facilitate making claims about the discourse of terrorism's conditions is introduced. The second section lays down the dissertation's methodological canvas. It includes a brief introduction to discourse analysis; a substantial discussion of Nietzsche's and Foucault's genealogies; a second attempt at localization (and *legitimation*), a review of genealogical writing in International Relations. In the third section a detailed road map (research design) is drawn on this canvas, defining boundaries of the discourse inquired into; specifying archives of the collected documentation and its nature; and outlining techniques of the discourse's reading.

While I do not embrace the radical position of those Poststructuralists who programmatically eschew all methodological discussions, I adhere to a rather loose definition of method as an instrument of controlled writing. In other words, I conceive of it a series of conscious choices concerning theory and engineering the research design – what should be the object of an inquiry, what it should ask about or how the source material should be chosen and organized.¹⁰ (In the process, I realized that without familiar techniques of the scientific inquiry, such as *coding* of the large amount of material and provisional *formalization* of discursive rules and relations, this analysis would be all but impossible.) Constant reflection of these choices is a fundamental condition

¹⁰ For a Poststructuralist's view that making such choices should be common in the entire academia, including among Poststructuralists, cf. Hansen (2006).

of any rigorous analysis. Method conceived in this way is a means of disciplinatio; yet such disciplinatio is not coercive, since the choices are made wilfully.

Points of Departure

What is discourse, and why is it important to study it? After all, to take an example from international politics, what States and their representatives *say* proves constantly in contradiction to what they *do*, a Realist would argue. Long past are the times when the language of diplomacy was open, even blunt, as in the Classical Greece (Grant 1965). Yet nonetheless, in the last century philosophy witnessed a *linguistic turn* which elevated language to the status of supreme importance as a privileged medium of representation.¹¹ First in Vienna and Cambridge, and later in the United States, a belief rooted that there were no philosophical problems other than those that had their origin in language, which could in turn be resolved in the process of its formalization. This linguistic positivism later gave in,¹² but the idea that words are crucial for our understanding of the world resurfaced in many forms, including Poststructuralism.

Poststructuralism as a movement emerged in linguistics as a revolt against Structuralism, yet in course of the linguistic turn it penetrated also philosophy and other sciences. Structuralism sees language (*langue*) as a system of signs, endowed with meaning through binary oppositions (*différences*). This system of language enables speakers to issue utterances (*paroles*) that can be mutually understood. Language is the law of speech, organizing the world which we inhabit and in which things have no meaning because of their essence, but only in relation to signs (existing at the

¹¹ For Foucault himself, the return of language started already with Kant, whose philosophy created certain possibilities of modern thought marking distinct ways in which it has been related to knowledge, including the traditions of formalization and hermeneutic interpretation (Foucault 1966).

¹² Its encounter with opposition was at times rather violent: „Wittgenstein, put down that poker at once,“ Bertrand Russell exclaimed according to one of the (many) accounts of the meeting of Cambridge Moral Science Club on October 25, 1946 where Ludwig Wittgenstein allegedly threatened the guest speaker who had asserted that there indeed *were* philosophical problems. The speaker was none other than Karl Popper (Edmonds and Eidinow 2001).

level of *langue*). Such language is not a product of acting individual will. It is a structure (Saussure 1983).

Poststructuralists such as Foucault or Derrida (1978a) draw upon Structuralism to a great extent. However, they conceive of language not as a closed, but rather as an open and constantly moving structure of signs which continue to generate meaning through patterns of (privileged) identity and (devalued) difference, and they focus on the power that underlies the discourse of the enunciated statements. Poststructuralism does away with a notion of an original and stable *significant* that would be in some natural and essential relation (of representation) to the *signified*. The Structuralist „illusion of immediacy“ is shattered as it once was by late Wittgenstein in analytical philosophy (Laclau and Mouffe 2001, x-xi).

Hence the word ceases to *represent* objects in the real world; it *constitutes* them. It is not the word (*logos*) that was in the beginning. It does not create things. But, to borrow from a poet, it does „turn them to shapes and gives to airy nothing / a local habitation and a name.“¹³ In less elevated words of social science, „language is ontologically significant,“ since it endows subjects, objects and material structures with meaning (Hansen 2006, 18), and it possibly does so in a violent way – „il faut concevoir le discours comme une violence qui nous faisons aux choses“ (Foucault 1970, 53). There rests the constitutive power of discourse; and this is why it makes sense to study it.

Poststructuralism entered International Relations as a part of broader Reflectivist movement (termed so in Keohane 1988), critical to the structural Realism and the general „rationalism“ that had come to dominate the discipline. While some (Constructivist) members of this movement later conformed with Keohane’s condition for recognition of Reflectivists within the discipline – that they must articulate and test *causal* hypotheses about some *positively* observable reality – others refused to yield. Some of those continued to pursue research projects drawing on Poststructuralism. However, not all of them call themselves Poststructuralists, and a Poststructuralist

¹³ William Shakespeare, *Midsummer Night's Dream*, V.i, 16-18.

scholar as a Subject is partly a caricature drawn by Poststructuralism's critics in the discipline (as once was the Idealist or the Neorealist).

The Poststructuralists focusing on international relations issues do share some assumptions and aims founded on their common source of inspiration in the linguistic and philosophical Poststructuralism – not only in French authors such as Foucault, Derrida or Deleuze, but for a number of them also in the American philosopher William Connolly (Connolly 2002; cf. Der Derian 1987; Campbell 1998; Hansen 2006). In words of one Poststructuralist author, their method „proceeds by recognizing and investigating the interrelationship of power and representational practices that elevate one truth over another, that subject one identity to another, that make, in short, one discourse matter more than the next“ (Der Derian 1992, 7). The fundamental question asked by those scholars is how does order (*logos*) emerge from disorder (*chaos*) – in other words, how are geographical, conceptual and epistemological boundaries established, and essentialist identities constituted in the play of identity and difference.

The aim of such enterprise is a reversal of the „theoretical enclosure“ that has been imposed on international thought (cf. Der Derian 1992, 7), including by following a Nietzschean call to transcend the established boundaries by „forgetting the object“ (Bleiker 1997). Hence Poststructuralists' interest in sovereignty as the regulatory ideal of international order, suppressing its ambiguities and contingencies, which is deconstructed and related to the systems of knowledge that impose limits on political imagination (Ashley 1989; Walker 1993; George 1994; Bartelson 1995; Weber 1995); or in the constitutive relationship between identities and foreign policies deepening the disciplinary focus (Campbell 1998; Hansen 2006). The Poststructuralist method is perhaps best conceived of as a way of *reading of world politics* (Der Derian and Shapiro 1989).

It is not the purpose of this exposition to discipline Poststructuralist authors by imposing on them a set of definitional (and therefore bounding) characteristics. Neither do I attempt to defend the discursive approach to the study of international relations. It was done well by others twenty years ago – while indeed it may still be true that some in the discipline see Poststructuralism as „some kind

of insidious virus that needs to be quarantined, or worse, a hegemonic conspiracy intent on taking over the field“ (Der Derian 1992, 12). I merely wish to point to the interest this dissertation shares with many of the authors referred to above in destabilizing the established order of power and knowledge by emphasizing its historical contingency and the constitutive role of identity (and difference in its production). Nonetheless, I do not use them neither as media in reading Foucault’s and Nietzsche’s thought, preferring instead direct engagement with their work; nor do I use them, with the notable exception of Hansen’s treatise on Poststructuralist research (2006) as a source of inspiration in producing the research design.

The World According to Foucault

Since this dissertation is a Foucauldean genealogy, it is instrumental to inquire into some key notions in his particular version of Poststructuralism. These key concepts are discourse and power. Moreover, this section discusses normative anchoring of his analysis and the consequent possibility of critique.

Discourse

Discourse according to Foucault is neither a *conversation*, nor a *discussion* of something (like method). Instead, it is a formidable *structure of meaning*, a regular but unstable series of statements (*enouncements*). A statement, this „atom of discourse,“ (Foucault 1997, 90) is distinguished from a (logical) *proposition*, (grammatical) *sentence* or an (Austinian) *speech act*. This is not to say that a statement cannot include sentences, or that it cannot make sense. Speech acts, in their turn, require a series of properly arranged statements. Yet all of these are different categories, and exist at different levels.

Statement is also distinct from a *sign*. Signs only exist „in the oblique form of description that would take [them] as its object“ (Foucault 1997, 95). In other words, if there were no statements

(„descriptions“), there could be no language. Yet the sign is not simply contained in the statement; it is imposed on it and controls it, since a sign is a part of that system for construction of possible statements called language (*langue*). So Foucault's statement, however it is always composed of an identifiable set of signs, exists at a very peculiar level – not that of the sign itself (i.e. the abstract level of *langue*), but also not simply that of its material manifestation (such as a randomly typed letter on a typewriter).

For having made the distinction between statement and other categories existing at separate levels of existence (proposition, sentence, speech act, and sign), Foucault finally arrives at the definition of statement. A statement, according to Foucault, is „a function of existence that properly belongs to signs and on the basis of which one may then decide, through analysis or intuition, whether or not they ‚make sense‘, according to what rule they follow one another or are juxtaposed...” (Foucault 1997, 97). In other words, it is a *modality of existence* proper to signs and their series which allows them to be more than a mere sequence of marks; which endows them with a „repeatable materiality“; and which makes it possible for them to relate with a domain of objects (1997, 120). This is statement (*enouncement*)'s enunciative function.

Statement can assume variable form. It can be a statistical formula, a siren (which can announce emergency or an end of shift), a modern artwork or a lighthouse sequence (telling, to one who understands it, the position of the observer). However it does not have a structural unity of its own, it is always „invested“ in other unities (like sentences). Despite elusiveness of its form, it circulates, changes, serves or resists particular interests, or participates in challenges (1997, 118).

Statements define Foucault's discourse as its constituent parts. Thus Foucault refers to discourse to denominate particularly 1) a *general* domain of all statements, or 2) a *specific* group of statements for which certain conditions of existence can be defined (Foucault 1997, 131).¹⁴

¹⁴ Foucault also includes a third provisional definition of discourse as a practice that enables such specific group of statements to emerge (Foucault 1997, 90). While below I stress the importance of discursive practice, to which this definition points, I will henceforward speak of discourse in the terms described above.

Therefore, there exists the *general* discourse, and *particular* discourses with certain conditions of existence – including the discourse of terrorism among States.

Discourse is indeed a collection of statements (as *langue* is a collection of signs), but it is *also* a system of their formation and ordering. Yet it is not externally given (and thus causing), but rather constituted in interactions. These interactions should be distinguished from *discursive practices*, with whom they tend to be identified. Foucault sees discursive practices not as denoting particular expressive operations, but rather conditions of operation of the statement's enunciative function (Foucault 1997, 131).

Having defined the content of discourse, the next question concerns its boundaries. For Foucault's discourse there are none – discourse is boundless. There is nothing beneath or beyond discourse understood generally. Any particular discourse, to be sure, is but „a fragment of history... posing the problem of its own limits, its divisions, its transformations, the specific modes of its temporality...“ (Foucault 1997, 131). Not only has any such discourse its rules (order) determining *who* can speak about *what* and *how*; it also has boundaries that delimit the marginalized and excluded. The ontological impossibility of anything beyond or beneath discourse means that one cannot step away from it – to observe it from some vantage point and in such observation to expose the true meaning of things or to establish a causal relationship between the discourse and social practices that form social reality. The methodological implication is that a Poststructuralist must stay in Plato's cave¹⁵ because there is no world of pure ideas *out there* accessible without discourse.

Power

To say that discourse is „boundless“ does not mean that it creates objects, which have no separate existence, as it were, *an sich*. Neither is it, however, a mere medium of experience. For by enabling statements about objects the discourse *constitutes* them. There lies the power of discourse

¹⁵ Cf. *The Republic*, 514^a-520^a.

which Foucault calls *pouvoir d'affirmation* (constitutive power), or „le pouvoir de constituer des domaines d'objets, á propos desquels on pourra affirmer ou nier des propositions vraies ou fausses“ (Foucault 1970, 12). This constitutive power with respect to domains of objects (*positivités*) is the main reason why discourse is so important – it does not create being out of nothingness; but it is indispensable in endowing this being with meaning.

Because of its productive possibility, the discourse is „le pouvoir dont on cherche á s'emparer“ (Foucault 1970, 12) – a power to be seized. Foucault's concept of power is of major importance in this dissertation. After all, it is power and Subject – how people are made into subjects and how they make themselves into subjects (cf. Foucault 2000c, 326) – that Foucault's genealogy is interested in (see below). Nonetheless, Foucault remained reluctant to define power. It is not to be resolved here whether he merely resisted the temptation for reification or, as his adversaries blamed him, deliberately obscured his analysis. Instead, a survey of his statements about power is presented to make possible a framework for the further analysis for which the concept of power is of a rather crucial importance.

Power, Foucault argues in *Truth and Power*, is neither *entity* or *capacity*. Nor is it *communication*, however „power relations are exercised, to an exceedingly important extent, through the production and exchange of signs“ (Foucault 2000c, 338). Elsewhere he had excluded the economic concept of power as *commodity*; Foucault 2004, 14). But fortunately, Foucault does not restrain himself only to these negative statements. He arrives closest to what could be termed a positive definition when he says that power only exists as exercised by some on others. This exercise is „is a set of actions on possible actions; it incites, it induces, it seduces, it makes easier or more difficult; it releases or contrives, makes more probable or less; in the extreme, it constrains or forbids absolutely, but it is always a way of acting upon one or more acting subjects by virtue of their acting or being capable of action“ (Foucault 2000c, 341).¹⁶ The acting subject is indispensable for the

¹⁶ Such power is different from both consent and violence, since it acts indirectly (upon people's *actions*), rather than directly (on their *bodies*). However, both consent and violence may be necessary for the exercise of power. Cf. this distinction between distinction between power, consent and violence to Arendt's in *On Violence*, where the main difference of violence and power is founded on the former's instrumentality, while consent is a necessary characteristic of the latter (Arendt 1972).

exercise of power – „a set of actions upon other actions“ (ibid.) in which the former structure the field of possibilities of the latter. Power is thus never separated from interactions among individuals – who may fancy that it acts upon them externally, while they in fact reproduce it in their interactions.

In *Society Must be Defended*, Foucault claims that power „passes through individuals, rather than being applied to them“ (Foucault 2004, 29). Yet it is clear that he speaks here of a *particular* kind of power, one of which he wrote much in his later years – the pastoral, or disciplinary power. This is a new form of power disciplining individuals by controlling their everyday existence in processes of individualization and totalization. It often subjects the individual by means of microsocial (e.g. medicinal) practices (Foucault 1979; Foucault 2010) controlling their physical bodies (*biopower*). A key metaphor Foucault uses to describe this new power is the *Panopticon* – a collection of separated individualities, each of whom is subjected to the never ceasing possibility of surveillance and thus power which is at once visible and unverifiable. Such power is irresistible and ever victorious while it needs not engage in any direct physical confrontation with the individual – „he who is subjected to the field of visibility [created by the Panopticon] is the principle of his own subjection“ (Foucault 1979, 202). Moreover, the Panopticon is a function of power that does not (only) repress, but increases, spreads and multiplies – in the realms of production, morality or education (208). Foucault’s (disciplinary) power is far from merely repressive.

In all these features, disciplinary power is distinguished from the more traditional *sovereign power*, existing as a possibility of physical coercion in a given political space. But sovereignty not vanished at all. In the contemporary society, Foucault argues, disciplinary and sovereign power *both* are limits between which power actually is exercised, even if right (to sovereignty) is now secondary to the new mechanics of discipline (Foucault 2004, 37). One consequence of this conclusion is that the recourse to the right (guaranteed by the sovereignty) will not protect individuals against disciplinary power.

Foucault’s concept of disciplinary power seems not be too instrumental from the point of view of International Relations since its explicit methodological consequence is to study power

„outside the model of Leviathan“ (Foucault 2004, 34), i.e. outside the juridical edifice of sovereignty, as Foucault indeed did. There is, however a different concept of power and politics which promises to be more useful as a basic framework for this analysis. It is a model of *politics as war* based on a reversed Clausewitz's dictum that politics is a continuation of war by other means. Possibilities of this model are most systematically examined, incidentally, also in *Society Must be Defended* (Foucault 2004; but see also Foucault 2000b). In these lectures, Foucault posits what he calls a „Nietzschean hypothesis“, according to which power exists only in action which is primarily „a warlike clash between forces“ (Foucault 2004, 16).

This Foucault's scheme of politics as war can be closely linked with the concept of discourse discussed above – a domain which various forces strive to seize and control (*s'emparer*). Thus, the order of discourse is always a result of a certain constellation of power, and since Foucault seems to concur with Nietzsche that the drama of dominance is never over because the law does not eliminate violence, but only temporarily satisfies it (Foucault 1977), this constellation is ever subject to change.¹⁷ At the same time, whereas the international discourse of terrorism can thus be conditioned on the constellation of (sovereign) powers, drawing on this model does not conflict with an assumption that this discourse, if hegemonic order exists in it, has possible disciplining effects, established by the constitutive power of the discourse, on the international order and the national *insides* (see introduction).

The concept of discourse as a battlefield where forces clash has an important methodological implication – a discourse analysis according to Foucault should not „treat discourse as a set of linguistic facts linked together by syntactic rules of construction,“ i.e. in the Structuralist way, but „as a strategic and polemical game“ (Foucault 2000a, 2-3). The prize of the victory in such game: truth. But there is also an equally important methodological caveat. To compare discourse to a *battlefield* or a *game* may imply the idea that it is a common ordered space. Foucault, however, argues against such

¹⁷ In contrast to Benjamin's *The Critique of Violence* (Benjamin 1978) – discussed extensively e.g. by Derrida (1994) or Agamben (2005) – where violence remains constantly present in the form of either lawmaking or lawpreserving violence (unless „pure violence“ leading to the negation of law and human emancipation is enacted), for Foucault law and violence do not seem identical.

view. Instead, with reference to Nietzsche, he considers the discourse as the subject to genealogical study a *nonplace* (Foucault 1977, 150). This is to say that competitors do not meet here as equal, their identities are not fixed and their interactions lack a common denominator (Barša and Fulka 2005, 54). While this indeed is true for the discourse in general, it does not however need to hold for specific discourses, such as the discourse of terrorism among States.

To say that the prize of the victory in a battle is truth introduces another key element of Foucault's thought on power – its relation to *knowledge*. To reiterate, the constitutive power of discourse shapes domains of objects that make it possible to articulate true/false claims about them. Whoever controls this constitutive power may also control production of the authoritative knowledge. Yet the *power/knowledge* relationship is far from simple causality. Indeed, all exercise of power involves truth claims which may be legitimized e.g. in reference to facts, *how things are now*, a particular reading of history, *how things were*, or some ahistorical laws, *how things always are* (cf. Hansen 2006, 66). Thus, according to Foucault, „there is no power relation without the correlative constitution of a field of knowledge...“ (Foucault 1979, 27). There is no knowledge in itself, which makes it meaningful to inquire into „politics of truth“ (Foucault 2000a, 13). On the other hand, „the exercise of power constantly produces knowledge,“ but „knowledge [also] constantly induces effects of power“ (an interview, quoted in Foucault 2000, xvi). Power and knowledge do not cause one another, nor are they, according to Foucault, synonymous.¹⁸ Their relationship is constitutive, which is to say that they are not separable and neither is possible without the other.

The Prospects of Critique

Discourse being boundless and power ubiquitous, an important issue is first how it is possible, according to Foucault, to critically inquire into discursive practices while one is unable to step away from the discourse, and second to what end this can be done. After all, one may ask with Jürgen Habermas: *if power is inescapable, why fight?* (1986, 7). Indeed, Foucault seems at times to

¹⁸ For the view that power and knowledge may be treated as synonymous cf. Adorno and Horkheimer (1973, 4).

assent to Nietzsche's view on law and violence adumbrated above. In his late years, one finds him defending negative liberty (while never claiming, however, that there was anything *natural* about it) – in order to preserve the political (the space of politics) where conflicts could take place – and recommending Hayek and Mises to his students. Even here, however, Foucault's aims remained more ambitious than to preserve the political. It is the human condition, he maintained, to exist in a system of power, but also to continuously resist the irresistible. Everyday, an individual is faced with a choice *which* power is the most dangerous, *which* power to challenge and *which* hegemony attempt to destabilize (Foucault 1983, 231-232; cf. Thiele 1990, 916-918). Revolution is indeed substituted by resistance, the state of freedom by the continuous practice of liberating, resisting and transcending the „double bind“ of individualization and totalization. In this normative appeal a mission of Foucault's „new intellectual“ is founded, as much as objectives of his critical project. Such intellectual is to be a „guerilla fighter“, a nomad constantly on the move and ever ready to fire a shot at the detected weak spot of the existing structures of government. He does not explain the world for others; instead, he problematizes it and disturbs that which seemed certain (Barša and Fulka 2005, 71-84), creating a liberating possibility of reconfiguration. His is not a *theory* which accommodates the spectator to the strange – in the Orphic sense to the suffering god, in the modern sense pushing the boundaries of science by explaining the hitherto unexplained (cf. Der Derian 1987, 10) – but one which makes strange what he used to be accommodated to.

Against this practice of *agon* may be posited Foucault's earlier, and certainly more ambitious project of effective social critique. It is a campaign against *logophobia*, which includes putting „en question notre volonté de vérité; restituer au discours son caractère d'événement; lever en fin la souveraineté du signifiant“ (Foucault 1970, 53). The purpose of such enterprise is to open possibilities for an alternative subjectivation (creation and positioning of the Self) – emancipatory indeed, though not by means of removing power and violence. The opening of possibilities that a critical science of politics and knowledge should strive for is achieved not in simply reversing the existing relations of domination, which would mean preserving the totalizing dichotomy – but in substituting the closed dichotomical structure of identity and difference by an open structure of

multiple differences. It is doubtful whether Foucault's emancipation entailed entering a brave new world inhabited by a beautiful mankind.¹⁹ Perhaps not. But it certainly is a more positive project than the one Foucault seemed to embrace later. Importantly, he believed in its possibility even in absence an external vantage point, from which e.g. an ideology could be discredited (cf. Foucault 2000b).

These two versions of action – striving for emancipation and (pessimistic) „hyperactivism“ – may very well not be commensurable. Yet it is not my intention to forge a myth of coherence that a famous rival historian of ideas warned against – a myth in which contradictions are not *real* contradictions and it becomes necessary to build a system sufficiently general for accommodating the *apparent* antinomies (Skinner 1969). Instead, I intended first to show that Foucault did believe his critical project, in whichever version, both possible and meaningful; and second, to situate this dissertation in proximity to one of those two projects – given its normative objective of „making facile gestures difficult,“ it is, needless to say, closer to the former, but the issue is to be returned to in the conclusion.

Schmitt: Conceptualizing Mayhem

Having established some basic categories used in the subsequent analysis founded on the ontological assumptions of Foucault's Poststructuralism and before precisising the framework for analysis in the next section, another conceptual body needs to be introduced now which complements the above, and which is based on distinct, albeit not conflicting, ontological assumptions of its own. To account for the basic conditions of emergence and evolution of the discourse of terrorism, this dissertation employs the theoretical reflection of the (changing) international order by Carl Schmitt.²⁰ Yet it should immediately be made plain that I do not intend to

¹⁹ William Shakespeare, *The Tempest*, V.i.

²⁰ For previous attempts to synthesize the thought of Foucault and Schmitt in IR, sense see Prozorov (2005; 2007a; 2007b), linking Schmitt's founding of order on exception or interpreting the concept of the political as an ethics in the Foucauldian; or

write a theory of the Terrorist as a contemporary rearticulation of the theory of the Partisan – even if in opinion of some who have recently attempted it, such theory is „the key to the knowledge of political reality“ (Ulmen 2007, 101; cf. also Benoist 2007; for the original theory of the partisan see Schmitt 2004). It however also inevitably takes terrorist as an objective category that can be positively described on the basis of certain characteristics, for instance the absolute enmity, and thus is at odds with the ontological assumptions of the world according to Foucault. In line with those assumptions, I am instead interested in how the dominant theories in the broad sense of the Terrorist came to being. To that end, and for this limited purpose, I find it useful to employ Schmitt's concepts such as global civil war, depoliticization, absolute enemy, or social pest control, introduced against the background of the collapse (and at a certain point also a temporary restoration) of the *nomos* of the Earth.

Schmitt's *nomos* is the foundational act that creates a concrete territorial order as a unity of legal (*Ordnung*) and spatial (*Ortung*) orientation (Schmitt 2003, 67-69). *Jus publicum Europeanum* is an instance of such order which emerged with the discovery of the New World. Its key spatial characteristic was a line between the new open space, where brutal battles for control over land could take place, and the old, where war was regulated. This „bracketing of war“ (*eine Hegung des Krieges*) sought to prevent wars of annihilation while recognizing that war as such was inevitable. „Compared to the brutality of religious and factional wars, which by nature are wars of annihilation wherein the enemy is treated as a criminal and a pirate, and compared to colonial wars, which are pursued against ‚wild‘ peoples, European ‚war in form‘ signified strongest possible rationalization and humanization of war“ (Schmitt 2003, 142). Such rationalization was achieved in great part by limiting the legitimate authority to wage war to the State (public person) as *justus hostis*, which could treat any other State as an opponent on equal grounds, with whom a peace could be made (Schmitt 2003, 141; cf. Odysseos and Petito 2007, 7).

Evans (2010), articulating a thesis about a link between „global civil war“ and biopolitics contained in the concept of liberal governance.

This *nomos* collapsed with the WWI. What followed are attempts at abolition and criminalization of any (interstate) war and, paradoxically, emergence of wars of annihilation fought in the name of humanity – total wars that promise „to end all wars.“ The war among States is eventually succeeded by a global civil, colonial or humanitarian war of annihilation, *Vernichtungskrieg* (Schmitt 1991, 29; Schmitt 2003, 205) in which the enemy is rendered *hors humanité* (cf. Schmitt 1996, 54; Schmitt 1987 [1978]). Like Francisco Vitoria' just war (cf. Vitoria 1964), this new war has a punitive character – it is an instrument of „social pest control,“ a police action taken against a parasite (Schmitt 2003, 123-124). In a process of depoliticization, the enemy, formerly *justus hostis*, becomes an absolute enemy. The distinction between friend and enemy is of course, according to Schmitt, the ultimate distinction „to which all action with a specifically political meaning can be traced“ (Schmitt 1996, 26). However, in the new (dis)order the enmity is absolutized. The enemy is cast as the disturber of peace and consequently *hostis humani generis* – the (international) public enemy. He cannot be reduced or contained, but is turned into a monster that needs be destroyed. In the process of depoliticization, which may be understood as a mechanism of absolute intensification of the political, the enemy is divested of his political character and rendered in other, particularly moral categories (cf. Ulmen 1987; Schwab 1987). In consequence, he may be treated not merely as a criminal – as the traditional telluric partisan, „having abandoned the edifice of protection and obedience within which he previously lived,“ (Schmitt 2004, 73) would be – but as the enemy of all mankind, situated *hors humanité*.

Belligerent actions against despotical, criminal or „failed“ States conducted in the name of humanity and its security are all manifestations of this new global civil war. So is the war against terrorism, conceived in the broad sense – i.e. not as one carried only after the 9/11. The Terrorist, to be sure, was never a just enemy. His identity – its very emergence – is instead the ultimate *expression* of the new order of absolute enmity resulting in a total war waged in the name of humanity. In other words, to render an opponent „terrorist“ becomes a means of his ultimate depoliticization in the sense described above, even if those so termed very often are sensitive of their intense political character – whether they be, in Schmitt's parlance, traditional or modern partisans (revolutionaries),

the latter being bearers of absolute, rather than „real“ enmity themselves. (For a modern partisan, the only genuine war is a total revolutionary war, the rest is but a play and the entire earth constitutes his field of battle – Schmitt 2004; cf. also Benoist 2007, 73; and for the representations of various „battlefields of global *jihad*“ see Devji 2005).

Methodos, or the Road

Having stated the fundamental assumptions of this dissertation and defined its object (discourse), the way (*methodos*) in which it inquires into the conditions of emergence and evolution of one particular discourse, the discourse of terrorism, may now be presented. The weaving of the this canvas on which a road map (research design) is drawn in the next section, starts with introduction of discourse analysis as a methodological concept. It is followed by contrasting Foucault’s method with an alternative project, Critical Discourse Analysis (CDA), in order to sharpen the former’s contours. Finally, Nietzsche’s and Foucault’s genealogy is introduced in detail and their use in International Relations to this day reviewed.

Analyzing Discourse

There are various ways of analyzing discourse. They share interest in language as producing (or at least participating in the production of) the material world. However, they take different views on what discourse is, how can it be *known* or how it should be studied. Because of these differences coupled with an often undisciplined and liberal attitude to method, it is problematic to speak of *discourse analysis* as a discrete methodology conceived as a set of methods (cf. Beneš 2008). Nonetheless, as such it has entered the *organon* of social sciences, including Political Science (for a widely cited review of discourse analysis in International Relations with a prospect of contributing to their constitution as a *normal science* cf. Milliken 1999).

Foucault's Fundamentals

Before introducing the key concept of genealogy, it is useful survey Foucault's statements on discourse analysis on which the research design developed in the next section draws on substantively. Most importantly, with regard to a particular statement Foucault's discourse analysis is a matter of „defining the conditions in which the function that gave a series of signs... a specific existence, can operate“ (Foucault 1997, 122). It is based on an assumption that everything is never said – in other words, that the enunciative field is incomplete and fragmented – and thus it is important to establish a *law of rarity* according to which some statements are made and some are not (134).

It cannot be too emphasized that such analysis is neither semiological nor hermeneutical. It is not semiological in the sense that it does not focus on *signs* as a base unit of analysis, but rather on *statements* and conditions of their existence (Foucault 1997, 123) – Foucault defines this methodological principle as *une regle de l'exteriorité* (Foucault 1970, 55). It is not hermeneutical in the sense that it does not attempt an exegesis of those signs to reveal their true, hidden meaning. It is important to stress this point since some Poststructuralists in International Relations who claim to have been influenced by Foucault actually do what resembles semiological analyses (cf. Der Derian 1992; Hansen 2006, 44).

Foucault's analysis of discourse does not study statements in isolation, but also in relations among them and their groups (Foucault 1997, 32). Such analysis can follow two basic strategies successively developed and employed by Foucault – archæology and genealogy, each of which, as much as their mutual relationship, is discussed in detail below. In neither case, as pointed above, discourse is treated as a set of linguistic facts linked by the *langue's* syntactical rules of construction, but rather as a strategical game (Foucault 2000a). That discourse is a strategical game and formed in interactions does not mean, however, that Foucault's perspective is individualist. The intention of speaking (sovereign) subject is not what his analysis is concerned about (Foucault 1997, 30) – where Foucault speaks of strategies, there are no conscious strategists behind them (Campbell 1998, 62).

Not that actors and strategies would be considered entirely insignificant and were casually ignored; but it is first and foremost the structure of discourse and its conditions that is at focus, since only by means of the constitutive power of discourse (sovereign) subjects and objects' can be constituted in the first place.

Two Projects, Two Faiths

Having stated the fundamentals of Foucault's discourse analysis (FDA), to sharpen its contours (and more generally, to make plain the existing plurality in approaches to discourse analysis suggested above) it is now compared with an alternative project drawing from a different theoretical well, Critical Discourse Analysis (CDA). In some respects, CDA and FDA are rather close to one another. Both stress the importance of discourse and critical approach to its study; both revolt against the traditional Positivist science. Yet there are important differences which can better illuminate the nature of Foucault's analysis (and for that matter, also of *Foucauldian*, since while Foucault's disciples, including those in International Relations, share his assumptions at least in theory, if not always in practice). Needless to say, the power of difference in constituting identity should never be underestimated.

The first key difference between CDA and FDA relates to the ontology of discourse. Contrary to the Foucauldian concept of discourse discussed extensively above, CDA draws a line between discourse and the material world. Discourse from this perspective is a social practice, but there are also nondiscursive elements of reality (social contexts) which are observable and can *cause* discursive practices or *vice versa*. From there arises a possibility of explanatory science. That despite the fact that the relationship between discursive and nondiscursive elements of social reality is not of simple causality, but is instead defined – betraying a Marxist inspiration – as *dialectical* (Fairclough 2001, 87). The discursive and nondiscursive elements are considered as „different but not discrete“ (Fairclough 2003). In other words, „discourse is socially constitutive as well as socially shaped“ (Fairclough and Wodak 1997, 258). It is „a way of signifying a particular domain of social practice from a particular perspective“ (Fairclough 1995, 15) whose conditions can be *both* material and

discursive in nature. In contrast, FDA is interpretative, refusing the alienating objectification required in explanation as an expression of the negative will to power. It needs to be stressed, however, that Foucault does not assume existence of any *a priori* object that would passively lend itself to interpretation. Instead, any interpretation is necessarily a seizure and violence upon a *previous interpretation* (Barša and Fulka 2005, 37).

CDA is also much more individualist, allowing for significant role of individual actors in manufacturing the discourse's content. Language (structure) is indeed significant in production, maintenance and change of power (Fairclough 2001). But contrary to Foucault's metaphor of *discourse as battle*, in CDA particular ideologies (conceived as assumptions which are naturalized in discourse and their relation to power is concealed) are not products of a certain (*structural*) constellation of power, but of strategic action of *individuals* involved in the contest over norms and codes of practice of the actual discourse (Fairclough 2001, 75). Discursive practices are essential in manufacturing ideologies, which in turn are necessary for the exercise of power through consent (Fairclough 2001, 3; see also Fairclough 1992). Foucault, on the other hand, cautioned against the understanding of ideology as always standing in opposition to and concealing the true essence of something *else* which is allegedly the truth (Foucault 2000b).

The possibility to discriminate between discursive and nondiscursive elements of social reality (even if they cannot be entirely *separated*), assumed by the CDA, makes possible not only causal science, but also an emancipatory project it borrows from Critical Theory – while seemingly disregarding the scepticism expressed by Adorno and Horkheimer in *Dialectic of Enlightenment* (1973, [1944]) towards their own former emancipatory enterprise. If discourse is conceived as a place where individuals compete over norms and codes which can change the material world, a critical discourse analyst may, and indeed *should* take active part in this battle. Instruments (weapons) include *immanent critique*, borrowed from Critical Theory's arsenal, but also a *socio-diagnostic critique* exposing manipulative role of discursive practices (cf. Wodak 2001, 65; Fairclough 2001). What takes place in both cases, however, is endeavour to *emancipation through knowledge*, of which Foucault was sceptical at best. Moreover, in the socio-diagnostic critique the element of

manipulation, linked to correspondence rather than (internal) consistency as in the case of immanent critique, is conditioned on the possibility of a standpoint *outside* the discourse, something impossible in Foucault's ontology.

So far differences in the nature of discourse and their consequences such as the possibility of causal science and of emancipatory project have been enunciated. However, CDA and FDA also differ in their understanding of what discourse is constituted of. Thus Wodak defines discourse in terms of its content as a complex bundle of linguistic acts – that is, texts, defined as „materially durable products of linguistic action“ (Wodak 2001, 66). Fairclough conceives of discourse more broadly as constituted by three parts: text, interaction and social context (Fairclough 2001, 21). In any case, CDA is both textualist and contextualist, focusing on *utterances* (texts) and their (variously conceived) context.²¹ Foucault's discourse, in contrast, is a domain for *statements* defined by their function, and his discourse analysis is nontextual. While it investigates archives of (textual) documentation, the individual utterances are not examined in CDA's textualist way, exemplified e.g. in Wodak (2001).²²

Genealogy

Traditionally, genealogy was a means of answering the question of origin. This question was asked not merely out of pure interest. Instead, the answer could and indeed did determine what rights and duties the person enjoyed. Moreover, since a unity of a person's descent and of moral character was assumed, it could answer the question of one's character too. Examples of such uses of genealogy are found in *Iliad*, in Hesiod's *Theogony* (discussing a cosmogony in which all is genealogically derived from three initial entities), or in the concept of Apostolic Succession (certain exceptional powers are passed down from the Christ to successive generations of men). In all cases

²¹ For instance, Wodak defines four distinct meanings of *context*: 1) intratextual, 2) intertextual/interdiscursive, 3) related to social variables and institutional frames of situations and 4) broad historical and social context (Wodak 2001, 67).

²² Wodak identifies in texts discursive strategies such as nomination, predication, argumentation (justification of attributions), perspectivation, or intensification or mitigation of illocutionary force of propositions. Also, she analyzes „rules of conclusion“, i.e. how the argument is linked to the desired conclusion, such as usefulness (*if the action serves someone's good, it should/should not be carried out*), danger (*if the action is dangerous to someone, it should/should not be carried out*) or reality (*because the reality is what it is, the action should/should not be carried out*).

the present social status or moral character of a person (or a god) is determined and *legitimized* by means of his or her genealogy.²³

Nietzsche's Genealogy

Nietzsche breaks radically with this traditional understanding. His genealogy is (a method of) *wirkliche Historie*, the real and effective history, which is neither monumental nor antiquarian, but critical. Genealogy is counterposed to the „total history“ with its strictly defined boundaries of the inside and the outside, in which assuming the perspective of the letter makes it possible to endow with meaning the former.²⁴ It inquires into the conditions under which man discovered the values of good and evil. Yet it does so without an attempted resorting to any transcendental criteria located outside the history, or at least discovered at its „dusk“ (Hegel 1991, 23; for a recent attempt at such history cf. Fukuyama 1992). Instead, it does not conceal that the research is part of the present and is in an active relationship with the source material (Barša and Fulka 2005, 57).

Inquiring into the conditions of norms, Nietzsche shows that the apparent unity of the norm and its historical stability is nothing but an illusion. The present unity has been constituted accidentally, rather than on any essential basis. In constituting this unity out of distinct, separate elements, power has played a key role. The first case for the accidentality of present unity Nietzsche makes is his emphasis on the contingency of *origin*. It is captured in his terminological distinction (later elaborated by Foucault, 1977) between *Ursprung* (origin) and *Herkunft* (descent) or *Entstehung* (emergence).²⁵ Nietzsche refutes the concept of *Ursprung* (origin) which in his interpretation is underlied by an assumption of unchangeable and æternal essence of things, divine, perfect, absolutely true and real at the moment of their birth, and only later losing those qualities which however they preserve *in potentia*. Introducing dichotomies (based on a negative will to

²³ I owe this account of the traditional and Nietzsche's use of genealogy to professor Raymond Geuss of University of Cambridge.

²⁴ Nietzsche in fact conceived the concept of *wirkliche Historie* before genealogy and later only identified the latter with the former.

²⁵ In a later lecture (Foucault 2000a), Foucault deals separately with another Nietzsche's concept counterposed to *Ursprung* – *Erfindung* (invention).

power) such as essence and phenomenon, divine and human, æternal and temporal, or true and apparent is characteristic of the history founded on the concept of *Ursprung*. Against *Ursprung*, Nietzsche posits the concepts of *Herkunft* (descent of blood, tradition, or social class) and *Entstehung*, an origin in (a violent) reinterpretation – a result of certain constellation of power. Therefore, Nietzsche's genealogy does not look for an origin of history which would enable its (transcendent) meaning, unity and *telos*. It looks at the beginning of things – complex, heterogenous and temporal – in order to destabilize what has been considered stable (Barša and Fulka 2005, 50-55). By historicizing his object of analysis (Christianity), Nietzsche challenges subjection of the present to the totality of history (cf. Nietzsche 2005). He does not refute this object. But he undermines its claimed origin in (divine) nature.

In the project of disturbing the present apparent unity, Nietzsche does refute any idea of *Ursprung*, but also any idea of in its subsequent evolution, thus revolting against so many philosophies of history of his time. Everything, Nietzsche claims, is an event in history, and nothing is *necessary*, including any totalizing metahistorical and teleological perspective or even the Reason itself. The only necessity, in fact, is that of the „iron hand shaking a dice-box of chance“ (quoted in Foucault 1977, 155). In other words, borrowed from a poet who lived in the same century as Nietzsche and shared his distaste for grand narratives endowing the past with linearity and meaning: “Wo ist der, der sagen dürfe: / So will ich's, so sei's gemacht! / Unsre Taten sind nur Würfe / In des Zufalls blinde Nacht.”²⁶

Thus Nietzsche's genealogy stands against both a Hegel, and a Ranke – the Positivist history indeed revolted against transcendental philosophies of history, yet what it shared with them and what Nietzsche deplored was the common belief in continuity and necessity (cf. Barša and Fulka 2005, 57). The only permanent principle in Nietzsche's philosophy of history is constant alternation of „normal“ and „revolutionary“ times. In the former forces actively resisting or merely unfit for the system at place are suppressed and excluded; in the latter, those forces emerge from under the

²⁶ Franz Grillparzer, *Die Ahnfrau* (1817).

system's squeezing foot and the separating sediment and contest the existing hegemony. Invariably, the result is a new form of domination with its own vanquished and thus suppressed and excluded, while the victors determine the rules of functioning of the world and its very description (cf. Barša and Fulka, 53-54).

Foucault's Genealogy

Nietzsche's project served as a source of major inspiration to Foucault,²⁷ who discussed Nietzsche's genealogy in a form resembling a manifest (Foucault 1977)²⁸ and used the concept in his later work, most notably in *Discipline and Punish* (1979). Here he wrote „a correlative history of the modern soul and of a new power to judge; a genealogy of the present scientifico-legal complex from which the power to punish derives its bases, justifications and rules, from which it extends its effects and by which it masks its exorbitant singularity“ (Foucault 1979, 23). The concept of *scientifico-legal complex*, in other words a bond between power and knowledge, is of crucial importance to Foucault. He looks at a transformation in the history of penal justice in which a sentence ceases to be „just a judgement of guilt“ and becomes „also an assessment of normality and a technical prescription of normalization“ (21). For the new disciplinary power and its modes of subjectivation, knowledge – and psychiatric expertise in particular – is crucial.

It should be reiterated that by virtue of its subject matter's nature Foucault's analysis of disciplinary power is concerned with microsocial practices. In that respect it must be made plain that this dissertation, studying the conditions of discourse among States, distinguishes itself from Foucault's most famous genealogy. In other respects, however, it is indebted to Foucault's interpretation – perhaps (by definition) *violent* – of Nietzsche's genealogy as a history not erecting foundations, but rather disturbing what once was thought stable, fragmenting what seemed a whole,

²⁷ The discussion of Nietzsche's influence on Foucault (readily conceded by the latter) is beyond the scope of this dissertation. But cf. Thiele 1990; or Habermas (1986) for a critique of Foucault's „aporias“ resulting from embracing Nietzsche's irrationalism and perspectivism.

²⁸ Foucault did speak of genealogy in the earlier years, including - albeit in passing - in *The Order of Discourse* (Foucault 1970). In *Society Must be Defended*, he related genealogy to the study of „subjugated knowledges“ and constitution of a „historical knowledge of struggles“ – he conceived of it, in other words, an „insurrection of knowledges“ against the scientific discourse and its power effects (Foucault 2004, 8-9). While the treatment of genealogy in those lectures is illuminating, I restrict it to a footnote as it does not contribute much to Foucault's understanding of genealogy as method, discussed below.

and rendering heterogeneous the extant *homonoia* (cf. Foucault 1977, 147). Foucault embraces key assumptions of Nietzsche's genealogy related to *Herkunft* and *Entstehung*. In respect to the former, Foucault claims that in the beginning there is only dissension of other things – „there is no timeless secret; the secret is that there is no essence, or that it was fabricated in a piecemeal fashion from alien forms“ (Foucault 1977, 142). In respect to the latter, emergence always results from an eruption of forces, and transitions of discursive series take place not according to the Subject's prefigured *telos*, but are contingent on the historical situation, the play of dominances. „The role of genealogy is to record the history of interpretation....“ identified as „a violent and surreptitious appropriation of the system of rules“ (Foucault 1977, 152).

In one important aspect, however, Nietzsche's and Foucault's genealogies differ. While the subject matter of Nietzsche's analysis is norms, customs and institutions, Foucault's proper interest is the *constitution of subjectivity through power relations*. It is a genealogy of Subject and Power. Importantly, it is a form of history „that can account for the constitution of knowledges, discourses, domains of objects, and so on, without having to make reference to a subject that is either transcendental in relation to the field of events or runs in its empty sameness throughout the course of history“ (Foucault 2000b, 118). This possibility is precisely what differentiates the following genealogy of terrorism from its other (manifold) histories often running „from antiquity to al-Qaeda“²⁹ while presuming the essential identity of the subject matter.

Foucault conceived of genealogy as a necessary extension of his earlier method, archæology, which he had employed in *Reason and Madness* (Foucault 1961) or *The Birth of the Clinic*, and later formulated in *The Archæology of Knowledge* (1969). While genealogy's focus is Subject and power, archæological research is interested in knowledge. „Knowledge“ in fact combines two words – *connaissance* and *savoir*, of which it is the latter that appears in the book's title (Foucault 1969; Foucault 1997). This is important insofar as Foucault makes the distinction between the two, relating the former to a particular corpus of knowledge – its subject, object, and its governing formal rules,

²⁹ This is the subtitle of one standard history of terrorism written by Chaliand and Blin (2007), and discussed in more detail in the next chapter.

and the latter, the proper subject of Foucault's analysis, to the conditions that make particular *connaissances* in given periods possible (Foucault 1997, 16nn.).

What is common both to archæology and genealogy is the inquiry into conditions of discourse and more generally a revolt against what Foucault called „traditional history“ – in both archæology and genealogy, documents were to be studied in their own right, i.e. turned into monuments, rather than *vice versa* (cf. Foucault 1997, 7). They are in fact both part of Foucault's critical project (together with *hermeneutique de soi*, exploring various modes of subjectivation) and their fusion is actually suggested (Foucault 1970) – despite their different subject matter, their interests are closely related due to the nexus of mutual conditionality between *power* and *knowledge*. Archæology could be seen as a sediment of Foucault's method that remains present in genealogy which succeeds it. Thus archæology forms an indispensable part also of this dissertation too, and is discussed in more detail in the research design.

Foucault found it necessary to turn to genealogical inquiry not only because of a different choice of subject matter, but also because it was intended to provide his history with a dynamic he thought it lacked. While archæology inquired into rules and conditions of a particular excavated discursive series, Foucault's genealogy seeks not only to describe the rules of particular discursive series that delimit the boundaries of thought in particular periods, but in addition to capture the transitions from one series to another. It explores the conditions of the series' emergence (*apparition*), development (*croissance*) and variation (Foucault 1970).

Genealogy as Method: Some Preliminary Remarks

Having outlined the key assumptions and aims of Nietzsche's and Foucault's genealogy, I wish now to make some preliminary methodological conclusions that will underlie engineering of the research design in the next section. First of all, their genealogy is not a method in the traditional, Cartesian sense. It does not prescribe a series of practiceable steps, e.g. as „procedures of inquiry“ which would serve to „discipline thought“ (King, Keohane and Verba 1994, 7) and whose successful

performance guarantees the sound (scientific) character of the researcher's conclusions. Yet neither it is merely a means of representation of those conclusions – Marx's *Methode der Darstellung*. Both Nietzsche and Foucault conceived of genealogy as a way taken in a certain direction (in other words, as a true *methodos*), but without prescribing how individual steps should be taken.

While not overly prescriptive (or restrictive), however, their genealogy does suggest a general method of inquiry. Indeed, Foucault was not least minded to become a founder of a school,³⁰ but neither did he ever speak of *non-method*, as Derrida did in reference to deconstruction (Derrida 1978a). While Foucault does not define genealogy as such, I suggest that as a method of discourse analysis it is best considered a *way of reading*. Based on clearly stated ontological and epistemological assumptions, it makes certain theoretical claims (*suggesting what one should be looking for*) – most notably about the Subject's origin, and the (contingent) nature of transitions of discursive formations (*epistemes*) that delimited the possibilities of knowledge *about* the subject – but it also provides an apparatus to study discourses in their emergences and transitions (*suggesting how one should go about it*).

Despite its intended disturbing effect, Foucault's genealogy is not *irrational*. Foucault does not revolt against reason. Reason is a means of managing chaos and establishing sovereignty of the subject, and as such it is necessary. Yet it also subjects and disciplines, and therefore it needs to be carefully scrutinized (cf. Barša and Fulka 2005, 93). In fact, the later Foucault conceives of genealogy as one of the methods of developing, rather than refuting Enlightenment, since it inquires into its unreflected assumptions. In a commentary on Kant's newspaper article *Was ist Aufklärung?* Foucault interprets Enlightenment as „a philosophical ethos that could be described as a permanent critique of our historical era.“ He later speaks of it as a „critical ontology of ourselves“ that is not „a theory, a doctrine, nor even a permanent body of knowledge that is accumulating; it has to be conceived as an attitude, an ethos, a philosophical life in which the critique of what we are is at one and the same time

³⁰ Foucault presented his *Archæology of Knowledge* as a hindsight reflection on the method used rather than an attempt at an edifice to be inhabited by future generations of scholars in the history of thought – in other words, he intended to state „what made it possible to say what I did“ (Foucault 1997, 128).

the historical analysis of the limits that are imposed on us and an experiment with the possibility of going beyond them” (Foucault 1984, 32-50). Such Enlightenment Foucault is ready to embrace.³¹

Last but not least, it should be clearly stated that genealogy is a *historical* method. As such, it is at odds with the traditional International Relations, which as a discipline are *ahistorical* in their search of æternal (immutable) laws of human and State action. Moreover, it does not seek to formulate generalizations of either explanatory or predictive nature, focusing rather on discontinuities and contingencies. Yet it is also effective history, and therefore its proper purpose is not to describe *what was* for the sake of our increased understanding of the past; but to expand horizons of thought (by shaking its foundations) for the sake of our insight into the present.

Genealogy and International Relations

Despite the last section’s final conclusion, genealogy as a method has been used in International Relations by those claiming Foucault’s influence. The most notorious genealogies in the field are surveyed in this section. Its purpose is *legitimizing*, since it locates this dissertation within a larger field of research. But it is also critical. Indeed, one should bear in mind that Foucault called for an instrumental approach to his thought, employing e.g. a metaphor of a tool: „All my books... are, if you will, little tool kits. If people wish to open them and make use of this certain phrase, idea, or analysis, as one would use a screwdriver or a wrench... to break the systems of power, including those from which my books are conceived... well, so much the better“ (interview in *Le Monde*, 21 Feb. 1975; quoted in Thiele 1990, 917). However, in addition to outlining various ways in which genealogies have been written in the field, in which this thesis can find inspiration, certain problems that emerge in those genealogies are also pointed out. It is done to ensure that those venues of research and positions that I find incommensurable with Foucault’s fundamental assumptions are eschewed in my actual analysis. These include a tendency to engage in *problem-solving* science or essentialism, or the problem of a missing Subject.

³¹ In the field of International Relations, Alex Wendt would later similarly argue that „asking embarrassing questions embodies the reflexive, self-critical mindset of the Enlightenment at its best“ (Wendt 1999, 89).

- An early instance of the use of genealogy in the field (or rather at its boundaries) is Der Derian's *Diplomacy: A Genealogy of Western Estrangement* (1987). To know what diplomacy is and whether it is presently in crisis, Der Derian claims, „we must know how it came into being“ (1987, 2). However, „to project the present onto the past, discover laws of development, or assert some continuous movement toward a single *telos* is to abuse history.“ To disabuse this history and replace „the improbable with more probable,“ Der Derian chooses to write a genealogy fundamentally organized around the problem of power and knowledge. While the aim of such genealogy is to demarcate by interrogations a new terrain for further empirical studies of diplomacy, there is however also a strong problem-solving element involved since this demarcation should enable „new challenges to diplomacy to be imaginatively and flexibly confronted“ which is something that the existing histories frustrate (Der Derian 1987, 3-4). From a methodological point of view it is important to note that to organize his argument, Der Derian employs two strategies: 1) building his interpretative history around the concept of alienation, drawing theoretically on Hegel, Feuerbach, Marx or Sartre, and 2) postulating six (coexisting, rather than successive) modalities of diplomacy.
- Der Derian returns to the genealogical inquiry in his *Anti-Diplomacy* (1992), a term defined as „a new discursive formation of statehood based on a techno-strategic triad of surveillance, terror, and speed“ (Der Derian 1992, viii). This time he writes a genealogy of terror and the national security culture, but also of (international) terrorism. This piece is therefore of interest to this dissertation from both theoretical and methodological point of view. He concludes that security is „born out of a primal terror and estrangement which diplomacy has historically sought – and often failed to – mediate“ (73). Terror (of violent death) turns out to be, historically, the most radical Other of security, from which we seek impossible security. The modern State is founded on a „national security pledge“ in which the fear of the external replaces the fear of the internal.

Terrorism emerges as a challenge to this national security pledge. A key in Der Derian's analysis, however, is the concept of terrorism as a *simulacrum* – the production of a hyperreal threat of violence anticipating a legitimacy crisis. In other words, international terrorism is a „spectacular, microcosmic simulation“ of legitimacy crisis of the international order. Conversely, counter-terrorism emerges as a counter-simulation – and attempt to engender a new discipline which can save the dominant legitimacy principle of the existing order (81). By the terrorist's deviance, „we constitute and preserve our own ‚normalcy‘“ (115). While sympathetic to Der Derian's conclusions, some of which are even expounded on in the following analysis, I find the use in a genealogy of Baudrillardian concepts of simulation, simulacrum and hyperreality (cf. Baudrillard 1981) somewhat problematic. The reason is that they are inevitably underlied by a notion that at some point of time *reality* disappears, to be substituted by *hyperreality* as a system of meaning in which the boundary between the real and the imagined is removed – an implication which can hardly be married with the ontological assumptions of Foucault's analysis.

Much of what has been written about terrorism displays, Der Derian argues, „a superficiality of reasoning and corruption of language which effects truths about terrorism without any sense of how these truths are produced by and help to sustain official discourses of international relations (1992, 80). There is much truth in this statement, yet Der Derian's „genealogy of how consumers in [the] cultural economy arrive at some shared assumptions about the exchange of value of [international terrorism and legitimacy]“ (81) may not meet the genealogy's promise for much desired rectification. Perhaps not least because in some important ways it departs from Foucault's fundamentals. First, because he identifies Foucault's project with semiology. Second, because instead of pointing to the (complex and heterogeneous) beginning of terrorism and contingency of its history, Der Derian sets to „plot the differences that have made the multiple forms of terrorism so difficult to understand.“ Similarly to the method used in *Diplomacy*, he identifies several types of terrorism (mythoterrorism, anarchoterrorism, socioterrorism, ethnoterrorism,

narcoterrorism, state terrorism, antiterrorism, and pure terrorism). This array, it should be conceded, „...just temporarily represents and gives some order to [terrorism] for the purpose of a critical review.“ Even such critical review, nonetheless, is suggested to effectively be reifying terrorism, e.g. „as a strategy of intimidation and violence“ (98).

- Yet another attempt at Foucauldian „history of the present“ from within the field of International Relations is Campbell’s *Writing Security* (1998, originally published 1992). His historical analysis, in contrast to the traditional international history but following Foucault’s genealogical project does not focus on *acts* of (predetermined) subjects, but rather on their very *subjectivity*. State, Campbell argues, has no ontological status and sovereign presence apart from discursive practices of identity and difference (1998, 10). State’s identity is disciplined and its boundaries secured by proliferation of discourses of danger (which is also always a condition contingent on subjective choices and can hardly be objectively determined e.g. by number of casualties; for a similar argument see Der Derian 1992, 80; and for a classic articulation of this thesis cf. Wolfers, 1953). The constant articulation of danger becomes an indispensable condition of State’s existence (Campbell 1998, 12) – security would be its death. Foreign policy is redefined by Campbell into an important disciplining practice whose role lies in producing boundaries with the (threatening) Other, containing ambiguity and contingency of the „domestic realm“ (64).

Campbell presents a powerful retheorization of established concepts and their relationships and acquaints the reader with interesting source material. Nonetheless, in the end he offers the reader little genealogy. Having discussed the relationship between identity and policy, foreign policy and discourses of danger, he follows with chapters on „imagining America“ (in the good Postmodern habit of *inventing* and *imagining* stuff) and „writing security“ of the United States during the Cold War, concluding that it „was an important moment in the (re)production of American identity animated by a concern for the ethical boundaries of identity rather than by the territorial borders of the state“ (168). However, these represent

more of a case study of the concepts and relationships theorized above than an actual genealogy of the U.S. identity.

- Finally, perhaps the most ambitious attempt at genealogy in International Relations is Bartelson's *A Genealogy of Sovereignty* (1995). It is a conceptual history of sovereignty, a central concept of the field, in its relationship to knowledge (truth), premised on a thesis that „sovereignty and knowledge implicate each other logically and produce each other historically“ (1995, 5). It is an *effective* history of the present in terms of its past, a history of „logical spaces“ (renaissance, the classical age and modernity) and their succession over time revealing how the present, in which sovereignty is endowed with both transcendental and empirical meaning (54), has become possible.

Bartelson combines Derrida's deconstruction with Foucault's genealogy. From the former he borrows a thesis that the foundation of assumptions rests on a hierarchical ordering of binary oppositions that is used in the analysis of the contemporary predicament. Genealogy he understands as a historical method that is key in relating discursive statements and „logical spaces“ in time. It is *episodical* (it does not attempt at covering everything, but instead chooses crucial periods) – and *exemplary* (and what makes a good example is that it can be multiplied). The source material that Bartelson chooses to study includes „traditionary texts“ and „manuals“, translating the former into reality and action (Bartelson 1995, 9).

While substantively drawing upon Foucault, in some important ways Bartelson deviates from his analytical framework. The most obvious issue is the characteristic lack of Subject in Bartelson's analysis. While Poststructuralists previously stressed relationship between the modern construct of sovereignty and rational man (cf. Ashley 1984), Bartelson's genealogy of sovereignty inquires exclusively into (sovereign) power, which it effectively takes for its *object*.

Research Design

The research design details how is the research question of *how did States come to speak about terrorism the way they do*. First, the discursive field inquired into is defined. Second, the archives of the collected statements are described. Finally, genealogy as a method of reading terrorism among States is precised.

In engineering the design I draw on the theoretical and methodological discussions above, and to some extent also on Hansen's treatise in Poststructuralist methodology introducing her analysis of the Western discourse of Bosnian war (Hansen 2006). While I sympathize with her view that Poststructuralist inquiry, like any inquiry, should be founded on transparent methodological choices and should not lack clarity, this inspiration has its limits. The focus of Hansen's analysis is somewhat different from this dissertation's. While the latter focuses on conditions on discourse of terrorism among states, exploring its emergence and evolution with particular focus on the nexus of power and knowledge and constitution of Subject, Hansen inquires into the constitutive relationship of (foreign) *policy* and identity. Moreover, her discourse analysis is essentially (and deliberately) semiological (cf. Hansen 2006, 44).

A Discourse of Terrorism among States

In broadest terms, discourse of terrorism constitutes a particular discourse, a group of statements for which certain (internal and external) conditions of existence can be defined. For methodological purposes, some boundaries of this field of inquiry must be established prior to the actual analysis of those conditions. Such endeavour must be underlied by a series of methodological choices of various specificity. These choices are now made plain.

First, the discourse whose conditions are inquired into in this thesis is one which is related in one way or another to a certain Subject, the Terrorist. This Other in the making, related in the complex interplay of identity and difference to the constitution of the normal Self and modalities of

legitimate violence, provides the discourse with certain coherence, but no boundaries. To establish those boundaries is a more daunting methodological task. Foucault, as pointed above, considers discourse as a subject to genealogical analysis a blurred *nonplace* in which competitors do not meet as equal and their interactions lack a common denominator. While I do adhere to this assumption with respect to discourse in general, in order to limit the subject of inquiry (and ultimately to make it *possible*) the focus of analysis in this dissertation is limited to a certain and rather more ordered segment of discourse of terrorism. In such a segment, conditions of emergence and rules of making statements, which in some nondefinite way exist also in the general and comprehensive discourse of terrorism, which indeed can be seen as a polyphonic *nonplace*, are more easily identifiable.

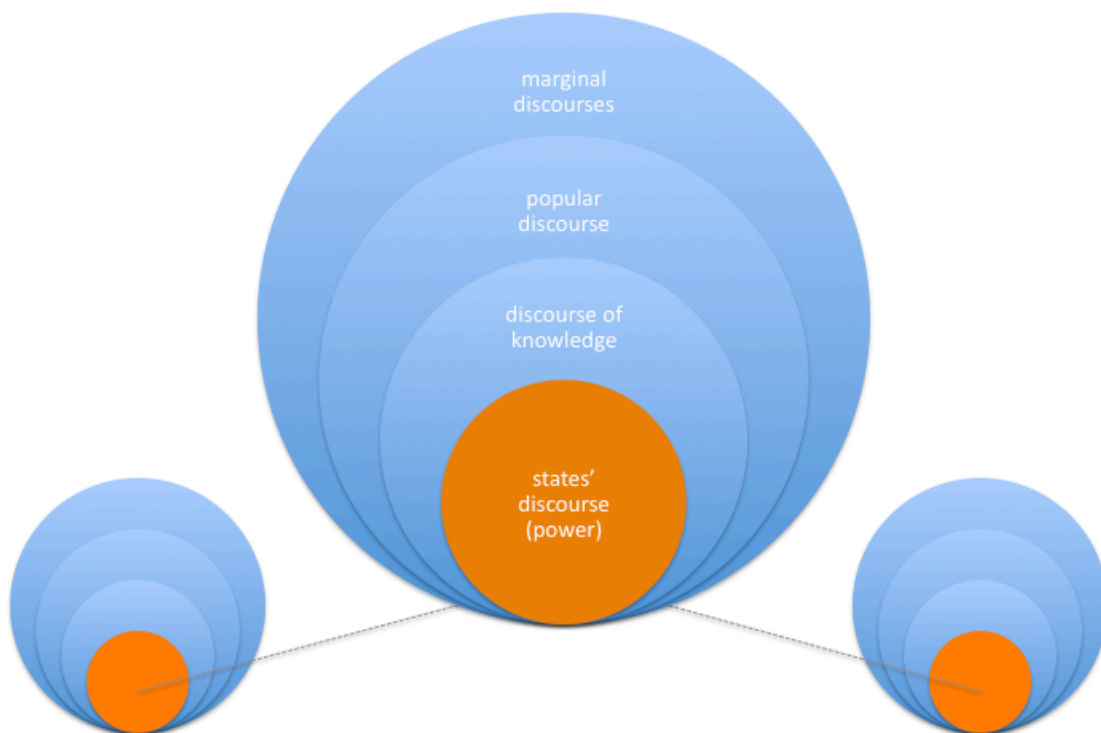
Thus this dissertation inquires into the discourse of terrorism *among States*. The price to pay for this choice is the focus on the privileged. It is considered justified, however, insofar as it contributes to this thesis' fundamental aim – to articulate some original reflection of the problem of legitimacy of violence and power in the present (international) political order. For it is States, it is assumed, who are in a privileged position to (collectively) produce authoritative truths about legitimate violence in general and terrorism in particular, since they have monopolized the discourse (rather than material means) of violence, with important disciplinary effects.

It could be objected that States do not make statements. If they indeed are men, then only *artificial*.³² However, while States may indeed be only idealized images of political order conditioned by modernity, their Sovereigns (governments and their representatives) can make statements and they frequently do so. I choose to speak of States (e.g. „Czechoslovakia claimed...“) instead of their governments and representatives (e.g. „the Permanent Representative of Czechoslovakia to the League of Nations claimed...“). This antropomorphization is committed not because it would be underlied by any particular ontological assumption, but merely for the sake of presentation's clarity.

³² „For by Art is created that great Leviathan called a Common-wealth, or State (in latine Civitas) which is but an Artificiall Mann“ (Hobbes 1985, 81). Hobbes's *mortal god* has a soul (*sovereignty*), joints (*magistrates*), nerves (*rewards and punishments*), strength (*wealth and riches of all members*), business (*salus populi*) and it knows its death (*civil strife*). But it has no voice.

The key criterion of what constitutes a relevant statement in this respect is the (State) authority behind the particular statement included in the discourse.

While the subject of study is thus narrowed down to the *discourse of terrorism among States*, in order to inquire into the external conditions of statements and their series enunciated in this discourse it is necessary to introduce a concept of *interdiscursivity* by which the discourse under study can be related to other discourses that condition it. The devised model of interdiscursivity is visualized as follows:



The most important nexus to be examined when inquiring into the external conditions of the discourse of terrorism among States is the discourse of (terrorism) knowledge. Since this discourse includes statements both reflecting the subject and reflecting the field of its *study*, the latter are used to improve robustness of this thesis's conclusions instead of a systematic discourse analysis which cannot be undertaken here, insofar as it is kept in mind that these statements too are historically conditioned. (To differentiate between the two ways statements in the field of terrorism knowledge

are used here, two different modes of reference are employed. When the statement serves primarily as a discursive monument, the full bibliographic information is given in a note; when it is used primarily as a reflection on the field, an author-date system is preferred. Some sources will inevitably be cited in both capacities.) To show the historical contingency of the dominant discourse based on a certain constellation of power it will be occasionally necessary also to resort to the popular discourses, including insurrectional discourses. States' discourse of terrorism is also related to other discourses of power, such as the discourse of nonintervention (itself conditioned on the genealogical link between international law and liberal theory, making possible the dichotomy *inside/outside*, crucial for the dominant understanding of sovereignty, to be established as a reflection of a liberal dichotomy *private/public*),³³ progressive codification of international law (later, in the postcolonial context, as principles of international law), or international humanitarian law. It is therefore useful to think of the discourse of terrorism among States as this dissertation's research epicenter, connected to the more peripheral areas interest in a web of interdiscursivity visualized above. Relations in the interdiscursive space delimited in this scheme are that of conditionality of statements and their series which are mutable in time. Statements relate to other statements more or less distant in this space and in time, drawing authority and capacity to speak about particular issues, producing and reproducing meaning and its own legitimacy.

Temporally, three discursive series, or logical spaces, are chosen for probes – in words of Laclau and Mouffe, „piercing a moment in time“ (2001, 8) – to the discourse of terrorism among States. They are broadly conceived as three decades: 1930s, 1970s and 2000s. Their choice is not random. The 1930s witnessed emergence of the discourse of terrorism among States and therefore, this decade's series is an obvious object for an initial probe – however, to analyze conditions of this discourse's emergence, however, it will be necessary to travel further back in history.³⁴ The 1970s were a period when the discourse was revived with considerably intensity, also because a real battle

³³ This genealogical relationship is inquired into e.g. by Koskenniemi (2004).

³⁴ To arrive at the proper point of departure is of course a rather formidable challenge. Even Foucault was accused by Derrida that in his *Reason and Madness* (1961) he wrongly situated the moment at which reason rejects and begins to repress its counterpart, madness, with Descartes' *Meditations*. Derrida argued that the difference between reason and madness, or *logos* and *chaos*, is present already with the Presocratic philosophers (Derrida 1978b).

over the discourse obtained in which contesting meanings of terrorism clashed. Finally, the third discursive series is chosen because it forms a part of a broader logical space that can be called „the present“.

To better outline the modalities of this dissertation’s discourse analysis regarding its subject matter, in conclusion of this subsection I include a short alternative exposition based on Hansen’s categories of research design. These categories are 1) number of Selves; 2) intertextual model; 3) temporal perspective; and 4) number of events (Hansen 2006, 75). The research design scheme using these categories would look as follows:



There are multiple Selves included in the analysis, however they are of a single one kind (State). Since it primarily focuses on conditions of emergence, stability and change of the discourse of

terrorism among States, from among the intertextual models listed by Hansen this analysis is closest to the model of *official discourse*. Yet it behooves to this model that the analytical focus on the official discourse notwithstanding, it is imperative that various interdiscursive links are studied to show how this discourse is stabilized and how it encounters criticism (Hansen 2006, 60-61). The temporal perspective is that of historical development, with three chosen discursive series. Finally, due to the analysis' extensive temporal focus, there are multiple events studied. They are related, as in Campell's genealogy, both by issue and by time.

*Archives of Documentation*³⁵

Having delimited the subject matter of the analysis, it is now necessary to turn to the sources of statements the conditions of which are inquired into. Foucault's genealogy is *archival* – it depends on „a vast accumulation of source material“ (Foucault 1977, 140). Foucault himself proposed three methods of treating documentation: exhaustively, by sampling, or by preselection of important documents (1997, 11). Given its sheer size, encompassing the entire discourse of terrorism among States, even if only in the selected probed series, is a task that could hardly be accomplished in this dissertation. Of the remaining alternative methods, preselection of important documents is chosen because sound and convenient criteria to delimit the discourse exist that render unnecessary sampling procedures, which in order to produce reliable results would have to be rather complex.

The inquiry is therefore limited to statements enunciated by States at two particular international fora – League of Nations in the 1930s, and the United Nations in the 1970s and 2000s. These institutional frameworks provide convenient boundaries to the field of States's discourse of terrorism because of their privileged position in discussing States's (international) security issues, as much as almost universal participation of States in those bodies.³⁶ Hence, the statements enunciated in those frameworks have the advantage of being both authoritative and representative. Institutional

³⁵ I use the term here as a metaphor for the assembled documentation, not in Foucault's sense as a general system of formation and transformation of statements (cf. Foucault 1997, 146).

³⁶ The most notable exception is the absence of Germany in the the period terrorism was discussed in the League of Nations.

demarcation of the discursive field necessarily brings about a certain inevitable abstraction. In consequence, some differences may be overlooked (e.g. difference conceptualizations of counter-terrorism in the 2000s discursive series) and some tropes attenuated (e.g. the discourse of war against terrorism in the same discursive series as contrasted to the official discourse of the United States as the hegemonical power). All of the claims made being open to falsification, it is assumed, however, that while a closer look at a particular problematique would likely render a richer and more complex picture, it would not undermine the main fundamental argument articulated here.

In all discursive series studied, a considerable number of States with diverse histories, regime types and geographical locations articulated statements about terrorism, and an attempt is made to capture this diversity in examples provided to illustrate the rules of discourse. Indeed, these international organizational discourses have certain specific rules of enunciation that do not govern statements that States articulate elsewhere. Most obviously, the enunciative possibility in those fora is to some extent constrained by the rules of *legal* discourse. Nonetheless, a substantial amount of other laws of rarity and basic discourses can be identified in each discursive series to allow for a meaningful genealogical analysis inquiring into patterns of continuity and discontinuity across those series assuming that those discourses are broadly representative of States' discourses in general.

The archives (as material structures) of the League of Nations and the United Nations in Geneva and New York yielded much documentation necessary for reconstructing the States' discourse of terrorism and other States' discourses related to it. The monuments studied included conventions, draft conventions and various bodies' draft resolutions, resolutions, reports, minutes or transcripts, or individual States' communications (type of documentation and the institutional locus in which they were produced are expounded in each of the chapters dedicated to a respective series). In some cases, the terrorism files providing statements in a certain discursive series assembled in those archives included statements belonging to other discourses, or other discursive series removed in time, and hence provided an indirect clue to the official discourse's conditionality.

But the complete (metaphorical) archives I assembled and studied is much more extensive. Its stacks hold legal statements, proceedings from conferences where terrorism was discussed, academic texts in the field of law or terrorism studies, newspaper articles or works of literature. There will have to be a screening room since imagery is indispensable in producing identity of the Terrorist (for emphasis of importance of the visual in relation to the concept of securitization see Williams 2003). Because of the varying form of the „documentation“ perused, it is impossible to give a precise count neither of the material documents nor statements included in them. Suffice it to say that the number of pages of official documents reached hundreds in the 1930s, thousands in the 1970s and tens of thousands in the 2000s. (The documents in the latest period were available in digitalized form that allowed for full text search and sorting of the documents by reliability and ultimately made reliable conclusions about laws of rarity governing articulation of statements that they included possible. Even so, preselection of certain loci and time periods was necessary given the discourse's sheer size, as discussed in more detail in the fifth chapter.)

Reading Terrorism

Having delimited the discourses of terrorism among States as groups of statements constituting successive discursive series, it remains to be defined *how these statements are read* in the following chapters. The aim of a genealogical reading is the following: to search for conditions of those which are the rules of discourse valid in particular discursive series (internal conditions), and for the conditions of these rules themselves, which are to be found elsewhere in the interdiscursive field and more generally in the certain existing constellation of power (external conditions). The rules valid in each series, Foucault suggests, are products of procedures of 1) of management of discursive power, such as prohibitions related to situational rituals (*what can be said at what time*), rights of speaking subjects (*who can speak about it*) – while the rejected one may be listened to as a source of secret truths – or institutional systems determining what is true and false, and establish discourses of truth (*discourses de vérité*); 2) internal processes of control and exclusion limiting its

accidentality such as commentaries on previous statements which bind the discourse together; and 3) procedures in which the conditions of the discourse's use are defined (Foucault 1970, 38).

A particular discursive series' rules are however not studied in isolation. A genealogical reading does not merely reconstruct a static picture of such series of statements and their conditions. It also does not merely compare characters and conditions of each discursive series in time studied. In a genealogical narrative continuities and discontinuities across discursive series in time – disappearances, reappearances, variations, transformations – should be recorded not in order to replace the edifice of traditional history with a new one, but to effectively undermine it and expand the horizons of thought about terrorism and more generally about legitimate violence in the present international order.

Foucault did not leave a detailed methodological guidance for his genealogical project. In practical terms, this thesis therefore designs the following way of reading to meet its objective: the inquiry into the respective series is preceded by a probe into terrorism and Terrorist as Subject's origin (*Herkunft*). It looks at this Subject's origin as free of any essence and idea of perfection, and by analysis of the content of three major newspaper published in the 19th century it points to the *multiplicity* of terrorism's meaning. The inquiry into the discourse of terrorism among States in the three defined series is organized into an 1) analysis of the power constellation in the international order (*Weltkonjunktur*) fundamentally conditioning the emergence and character of the discourse of terrorism in each series; and 2) analysis of this discourse, in which, in exercise of power, Terrorist Subject is constituted. The former is achieved with assistance of concepts devised in Carl Schmitt's international relations theory, particularly the concept of *nomos*, related to his more generic concept of the political. The latter is designed as follows:



In the first instance, *law of rarity* in each discursive series is identified. Everything is never said, and it is the law of rarity as a body of (internal) rules of discourse which determines that which *is* said about the discourse's object in opposition to that which is *not*. In other words, it is the internal conditions for the statements' enunciation, derived from the totality of statements aspiring at formulating a discourse of truth about the object (*le discours vrai*) of terrorism in each discursive series. Thus it accounts for the fragmentary and incomplete character of the enunciative field (Foucault 1970), and indicates – because it remains an analytical construct – existence of management practices of enunciative possibilities for those statements. It is important to stress that locating those internal rules is not intended to convey the sense either that 1) discourse in any of the series is *perfectly* disciplined, or that 2) all of the relevant common rules conditioning the statements' enunciation are included. Using counterfactuals while at the same time ensuring representativity of the discursive „factuals“, only the most salient and hence most important rules are constructed from the multitude of collected statements.

To see how Subjects – the Terrorist Other and its complementary Selves (the State as a wielder of a monopoly of legitimate violence; the Soldier as an extended hand of this State capacity; or the Normal Man who consents to this order of things) are constituted in each series, analytical constructions of *basic discourses* of identity and difference are used. The concept of basic discourse is borrowed from Hansen (2006), who defined it as constructing, in practices of linking and differentiation, radically different Selves / Others along spatial, temporal and ethical lines. It is used here in a somewhat narrowed sense, however, since for Hansen basic discourses also include arguments in favour of certain policies, whereas they are understood here rather as *conditions* for

certain policies (e.g. dehumanization facilitated in the basic discourse of civilization / barbarism makes it possible to effect extreme measures to eliminate the „Terrorist“). Despite this narrowing, this thesis thus does not alienate itself from Hansen’s definition of Poststructuralist research agenda in international relations, focusing on the issue of *how States generate responses to the problems they face* (Hansen 2006, 1). Needless to say, it also aligns itself with the relational definition of identity which serves a disciplining function (Hansen 2006; Campbell 1998; cf. Connolly 2002) or, alternatively, produces hegemonical discourse (Mouffe and Laclau 2001), and at the same time is the very condition of the political (Schmitt 1996).

Key basic discourses of identity and difference in each discursive series are derived from the discourse itself rather than imposed on it externally, and thus can be considered to represent internal rules of this discourse of a particular kind alongside the law of rarity delimiting the enunciative field – rules for *subjectivation* (of the Self) and *subjectification* (of the Other). Yet as analytical constructs they are sometimes attached labels that may be familiar from the general discourse of international relations: the most obvious example is a salient and recurrent basic discourse of *civilization / barbarism* (for a survey of this discourse in international relations cf. Salter 2002; for a previous discussion of the identification of the Terrorist as Barbarian cf. Zulaika and Douglass 1996). Whereas the internal rules which basic discourses analytically represent can be considered discrete, the statements enunciated according to them are closely interdiscursively related (cf. Hansen 2006, 51; Kristeva 1980).

Both the analysis of law of rarity and of basic discourses is *exemplary*. It does not present a totality of the statements, but a selective sample that is used to demonstrate presence of the particular rule / basic discourse across the enunciative field. The ultimate criterion of a good example is that it can be multiplied (cf. Bartelson 1995). On the other hand, since it inquires into conditions of existence of Statements about the Terrorist Subject, it is neither *semiological* nor *hermeneutical*. It does not seek to unearth a true meaning behind a facade, but to inquire into the conditions of meaning’s emergence in the discourse.

Thirdly, *links to other discourses among States* („discourses of power“) conditioning enunciation of statements in the discourse of terrorism are established. This is achieved both by identifying those links in the discourse of terrorism among States itself for direct references, and by further research of other primary and secondary resources to probe those other discourses for possible constitutive relationships which may not be readily discernable by the study of discourse of terrorism alone.

Finally, the *nexi between the discourse of power and knowledge* are inquired into. Since no field of terrorism of knowledge existed in the 1930s, the analysis in the third chapter focuses on 1) knowledge at the most general level, discussing the basic conditioning role of the modern constitution of sovereign reason by exclusionary practices confining madness and chaos outside the realm of civilization; and on 2) the legal knowledge. In both cases, there would be a considerable amount of continuity of conditioning relationships articulated here in the following discursive series too (e.g. regarding the constitution of sovereign reason, *irrationality* of terrorism and terrorism as *disease* would become ever more stressed in those later periods). In the following chapters, to identify power-knowledge nexi, an *archæological inquiry* is made into the specific field of terrorism knowledge – mainly, but not exclusively confined within the recognized (however arbitrary) boundaries of social science.

This inquiry follows the archæological method articulated by Foucault particularly in *Archæology of Knowledge* (Foucault 1997). It focuses on „discursive regularities“ (*régles de formation*) related to 1) objects of discourse, 2) modalities of statements, 3) notions (concepts) of discourse and 4) strategies of discourse. Inquiring into formation of objects, archæology looks at the surfaces of emergence, i.e. how particular differences from the „normal“, such as disease, are designated and studied; what authorities partake in such study, and how are „grids of specification“ (typologies) articulated. It is not a study of referents as objects *an sich*, but rather of rules and relations that enable their constitution as objects. In terms of (enunciative) modalities it is interested in what form does a statement take, who articulates it and where (in which institutional sites). Concepts are important in the analysis insofar as they organize the field in which statements

circulate – e.g. enable ordering of enunciative series by means of *inferences, implications, descriptions, generalizations* or *specifications*, defining what Foucault calls a „domain of validity“. Regarding concepts, archæology also inquires into interdiscursive relations – e.g. into conditions for borrowings from one discourse to another based on a perceived quality of a certain concept (with International Relations in view, a concept that immediately comes to mind is that of *balance*), or „concomitances“ (analogies). Finally, strategies in the context of Foucault’s archæological method refer to themes and theories that organize all else (objects, concepts and types of enunciation).

Overture: Against *Ursprung*

This chapter's aim to prepare ground for the inquiry into the emergence of terrorism in the discourse among States in the 1930s. In the first section, the *Ursprung*-based standard histories of terrorism are reviewed, with a particular emphasis on their objectivist and presentist character. For the time being, I will not venture into a critique of those statements's conditions. Instead, the second section will show how they suppress the multiplicity of meaning of terrorism in the period preceding the 1930s and even frame as terrorism what was not conceived as such at all (most notably political assassinations in the 1890s). Demonstrating such multiplicity challenges assumptions and methods of the standard histories of (modern) terrorism, whose linear retrospectively constructed narratives of terrorism postulate some essential unity of the phenomenon which was conceived at a particular moment of time and subsequently evolved in response to variable external conditions – notably technological, intellectual or social change – until the present moment. (In fact, these narratives, while presentist in character, reach *beyond* this present moment, since their naturalist and nomothetic character endows them with the power of extrapolation.) Besides undermining those histories, against which the genealogy of terrorism in the following chapters can be juxtaposed, the argument here also serves the more immediate aim of substantiating the claim made in the next chapter that the emergence of terrorism with certain normalized characteristics in the discourse among States was accidental and contingent on a certain constellation of power.

Timeless Histories

The authors of conventional histories of terrorism discussed in this section – all standard volumes or otherwise important recent contributions on the subject – have undoubtedly contributed

much to our understanding of political violence in the last two centuries. If their work deserves criticism, it is because of their theoretical assumption of objective essence of terrorism and because of the method of the linear projection of the subject constructed presently back in the history. In their honest effort to *historicize* the present subject, they paradoxically contribute to its presentist *reification*.

It is certainly not impossible to share excitement with a terrorologist struck by an idea that there is an eerie similarity between Abdullah Azzam's concept of *qaeda sulba* (solid base) as a *vanguard* of believers responsible for dismantling the oppressive order (cf. Kepel and Milelli 2008, 101), and the discourse of the nineteenth-century Anarchists.³⁷ The obvious problem arises when this comes at the cost of sense for history, contingency and specificity of historical phenomena (events, movements, ideas) and reflection of own situation's condition. In their relentless search in the historical fabric for anything matching an often imprecise definition of terrorism, and drawing laws, theories and lessons learned based on those observations, the presentist narratives of „timeless histories“ serve, instead of proper historization, to *normalization* of the phenomenon's unity (reinforced by authors' claim of *scientifically* elucidating the subject obfuscated for *ideological* reasons). At the same time, trying to establish ubiquity of terrorism in the history of humankind, possibly down to the time immemorial,³⁸ does not prevent their authors from heralding the era of „new terrorism“ which is radically different from the one that preceded it.

From Antiquity to Al-Qaeda

³⁷ The example is invented. However, the link between nineteenth-century Anarchists and contemporary Jihadists was indeed established, e.g. by Gray (2003), Sedgwick (2004) and Gelvin (2008). Gelvin positions himself as a historian criticizing reification of terrorism „as a transhistorical phenomenon“ (564), but ironically his attempt to supply anarchism as an independent unit of analysis for terrorism is a great example of fascination by (anarchist) unity of diverse historical phenomena. In the same issue of *Terrorism and Political Violence* his thesis was challenged by a number of *terrorologists* who, again rather ironically, assumed idiographic perspective in defense of terrorism, arguing that anarchism and jihadism were, for various reasons, absolutely distinct. An interesting point in relation to the subjectification of contemporary Terrorist in the debate was made by Esenwein, who claimed that „as an offshoot of the Enlightenment, anarchism is grounded in rationalism, and, because of this, it has little in common with the irrational and highly subjective belief system that both informs and justifies the violent actions of Al Qaeda“ (2008, 599).

³⁸ In a recent textbook not specifically discussed here, Martin speaks of terrorism „since the dawn of recorded history“ (2003, 2). In another recent contribution on the subject, Law maintains that terrorism is „as old as human civilisation“ and is „surprised at how much continuity“ exists in its history (2009, 11). Finally, in introduction to his monumental collection discussed in more detail in the next chapter, Friedlander claims that „history demonstrates that terrorism has existed since the beginnings of organized society“ (1979, 39).

The first common feature of these narratives is a backward construction of the concept of terrorism from the present to the past, often down to antiquity, with a turning point marking emergence of modern terrorism placed in the late eighteenth or nineteenth century (or at least identifying this terrorism with phenomena which were not generally framed as terrorism at the time, such as anarchist political violence). A common version of this narrative is found in Hoffman's *Inside Terrorism* (2006), a standard university textbook and popular introduction to the subject for the interested public, which makes Hoffman an influential gatekeeper. Hoffman's terrorism emerges, at least in its modern incarnation, in revolutionary France as *le régime de la terreur*, systematic and utopian – characteristics shared by every modern terrorism – but after Robespierre's fall acquires negative connotation, „abuse of office and power“ (2006, 4). It is followed by terrorism conditioned essentially on nationalism and socioeconomic change. This terrorism is characterized by its anti-*status quo* objectives. It is the terrorism of the Anarchist, Nationalist and Separatist; among the perpetrators Russia's *Narodnaya Volya*, the Irish, Armenians, Macedonians and Young Bosnians / *Crna Ruka*. Hoffman makes considerable effort at linking these terrorisms dispersed in space and time to one another and to the contemporary terrorism. *Narodnaya Volya* and modern terrorists may differ in that the former did not (allegedly) use indiscriminate violence, but they both have practiced propaganda by deed; *Clan na Gael*, ever elusive, operating from a foreign base and targeting mass transport authored „patterns and modi operandi... that would become standard terrorist operating procedures decades later“ (10); and with reference to the assassination of Franz Ferdinand d'Este in Sarajevo Hoffman notes that

the obscure links between high government officials and their senior military commanders and ostensibly independent, transnational terrorist movements, and the tangled web of intrigue, plots, clandestine arms provision and training, intelligence agents, and cross-border sanctuary that these relationships inevitably involved provide a *pertinent historical parallel* [emphasis added] to the contemporary phenomenon known as „state-sponsored‘ terrorism... (14).

Since the meaning of terrorism (supposedly) changed again in the 1930s to connotate repression by totalitarian dictatorship, the phenomenon's unity is painstakingly maintained by arguing that it thus *regained* its former content – abuse of power. Later, however, Hoffman makes a case for separating state terrorism, to which he now refers as „state terror“, from (nonstate, revolutionary) terrorism

properly so called, which returns on the scene after the WWII in Palestine, Algeria or Cyprus as *urban terrorism* (juxtaposed to *rural insurgency*) and later as „modern international terrorism“ which started on July 22, 1968 when an El-Al flight from Rome to Tel Aviv was hijacked, and finally the contemporary new terrorism based on a „religious imperative“ which accounts for the unprecedented lethality of contemporary terrorist acts (Hoffman 2006, 82).

Hoffman's narrative seems rather heavily indebted to the now classic study *Terrorism* by the doyen of terrorism history, Walter Laqueur (2001 [1977]). Here, Laqueur too postulates an essential unity of the subject projected backwards at least to *Sicarii* (Zealots) of Judea, and manifested in many forms – peasant wars, labour disputes, brigandage, general wars, civil wars, revolutionary wars and resistance against occupation all tend to involve systematic terror, if only as one of several strategies. To be sure, manifestations of terrorism are diverse and the phenomenon transforms over time, but its essential nature remains the same, making it possible to relate various disparate phenomena. Therefore, Laqueur places emergence of the contemporary *systematic terrorism* to the second half of the 19th century and conditions it on „the rise of democracy and nationalism“ (11). Yet even after that, terrorism remained manifested in many forms – from regicide, „individual terrorism“ of resistance movements during WWII (including e.g. Heydrich assassination) to urban terror as a „revival of certain forms of political violence that had been previously used in many parts of the world“ (20). Terrorism then entered a new era, which continues to this day, and which was ushered by the „dawn of fanaticism“.

The backward projection of terrorism, founded on some essential character of the phenomenon that merely undertakes (accidental) changes in manifestation in time, is characteristic also of another influential concept in the conventional history of terrorism – David's Rapoport *four waves of modern terror*. Whereas the phenomenon he calls *modern* or *rebel* terrorism originated only in the 1870s, Rapoport has influentially asserted its „ancient lineage“ by establishing the notorious triad – at least in terrorology – of premodern Terrorists: Zealots (possibly even employing primitive

chemical warfare), Thugs and Hashasheen (cf. Rapoport 1984).³⁹ The *modern* terror as a particular manifestation of this timeless terrorism was conditioned by the development of new means of transportation facilitating transnational relations, the doctrine of Heinzen, Kropotkin, Most, Nachayev and others, and the bomb as a new means of political violence which affected „group sizes, tactics, relationships, and successes“ and differentiated modern terrorism from its „immediate predecessor“ (Rapoport 2008, 167; Rapoport 2006). It developed in four successive waves – anarchist, anti-colonial, New Left and religious (Rapoport 2002; Rapoport 2005; Rapoport 2006). Differences in manifestation of terror in each successive wave notwithstanding, „the persistence of the wave experience, for which the crucial defining characteristic is its *international* dimension indicates that terror is deeply rooted in modern culture“ (2005, 47).⁴⁰

The actions of Anarchist terrorists with revolutionary and Utopian objectives (shared by all modern terrorists) who based justification of their political violence in conditionality of existing conventions and placed their morality beyond the order which they attempted to revolutionize (supposedly) resulted in a first international action „to eliminate terrorism“ (2005, 52). But the new tide of terrorism was soon to come. Versailles Treaty precipitated and the end of the WWII facilitated the second wave of (anti-colonial) terrorism. What Rapoport finds intriguing about this wave Terrorists resigned their proper name, „because the term terrorist had accumulated so many negative connotations that those who identified themselves as terrorists incurred enormous political liabilities“ (54) and the label started to be used by governments for any rebel activity. The third wave revives the *public*, „theatrical“ character of the first wave, in which it differs from the second wave aimed at targets selected on the basis of *military* expediency. Debatable as this conclusion may be, the single event that spurred the third wave was, according to Rapoport, the Vietnam debacle, showing vulnerability of the existing political order. PLO, which succeeded *Viet Cong* as a heroic model for other organizations, was instrumental in reviving the „international terrorism“ – selecting targets in third countries, building networks, or cooperating in execution of terrorist acts. To

³⁹ Hoffman borrowed this triad into his history of terrorism, while Laquer had ruled out the Thugs because they had no manifest „political intent“ (Hoffman 2006; Laqueur 2001 [1977]).

⁴⁰ Rapoport identifies the international dimension of terrorism with coexistence of organizations in time, and network building among themselves and other „international actors“ (cf. Rapoport 2006, xxviii).

„maintain control over their own destiny“ (2005, 59), States started again to sponsor terrorism which, according to Rapoport, they had ceased to do during the second wave. (It must be pointed here that the central argument of this chapter is that it was *precisely* the issue of sponsoring of political violence abroad that was most spelled in emergence of „international terrorism“ in the discourse among States in the 1930s, i.e. during Rapoport’s second wave.) The third wave’s demise occurred in the 1980s, also because, according to Rapoport, the newly independent States gradually started to favour *status quo* and due to a progressive convergence of interest it became possible in the United Nations to pass a series of conventions and even Security Council resolutions on terrorism. The fourth wave that followed has been driven by „the power of religion“, intimately linked with universalist Utopianism, (allegedly) evidenced in Khomeini’s claim that „there are no frontiers in Islam“ (2005, 62).

The narrative of terrorism by two French historians, Chaliand and Blin (and their corroborators), also of wide circulation, makes no one in doubt that terrorism has been around since antiquity either, if only its subtitle, „from antiquity to al-Qaeda“. Any misconception to the contrary must be attributed to the „late appearance of the term“ (2006, 5). Terrorism has always existed in particular cultural and historical contexts, yet these contexts seem to have caused „reinvention“ of only accidental, rather than essential properties. The usual premodern Terrorist suspects Zealots, Hashasheen (bearing unspecified „resemblance to certain contemporary terrorist organizations“) and Thugs, keep company in with Taborites, Anabaptists and even the Inquisition. What binds these strange bedfellows together is their common practice of „religious terror“. An unsuspected progenitor of state terrorism is Genghis Khan. In Europe, systematic use of (state) terror during the Thirty Years War, demonstrated particularly in *targeting civilians*, was followed by Westphalian peace based on the idea of human rights and the terror receded until the French Revolution, but by this time it had again „become a basic tool of the apparatus of the modern state“ (92). The specific contribution of French Terrorists was the invention of total terror (and totalitarian State), even if they were able to realize this idea only imperfectly. The Terrorists of the 19th century were dominantly nonstate actors, even if they too drew upon the ideas of the French revolution (while

their essentially *irrational* Romanticism is juxtaposed in the narrative to Robespierre essentially *rational* Enlightenment). State terrorism would be resurrected only in the Bolshevik Revolution. But by that time, „contemporary terrorism“ had already been born in Russia: the revolutionary change introduced by Russian Anarchists was the indiscriminate character of their violence targeting populations, not merely the State.⁴¹ Between the world wars terrorism was practised primarily by independence and Far Right movements, manipulated by European States against one another. Today, terrorism is practised by a militant Islamist.

Unlike the previously discussed authors, Richard Bach Jensen has not authored a grand historical narrative of terrorism. Instead, he has recently presented several major contributions on one of its manifestations, „anarchist terrorism“ and the early international action to eliminate it (Bach Jensen 2001; Bach Jensen 2004; Bach Jensen 2009). He provides a focused, sober and informed view on the subject of anarchist violence, which emerged because of the „immense new physical power [of dynamite], as well as by economic, social and political discontent“ (2004, 117) but which, at the same time,

was both reality and an illusion. While the anarchists perpetrated some astonishing acts of violence, with one or two important exceptions, these were never linked to conspiracies of any size nor were they connected to a grand plan to destroy Western civilization and obliterate all the monarchs and ruling heads of state and government in Europe and the Americas (if not the entire globe). Yet the authorities often feared and the media frequently suggested that this was the case. By connecting together a disparate series of events, many having nothing to do with anarchism, newspapers helped create the ‘myth’ of anarchist terrorism as a fearsomely powerful phenomenon sweeping through the world (2009, 91)

and of the national and international action conceived to arrest this *reality/illusion*.⁴² The international cooperation – to paraphrase Bach Jensen’s argument in Foucauldian terms – rested primarily in surveillance as a manifestation of disciplinary power, however primitive means the

⁴¹ Pinfari (2009) sees the early manifestation of modern terrorism in Orsini’s attempt on the life of Napoleon III (1858) precisely because „the deliberately indiscriminate means by which it was carried out“ (581) rather than in the act’s ideological character (cf. George 1988).

⁴² This issue is treated also by Thorup (2008), who adds an intriguing, however brief, discussion of the police participation on anarchist propaganda as a facet of creating this reality/illusion of terrorism. In other respects, Thorup’s article is an illustrative case of reducing the multiplicity of subjects related to political violence into three types (Anarchist, Partisan, contemporary Terrorist), the former two of which are conceived of as precursors to the third. The Anarchist is represented as a „first actual international terrorist“ (336).

contemporary science offered for the purpose (Bertillon's *portrait parlé*).⁴³ For the first time in history, States also sent spies around the world not to gather information on each other, but rather on the hydra of international anarchism. The failure of diplomatic means – particularly Rome Conference (1898) and St. Petersburg Conference (1904) with its *Secret Protocol for International War on Anarchism* – somewhat unsatisfactorily attributed by Bach Jensen to pervasive nationalism resulting in „political and ideological divisions“ (2009, 98) – meant that more technocratic police cooperation prevailed.⁴⁴

While Bach Jensen notes that whoever threw a bomb or assassinated a prominent person „tended to be labelled an ‚anarchist‘“ (2009, 90) – including actors e.g. in India (whose separatist aims may have been seditious yet not at all *anarchic*) – he himself uses the term „anarchist terrorism“ rather unproblematically, the effective lack of actual subjectification on the part of the States (their action was not framed as *counter-terrorism*; rather, the conferences were *anti-anarchic*) or the „Terrorists“ themselves notwithstanding. While sceptical to comparisons between „anarchist terrorism“ and al-Qaeda (Bach Jensen 2008; Bach Jensen 2009), he furthermore relays his fascination by similarity in securitization processes and responses to the perceived threat: in *both* cases, a coalition was formed, but later collapsed for ideological reasons, and in *both* cases „a strong temptation existed (and exists) for governments to exploit and exaggerate the danger of *terrorism* in order to attain political goals distinct from simply repressing *terrorism* [emphasis added] (Bach Jensen 2009, 106).

Elucidating Terrorism's Nature

The presentist, backward projection of terrorism is the most obvious characteristic of the „timeless histories“ and their most important vehicle of reification. Yet these narratives also often include positive statements about terrorism's *one* and true nature which in the backward projection

⁴³ The avid consumers of „timeless histories“ might find it fascinating that then, as now, „terrorists“ evaded those new modes of surveillance by relocating to places with limited state power, including Egypt, Tangier or – due to the then incapacity of Federal policing – the United States.

⁴⁴ The action thus gradually became *depoliticized* as an independent mode of governance in the form of nexi between police forces formally independent of the political regimes (cf. Deflem 2002; Deflem 2005).

- where historical change is merely one of accidental properties, rather than essence of the phenomenon - is only implied. (This nature is not necessarily defined in the same way, but usually means a technique of creating power, involves transgression of norms of limiting violence and has revolutionary / Utopian character. Hoffman's Terrorist, for example, is described as a *violent intellectual*, which may implicitly be juxtaposed to the realist, *status quo* bureaucrat or soldier in the service of the State.) According to *Inside Terrorism*, therefore, the one essence of terrorism is only *obfuscated* by intellectual confusion, politics, political correctness of the media and the obstinate refusal of the Terrorists to call themselves so. „As the meaning and usage of the word have changed over time to accommodate the political vernacular and discourse of each successive era, terrorism has proved increasingly elusive in the face of attempts to construct one consistent definition“ (2006, 20). The chaos, Hoffman claims, is however merely discursive. The unity of terrorism needs to be but recovered in the process of its *elucidation*, or alternatively unearthing its *inside* - the proper aim of Hoffman's book. Laqueur also complains of the phenomenon's theoretical elusiveness which he attributes to „misunderstanding about *the nature of terrorism* [emphasis added] in the 1970s,“ when it was widely assumed that terrorism was a phenomenon whose root causes were found in the social fabric, and when media obfuscated its specific essence by using *terrorism* and *guerilla* as synonyms in attempt to be „fair to all parties concerned“ (2001 [1977], ix).⁴⁵ Rapoport too joins in the criticism mounted by a terrorism *scientist* against the media (Rapoport 1977), a form encountered rather frequently in the 1970s (see the fourth chapter). Rapoport's modern terrorism is moreover reified as subject to some iron laws of cyclical emergence and demise. Hence it is possible for Rapoport to forecast the end of the fourth wave of terrorism in the next two decades. But Terrorists are never to vanish: it is equally likely that a new issue will emerge in world politics which will stimulate them into action (Rapoport 2005, 66). Finally, Chaliand and Blin assert the *oneness* of terrorism not only in

⁴⁵ Laqueur has consistently refused scholastic attempts to define terrorism (cf. also Laqueur 2000; Laqueur 2003). Yet this position has not been founded in the conviction that there would be no essence of terrorism, but rather in the belief that any such definition is *practically impossible* and any search for it *impracticable*, since in practice the study of terrorism can thrive with minimum theory. And despite allowing for some discontinuity - similarly to Hoffman and Rapoport - his narrative ties together a formidable set of phenomena, postulates a tradition of terrorist doctrine and even formulates certain basic laws of terrorism - for instance that it is seldomly politically effective and actually frequently brings about the opposite of what it aimed to achieve (2001 [1977]).

their extensive catalogues of past Terrorists, but also e.g. in statements confirming the existence of Terrorists „long before the expression was invented“ (Chaliand and Blin 2006, 98).

Rare Times

The paradox of the „timeless histories“ is that while their authors attempt to historicize the subject, they instead reify its present discursive construct as essentially æternal and mutable only in accidental properties. However, conditioned by the complex productive processes of power/knowledge, which are explored in more detail in the fifth chapter, these histories paradoxically also claim *exceptionality* of the present time, manifested particularly in Terrorist’s absolute enmity, unconstrained Utopianism and negation, rather than mere transgression of existing norms. This way, they also implicitly call for a politics of exception. Therefore, while paraphrasing Rapoport’s *Fear and Trembling* (1984) and claiming that that (premodern) terrorism motivated by religion goes back at least two thousand years and until the nineteenth century religion „provided the only justification for terrorism“ (2006, 84), Hoffman’s „religious imperative“ of contemporary terrorism – accounting for its unprecedented lethality – is also naturally an imperative for exceptional responses: „So massive and consequential a terrorist onslaught required nothing less than an equally comprehensive and far-reaching response“ (2006, 19). Similarly, there are political implications in Laqueur’s description of terrorism after the „dawn of fanaticism“ – the Terrorist is an entirely irrational and depoliticized enemy which has to be but eliminated. He wants „total war... to be unfettered by laws, norms, regulations and conventions. In the terrorist conception of warfare there is no room for the Red Cross“ (Laqueur 2004, 60). Rapoport’s new religious terrorism too is defined by its *limitless* character. Chaliand and Blin concur: what makes contemporary terrorism radically different from all other terrorisms is that „it has nothing to negotiate. The truth is that it is a fight to the death“ (2006, 10) and thus cannot, unlike other terrorisms, be justified as a last resort.

One World, Many Terrorisms

In their presentism, the narratives discussed above all in their ways suppress the multiplicity of meaning that existed ever since the word „terrorism“ made its discursive *entrée* in late eighteenth century down until rather late in the twentieth century. The gradual narrowing of the meaning of terrorism occurred under specific conditions which will be discussed later. In this section, I wish merely to outline, more or less descriptively, the multiplicity from which the restricted meaning of terrorism in the discourse among States was carved in the 1930s, and thus to point accidentality and contingency of its conceptual construction (which will be further demonstrated below in the actual analysis of this discourse's order). In other words, to show that the terrorism States spoke about in the 1930s was not *simply there*; nor was it historically inevitable that, in their discourse, it would take the form it finally did.

There seems to be a universal agreement, supported by authorities such as *Oxford English Dictionary*, *Dictionnaire de l'Académie Française* or *Le Robert*, that „terrorism“ entered Western European languages with the French Revolution. While the latter two define terrorism, respectively, as „systematic terror“ or „governance by terror,“ i.e. „collective fear instilled in a populace or a group to overcome its resistance or a regime or political process based on that fear or on the use of emergency measures and violence,“ the OED's generic definition (i.e. not historically specific, which is also included in the dictionary) is somewhat more vague: terrorism is „a policy intended to strike with terror those against whom it is adopted; the employment of methods of intimidation; the fact of terrorizing or condition of being terrorized.“

This broad definition, a cause of chagrin to some terrorologists for its lack of instrumentality (cf. Hoffman 2006) encapsulates, as indeed it should, the diversity of phenomena referred to as „terrorism“ in the discourse since the late eighteenth century. To demonstrate this diversity in more detail, I now look in detail at the use of the word in front pages of *New York Times* (published since 1851), and then I compare it – using, due to the amount of the source material, a more selective

approach – with the use of terrorism in *The Times* (1785) and *Le Figaro* (1826). In all three cases, the period covered is since their founding until the 1930s. The periodicals are chosen as some of the most serious and widely circulated publications, statements in which were moreover not issued merely by their direct contributors, but also by a number of other actors including State governments of other countries. Furthermore, in the latter part of this section, I examine discourses by those now termed Terrorists, who were mostly excluded from the newspaper discourse, in the same period. In both cases, what is attempted is not a discourse analysis as defined in this dissertation's research design, for which the preselected sample would have to be broader (e.g. it would be necessary to include, in newspaper analysis, publication issued in other countries that were theaters of „terrorism“, from Spain to Russia). Rather, it is a *catalogue of variety* intended to strike the point that while the word „terrorism“ became increasingly popular, there were in this period few rules governing the ways it could be used (and to whom it could be applied). The undisciplined character of the discourse is arguably observable *even when* only a few major periodicals of the time are taken into consideration (the possibility that this was, for whatever reasons, the case in just one periodical is controlled for by addition of two others). This catalogue is finally expanded by a descriptive analysis of statements by those who labelled as Terrorists themselves.

The descriptive *catalogue of variety* demonstrating multiplicity of the meaning of terrorism in the discourse before the 1930s is the chosen device here to undermine the present(ist) statements about one eternal essence of terrorism. It also prepares grounds for a conclusion made later that when terrorism was given a more or less definite form in the discourse of terrorism among States, this form was constituted from disparate elements, rather than on the basis of any eternal essence. Without intending to undermine the project by merely another *essentialization*, some recurring patterns in which terrorism was conceptualized in this period can indeed be identified. Premises are, however, that these can be identified only at the most abstract level, therefore leaving much irresolution in the end; that as a consequence, there is no unity of terrorism established at this time and clear conceptual delimitation from other forms of political violence (anarchism is the obvious

contender) or, indeed, political action by various actors; and that this is due to the absence of an order of discourse of terrorism that would discipline statements made about terrorism.

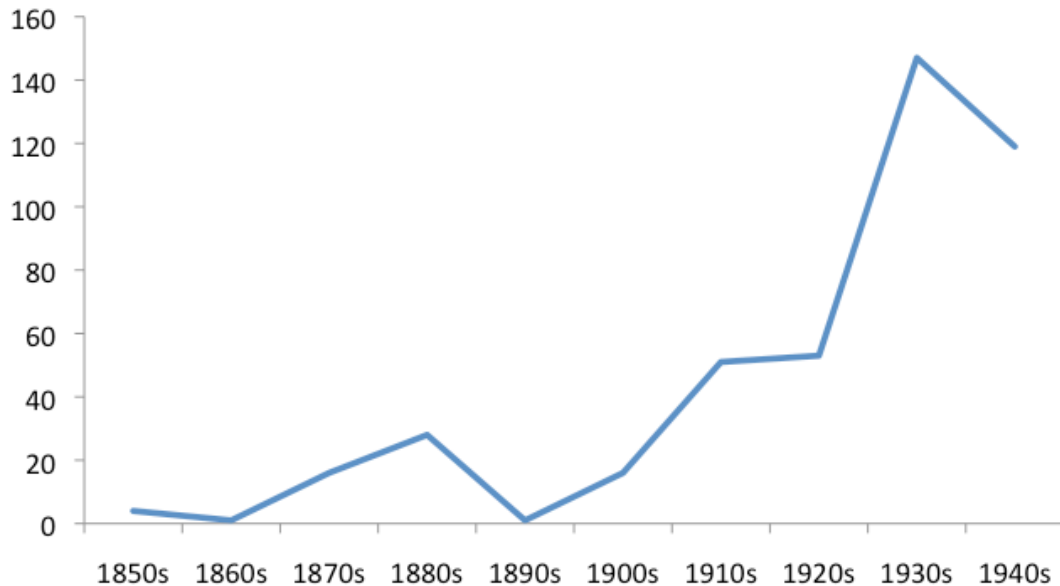
That said, many, if not all variations in the ways terrorism was conceptualized seems to be underlied by the idea of *terrorism as stasis*, that is, a specific disorder, a void of law that has to be (re)filled – possibly, in the process of pure destruction, close to Benjamin’s pure violence with emancipation in the state of no law (Benjamin 1978). It is typically a mode of *anti-governance* (the ideal opposite of good governance) – very often with a spatial dimension, and very often *barbarian*, that is, contrasted to the ordered and tranquil state of civilization. Alternatively, it is action which undermines the existing mode of governance (possibly, in the marginal discourse, in a scientific, reasonable or even humanitarian way), is in contradiction to a certain normative order, or prevents its full realization (electoral terrorism). In other words, terrorism is a name, but certainly not the only name, given to the *stasis* which since the Classic times was suppressed by power and succeeded by a „fantasy of indivisibility“ (cf. Schmitt 2008). It is the negation of existing order which is what seems really *terrifying* about it. It displaces terror from its constituted limits established by what Der Derian (1992) calls „security pledges“ (and possibly by their external recognitions) in that it *usurpates* it from its legitimate wielder (State), or represents (alleged) *transgression* by this wielder of its legitimate exercise.

New York Times

The following figure shows development in the number of instances „terrorism“ appeared on *New York Times* front page (all of which were scrutinized). The relative increase in the 1880s is accounted for by reporting of „terrorism“ in Ireland, in which U.S. readership could be expected to take a keen interest; notable is also a significant decrease in the next decade, termed by some terrorism scholars the „golden age of assassination“ (cf. Bach Jensen 2001):⁴⁶

⁴⁶ Since digitalized versions of the newspaper were used, in which OCR method had been employed, it is likely that not *all* instances were accounted for since the method does not recognize text perfectly. However, it is assumed that the distortion is distributed equally across the data series.

Terrorism in New York Times (Title Page)

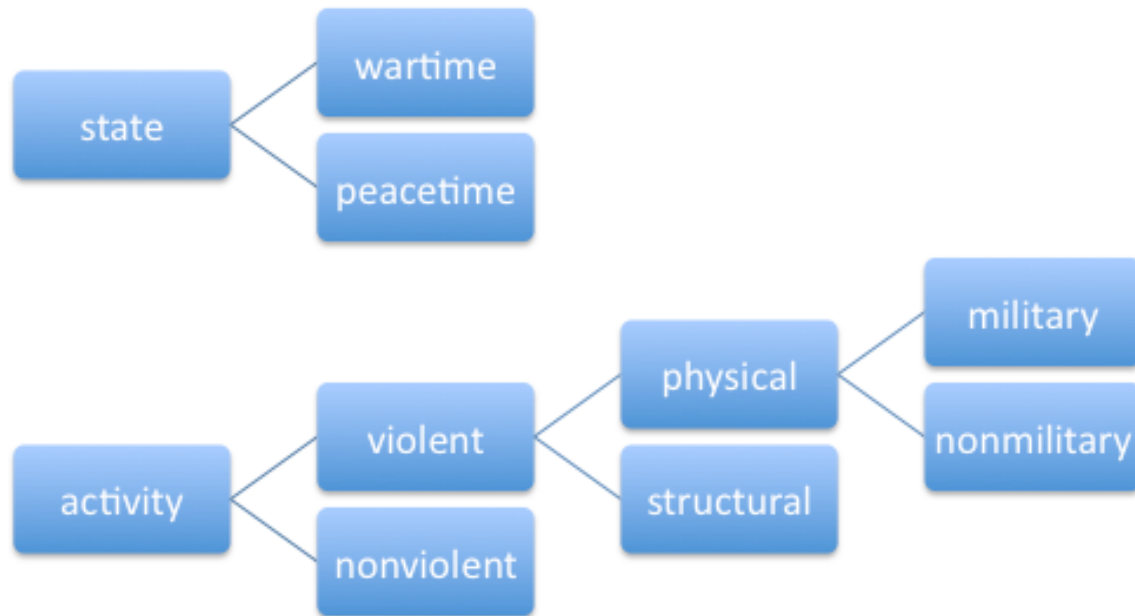


Terrorism in this period referred, in most general terms, to both to *state* and an *activity* (in accordance with the OED definition, which speaks of both policy of terrorizing and condition of being terrorized). It is both violent and nonviolent; it undermines the State (by spatially limiting the reach of its legal power), accompanies revolution and sustains the State; it can be direct violence, or it can be deeply structurally ingrained („atmosphere of fear“); and it includes military action (German „terrorism“ breaking the conventions of warfare during the WWI). It *never* signifies – with a single exception, interestingly related to religion⁴⁷ – a positive phenomenon, and often it is used, already in this period, by speakers to delegitimize policy of their political rivals. Sometimes, both parties of the conflict accuse themselves of „terrorism“, while *never* do they speak of their own policy in such terms. In terms of metaphors employed, one that stands out is terrorism as a *wave* which sweeps through a space, which points to the dominant reading of terrorism as a temporary spatial disorder, a

⁴⁷ „Materialism had taken too strong a hold on the generation. Anything which partook of religious terrorism fell harmless on the American youth, and, indeed, had the effect of exciting in his mind a feeling of aversion rather than reverence.“ NYT, Nov. 24, 1872.

stasis or spatial anti-governance of limited duration. (Needless to say, Rapoport's later theory also uses the wave metaphor.)

This variety of use can be, with some simplification, visualized as follows:



Most early mentions of terrorism referred to the situation in Ireland. „Terrorism“ of the Land League was linked to anarchy and disorder (lawlessness spatially limiting Sovereign's legal power)⁴⁸ as much as to alternative government or rule (which „supplants the law“⁴⁹), and to fear instilled by violence – „landlords are shot, agents in cold blood brutally murdered with great violence; old cruelties are also revived.“⁵⁰ However it involved also nonviolent tactics, notably a newly invented means of pressure, the boycott. In words of Lord Hartington, Secretary of Ireland, „such a state of terrorism prevails in Ireland“ that a substate society effectively commands obedience of the people.⁵¹ And another Irish Secretary, Lord Balfour, later added that „the place which the law ought to fill was occupied by the National [Land] League.“ Members of the League, he continued, „relied upon secret

⁴⁸ NYT, Dec. 10, 1880; NYT, Dec. 25, 1880; Jan. 21, 1886.

⁴⁹ NYT, Dec. 21, 1880.

⁵⁰ NYT, Dec. 6, 1880.

⁵¹ Ibid. The quote is dated to 1871.

societies, dynamite and the dagger, the object of which was to bring about a state of anarchy by means of assassination.⁵² League's „terrorism“ was described as incendiary (in a rare employment of *fire* metaphor, which would become much more frequent later);⁵³ as a revolt,⁵⁴ but also as a *war* against great land ownership.⁵⁵ In its turn, the League accused in a manifesto reprinted in *New York Times* the government of employing „a system of terrorism“ in which people were denied their constitutional rights.⁵⁶

The constitutional rights played an important role in another widely reported type of terrorism, which for a lack of better term I call here „electoral“. In *New York Times*, this terrorism (sometimes referred to as „political terrorism“) was primarily located to the *post bello* and *de facto* occupied South (and credited to the Democrats,⁵⁷ and defined as interference with free election as a standard mode of governance infringing on people's *rights*.⁵⁸ Moreover, it was accompanied by the state of „no law, no order, except the law of the revolver and the order that comes from obedience to the bandits.“⁵⁹ Needless to say, the racial element, i.e. denial of civil and political rights to „colored people“ was a crucial element, and this occasionally resulted in framing the issue („virtual serfdom“)⁶⁰ as „something more than national“ – that is, „cosmopolitan.“⁶¹ But electoral terrorism was by no means limited to the South. It was reported also from Greece⁶² or Silesia.⁶³ A case of terrorism related to election in a specific way was „the militant campaign of terrorism, ranging from arson and bombs to window breaking and the placing of chemicals in letter boxes“ waged by British Suffragettes.⁶⁴ On the other hand, terrorism in the South was not necessarily linked to elections, and certainly not temporarily limited to the decades after the Civil War, as illustrated by a reference to

⁵² NYT, Mar. 29, 1887.

⁵³ NYT, Dec. 7, 1880.

⁵⁴ NYT, Jan. 17, 1881.

⁵⁵ NYT, Jan. 9, 1870.

⁵⁶ NYT, Oct. 21, 1881.

⁵⁷ NYT, June 19, 1877; NYT, Nov. 26, 1877; NYT, Nov. 3, 1878; Sept. 8, 1880.

⁵⁸ NYT, June 5, 1872.

⁵⁹ NYT, Nov. 27, 1876.

⁶⁰ NYT, Aug. 23, 1872.

⁶¹ NYT, Aug. 5, 1872.

⁶² NYT, Dec. 17, 1923.

⁶³ NYT, Nov. 25, 1930; NYT, Jan. 25, 1931.

⁶⁴ NYT, July 7, 1913.

terrorism practised by a local government, which was making “punishment or crime impossible,”⁶⁵ or much later articles identifying terrorism with “night raids”⁶⁶ or Ku Klux Klan *rule* (“a state of chaos and terrorism”).⁶⁷

Terrorism was also practised by strikers, and also in this case it was associated with violence and lawlessness⁶⁸ – after all, it was negating one of the basic laws of the social order: the law of labour. State power (army) had to intervene to relieve population of this terrorism,⁶⁹ which appeared to have some ethnic component as workers were complaining on several occasions about „terrorism by foreigners.”⁷⁰

Never is terrorism mentioned in relation to the events notorious in the history of terrorism literature, such as Heymarket Bombing (1886) or McKinley assassination (1901), not mentioning the infamous incidents of „anarchist terrorism“ in Europe and Russia. Interestingly, with reference to the former, the only voice to speak about terrorism quoted in *New York Times* was Johann Most, who claimed that if the “anarchists” who were indicted in the case are hanged, it would be to “strike terror into the labor movement, and to prevent agitators and other intelligent men from telling the truth about monopolists and capitalists, who wish...to turn the Republic into a Czardom, and make terrorism the supreme power.”⁷¹ The link between terrorism and anarchism was not particularly established in discourse. But this is not to say that anarchism and terrorism were not related at all. In 1908, it was reported that the the United States “has declared open war on Anarchists” to “put end to terrorism” by driving them out of the country.⁷² In 1919, a news appeared about a failed plot to launch a “carnival of murder” planned by anarchists, who in this article were also termed

⁶⁵ NYT, Aug. 14, 1876.

⁶⁶ NYT, Oct. 11, 1920.

⁶⁷ NYT, Jan. 14, 1933.

⁶⁸ NYT, Feb. 5, 1888.

⁶⁹ NYT, June 27, 1871.

⁷⁰ NYT, Oct. 2, 1919.

⁷¹ NYT, Nov. 4, 1887.

⁷² NYT, Mar. 4, 1908.

“terrorists;”⁷³ and the next year, “government officials” were quoted in reference to Wall Street Bombing as saying that it was “an act of general terrorism” aimed against the Federal government.⁷⁴

Terrorism in Russia was mentioned rather late, and , first as a State terrorism (executing people without trial). The nonstate terrorism was first reported in 1903 when Social Revolutionist party reached was described as “less doctrinaire and more violent in tactics” since “it has revived something of the old terrorism which shook Russian Society twenty years ago.”⁷⁵ The organization would wage a “war of terrorism,” manifested e.g. in attacks on police officials.⁷⁶ But later, statements recorded about terrorism in Russia would refer either to (Bolshevik) revolutionary terrorism,⁷⁷ or to Soviet (regime) terrorism. In September 1918, *New York Times* printed a rather important government statement on the former subject, a telegram sent by U.S. Secretary of State Lansing to other governments. It reads, among other, that “this government is in receipt of information... revealing that the peaceable Russian citizens of Moscow, Petrograd, and other cities are suffering from an openly avowed campaign of mass terrorism and are subject to wholesale executions.” The government also “feels that it cannot be silent or refrain from expressing its horror at this state of terrorism” to which “peaceful” and innocent people are subjected by the revolutionary regime and “irresponsible bands.” While calling upon action, it intends to “impress upon the perpetrators of these crimes the aversion with which civilization regards their present wanton acts.”⁷⁸ The juxtaposition of *civilization* and *barbarism*, which would become one of basic discourses of terrorism among States, was explicitly pointed out in an accompanying commentary printed by the newspaper. The next day, a headline read “Wilson Condemns Rule of Terror in Russia.”⁷⁹ As for Soviet terrorism, in one later instance Soviet government was directly equaled with terrorism, and it was asserted that with this terrorism no other government should enter in relations.⁸⁰ It was manifested in a variety of

⁷³ NYT, Oct. 30, 1919.

⁷⁴ NYT, Sept. 18, 1920.

⁷⁵ NYT, Sept. 4, 1903.

⁷⁶ NYT, Aug. 17, 1906.

⁷⁷ NYT, Sept. 9, 1918; NYT, Oct. 9, 1919.

⁷⁸ NYT, Sept. 21, 1918.

⁷⁹ NYT, Sept. 22, 1918.

⁸⁰ NYT, Dec. 19, 1923.

ways, including eviction of non-*proletariat* from their homes during a housing crisis.⁸¹ But *New York Times* also recorded the Soviet regime's own perspective, from which enemies of the regime were labelled "terrorists" since the 1920s (and one of their typical characteristics was that they were supported from *abroad*).⁸² Interestingly, a day after Kirov murder (1934), *New York Times* headlines ran a headline "Soviet 'War on Terror.'"⁸³ In the regime's parlance and that of the designated enemies as recorded and mediated by the newspaper, the latter planned or executed acts of terrorism "to check the triumphant Soviet power"⁸⁴ since the change they desired could not be achieved by "democratic", that is *normal*, means.⁸⁵

Another phenomenon described as terrorism was violence and intimidation practiced by extremists of various kinds, including Communists / Spartacus League,⁸⁶ but particularly the Nazi, in places such as Germany or Austria before Nazi regimes were formed in these countries.⁸⁷ Nazi terrorism in Saar, prompting a petition to the League of Nations, was also noted.⁸⁸ Later (and already after the Marseilles attentat), the League's Saar Commission published a report in which it detailed "terrorism" in advance of the planned plebiscit and linked its perpetrators to German government.⁸⁹ In fact, in the period covered here State terrorism was reserved in statements published in *New York Times* to Tzarist Russia and Soviet Union. When Dolfuss instituted a new regime in Austria (1933), he declared that the system will be authoritarian, but felt it necessary to add that "we decline... terrorism. We will go as far in [the State's] defense as we are compelled to go, and we will allow no terrorists to overrun us."⁹⁰

⁸¹ NYT, Aug. 24, 1925.

⁸² NYT, June 11, 1927. On the other hand, "Communist terrorism" coercing workers was observed also in the United States. NYT, July 18, 1930.

⁸³ NYT, Dec. 4, 1934.

⁸⁴ NYT, Dec. 18, 1934.

⁸⁵ NYT, Dec. 27, 1934.

⁸⁶ NYT, Jan. 11, 1918; NYT, Nov. 26, 1918.

⁸⁷ NYT, Aug. 5, 1932; NYT, June 14, 1933; NYT, June 29, 1934.

⁸⁸ NYT, Jan. 18, 1934. Dispersed statements about terrorism in the League of Nations prior to 1934 are discussed below.

⁸⁹ NYT, Nov. 10, 1934. See League of Nations, Official Journal (Jan. 1934).

⁹⁰ NYT, Sept. 12, 1933.

Terrorism as a breach of conventional warfare was reported first during the WWI. The “barbarous practices” of German submarines were termed terrorism,⁹¹ as were the “methods of calculated brutality” employed by Central Powers intended, in Lord Balfour’s opinion, “not merely to crush to the dust those with whom they were at war, but to intimidate those with whom they were still at peace.”⁹² This “terrorism” involved violence and intimidation against civilians (and other neutral governments). As such, it consisted in suspension of the order of war. It was always attributed to governments by their (State) enemies.⁹³ (The same pattern would later be repeated, in an interesting pattern of continuity, during the WWII, when once again Germany would institute a “government by terror” in occupied territories and exercise “pure terrorism” on sea. In its turn, Germany would frame as terrorism acts of resistance committed under this government, and as “organized terrorism” the bombing campaign of the Royal Air Force.)⁹⁴ But “German terrorism” was also mentioned outside the war context. In a report from a Reichsraat session in Vienna, a Czech deputy Dr. Stránský was quoted as speaking about “fifty years of German terrorism” which now culminated in the partition of Bohemia.⁹⁵ Several years later, to legitimize the ongoing occupation of the Ruhr, Poincaré spoke of the German failure to abide by the articles of Versailles Treaty as terrorism.⁹⁶ (In fact, the activities in Ruhr that frustrated the subsequent occupation were *also* described as terrorism, as was, in opinion of German Foreign Minister Rosenberg, the conduct of French and Belgian troops there.⁹⁷)

Terrorism as reported by *New York Times* was certainly not spatially limited to the countries already mentioned. Terrorism obtained for a period of time or was attempted, according to printed

⁹¹ The “sea terrorism” related mainly to the submarines, but once it was reported as involving fire bombs planted on ships in Marseille. NYT, July 11, 1915.

⁹² NYT, Jan. 18, 1917; NYT, Mar. 15, 1918.

⁹³ The system of terrorism in this very sense was, unsurprisingly, attributed to Germany also by Commission on the Responsibility of the Authors of the War and on Enforcement of Penalties (see below).

⁹⁴ Cf. NYT, Apr. 8, 1940; NYT, Sept. 16, 1941; NYT, Sept. 30., 1941; NYT, Oct. 22, 1940.

⁹⁵ NYT, July 26, 1918. The next year, an article in *Geographical Review* on the history of Czech and Slovak people mentioned „terrorism and perspecution“ as means by which rebellions and revolts in Habsburg Bohemia were suppressed in the seventeenth and eighteenth century, with the assistance of the Jesuits. Interestingly with regard to some of the conclusions of this section (see below), the system by which the Habsburg ruled the country is elsewhere in the article called „misrule“ under which Czech people lived in „a constant state of insecurity and instability.“ Milivoy Stanoyevich, „Czecho-Slovakia and Its People,“ *Geographical Review*, vol. 8, no. 1 (1919): 31-36.

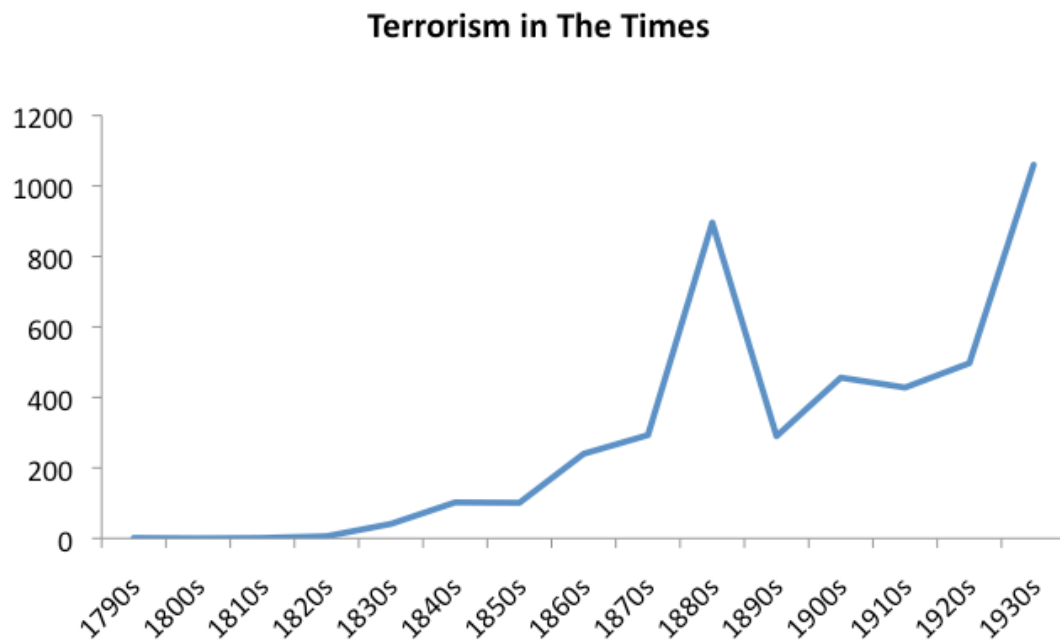
⁹⁶ NYT, July 16, 1923.

⁹⁷ NYT, July 8, 1923.

statements, also in Bulgaria (chaos and mass arrest and execution following a *coup d'état*),⁹⁸ Cuba (night explosions),⁹⁹ Bengal,¹⁰⁰ Macedonia,¹⁰¹ Spain,¹⁰² Philippines,¹⁰³ Japan¹⁰⁴ or China.¹⁰⁵ More importantly, it was also not limited to any political objective, since purely criminal terrorism associated with organized crime (*Mafia*) was reported from both Italy and the United States.¹⁰⁶

The Times (of London)

Let the attention now be turned to the other newspaper. The following chart illustrates the trend in reporting “terrorism” in the entire content of *The Times*:¹⁰⁷



⁹⁸ NYT, Apr. 23, 1925.

⁹⁹ NYT, Apr. 14, 1933.

¹⁰⁰ NYT, Dec. 1, 1931.

¹⁰¹ NYT, Apr. 7, 1902; NYT, Aug. 17, 1930.

¹⁰² NYT, Mar. 9, 1934.

¹⁰³ NYT, Sept. 20, 1900.

¹⁰⁴ NYT, May 16, 1932.

¹⁰⁵ NYT, Jan. 25, 1912.

¹⁰⁶ NYT, Feb. 11, 1900; NYT, Nov. 21, 1930. In a period academic article on organized crime, a „systematic terrorism“ is discussed which developed among gamblers since they were inhibited from settling their property rights disputes in court, i.e. by the State, and instead resorted to bombing, killing and arson as alternative means of settlement. H.B. Chamberlin and W.B. Chamberlin, „Some Observations concerning Organized Crime,“ *Journal of Criminal Law and Criminology*, vol. 22, no. 5 (1932): 652-670.

¹⁰⁷ The same note on methodology (OCR) made with regard to *New York Times* applies here as well.

Terrorism is first mentioned in *The Times* in 1796, when it was observed that „the dominion of terrorism is very far from being at a period in France.“¹⁰⁸ The increase in the 1880s is due, similarly to the trend noted in *New York Times*, to Irish terrorism. After a recession in the 1890s (to reiterate, the period of „the golden age of assassination“), terrorism is reported again in the next decade particularly in reference to the geographical space of Russian Empire (including Poland).

Some of the early instances include the report that Dijon „is still under the yoke of Imperial terrorism“ exercised by the army garrison in the period immediately following Waterloo,¹⁰⁹ or news of „ineffectual terrorism“ practised by the *government* in Ireland.¹¹⁰ Interestingly, at the same time a comic piece was printed informing that „Sultan pursues his plan of reform, but only by the most complete terrorism“ involving e.g. introduction of blows.¹¹¹ In the 1830s, terrorism in Ireland, rebellious parts of Canada (where authority of the law „seems to have been extinguished“),¹¹² Germany (by Berlin and Vienna trying to „annihilate liberty“ of German sovereigns and people),¹¹³ or „terrorism of the press“ (mentioned in a Parliamentary debate)¹¹⁴ were reported, as was terrorism in relation to the 1839 Newport riots („system of coercion“). In the next decade, terrorism is identified at least once in a positive meaning as alarmism with a good cause.¹¹⁵ But in the revolutionary year of 1848, *The Times* quoted Austrian Foreign Minister Baron Wessenberg in a government statement emphasizing the more familiar dichotomy of order and disorder when describing the present predicament: „There is no strife of nationalities... but a combat of order against anarchy, of legal authority, without which no government can exist, against terrorism, of preservation against destruction.“¹¹⁶

¹⁰⁸ *The Times*, Aug. 27, 1796.

¹⁰⁹ *The Times*, July 17, 1815.

¹¹⁰ *The Times*, Feb. 22, 1827; *The Times*, Nov. 4, 1828.

¹¹¹ *The Times*, Sept. 18, 1826.

¹¹² *The Times*, Dec. 6, 1837.

¹¹³ *The Times*, Sept. 24, 1832.

¹¹⁴ *The Times*, Dec. 19, 1831.

¹¹⁵ *The Times*, Sept. 30, 1840.

¹¹⁶ *The Times*, Nov. 8, 1848.

In the 1850s, *The Times* reprinted an article from *New York Herald* which compared the situation in the South – „invisible and lawless despotism“ – with terrorism existing during the French Revolution. As a consequence, in the South „there is as little of political liberty as in Russia.“¹¹⁷ Some years later, a failed attempt at „terrorism“ in Cracow was mocked in *The Times* – in the story, after „a gentleman accused of entertaining ‚reactionary‘ opinions“ was assaulted, he corrected those „terrorists“ with his walking stick. „Everyone seems delighted at the terrorists having been terrified.“¹¹⁸ Police terrorism (misbehavior) is mentioned in the 1870s,¹¹⁹ but the radical increase in incidences of terrorism in *The Times* in the next decade must be attributed to reporting the subversive terrorism related to Ireland and, to lesser extent, in Russia. In an interesting statement contrasting the two, the latter is depicted „both an end in itself and means to other ends. It gratifies a malignity of temper which has been festered till it has become a ruling passion.“ And while Anarchist or Nihilist must be condemned since his crimes are „inconsistent with an elementary form of civilization,“ at least his intent is *telligible* and *limited*. This cannot be said of the „dynamite fiend“ (terrorizing London, rather than the much more distant, both politically and geographically, St. Petersburg) who is a „cowardly murderer“ discriminating little among his victims. Therefore he can be attributed with unprecedented *barbarity*, since „in war the slaughter of non-combatants has always been looked upon as a mark of the blackest barbarism, but the worst acts of mediæval tyrants and of savage tribes have now been surpassed by the blind, though calculating, malignity of men domiciled as citizens in the most progressive country of the modern world.“¹²⁰ Meanwhile, in Ireland itself terrorism connoted, similarly to *New York Times*, a state without law which spread like „a *plague* [emphasis added] among a community deprived of the elementary safeguards of a civilized State.“¹²¹ Following an assassination of French President Sadi Carnot some years later (1894), Bismarck was also quoted using a medical metaphor when he expressed the opinion that “the

¹¹⁷ The Times, Oct. 29, 1856.

¹¹⁸ The Times, Sept 26, 1863.

¹¹⁹ The Times, Nov. 6, 1873.

¹²⁰ The Times, Jan. 26, 1885.

¹²¹ The Times, Apr. 12, 1887.

systematic and *endemic* [emphasis added] terrorism had not been known in Europe to the same extent before the appearance of Social Democracy.”¹²²

But assassinations in the 1890s do not seem to have been framed as terrorism, which in this decade remained linked primarily to „Irish matters“. These were reported also in the first three decades of the twentieth century, as was now also terrorism in Russian Empire (in Poland being constituted by assassination and robbery, but also e.g. by attacks of liquor stores);¹²³ Bolshevik revolutionary and State terrorism (and also, curiously, Bolshevik „land terrorism“ in Ireland);¹²⁴ and terrorism in Punjab („organized campaign of anarchy,“ a framing clearly suppressing the Separatist aspiration to a new political order)¹²⁵ and Bengal, viewed from the colonial perspective (as would be, since the 1930s, the terrorism practised by various parties in Palestine), but also in Germany or Austria. Similarly to the earlier political assassinations, the Franz Ferdinand d’Este attentat was not reported as an act of terrorism. Interestingly, German „war terrorism“ was expanded also to include „terrorist diplomacy“, uncovered immediately after the WWI (*The Times* were here reprinting reports by *Frankfurter Zeitung*), which consisted in „explosives and bacilli cultures distributed to French and Italian anarchists to practice acts of sabotage in those countries.“¹²⁶

Le Figaro

Interestingly, *Le Figaro*, published since 1826, has a first recorded mention of „terrorisme“ only as late as 1908, when it reported „anarchist terrorism“ in Spain.¹²⁷ The following instances refer to nonstate, subversive anarchist terrorism (in Russia, Spain or Belgium), rather than to terrorism as a state without law, or State terrorism. The exclusivity of nonstate terrorism, however, recedes during the WWI when, as in *The Times*, terrorism („une régime sévère de terrorisme“)¹²⁸ is reported from the territories occupied by Germany. (There were even references to „la philosophie teutonne

¹²² *The Times*, Sept. 14, 1898.

¹²³ *The Times*, June 11, 1906; *The Times*, May 18, 1907.

¹²⁴ *The Times*, Apr. 17, 1920.

¹²⁵ *The Times*, July 4, 1923.

¹²⁶ *The Times*, Dec. 2, 1918.

¹²⁷ *Le Figaro*, Apr. 5, 1908.

¹²⁸ *Le Figaro*, Jan. 5, 1917.

du terrorisme, qui s'appuie sur le postulat de la divinité du peuple german.¹²⁹) The scope of this „système du terrorisme allemande“ was later extended in delegitimizing claims to victimize also her enemies, and even its own population in order to sustain the war effort and prevent immediate collapse.¹³⁰ Interestingly, *Le Figaro* also reported the practice of terrorism by the Austrian government *vis-a-vis* Czechoslovak to prevent revolt – the „Habsburg system“ of terrorism consisted mainly in mass arrest.¹³¹

After the WWI, terrorism in Berlin as a *state of violence*;¹³² Russian revolutionary terrorism; terrorism in Barcelona (explosions) and Ireland were mentioned, as was terrorism in Morocco (1925), followed by a deliberation about the differences between „guerre européenne“ and the (asymmetric) conflict here.¹³³ Electoral terrorism was reported too, as was the terrorism as *disorder* caused by extreme movements in Germany and Austria; or terrorism in Indochina (murder, burning villages, pillage).¹³⁴ Immediately before the Marseilles attentat, terrorism in Europe was associated primarily with skirmishes and violence by storm troops in Germany, Austria and Saar. *Le Figaro* also noted that the puppet Manchurian government accused at this time Soviet Union of „having encouraged acts of terrorism in Manchuria“¹³⁵ – that is, of state-sponsored terrorism. (I will return to this case below.)

Voices of the Other

In the rest of this section, the discourse of those who were labelled „Terrorists“ either in the period *or* in the later histories of terrorism discussed above is overviewed. Those published statements by the prominent „advocates of terrorism“ – their status endowing them with some representativity – contribute to demonstrating the multiplicity of meaning of terrorism prior to the 1930s. Moreover, they show that while the (self)subjectivation as „Terrorist“ was not entirely absent

¹²⁹ *Le Figaro*, Jan. 30, 1917.

¹³⁰ *Le Figaro*, June 7, 1917.

¹³¹ *Le Figaro*, Feb. 7, 1917.

¹³² *Le Figaro*, Jan. 10, 1919.

¹³³ *Le Figaro*, July 6, 1925.

¹³⁴ *Le Figaro*, Feb. 22, 1933.

¹³⁵ *Le Figaro*, Apr. 28, 1932.

after Robespierre, it was not at all common and more often than not the identity is likely to have been attributed to him – either at the time, or later (for instance by the mere inclusion of some of them in Laqueur’s selection *Voices of Terror*; Laqueur 2004).

In several recent treatises on the history of terrorism, Karl Heinzen has been established as a (the) founding father of the modern terrorism (Laqueur 2001; Chaliand and Blin 2007; Grob-Fitzgibbon 2004; Bessner and Stauch, 2010). This view is usually substantiated by references to Heinzen’s *Mord und Freiheit* (1853).¹³⁶ In the piece, Heinzen claims that murder is murder no matter who commits it, and the reactionaries or – as he chooses to call them – the Barbarian party, including monarchs (branded as criminals and bandits), have no prerogative in this respect. This *Barbarian* party, to which a Freedom Party is the ideal binary opposite, have to be destroyed „even if we have to blow up half a continent or spill a sea of blood.“¹³⁷ The *leitmotif* of Heinzen’s philosophy of history is a war between those two parties, and his call for destruction is, in his view, defensive and thus legitimate, since in a distinctly Hobbesian vein he argues that it defies common sense to accept law that prohibits one’s defense against certain attack. More importantly, however, Heinzen never uses words „terrorism“ and „Terrorist“ in the tractate (instead referring to later much popularized *Freiheits-Kämpfer*) and when he dreams of „terrifying power to threaten the safety of whole masses of barbarians“ that would rest in hands of a few lone individuals,¹³⁸ it is within the context of discussion of *military* superiority of the Barbarian party. Since the enemy, however absolute, is clearly defined, there is no call for *indiscriminate* violence involving innocents or civilians. The other party’s superiority must be balanced by advanced technology of murder, instilling fear, and breaking conventions of war. In other words, that Heinzen called for mass murder and operated with fear in his theory of asymmetric warfare is indisputable. But whether he was an intellectual founder of modern terrorism as it is defined by its contemporary historians is much less certain.

Similarly to Heinzen, who dreamed of annihilation of the Barbarians wielding the reins of power, Mikhail Bakunin too speaks of the need to root out evil and purify Russia by sword and fire.

¹³⁶ Karl Heinzen, „Murder,“ in *Voices of Terror*, ed. Walter Laqueur (Naperville, IL: Sourcebooks, 2004).

¹³⁷ *Ibid.*, 62.

¹³⁸ *Ibid.*, 65.

But the only time he actually uses the word terrorism in the piece included in Laqueur's *Voices of Terror* is when he exclaims: „They will call it terrorism!“¹³⁹ This is of course anything *but* subjectivation as a Terrorist. Nechaev's *Revolutionary Catechism* (1869) – Nechaev was called „an initiator of Nihilist terrorism“ by *The Times* in 1884,¹⁴⁰ and many times afterwards – is just that: Revolutionary, rather than Terrorist. Nechaev's Revolutionary indeed breaks „every tie with the civil order and the entire cultured world“ with its laws, conventions and rules.¹⁴¹ In other words he places himself in radical opposition and enmity towards it („his sole and constant object is the immediate destruction of this vile order“). But the state he fancies exists between him and the society is a *state of war*.¹⁴²

Among the more real „voices of terror“, on the other hand, one can hear Morozov, Tarnovski or Kravchinski. In his manifesto *Terroristicheskaya Borba* (1880) Morozov feels compelled „to clarify theoretically,“ since people understand it in different ways.¹⁴³ He defines it as asymmetric (since the Terrorist is able to avoid the clash with „the blind and insensible force“ of the State) and just, since in contrast to mass armies killing themselves the individual assassinations „punish only those who are responsible for the evil deed.“¹⁴⁴ For Morozov, terrorism is „a punishing system“ and the Terrorist is an „unseen revenger“. A similar argument, i.e. that terrorist revolution is more *reasonable* and *humanitarian* than mass revolution, is made by Tarnovski in *Terorizm i Rutina* (1880). Since Terrorists are defenders of the people, they have the right to ignore public conscience as this is inculcated in them by those in power.¹⁴⁵ Kravchinski' is the true eulogy of the Terrorist. After he has argued that government is „organized injustice“ likened to a foreigner in an occupied country against whom everything is permitted, he continues with a description of the Terrorist as „the defender of outraged humanity,“ noble, terrible, „irresistibly fascinating, for he combines in himself the two

¹³⁹ Mikhail Bakunin, „Revolution, Terrorism, Banditry,“ in *Voices of Terror*, ed. Walter Laqueur (Naperville, IL: Sourcebooks, 2004).

¹⁴⁰ *The Times*, Feb. 2, 1884.

¹⁴¹ Sergei Nechaev, „Catechism of the Revolutionist,“ in *Voices of Terror*, ed. Walter Laqueur (Naperville, IL: Sourcebooks, 2004), 71.

¹⁴² *Ibid.*, 72.

¹⁴³ Nikolai Morozov, „The Terrorist Struggle,“ in *Voices of Terror*, ed. Walter Laqueur (Naperville, IL: Sourcebooks, 2004) 80.

¹⁴⁴ *Ibid.*, 76.

¹⁴⁵ G. Tarnovski, „Terrorism and Routine,“ in *Voices of Terror*, ed. Walter Laqueur (Naperville, IL: Sourcebooks, 2004).

sublimities of human grandeur: the martyr and the hero.¹⁴⁶ While a mature man, rather than a „dreamy idealist,“ he is actually described in stark Romantic colours, „proud as Satan rebelling against God,“ and possessing „the type of individual force, intolerant of every yoke.“¹⁴⁷

Social Revolutionists in Russia also issued manifestos in which they proclaimed, as quoted by Lenin in *Iskra*, that „we advocate terrorism... if terrorism is practiced systematically, it is obvious that the scales of balance will finally weigh down on our side“ (Laqueur 2004, 197). Terrorism as an instrument of Socialist revolution, but also of national liberation, would later be embraced by Bhagat Singh in a manifesto of Hindustan Socialist Republican Association called *The Philosophy of the Bomb* (1929). What Nacht understood in *Die direkte Aktion* under such included „revolutionary terrorist strike, economic terror [or] personal terrorism“ (quoted in Sedlmeier 2007, 294). And even Vera Zasulich, the almost mythical heroine of anarchist violence in Russia, supposedly claimed after one attentat that she was a Terrorist, *rather* than a killer (Rapoport 2005, 50).

Trotsky, on the other hand, condemned „individual terrorism“ of Social Revolutionists in *Der Kampf* (1911), because „it lowers the political consciousness of the masses, causes them to acquiesce in their own lack of strength, and directs their gaze and hopes to a great avenger and liberator who may come one day to do their work for them.“¹⁴⁸ His, as Lenin’s, was structuralist critique: the real change must be brought about by the masses. Moreover, he explicitly resisted the (external) subjectification of the Terrorist: „Our class enemies are in the habit of complaining against our terrorism. What they mean by terrorism is not always clear. They would particularly like to brand with the name of terrorism all those acts of the proletariat directed against their interests. In their view, strikes are the chief method of terrorism.“¹⁴⁹ He did *not* resist representation of class war as terrorism, however, provided only that the broadest possible definition of terrorism were used, that is, if terrorism was taken to mean instilling fear in the enemy or causing him to suffer damage. (Yet bourgeois politicians hardly have the *right* to speak of proletarian terrorism when „their whole state

¹⁴⁶ Serge Stepniak-Kravchinski, „Underground Russia,“ in *Voices of Terror*, ed. Walter Laqueur (Naperville, IL: Sourcebooks, 2004), 89.

¹⁴⁷ *Ibid.*, 90.

¹⁴⁸ Leon Trotsky, „The Collapse of Terrorism II,“ in *Voices of Terror*, ed. Walter Laqueur (Naperville, IL: Sourcebooks, 2004).

¹⁴⁹ *ibid.* 203

apparatus, with its laws, police, and army, is none other than the apparatus of capitalist terror."¹⁵⁰) Moreover, he certainly did not shy away from revolutionary terrorism. In a reply to Karl Kautsky who had earlier contested a dictum that „terrorism belongs to the very essence of revolution“¹⁵¹ he made a rather *Realpolitik* argument in its favour: „The revolution does not ‚logically‘ demand terrorism... But the revolution does require of the revolutionary class that it should attain its end by all methods at its disposal – if necessary, by an armed rising; if required, by terrorism.“¹⁵²

Conclusion

The standard histories of terrorism, conditioned by complex productive processes at the nexus of power and knowledge discussed in detail in the fifth chapter, are characterized by backward projection of the concept of terrorism, by endowing it with an æternal essential properties (while allowing for the mutability of the accidental ones) and ironically, while attempting to historicize the subject, also by claiming exceptionality of the present times. To undermine those essentially *Ursprung*-based histories, the catalogue of variety demonstrating the multiplicity of meaning of terrorism in the discourse before the 1930s was presented here: terrorism in this period could stand for state, both in peace and war; or activity, both violent and nonviolent etc. Only at the most abstract level, leaving the concept with much irresolution one can find common denominator for these usages in displacement of terror from its constituted limits either in *stasis*, a state of specific disorder and void of law, or action undermining the existing mode of governance. Hence, when terrorism emerges in the discourse among States following the Marseilles attentat in which Yugoslav King Alexander I and French Foreign Minister Louis Barthou perished (1934), it can now plausibly be claimed that it was a process of *Entstehung*, a violent and narrowing reinterpretation contingent on a certain constellation of power, rather than emanation of any essential and historically inevitable *Ursprung*.

¹⁵⁰ *ibid.* 204

¹⁵¹ Karl Kautsky, *Terrorism and Communism: A Contribution to the Natural History of Revolution* (London: Allen and Unwin, 1920).

¹⁵² Leon Trotsky, *Dictatorship vs. Democracy: Terrorism and Communism* (New York: Workers Party of America, 1922).

The conditions of this emergence and of the discourse that followed it are the subject of the next chapter.

Emergence/y (1930s)

This chapter has a twofold aim. It inquires into the conditions of emergence of the discourse of terrorism among States in the 1930s. Secondly, this discourse's order is described, and conditions of statements which constitute the subject of the Terrorist Other and its complementary Selves inquired into. To explore the general milieu in which emergence of terrorism was possible, Schmitt's analysis of the collapse of international order is taken as a point of departure, from where the argument is developed that this emergence was a hegemonical instrument to preserve a fictional community of States by means of a collective normalizing action by this community (which however remained restricted to the discursive practices, and thus it is not yet possible to speak of a constitution of true *dispositif*). In the second section, to demonstrate how from what accidental origins and separate elements the hegemonical unity of *international terrorism* and the subject of the Terrorist were constructed and how this construction was conditioned, the survey of the discourse of terrorism in the 1930s follows, governed by the research design set in the first chapter.

Things Fall Apart

„Things fall apart; the centre cannot hold; / Mere anarchy is loosed upon the world.“ Thus reads Yeats' verse from *Second Coming* (1919). Hardly could one find a more fitting period poetic epitome to the crisis of order that Carl Schmitt described in his *Der Nomos der Erde* (1950). It is this crisis, I wish to argue in this section, that forms the basic condition of the emergence and order of the discourse of terrorism among States in the 1930s.

The Crisis of International Order...

A moment in human history arrived, argues Schmitt, in which the dilemma between universalism and pluralism, or monopoly and polypoly emerged. In consequence, the spatial order of European public law (*jus publicum Europeanum*) which, among other, made a bracketed war conditioned by constrained enmity (*justus hostis*) possible, dissolved into general universality (Schmitt 2003, 227). It was replaced by empty normativism, obscuring the fact that the territorial principle on which effective international law could be founded was eroded, and a normative vacuum came to abide instead. The League of Nations, while appealing to the universality of public opinion and refusing plurality of political spaces (*Großräume*), lacked such principle of territorial *status quo*. This was mainly because some great powers were absent, and the United Kingdom and France had radically different conceptions of this *status quo*.

Characteristic of this breakdown of international order was the negation of the concept of bracketed war. It was to be succeeded by the paradigm war's *abolition* – a war of aggression would now constitute a crime against humanity, and humanity, in its turn, would pronounce judgment upon the aggressor.¹⁵³ While the League of Nations' Covenant provided merely a mechanism to prevent war,¹⁵⁴ the indictment of a Head of State (Wilhelm II) and the war guilt clause – however limited to reparations issue – in the Versailles Treaty; the Geneva Protocol (1924) defining aggressive war as an international crime (Czechoslovakia was the only country to ratify the protocol);¹⁵⁵ and Kellogg-Briand Pact all aimed at its *criminalization* (even if not in the strict sense, since it was the State who would be responsible, rather than the warmongering individuals who represented it). But instead of æternal peace, what emerged in absence of spatial ordering principle (*nomos*) was a global civil war, a war of annihilation in which enmity was absolute and neutrality impossible, since parties usurped the universalist concept of humanity for themselves and denied it to the enemy (Schmitt 2003, 246; Schmitt 1996, 54). By no means ordered out from the realm of international relations, the naked

¹⁵³ Humanity plays this role e.g. in the report of Commission on the Responsibility of the Authors of the War and on Enforcement of Penalties. The report was published in *The American Journal of International Law*, vol. 14 (1920), no. 1; cf. also Schmitt (2003, 265).

¹⁵⁴ Even its earliest advocates such as Lord Bryce or G. Lowes Dickinson were concerned with prevention, rather than abolition of war, since in absence of an international sovereign power, the latter was considered impracticable (cf. Bryce et al. 1917).

¹⁵⁵ In the late 1930s, perhaps due to the changing international climate, Czechoslovakia would claim at an international legal conference, however, that it was not timely to propose individual prosecution against the League of Nations' Covenant, art. 10 on the ground that it was not presently certain if peace was „un bien juridique.“ Report from International Association of Criminal Law's Fourth Congress (1937) to the League of Nations, registered as Doc. 3A.29706.2293.

power ruled with no constraint, clothed in revolutionary idealism, and the „low dishonest decade“ (W.H. Auden)¹⁵⁶ that this dissertation is concerned with would culminate in the new pandemonium. (E.H. Carr was one of the first critics of this transformation in the emerging discipline of International Relations; cf. Carr 1939). International lawyers, Schmitt claims, played their role in the process: they „served to intensify the dominant normative industry and to produce an illusory science of international law“ (Schmitt 2003, 243).

Schmitt's main concern in *Der Nomos der Erde* is the abolition of bracketed war as a manifestation of the international crisis caused by a removal of *nomos* that eventually resulted in a global civil war. States' discourse of terrorism, this section argues, emerged as a second fundamental manifestation of this crisis. To reverse the argument: *this crisis was a fundamental condition of the discourse's emergence.*

...and the Emergence of Terrorism in States' Discourse

The Terrorist appears on the stage in the discourse among States as a new *hostis humani generis*, a (modern) Barbarian challenging the international order. Yet the international Terrorist is never a Subject acting in its own right (however he may be endowed with a political objective of changing territorial *status quo*). He is the instrument of State, and the terrorism that States debated among themselves in the 1930s was terrorism as an instrument of State policy (which would later become called state-sponsored terrorism) – a „disguised intervention.“¹⁵⁷ International terrorism was therefore constructed as a clandestine State action against a new international order, and it would be subjected to the universalist action to suppress it – *another* construct, both an immediate means of conflict management and a more general disciplinary means of preserving the fictional international order of „civilized States“. (Since this action was limited to *discursive* practices, it was not a real power management apparatus or a *dispositif* in Foucault's terms, which would be encountered only later.) Some members of this community were sensitized to the crisis that was

¹⁵⁶ W.H. Auden, *September 1, 1939*.

¹⁵⁷ League of Nations, Official Journal, Records of the Seventeenth Ordinary Session of the Assembly, Special Supplement no. 156 (Minutes of the First Committee), statement by Soviet Union.

upon them, and which was the proper *Weltkonjunktur* in which the Terrorist could be forcefully constituted as Subject in States' discourse:

[...] one of the most difficult factors in the European situation is that we have been accustomed to combine force with policy, and that, having combined them on the heights where, during the great war, force was employed in the service of what one country or another believed to be justice, we now find that, in the depths of more or less individual initiative, that same force is often combined with common murder and odious terrorism.¹⁵⁸

The actual emergence of the States' discourse of terrorism took place in the aftermath the Marseilles attentat (see below). Yugoslavia, and more precisely the entire Little Entente – which in this period formed an “international political community” and exercised a common foreign policy – was able to successfully charge Hungary with sponsoring terrorism in the Council of the League of Nations, and launch a debate that would last three years and conclude with two international conventions on the subject.¹⁵⁹ That this would be the case was hardly inevitable, however. It had not been at all common, as demonstrated above, to identify political assassinations with terrorism (while terrorism was used in reference to a extensive set of rather disparate other phenomena), and it would remain subject of some controversy even in the following years whether the Marseilles' killings had anything to do with *terror*. To give a contrafactual example, it could have been as plausible to charge “international partisanship” in the Art. 11/2 motion instead; or mere intervention without any specification of kind.

However, the latter option was not feasible since since as such it would not respond to the need for a forceful disciplinary counteraction. Moreover, terrorism was moreover indeed somewhat predisposed, on the basis of the abstract patterns identified in the previous chapter, to meet the requirements. In addition, there was the legal discourse of terrorism which, having recently emerged itself, conditioned not only the order of the States' discourse, but also contributed to its very emergence, despite ongoing debate on the nature of terrorism. All that said, terrorism had *not* been established as a category of political violence that could be readily and unproblematically used to endow with meaning what happened on October 9, 1934 in Marseilles.

¹⁵⁸ League of Nations, Official Journal, vol. 15, no. 11 (Dec. 1934), statement by Poland.

¹⁵⁹ Beneš actually later claimed in the League of Nations' Council that Hungary had sponsored terrorist attempts against „integrity and security” of not only Yugoslavia, but also Czechoslovakia. See Minutes of the Council meeting, League of Nations, Official Journal, vol. 15, no. 11 (Dec. 1934), statement by Czechoslovakia.

Previous Statements: Disordered and Dispersed

It would be sensational and historically inaccurate to claim that this emergence of (international) terrorism in the States' discourse was the very first time „terrorism“ appeared in the debate at an international forum. While the anarchist conferences dealt with political violence that would only later be generally termed terrorism, there had indeed been several attempts to establish terrorism in the discourse of States previously. After the WWI Commission on the Responsibility of the Authors of the War considered whether „systematic terrorism“ could not be defined as a war crime. Such terrorism was attributed to „primitive barbarism,“ which was nonetheless „aided by all the resources of modern science.“¹⁶⁰ Then, some years later, Romania suggested in a written response to the query made by the League of Nations's Committee of Experts for the Codification of International Criminal Law that terrorism be included among international crimes.¹⁶¹ The expert body, however, took no action to that end. In the following years prior to the Marseilles attentat, terrorism would feature in a few reports (more as a *state of terror*) without nonetheless provoking any substantial debate whose rules could be identified and in which the Terrorist as a Subject could take shape. (When governments were asked at this time to express the opinions on the progressive unification of criminal law – discussed in detail below – terrorism was not specifically listed and some States even claimed that they did not see *any* criminal matter at present which would require such special treatment.)¹⁶²

States would accuse themselves of terrorism or sponsoring terrorism, as demonstrated by some newspaper statements above and evidenced further in the correspondence between Yugoslavia and Hungary which was later included among the statements forming the discourse of terrorism

¹⁶⁰ Commission, op.cit. Systematic terrorism as a crime was later considered also by London International Assembly and UN War Crimes Commission (1943), which heavily drew upon the Commission on the Responsibility's list of crimes (Saul 2006a, 283; Glaser 1973, 828). But in the end, terrorism was refused as a distinct crime in Nürnberg, though the term featured in period documents e.g. of Office of United States Chief of Counsel for Prosecution of Axis Criminality, Nazi Conspiracy and Aggression, whose detailed analysis does not, however, fall within the purview of this dissertation. Suffice it to say that it was framed, among other, as a means of securing cohesion of German people for war purposes, i.e. it represented an illegitimate means of securing societal cohesion which was not *per se* an illegitimate objective, but was made so since it was necessary in order to successfully wage an (illegitimate) war of aggression.

¹⁶¹ Doc. C.196.M.70.1927.V.

¹⁶² Doc. A.7.1933.V.

inquired into in the next section. (Belgrade complained of terrorist activities, outrages, and crimes conducted from Hungarian territory since 1930.)¹⁶³ But all in all, the statements they made were dispersed and undisciplined and it took a particular constellation of forces, including the general *Weltkonjunktur* but also the patterns of cooperation and conflict in Central Europe and the link between Little Entente and France (the constellation obviously different from that in the Far East, especially after Mukden), to successfully launch the substantial discourse of terrorism including an unprecedented number of statements disciplined (however imperfectly) by a common order.

The First Coalition against Terrorism

Before inquiring into this order of States' discourse of terrorism, I wish to discuss in more detail the character of the action against terrorism. After all, it is the antecedent of the present universalist project, the global war on terror. But while the present project is best defined by excess (see the fifth chapter), the first coalition against terrorism was characterized rather by an inherent paradox which well illuminates the nature of the international crisis discussed by Schmitt. The objective of this international action was to contain political violence subversive to order to those (national) political spaces in which it came to life, and thus to protect the *international order* from the universal scourge of terrorism. Therefore, it was *not*, unlike some contemporary (in Latin America) and past (Holly Alliance) States' projects, aimed at the common protection of their national constitutional orders. It was understood that States had no responsibility for protection of other's order, one rare exception being safe havens for armed bands that participated in a civil war.¹⁶⁴ But while this „counter-terrorism“ was essentially a *conservative* reaction to a crisis, its character was not conservative at all. The envisioned new mode of governance (filling a „gap in international organisation“) ¹⁶⁵ involved universal *normalization* (terrorism as criminal offence in all national orders, subject to same punishment whether committed inside or outside them, and not granted any

¹⁶³ The correspondence between Yugoslavia and Hungary (1930-1934) is reprinted in Doc. C.518.M.234.1934.VII (annex 1523e), appendices 1-48.

¹⁶⁴ Cf. Doc. 3A.15085 LN (1934), Responsabilité des Etats pour des activités révolutionnaires contre des Etats étrangères, confidential memorandum by the Secretariat's legal section.

¹⁶⁵ League of Nations, Official Journal, Records of the Seventeenth Ordinary Session of the Assembly, Special Supplement no. 156 (1936), Minutes of the First Committee.

special protection as a political crime)¹⁶⁶ and creation of *universal* and *extraterritorial* instruments and means of communication, supervision (surveillance)¹⁶⁷ and punishment of terrorism (closing of jurisdictional lacunae; International Criminal Court to ensure universal prosecution).¹⁶⁸ Therefore, it actually further undermined the eroding order by means of this universalist disciplinary action which was to protect the fictional community of civilized States.¹⁶⁹

That it was unsuccessful in the end, and the instruments were children born dead, is another matter, which is given more attention below. Suffice it to say here that the issue of possibly compromised national sovereignty spurred much debate (whereas there was much misunderstanding whether it indeed did or not),¹⁷⁰ was cited as one of the reasons why diplomatic conference was necessary to negotiate the conventions,¹⁷¹ and finally, when it was concluded, was emphasized as a main reason why the power of the instruments were created in a more modest form than originally envisioned.¹⁷² (Interestingly, for a quasistate such as China the proposed repression of terrorism was a means which it attempted to use, in a discursive move, to *restore* territorial

¹⁶⁶ Since the international order regarding the character of its constituents as it is today (though we think it is more normalized than it actually is), a possible exclusion from the new mode of governance could be claimed for colonies, protectorates, territories overseas or under State's suzerainty. Convention for the Prevention and Punishment of Terrorism (C.546.M.383.1937.VII), art. 25. India, the only signatory (while itself not a proper „State“) who ratified the convention, actually declared it would make use of this right.

¹⁶⁷ The history of international surveillance goes back at least to the late nineteenth century, as noted above. But it is not without interest that in 1931, International Conference of Central Police Offices proposed a convention on international cooperation of police forces consisting in formation of an information bureau for effective „prevention and punishment of international crime,“ a proposal which was later furthered to Committee of Experts preparing the convention on terrorism. See Doc. C.193.M.76.1931.III, App. 5; and Doc. C.R.T.1 (1935), Committee for the Repression of Terrorism, Responses of Governments, statement by Austria.

¹⁶⁸ See Convention for the Prevention and Punishment of Terrorism (C.546.M.383.1937.VII), particularly art. 15, 16; and Convention for the Creation of an International Criminal Court (C.547.M.384.1937.VII). The proposal to create the court was but an episode in the thorny history of international arbitration which cannot be rehearsed here. Suffice it to say that it was in the 1920s, the universalist heyday, that the idea for International Criminal Court „emerged from the realms of pure fantasy and entered the offices and studies of men versed in the science of law, where it began to assume a concrete form.“ Doc. Conf.R.T./P.V.18(1937), Minutes of the Diplomatic Conference. For a review of legal literature on the subject see Hudson (1938, 551).

¹⁶⁹ Indeed, there were a few attempts to counter modernity not with this (universalizing) modernity, but rather an (isolationist) countermodernity. For example, Institut international de cooperation intellectuelle passed a resolution (1931) on a project of radiodiffusion in order to prevent propaganda disseminated by new channels of communication, thus raising virtual walls at the national boundaries (whose construction would indeed be attempted during the Cold War). The resolution was received and registered by the League of Nations as Doc. C.12.1934.XII.

¹⁷⁰ Cf. Doc. C.R.T.25 (1936), responses of governments.

¹⁷¹ Cf. League of Nations, Official Journal, Records of the Seventeenth Ordinary Session of the Assembly, Special Supplement no. 156 (1936), Minutes of the First Committee, statement by France.

¹⁷² Doc. Conf.R.T./P.V.18 (1937), Minutes of the Diplomatic Conference.

sovereignty – in the Committee of Experts it had earlier proposed that repression were in hands of local authorities even in countries where exterritorial jurisdiction otherwise existed.)¹⁷³

The action by the „coalition against terrorism“ was a (constructed) war of civilization against barbarism, a total war of annihilation and absolute enmity. That would not be the most interesting discovery, however. The author of subversive political violence subjectified as the Terrorist had, after all, deliberately operated outside the bracketing of war. Like Schmitt’s Partisan – an ideal type – he risked everything and could not expect any mercy (cf. Schmitt 2004). The key conclusion of this section is, instead, that terrorism as it emerged in the discourse among States in the 1930s was a construct intended to manage an international order and was conditioned more by its inherent crisis than any „objective“ factor such as emergence of a modern revolutionary characterized by absolute enmity and free movement across territorial boundaries.

A History of Patient and Painstaking Endeavour¹⁷⁴

“Europe shocked, fears grave complications,” read the headline of *New York Times* the day after King Alexander I of Yugoslavia was slain on October 9, 1934, together with French Foreign Minister Louis Barthou – the latter possibly by hand of French police in the chaos that ruled the scene – less than an hour after he arrived at Marseilles aboard a cruiser *Dubrovnik* for a government visit. While Belgrade immediately sent troops to Italian and Hungarian border to “avert invasion,”¹⁷⁵ significantly not doubting for a minute that (these) States were behind the assassination which would become a founding act of “international terrorism” in the 1930s, the situation calmed eventually, and resulted not in any further immediate international hostilities. Marseilles was not to be a new Sarajevo.

¹⁷³ Doc. C.R.T.1 (1935), Committee for the Repression of Terrorism, Responses of Governments, statement by China.

¹⁷⁴ This was a summary of the League of Nations action by Count Carton de Wiart, President of the Conference on the International Suppression of Terrorism, in his introductory speech on November 1, 1937. Conf. R.T./P.V.1.

¹⁷⁵ NYT, Oct. 10, 1934.

The act itself and *its* circumstances are not of immediate concern here. Suffice it to say that the King had previously instituted in his land a regime that can usefully be categorized as *sovereign dictatorship*, characteristically aimed at achieving *unity* of his subjects (for Schmitt's concept of sovereign dictatorship see Schwab 1970). Interestingly, at that time, it was described in a Chatham House lecture as "*misgovernment*" and "a system of *political terrorism* of the worst kind" involving numerous "police *outrages*" (emphasis added).¹⁷⁶ He was murdered by a member of Internal Macedonian Revolutionary Organization (IMRO), assisted by Croat *emigrés* linked to Pavelić's *Ustaša* organization.

There is little doubt that absolute enmity towards representatives of the government they attempted to dismantle was a characteristic of these organizations. In words of Ante Pavelić: "The struggle will be hard, pitiless, terrible, bloody – a struggle for life and death, by all methods, to shake off alien force."¹⁷⁷ So was their transnational mode of operation, which included benefiting from "safe havens" (such as training facilities) in Hungary, Italy or Bulgaria. However, it was hardly inevitable on the basis of those facts that the discourse of international terrorism would emerge among States following the assassination – notably because it was not by far a first assassination of a head of state by clandestine organization with transnational links striving to tear down existing order of governance. (It was not even dominantly represented as an act of terrorism in the period press – instead, *crime*, *assassination* and *outrage* were the dominant labels used.) And yet, it would emerge, carved off from a multiplicity of terrorisms outlined in the previous chapter and given, however imperfect, name.¹⁷⁸

Discourse Overview

¹⁷⁶ The lecture was delivered by R.W. Seton-Watson and reprinted as „The Yugoslav Dictatorship,” *International Affairs*, vol. 11, no. 1 (1931): 22-39. In another lecture delivered shortly after the Marseilles attentat, the famous British historian warned, nonetheless, against seeing Yugoslavia (the very name given to it and the respatialization of its constituent units being an act of the sovereign dictatorship) as „peculiarly a country of political crime” since e.g. political crimes were more numerous in the neighbouring Bulgaria and repression more severe in Italy. R.W. Seton-Watson, „King Alexander's Assassination: Its Background and Effects,” *International Affairs*, vol. 14, no. 1 (1935): 20-47.

¹⁷⁷ *Nezavisna Hrvatska Država*, June 16, 1934 (quoted in Seton-Watson 1935, 32).

¹⁷⁸ In what follows I do not attempt to write a linear history of how this happened, but rather focus on the order and conditions of the discourse. For legal historical accounts of this process, see e.g. Zlataric (1975); or Saul (2006b).

The Marseilles attentat immediately provoked a debate about terrorism in the Council of the League of Nations (based on a request by Yugoslavia under art. 11/2 of the Covenant, i.e. relating to circumstance affecting international relations which threatens to disturb international peace),¹⁷⁹ eventually leading to a decision to create a committee of experts that would prepare two conventions (based on a proposal submitted in between the Council meetings by France)¹⁸⁰ – one on the prevention and punishment of terrorism, the other on an international criminal court. (The latter issue was separated from the former since there existed disagreement on its utility which, it was foreseen, could impact the action in other areas.)¹⁸¹ The Committee sat three sessions (1934-1936), while the issue was also discussed in Assembly's First Committee and States were asked three times for their written comments.¹⁸² Finally, a diplomatic conference was convened by the Council to deliberate on the draft conventions (1937),¹⁸³ which in the end were indeed concluded and signed by a number of parties (the first convention by 24 States, of which 12 were European).¹⁸⁴

The political discourse of terrorism can therefore be divided in two parts. The first was characterized by the need of political resolution of international conflict between Yugoslavia – and by extension, Little Entente – and Hungary; the second by the discussion about the substance of international terrorism and effective universal action to suppress it. These institutional debates, together with the submitted individual communications by governments, frame the political discourse of terrorism in the 1930s.¹⁸⁵

¹⁷⁹ Doc. C.506.M.225.1934.VII.

¹⁸⁰ Doc. C.542.M.249.1934.VII. For the drafts, see docs. A.7.1936.V; C.222.M.162.1937.V.

¹⁸¹ Docs. C.546.M.383.1937.VII and C.547.M.384.1937.VII.

¹⁸² These comments are collected e.g. in docs. C.184.M.102.1935.V and A.24.1936.V; for analytical summary of the second round of responses by the Secretariat cf. Doc. C.R.T.25 (1936).

¹⁸³ Doc. C.255.1937.V.

¹⁸⁴ See the international conference's Final Act, Conf. R.T.29; and report to the Council, Doc. C.50.1938.V. The conference was attended by 35 States, with invitations sent not only to the League of Nations' members, but also to the United States, Germany, Brazil, Costa Rica, Free City of Danzig, Japan, Iceland, Liechtenstein, Monaco and San Marino. The list of the States that signed the convention includes Albania, Argentine, Belgium, Bulgaria, Czechoslovakia, Cuba, Dominican Republic, Egypt, Ecuador, Estonia, France, Greece, India, Haiti, Monaco, Netherlands, Norway, Peru, Romania, Spain, Turkey, USSR, Venezuela, and Yugoslavia.

¹⁸⁵ For more details regarding the composition of source material refer to the first chapter, research design section. Despite its title, the Committee of Experts is included in the discourse of States since the members were nominated and spoke for their governments – unlike, for example, at conferences on unification of criminal law which are treated under academic discourse.



The two conventions never entered in force. The terrorism convention would be ratified by a single signatory, India – instead of the minimum of three – and the criminal court convention would not be ratified by anyone. The reasons mentioned in literature usually include the forthcoming global conflagration (WWII) or the inability to agree on the definition of terrorism (cf. Glaser 1973, 827; Franck and Lockwood 1974, 70). In an alternative narrative, the resolve to negotiate the conventions was merely intended to alleviate international tension after the Marseilles attentat, and there was not much interest on the part of States to create an effective instrument (cf. Walters 1969).

In my analysis, what seems to have played a dominant role in the failure of the attempt to create the international mode of governance (including surveillance) founded on a superterritorial principle to effectively cooperate against the superterritorial threat of “international terrorism” was that States’ ideas about this structure of governance (rather than the definition of terrorism / terrorist act as such) varied to such extent that in the end, too many corners had to be cut. A certain number of States, moreover, were opposed to any perceived diminishment of their territorial sovereignty, and thus art. 8/4 in the terrorism convention was inserted which ultimately guaranteed

right of any State to decide on exception in the nonextradition regime.¹⁸⁶ But the failure of the disciplining construct of repression of international terrorism was not caused by any *reaction* against universality. The battle over terrorism was fought for three years and until the bitter end at the diplomatic conference in Geneva, and the discourse emerged in consequence, disciplined in a order that suppressed or made statements doubting the extent of the terrorism threat or desirability of concerted action extremely rare. Rather, it was a manifestation of the universalism's *failure*.

Whatever the reasons, the first attempt at international *counter-terrorism* failed. The significance of the discourse of terrorism that preceded it, however, is beyond doubt. The constitution of "international terrorist" as a Subject would prove durable, at least in part. So would the definition of terrorism (terrorist act) and its intimate link with the interest of a State, which would resonate in later attempts to arrive at a legal definition of terrorism at international fora, particularly in International Law Commission's Draft Code of Offences (1954) and in UNGA Resolution 49/60 (1994).

Law of Rarity: Excluding and Binding

Everything is never said. That which *is* said is determined by the law of rarity, the fundamental rule accounting for a fragmentary and incomplete character of the enunciative field. In what follows it is not claimed that diversity did not exist in what actually was said. But using counterfactuals (and ensuring, at the same time, representativity of the discursive "factuals") I attempt to establish elementary and *nearly* – for no discourse is ever *perfectly* disciplined – universal common rules conditioning the statements' enunciation.

¹⁸⁶ Doc. C.546.M.383.1937.V. Saul suggests that States wanted to preserve the right of asylum in face of the growing authoritarianism (2006a, 175). This argument is close to my sovereignty thesis, and indeed the right of asylum, as shown below, was discussed in connection with terrorism. It is somewhat too narrow, however, not least since the Liberal States that took part in the negotiations and which *actually* raised this argument were rather few. For an actual articulation of the position expounded by Saul cf. League of Nations, Official Journal, Records of the Seventeenth Ordinary Session of the Assembly, Special Supplement no. 156 (1936), Minutes of the First Committee. statement by Norway. France, in contrast, did cite „historical regress“ of certain rights due to spread of dictatorships, but maintained that the proposed conventions did not violate the established right of asylum in any way (ibid.).

The three major series of statements made in the discourse of terrorism among States were 1) the League's Council resolution of Dec. 10, 1934 which claimed, among other, that "the rules of international law concerning the repression of terrorist activity are not at present sufficiently precise to guarantee efficiently international cooperation";¹⁸⁷ 2) Assembly's resolution of Oct. 10, 1936 which further emphasized that a future convention for prohibition, prevention and punishment of terrorist outrages will be based "upon the principle that it is the duty of every State to abstain from any intervention in the political life of a foreign State;"¹⁸⁸ and finally, 3) Convention for the prevention and punishment of terrorism itself.¹⁸⁹ The first established prominence of the issue (the rules concerning the repression of terrorist activity were actually not *insufficiently precise*, but rather *altogether absent*); the second stressed the link between terrorism and State. The third reiterated both of the previous, and in addition included a definition of terrorist acts: "...criminal acts directed against a State and intended or calculated to create a state of terror in the minds of particular persons, or a group of persons or the general public" (art. 1/2). This is what had become termed a generic component of the definition, which made it clear that States are not only *implicated* in terrorism, but they are also always its targets (even if, as shown below, the ultimate victim was the international order of which they were constituent units). It was followed by an enumeration of acts that can possibly fall within the scope of the definition (art. 2).

Terrorism's Reification and Discourse's Limits

The law of rarity made these statements ("factuals") possible and more generally, it disciplined the entire discourse of terrorism among States in this period by establishing definite discursive boundaries of *what can be said* and excluding other statements ("counterfactuals"). First of all, it was not doubted *at all* that there was no such thing as terrorism, however imprecise and disputed the notion may have been. In other words, there was a wide consensus that certain type of

¹⁸⁷ Council Resolution, art. 4. League of Nations, Official Journal, vol. 15, no. 11 (Dec. 1934).

¹⁸⁸ The duty of States to respect territorial integrity and political independence of States was however mentioned as a source of the obligation by a State to neither encourage nor tolerate terrorist activity against another State on its territory in the Council resolution as well.

¹⁸⁹ Doc. C.546.M.383.1937.V.

political violence could and should be identified as “terrorism”, while the word as a substantive would not, in the end, feature prominently in the Convention,¹⁹⁰ and some frustration can be observed concerning imposition of the imprecise term onto the debate by the Council resolution.¹⁹¹ Secondly, State terrorism was almost entirely absent from the political discourse, while it was rather firmly entrenched in the popular discourse (i.e. it was never argued that it was the real cause for the subversive terrorism, an argument that will be encountered only later, while it indeed was asserted in the alternative discourses – see below – that repression and abuse of government power *were* at the root of international terrorism).¹⁹² Finally, the paradigm of “international terrorism” limited the debate to *terrorism as international phenomenon*¹⁹³ – i.e. the threat to (national) public order of a State was perceived as a threat to the international order at this time only when there was some international connection (by virtue of place of preparation, execution or nationality of perpetrator/victim),¹⁹⁴ but not in itself, as would be the case in the 1990s.

Terrorism as Unprecedented Threat

The terrorism on which it remained possible to enunciate statements was, first of all, represented as something radically new and terrible, which justified the (constructed) universalist action of unprecedented scope. The discourse therefore abounds with statements on “frighful

¹⁹⁰ It should be emphasized, however, that terrorism as a concept was by no means excluded from the discourse. The reason why it did not appear in the final text of the Convention (except its title) had less to do with the necessities (conditions) of law – in which it is important to define nature of the act to be proscribed than the nature of the phenomenon – than with the negotiation strategy to supplement a controversial term (*terrorism*) the precise definition of which could not be established with another (*terrorist act*). The attempts were actually made in preparing the final draft to reinstate terrorism in the body of the convention, from where it had been previously scratched, and to define its nature (see below).

¹⁹¹ „C'est un mot qui ne figure même pas dans certaines encyclopédies et qui, dans d'autres, est indiqué come ayant été inventé par les historiens qui ont étudié la Révolution française et notamment le régime de la terreur,” President of the Committee of Experts Carton de Wiart would complain, for example. Doc. C.R.T./P.V.3 (1935).

¹⁹² I was able to find a single statement on state terrorism (employed by government of their agents) mentioned as often a cause for other (terrorist) violence. League of Nations, Official Journal, Records of the Seventeenth Ordinary Session of the Assembly, Special Supplement no. 156 (1936), Minutes of the First Committee, statement by Finland. Ironically, the only other statement on state terrorism in the archives was made by the USSR which argued that this terrorism, associated with government action, is a matter of *history*, since contemporary terrorism is exercised instead by individuals and groups. Doc. C.R.T./P.V.3 (1935).

¹⁹³ „International terrorism” does not appear in title of the Convention, despite attempts to include it (see Doc. Conf.R.T.1/P.V.7, Minutes of the Diplomatic Conference). But international character of terrorism as the object of the convention is unequivocally asserted in art. 2,3 and 10.

¹⁹⁴ Doc. Conf.R.T.1 (1937).

scourge of terrorism”¹⁹⁵ constituted by acts which offend the “universal conscience of mankind”¹⁹⁶ and which are of contagious nature,¹⁹⁷ illustrating well the universalist aspiration to slay the hydra of international terrorism and thus to render service to mankind, humanity and civilization. Terrorism was something “entirely new in European public law”¹⁹⁸ (understood as *order* rather than *legislation*), but also something very different from the old (individual and domestic, but otherwise unspecified) terrorism.¹⁹⁹ It was unprecedented e.g. because it was defined by organized conspiracy (Terrorists operated in bands),²⁰⁰ in which it differed from “an isolated, individual act committed by criminal anarchists, examples of which can be found in history,”²⁰¹ but mainly because political terrorism was now transforming into an instrument of State policy, threatening anarchy and international chaos (unlike, e.g. the common “political murder”).²⁰² There were, furthermore, some other facilitating conditions that made it (discursively) and unprecedented threat to international order: international interdependence as a structural characteristic,²⁰³ new modalities of diplomacy which required sovereigns and their representatives of State to travel much more to other countries,²⁰⁴ but „advancing knowledge and improved communications“ which increased the threat to citizens’ personal security.²⁰⁵

Terrorism and the State

The essential feature that made international terrorism a specific enough terrorism (whereas it was understood that it was a *terrorism of a kind*) to be isolated as a threat to

¹⁹⁵ League of Nations, Official Journal, vol. 18, no. 5-6 (May 1937), Council minutes; cf. also League of Nations, Official Journal, Records of the Seventeenth Ordinary Session of the Assembly, Special Supplement no. 156 (1936), Minutes of the First Committee.

¹⁹⁶ Doc. C.R.T.1 (1935), Committee for the Repression of Terrorism, Responses of Governments.

¹⁹⁷ Doc. Conf.R.T./P.V.1(1937), Minutes of the Diplomatic Conference.

¹⁹⁸ League of Nations, Official Journal, Records of the Seventeenth Ordinary Session of the Assembly, Special Supplement no. 156 (1936), Minutes of the First Committee, statement by Haiti.

¹⁹⁹ The international characteristic of „the latest kind of terrorism“ that is often carried out on the foreign territory, financed from foreign resources and sometimes an instrument of (States’) foreign policy was what distinguished it, according to Soviet Union, from the more ancient individual terrorism as an instrument of (domestic) political warfare. League of Nations, Official Journal, vol. 15, no. 11 (Dec. 1934)

²⁰⁰ League of Nations, Official Journal, vol. 15, no. 11 (Dec. 1934); see also Annex 1523e (Doc. C.518.M.234.1934.VII).

²⁰¹ Doc. C.518.M.234.1934.VII (annex 1523e).

²⁰² Doc. C.506.M.225.1934.VII.

²⁰³ Doc. Conf.R.T./P.V.3 (1937), Minutes of the Diplomatic Conference, statement by Haiti.

²⁰⁴ Doc. C.R.T.1 (1935), Committee for the Repression of Terrorism, Responses of Governments.

²⁰⁵ Doc. Conf.R.T./P.V.1 (1937), Minutes of the Diplomatic Conference.

international order that needed to be acted upon was the link of terrorism to the State. The State acted both as a sponsor providing the Terrorist with false passports, material assistance or refusing to provide to others information about his whereabouts, contacts²⁰⁶ and not least, territory (see below) – and the victim (the ultimate “victim”, however, was the international order). There was a limit to this bond, however. While under the Convention States had a duty to refrain from encouragement of terrorist activities directed against other States (or, as the final draft submitted to the conference read, „the safety and order of any other State“²⁰⁷) – a provision linked to the general principle of nonintervention (see below) – the activity which was subject to action (criminalization, punishment etc.) in the Convention was terrorism *itself*, by individuals or associations, and preparation, incitement and advocacy of terrorist acts, but no State activity in that matter – which, as it was only once pointed out, was the actual problem that spurred the debate in the first place.²⁰⁸ It was in this paradoxical alienating move that the construct of a Terrorist driving a wedge in the (illusionary) community of States²⁰⁹ could be established and preserved.

Elusive but Anchored: Janka Puzta as the Safe Haven of the 1930s

Terrorism was international, but it was not deterritorialized. The Terrorist moved freely (or at least the infernal machines that he constructed did) from one State to another, e.g. aboard of trains,²¹⁰ which still represented a symbol of unprecedented global interdependence and speed which negated distance. His *habitat* was not spatially specified as Barbarian’s – or even Pirate’s – used to be. Indeed, one of his most distinct characteristics was elusiveness. In disguise and armed with false identity papers, the Terrorist challenged the international order not only directly by undermining, through his action, its constituent units (States), but also by merely disrespecting the general principle of territorial sovereignty and national boundaries. Nonetheless, he remained

²⁰⁶ The original formulation of this concept of „complicit“ State is found in Yugoslavia’s memorandum from after the Marseilles attentat, Doc. C.518.M.234.1934.VII.

²⁰⁷ Doc. C.222.M.162.1937.V, Report adopted by the Committee of Experts. In the final wording of the convention (Doc. C.546.M.383.1937.V), the obligation is limited to „terrorist activities“ without any further reference to public order.

²⁰⁸ Doc. C.R.T.25 (1936), statement by Finland.

²⁰⁹ Cf. League of Nations, Official Journal, vol. 15, no. 11 (Dec. 1934), statement by the Soviet Union; see also C.R.T.18 (1936), amendment by Soviet Union.

²¹⁰ Doc. C.518.M.234.1934.VII.

spatially anchored due to the link to a State that thus provides him, like it did with Schmitt's Partisan, with certain *regularity* (cf. Schmitt 2004). It is thus either the renegade State's territory which is „the very centre of terrorist activity“ directed against another State,²¹¹ or the terrorist elements are “established” in the renegade State,²¹² i.e. *estated* there and thus forming an *anti-governance* structure within the international (disciplined) political order – with that State's complicity. The possibility such structure could exist without it, e.g. because the State was too weak, was not yet contemplated.

The paradigmatical terrorist camp and safe haven of the 1930s was, at least in the States' discourse, not located in some faraway and for those articulating the dominant statements culturally strange territory, as is the case today. It was found in Central Europe – in Hungary, but a few miles from the Yugoslav border, in a small farmstead of Janka Puszta. Such place, allegedly frequented by terrorists including the regicides of Marseilles, “could not exist in an organized country without the consent and assistance of authorities.”²¹³ Moreover, it was a deviant (authoritarian) *political order*, under which the *Ustaša* could form (according to Little Entente allegations) a society which made no secret of its existence, run press (to spread propaganda) and issue regular military uniforms and even coinage.²¹⁴ Yet it also served as an *education* facility (where the wicked art of terrorism was learned to be practised elsewhere) – “a school of terrorist,”²¹⁵ “veritable school of criminals” that would become notorious in “the annals of international terrorism,” or “nursery of terrorists”²¹⁶ – and occasionally also as a *storage* of terrorists who could be shipped abroad (“a real criminal depot”).²¹⁷

The Terrorism's Accidental Unities

²¹¹ A letter from Yugoslavia to Hungary, 13 Mar. 1934, included in League of Nations, Official Journal, vol. 15, no. 11 (Dec. 1934).

²¹² Cf. letter by Yugoslavia to Hungary, June 4, 1934, included in Doc. C.506.M.225.1934.VII.

²¹³ League of Nations, Official Journal, vol. 15, no. 11 (Dec. 1934).

²¹⁴ Doc. C.518.M.234.1934.VII. Hungary would insist, however, that Janka Puszta was merely a refugee camp for Croat *émigrés*.

²¹⁵ Doc C.589.M.246.1934.VII.

²¹⁶ Doc. C.518.M.234.1934.VII, memorandum by Yugoslavia.

²¹⁷ Doc C.589.M.246.1934.VII. Education appeared also in a different context in a disciplining proposal of “educational campaign, emphasising the futility of terrorism as a political weapon and a factor of revolution, and teaching individuals and nations to use other more effective and civilised methods” as a means of effective counter-terrorism. Doc. C.R.T.1 (1935), Committee for the Repression of Terrorism, Responses of Governments.

In an eventually established rule, the scope of terrorism would be delimited with reference to the Terrorist's *activity*, intending or calculating to create a *state of terror*. (I will return to this issue later on in the discussion of basic discourses. For the moment, suffice it to say that institution of this disorder as a *state of mind* represented a medium of instituting disorder as a *state of society*. In other words, the privileged person's state of mind could represent a metaphor of the political state.²¹⁸ There was indeed some disagreement about whether the founding act of international terrorism, Marseilles attentat, actually created a state of terror or common danger, or mere excitement,²¹⁹ and therefore whether violence should be part of the definition to cover the case. But this discourse was gradually quelled.) The way in which the terrorist activity was defined perhaps best demonstrates the accidental nature of international terrorism in this period. In the initial statements defining the scope of terrorist activity in the Council after Marseilles,²²⁰ it would consist of two different deeds, chosen from a much wider catalogue whose extent was illustrated in the last chapter – assassination and mass explosion.²²¹ (The period term “outrage” could be used for both.) It did conform to some previous popular images of the Terrorist (but much rather *Anarchist*) as carrying bomb in one hand and revolver in the other; but hardly was this a prevalent representation; and in the popular discourse terrorism would actually retain diversity in relation both to the activity and the author well beyond this particular moment.²²²

The French proposal which emerged from the initial debate in the Council defined terrorist activity as attempts on the life and liberty of Heads of States, Members of Government (including also e.g. Members of the Parliament), Government officials and also private persons if they fell victims to

²¹⁸ There was some debate at the diplomatic conference on whether state of terror in a single – albeit privileged – mind could play this role since the state of terror, it was argued, implied „infinite plurality.“ But in the end the link was preserved. Doc. Conf.R.T./P.V.6(1937), Minutes of the Diplomatic Conference.

²¹⁹ League of Nations, Official Journal, Records of the Seventeenth Ordinary Session of the Assembly, Special Supplement no. 156 (1936), Minutes of the First Committee; Doc. C.R.T./P.V.2(1).

²²⁰ League of Nations, Official Journal, vol. 15, no. 11 (Dec. 1934).

²²¹ Doc. C.542.M.249.1934.VII.

²²² In the 1930s, terrorism would continue to be related in Western press to State repression (USSR) as much as campaigns of assassination and explosion (e.g. in Palestine, but also Punjab or Bengal), transgression of the norms of warfare, Mafia crime, Kristallnacht, Nazi activity in Austria or actions by Henlein's paramilitary units in Czechoslovakia after Munich (in German press, it was in turn Czechoslovak government's previous suppression of Nazi elements which was repeatedly termed terrorism). Regarding transgression of the norms of warfare (and in view of later British policy), it is not without interest that Neville Chamberlain stated in the House of Commons in response to German threat that Polish towns would be subjected to indiscriminate aerial bombing in September 1939 that „whatever be the lengths to which others may go, His Majesty's Government will never resort to deliberate attack on women, children and other civilians for the purposes of mere terrorism.“ NYT, Sept. 15, 1939.

terrorist acts because of their *political attitudes*; and, secondly, as explosions in public buildings and traffic. From the beginning, disturbance of public order would consist both in physical (persons) and material damage (property).²²³ Later, there could be observed numerous attempts to discursively widen the boundaries of terrorism (as much as resistance to those).²²⁴ There were attempts to include soldiers among the protected persons or, more importantly, to comprise means of communication (telegraph and telephone), public services (water supply, electric transmission) among the protected goods and to expand the Terrorist's arsenal to include poison, chemical and bacteriological substances (today's "weapons of mass destruction").²²⁵ In other words, in those statements the Terrorist was elevated to the status the universal malefactor for whom nothing was impossible:

Experience has shown that, quite apart from attempts on the life or liberty of certain prominent persons and attempts on public buildings, railways, etc., terrorists also commit other acts with the object of striking terror into the population: for example, they cause floods, spread infectious diseases, dislocate public services or public utility services, etc.²²⁶

In the final proposal, the initial duality was preserved, however, with the possibility to accommodate, due to its abstract character, most of the activities mentioned above. (The enumerative form was conditioned by the indecisive result of the battle over general definition of terrorism. But as late as in the preparation of the final draft of the conventions, proposals for the latter were submitted – e.g. "criminal activity directed against the government, institutions, or social order of one or more of the High Contracting Parties and operating by violence or by the dissemination of terror."²²⁷) Terrorist acts would include "death or grievous bodily harm or loss of liberty to sovereigns and other public persons" (but due to the overall depolitization of terrorism no private persons simply because of their political attitudes); destruction or damage of public

²²³ Doc. C.542.M.249.1934.VII.

²²⁴ Cf. Doc. C.R.T.25 (1936).

²²⁵ Doc. C.R.T.1 (1935), Committee for the Repression of Terrorism, Responses of Governments; cf. also synopsis of the proposals is included in Doc. C.R.T.6 (1935).

²²⁶ Doc. C.R.T.1 (1935), Committee for the Repression of Terrorism, Responses of Governments.

²²⁷ Doc. C.R.T.13 (1936), amendment by United Kingdom; cf. also Doc. C.R.T.27 (1936). Interesting in this proposal is only partial identification of terrorism with terror, which later was made absolute in the final Convention.

property; and “any wilful act to endanger the lives of members of the public,” all only if they betrayed essence of terrorist act – creating the state of terror (art. 1/2).²²⁸

The unity of terrorism, as any genealogy would anticipate, was created from heterogenic elements in a way that had to be eventually normalized in the discourse. Besides the two disparate activities, assassination and explosion, there was another derived accidental unity: that of (international) terrorism as an attack on the life or liberty of sovereigns and representative of public authority, and on the general public (multitude). Both of these were subsumed under the heading of threat to the public order: in the former case, by virtue of potential to directly paralyze the government, in the latter by virtue of delegitimizing this government by challenging its capacity to guarantee public security. Eventually, these constructions would supercede the multiplicity of the meaning of terrorism in political, academic and public discourses, until challenges to this concept of terrorism and the derived subjectivation of the Terrorist emerged in the 1970s.

Marginal State Discourses of Terrorism

The law of rarity decides on which statements can be enunciated. Some statements are made, however, but they either remain isolated, or form marginal, alternative discourses at the boundaries of the discourse studied. Their enunciation is not made impossible by rules of the discourse, but neither do they strictly conform to its order, which can be more or less disciplining, but never it is total.

Perhaps the most radical alternative discourse of terrorism was composed of statements claiming that terrorism, while indeed it existed and could be isolated from other forms of political violence, did nonetheless not represent a public menace and no collective international action was necessary.²²⁹ A second marginal discourse related to root causes (which would be much more emphasized in later periods). The problem of repression – only once, as noted above, actually

²²⁸ Doc. C.546.M.383.1937.VII.

²²⁹ Cf. League of Nations, Official Journal, Records of the Seventeenth Ordinary Session of the Assembly, Special Supplement no. 156 (1936), Minutes of the First Committee, statement by Switzerland.

termed “state terrorism” – as a cause of subversive terrorist violence (“self-defense”) was indeed raised by countries neutral in the Marseilles crisis such as Finland, but most forcefully articulated by Hungary. In a defensive move against the charge that terrorism emanated from its own territory, Budapest argued that this “terrorism” was instead a consequence of the “revolutionary frame of mind to which the Yugoslav regime [had] given birth.”²³⁰ Instead of the discursive attempts to align terrorism and revisionism (see below), Hungary thus countered with linking terrorism and injustice, a move reinforced by the constant identification of Croats on its territory as political refugees or *émigrés* forced to flee the Belgrade’s repressive establishment.

Yet another marginal discourse was relativist in nature. It was based on the statement that subversive political violence often succeeded and its international prosecution would therefore befall always the vanquished party and never the victorious. The present project for international action therefore betrayed *systematic partiality* for any government in power, since any rebellion “would, by definition, be placed in [the category of terrorism].”²³¹ These statements seem to display a rare sensitivity to the contingency of power and its origin in violence. Their author, Belgium, did not however actually protest the universalist action but merely proposed narrowing its scope.²³² Moreover, during the diplomatic conference, she was one of the States who promoted general definition of terrorism (linked to “state of terror”) rather than the more detailed enumerative one as the latter could, in her opinion, give rise to controversies and evasion of law.²³³

Basic Discourses

Having outlined the law of rarity delimiting the boundaries of the discourse of terrorism, in this subsection the basic discourses of identity and difference in which the Terrorist as Subject was

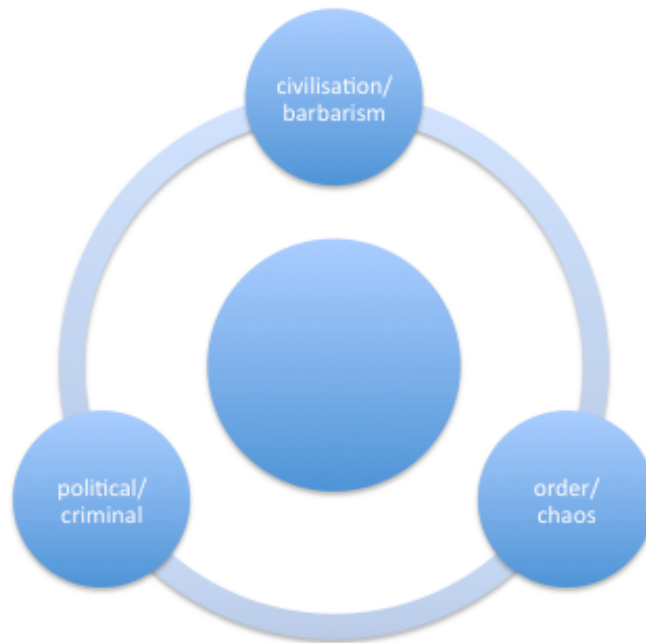
²³⁰ League of Nations, Official Journal, vol. 15, no. 11 (Dec. 1934), Council Minutes.

²³¹ League of Nations, Official Journal, Records of the Seventeenth Ordinary Session of the Assembly, Special Supplement no. 156 (Minutes of the First Committee), statement by Belgium.

²³² League of Nations, Official Journal, Records of the Seventeenth Ordinary Session of the Assembly, Special Supplement no. 156 (Minutes of the First Committee).

²³³ Doc. Conf.R.T./P.V.3 (1937), Minutes of the Diplomatic Conference, statement by Belgium.

constituted are introduced and discussed. Three such basic discourses are identified: *civilization/barbarism, order/chaos, and political/criminal.*



Civilization and Barbarism

The discourse of civilization and barbarism is perhaps the most salient basic discourse of identity and difference in which the Subject of the Terrorist (Barbarian) Other and its complementary (civilized) Self were constituted. Terrorism was rendered a blot²³⁴ or a scourge²³⁵ of human civilization and a grave menace to its peace,²³⁶ of which the League of Nations was a guardian. It represented a *return* of barbarian practices.²³⁷ Thus it “stirred the conscience of civilized nations”²³⁸ and was prejudicial to the interest of all civilized States and, “accordingly, to humanity as a whole.”²³⁹ It was a „crime against civilization” and “odious barbarity or vandalism”²⁴⁰ (a synonym of

²³⁴ League of Nations, Official Journal, vol. 15, no. 11 (Dec. 1934), Council Minutes, statement by France.

²³⁵ Doc. C.R.T.1 (1935), Committee for the Repression of Terrorism, Responses of Governments; Conf.R.T./P.V.3 (1937), Minutes of the Diplomatic Conference.

²³⁶ League of Nations, Official Journal, vol. 15, no. 11 (Dec. 1934), Council Minutes.

²³⁷ League of Nations, Official Journal, Records of the Seventeenth Ordinary Session of the Assembly, Special Supplement no. 156 (1936), Minutes of the First Committee.

²³⁸ Doc. Conf.R.T./P.V.1(1937), Minutes of the Diplomatic Conference.

²³⁹ League of Nations, Official Journal, vol. 18, no. 5-6 (May 1937), Council Minutes, statement by Romania.

²⁴⁰ Doc. C.R.T.1 (1935), Committee for the Repression of Terrorism, Responses of Governments.

barbarism having a peculiar association with property). The constructed action against terrorism, on the other hand, united the whole “civilized world” (filled with horror and odious outrage after the Marseilles attentat). In fact, it *required* cooperation among civilized nations²⁴¹ for the “protection of the common heritage of the whole civilised world – security of life and limb, health, liberty, and public property intended for the common use – against the criminal activities of certain terrorists”²⁴² was at stake. There could be no hope for the future of civilization should this international repression fail.²⁴³

Barbarians had indeed a firm place in *jus publicum Europeanum* (and the principle of cultural ordering of humankind based on the dichotomy of the civilized Self and the barbarian Other can be traced, needless to say, to the ancient Hellas).²⁴⁴ The extent to which they were recognized as Subjects who could rely on the protection of law of nations was limited, if any (for a late enunciation of the limiting principle, cf. Oppenheim 1905). But now, Barbarism was redefined in at least two important ways.

Firstly, Barbarian was no longer identical with Savage, a being raised and living *outside* the reach of civilization. Secondly, He did not threaten its outside boundaries. His base was inside the order – a courtesy of a renegade State. The order within this inside pocket, however, such as Janka Puzsta, was actually an archtypical *anti*-governance structure, since its organization / government was authoritarian (i.e. *undemocratic*). Unlike in the rest of the normalized order that respected human subjectivity, here the contemporary *hoi-barbaroi* could be „treated almost like slaves.“ Some of them would manage to escape, while others would commit suicide in the desperate attempt to free themselves from the oppressive yoke.²⁴⁵ (There can be little doubt that the link not only to

²⁴¹ Doc. Conf.R.T./P.V.3 (1937), Minutes of the Diplomatic Conference.

²⁴² Doc. Conf.R.T./P.V.3 (1937), Minutes of the Diplomatic Conference, statement by Czechoslovakia.

²⁴³ League of Nations, Official Journal, Records of the Seventeenth Ordinary Session of the Assembly, Special Supplement no. 156 (1936), Minutes of the First Committee.

²⁴⁴ The division was based both on a stereotype of the Other and on the discourse of association – primarily of language and religion: „It would not be fitting for the Athenians to prove traitors to the Greek people, with whom we are united in sharing the same kinship and language, with whom we have established shrines and conduct sacrifices to the gods together, and with whom we share the same way of life“ (Herodotus, *Histories*, VIII.144).

²⁴⁵ Doc. C.518.M.234.1934.VII, memorandum by Yugoslavia. The authenticity of those allegations is debatable as they were supposedly based on the information provided in a pamphlet by certain Jelka Podgorelec, a former secretary of Gustav Perčec,

authoritarianism, but specifically to slavery, had a calculated delegitimizing effect, as slavery had recently been subjected to intensive international action and prohibited in strongest possible terms).

Not only would the Terrorist be based within the order and not beyond its boundaries; due to his elusiveness facilitated by the structural condition of world interdependence he could materialize and strike anywhere *within* the order. The second way in which the old Barbarism was redefined was the established link between primitivism – identifiable with transgression or negation of existing conventions of violence use, representing the *civilization* – and the *state-of-the-art* technology that the barbarian Terrorist used to carry out (at least in theory) his operations, for whatever end. From the point of view of the civilized and progressed Self, proud of the human (its own) progress and its achievements, the Terrorist was a monster born out of modernity which *knew* how to reap its fruits, but which, at the same time, remained imprisoned in some peculiar way in the past.

Order and Chaos

The barbarian character of the Terrorist made possible his subjectification as a malefactor of the established order (just as the *hoi-barbaroi* intruded in the order of Greek *poleis*). This was primarily the international order, which was maintained, however, by the continuing existence of its constituent units, the States. (At the same time, as noted above, terrorism was not discussed in terms of causing peril to the constitutional order of any one *particular* State.) Thus, the Marseilles attentat brought about „state of anarchy and alarm in Europe,”²⁴⁶ and terrorism more generally caused disruption of order,²⁴⁷ disintegration of juridical values of first importance²⁴⁸ and „destroying discipline, increasing poverty and suffering, and so paralysing State’s powers of reaction.”²⁴⁹ The

a second in command in *Ustaša* organization after Ante Pavelić. What is more important, however, is that the statement was enunciated in the international discourse of terrorism, and moreover with a clearly delegitimizing purpose.

²⁴⁶ League of Nations, Official Journal, vol. 15, no. 11 (Dec. 1934), Council Minutes, statement by Turkey.

²⁴⁷ Doc. C.542.M.249.1934.VII.

²⁴⁸ League of Nations, Official Journal, Records of the Seventeenth Ordinary Session of the Assembly, Special Supplement no. 156 (1936), Minutes of the First Committee.

²⁴⁹ Doc. C.R.T.1 (1935), Committee for the Repression of Terrorism, Responses of Governments.

state of international order, constituted by a number of particular states, was threatened by accession of a *state of terror*, which in the final pleonastic definition came to stand for the Terrorist's sole aim.

Importantly, the Terrorist was able to disrupt the existing order and bring about chaos only with the complicity of the established member of that order, a renegade State. (The term is only an analytical construct, not a concept that would actually be used in the discourse.) And to reiterate, it was the bond (albeit complex) between the irregular and the regular that endowed the construct of international terrorism with seriousness. This was most particularly so when it was related to the widespread crisis of national orders: „For, after all, what European country is at present contented?“ Should States actively support or even tolerate in their territories subversive elements participating in political conflicts in the neighbouring States, „what would become of Europe?“²⁵⁰ In a rather typical juxtaposition of order and civilization on one hand and chaos and barbarism on the other (creating the link between the two basic discourses), this vision of the international politics could be depicted even more specifically: „[...] organised government will become impossible. An era of anarchy and international barbarism would overwhelm the civilised world, in which the most elementary foundations of international peace would inevitably disappear.“²⁵¹

What would unite the Terrorist with the renegade State was *revisionism* – i.e. overthrowing the existing state of affairs.²⁵² In this sense, the renegade State (Hungary) joined with the Terrorist to disrupt the new international order, even if each had different particular objectives derived from their respective Utopias. The relationship between the revisionism embraced by the renegade State and terrorism could even be represented as that of father and a child²⁵³ in a statement which was a part in the discursive battle about the origin of terrorism in the Balkans. In its turn, as noted above, Hungary would argue (against the Little Entente), that the terrorism was actually born out of repression and desire for national justice. But even Hungary (and Italy) would frame their discursive offensive within the dichotomy of order and subversion. Budapest openly avowed revisionism, but

²⁵⁰ League of Nations, Official Journal, vol. 15, no. 11 (Dec. 1934), Council Minutes.

²⁵¹ Doc. C.506.M.225.1934.VII.

²⁵² Doc. C.518.M.234.1934.VII.

²⁵³ League of Nations, Official Journal, vol. 15, no. 11 (Dec. 1934), Council Minutes, statement by Romania.

portrayed it as „a peaceful and constructive“ policy of change aiming at redrawing the Trianon borders. As an *orderly* policy of change, it would then juxtapose it to the *revolutionary* Croatian terrorism (whose political ambitions, in addition, found no common ground with Hungarian revisionist policy).²⁵⁴

The dichotomy of order and chaos also was manifested in a rather pervasive representation of the slain king as a great unifier (without expounding on his unification methods). Alexander was a founder of *homonoia*, peacemaker and eradicator of dissent among peoples of the country he invented – Yugoslavia. The Terrorist, his assassin, on the other hand sewed the seeds of discord and chaos among the nations of the Balkans united under the Karadordevic rule. An attack on Alexander could therefore be metaphorized as an attack on the peace itself,²⁵⁵ and the murdered Sovereign moulded into the ultimate peaceful and orderly Self opposed to the subversive Terrorist Other. The latter could however be juxtaposed also to meaner servants of the State who guaranteed the public order while his intent (the *only* intent, since his political motives were suppressed) was to combine into a perverse body politic to collectively sow the seeds of chaos.²⁵⁶

If the basic discourse of civilization and barbarism displayed a rather strong temporal accent – the Terrorist as the Barbarian Other was somehow imprisoned in the past – the same can be observed in the basic discourse of order and disorder, which acquires the meaning of resisting „historical destiny“ and „irresistible natural forces.“ Thus, particularly from the perspective of the newly formed States of Central Europe, following the WWI a process of national unification as „one of the laws governing the history of Europe“ was concluded, *finally* bringing justice to the European order. Yet this order was now undermined by forces attempting to arrest and strike a blow to this „inevitable evolution.“²⁵⁷ (From a somewhat different ideological perspective, terrorism was also conceived as an instrument of reactionary parties who „want to put back the clock of history of

²⁵⁴ Ibid., statement by Hungary.

²⁵⁵ League of Nations, Official Journal, vol. 15, no. 11 (Dec. 1934), Council Minutes, statement by France.

²⁵⁶ Doc. C.506.M.225.1934.VII.

²⁵⁷ Ibid., statement by Czechoslovakia.

mankind by centuries“ and thus undermine the new political order.²⁵⁸) Needless to say, the temporal discursive frame in both these basic discourses was firmly based in that heritage of European Enlightenment which was the Liberal philosophy of history – progressive, emancipatory and triumphalist.²⁵⁹

Political and Criminal

Statements forming the third basic discourse, *political / criminal*, suppressed the political nature of the terrorist act. In consequence, the Terrorist as a Subject was depoliticized and reduced to the status of common criminal. That despite the fact that the the threat he posed was certainly, as demonstrated above, an *uncommon* one.

It was established in this basic discourse that the objective of terrorism lay beyond the *immediate* consequence of the act. But, in the end, despite the unprecedented threat of his actions to civilization and order, all political objectives were eliminated from the subjectification of the Terrorist, including in the convention for the prevention and punishment of terrorism,²⁶⁰ and his ends would be limited to creation of the state of terror (for unspecified purpose). Such specification of intent, limited indeed, would suffice to differentiate terrorist acts from ordinary crimes but due to the depoliticizing discursive practices could not be used for their classification as political crimes.

Terrorists were commonly identified with (trained) assassins, (professional) criminals and bandits, professional malefactors, common murderers, thieves and incendiaries – now the dominant organizing metaphor for terrorism seems to be fire, rather than water – in a depoliticizing discourse which rendered them “the most dangerous individuals who sprang up out from the Earth”²⁶¹ and “enemies of the human race” who must be “relentlessly tracked down and prevented from injuring

²⁵⁸ Ibid., statement by the Soviet Union.

²⁵⁹ It was at around this time that Herbert Butterfield published his influential critique of *Whig history* (Butterfield 1931). In its original formulation it referred specifically to the history of British constitutionalism written from the progressive and presentist perspective, but later, the term would enter common usage in a generalized sense.

²⁶⁰ Doc. C.546.M.383.1937.VII.

²⁶¹ League of Nations, Official Journal, Records of the Seventeenth Ordinary Session of the Assembly, Special Supplement no. 156 (1936), Minutes of the First Committee.

their fellow creatures.”²⁶² It is useful to distinguish between the general depolitization practices which permeated the discourse and were manifested in the subjectifications of the Terrorist cited above, and the more specific, *legalistic* depolitization that centered on the issue whether terrorism would be considered, because of the political objectives of the Terrorist, a political crime for which certain special protection existed under international treaty law – a political criminal was not, unlike a common criminal, subject to extradition.²⁶³ This latter type of depolitization was undoubtedly conditioned by the former. At the same time, it was also conditioned by the academic legal discourse which is discussed below – a connection which makes for one of the most characteristic nexi between power and knowledge in the discourse of terrorism in this period.

The depolitization process in which the Terrorist was reduced to the status of (pure) criminal, as opposed to political criminal (a *special* criminal), with the practical consequence of denying him the protection of the established institution of asylum, was only gradual. While it was stated during the initial debate in the Council that terrorism never had any *political sense*,²⁶⁴ the French proposal at the same time spoke of “terrorist action with a political object” and the need of ensuring repression of “political crimes of international character.”²⁶⁵ The Council resolution then called for establishment of the committee of experts “to assure the repression of conspiracies or crimes committed with a political and terrorist purpose.”²⁶⁶ Terrorism would continue to be occasionally considered political crime for which the right of asylum could indeed be invoked – particularly when it was employed directly against the political power and did not involve death of a large number of *innocent* persons.²⁶⁷ (The discourse of innocence, here only marginal, would become much more prominent in later periods.) But in the course of the debate, such position would become to be seen as “excessive generosity”: terrorism could not be considered a political crime since it disrespected the sanctity of human life and opposed the fundamental interest of international

²⁶² Doc. Conf.R.T./P.V.18 (1937), Minutes of the Diplomatic Conference.

²⁶³ This principle would actually be employed also in relation to the Marseilles attentat. After some of the suspects identified by French Sûreté took refuge in Italy, Paris requested extradition but it was refused on the grounds that the act of which they were indicted constituted a political crime.

²⁶⁴ League of Nations, Official Journal, vol. 15, no. 11 (Dec. 1934), Council Minutes, statement by the Soviet Union.

²⁶⁵ Doc. C.542.M.249.1934.VII.

²⁶⁶ Council Resolution, art. 4. League of Nations, Official Journal, vol. 15, no. 11 (Dec. 1934).

²⁶⁷ League of Nations, Official Journal, Records of the Seventeenth Ordinary Session of the Assembly, Special Supplement no. 156 (1936), Minutes of the First Committee.

community. (References could be made both to the theory of international law – namely a “theory of elimination” according to which assassination should not be considered a political offence²⁶⁸ – and legal practice, particularly the “Belgian clause”, introduced in 1856 after a failed attempt at the life of Napoleon III, which had the same effect.) Argentine would argue in this vein that asylum had always been interpreted in a more humanitarian way in Latin America than in Europe, but even here „terrorism was not a political conception, but a method of action consisting in assassination, sequestration, incendiarism, bomb-throwing and the like.“²⁶⁹

Drawing upon the general depoliticization discourse, terrorism would also not be considered a form of political strife since the Terrorist was *in fact* not a political idealist, but a *professional* malefactor and a *paid* agent carrying certain instructions²⁷⁰ (presumably supplied by a renegade State). Alternatively, terrorism (and anarchism) could not be considered political crimes since what was lacking in their strife was a *state of war* over government. While the Anarchist was *a priori* uninterested in it, it was the method that disqualified the Terrorist – more precisely (in an interesting antecedent to Arendt’s inquiry into the legitimacy of violence; cf. Arendt 1972) the *distance* between violence and its object (which, in this version of depoliticization, was not denied as such).²⁷¹

Not only was terrorism not a Hobbesian civil war; it was not a war in any general sense, despite occasional references to Terrorists as a “regular army of crime”²⁷² and terrorism as “individual invasion” (see below). Several governments even proposed explicit distinction to be made in the convention,²⁷³ and one, Czechoslovakia, used the juxtaposition of terrorism and warfare to compartmentalize the former as falling into the sphere of international *criminal* law, rather than

²⁶⁸ Resolutions XII and XIV, Oxford Session (1880); *Règles internationales sur l'admission et l'expulsion des étrangers*, Institut de Droit international, Geneva session (1892).

²⁶⁹ Doc. Conf.R.T./P.V.3 (1937), Minutes of the Diplomatic Conference, statement by Argentine.

²⁷⁰ League of Nations, Official Journal, Records of the Seventeenth Ordinary Session of the Assembly, Special Supplement no. 156 (1936), Minutes of the First Committee.

²⁷¹ Doc. C.R.T.1 (1935), Committee for the Repression of Terrorism, Responses of Governments, statement by United Kingdom.

²⁷² Doc. C.R.T.1 (1935), Committee for the Repression of Terrorism, Responses of Governments.

²⁷³ Doc. C.R.T.25 (1936).

international *public* law (as the latter did).²⁷⁴ At the same time, the difference of war / terrorism was not too significant in subjectification of the Terrorist in opposition to his corresponding (regular) Self, the Soldier, or even Partisan as an organized opponent of the incumbent government – which was seen in the period, at least by the more liberal States, as exercising violence with certain legitimacy (even as this was not reflected in the international legal status of the combatant). Hence it does not seem warranted to identify it as a separate fourth basic discourse.

Links to Other Discourses of Power

Terrorism was constructed in the discourse as driving wedge in the community of States – imperiling their relations since renegade States would use it as an instrument of their policy. The main other discourse of power to which the discourse of terrorism was related was therefore that of *(non)intervention*. The customary rule of non-intervention and its positive embodiment in Art. 10 of the League of Nations Covenant were evoked on many occasions, including the Council Resolution (1934), the Assembly resolution (1936) and the final Convention for the prevention and punishment – however here intervention would not be mentioned *explicitly* (a reference would instead be made to an unspecified “principle of international law in virtue of which it is the duty of every State” from encouraging or tolerating on its territory terrorist activities directed against another State).²⁷⁵ While, as noted above, it was understood that a State bore no responsibility for preserving the constitutional order of another State, it is noteworthy that the obligation to *prevent* terrorist acts against other States was linked in the Convention to this principle too.²⁷⁶

²⁷⁴ League of Nations, Official Journal, Records of the Seventeenth Ordinary Session of the Assembly, Special Supplement no. 156 (1936), Minutes of the First Committee.

²⁷⁵ Doc. C.546.C.383.1937.V, Convention for the Prevention and Punishment of Terrorism. Such principle could hypothetically be derived e.g. from the the customary duty of a State to prevent its territory from being used to commit violent acts against another State, recognized e.g. in Lotus Case (1927).

²⁷⁶ In 1933, Romania submitted a proposal to the Committee for Moral Disarmament of the Disarmament Conference which would obligate States to punish “the preparation and execution, in the territory of the State, of acts against the safety of a foreign Power.” Doc. Conf.D/C.D.M.29 (1933). A committee of jurists was appointed to elaborate this proposal, but no conclusion was reached.

Related attempt was also made to identify terrorism as a case of repeated individual *invasion* (as opposed to a collective invasion which was the conventional war)²⁷⁷ for which a State responsibility could be incurred. This was not least because there existed a conviction that in modern political societies it was impossible for the government not to be in control of own territory to the extent that it would be unable to exercise surveillance and power *vis-à-vis* present terrorist elements. However, this conception of terrorism as direct *invasion* (instead of sponsoring terrorism as *intervention* in a broader sense) did not correspond to the difference established in the discourse between war and terrorism (see above), a possible reason why it did not become commonplace.

More importantly, a link existed between the discourse of terrorism and discourses of other international crimes to which international significance was attached and on which the League of Nations had legislated earlier. These included slavery, traffic in women and children, drugs and obscene publications. Needless to say, proliferation of positive rules of international law was one of the most visible revolutionary changes to *jus publicum Europeanum*. It took place under the basic discursive frame of “progressive codification of international law” – a means, alongside other international institutions, of international peace and cooperation, by “meeting the legislative needs of international relations.”²⁷⁸ (These legislative needs were varied indeed. A convention on teaching of history, passed by the League of Nations and clearly disciplining in character, for instance stated: ““It is desirable that the attention of competent authorities in every country, and of authors of school textbooks, should be drawn to the expediency of... /b/ giving prominence, in the teaching of world history, to facts calculated to bring about a realisation of the interdependence of nations.”²⁷⁹)

Despite the *Weltkonjunktur* of universalism discussed above, reinforced by the paradigm of legal positivism (see below), it must be emphasized there were clear limits to the States’ desire to disseminate bounding positive legislation.²⁸⁰ The same hesitation, which however did not amount to

²⁷⁷ League of Nations, Official Journal, vol. 15, no. 11 (Dec. 1934), Council Minutes, statement by Czechoslovakia.

²⁷⁸ Assembly resolution adopted on Sept. 22, 1924 (Official Journal, Special Supplement, no. 21, 1924, p. 10). For the period views of the process see Hudson (1926) or Scott (1927).

²⁷⁹ Doc. C.485.M.326.1937.XII.

²⁸⁰ For instance, at the Hague diplomatic conference (1930) protocols on nationality and statelessness were indeed signed (cf. Final Act, Doc. C.228.M.115.1930.V.), whereas other issues such as boundaries of territorial sea and state responsibility

refusal, could be witnessed also in a related issue of unification of criminal law.²⁸¹ Nonetheless, the theme of “gradual unification” which closely reflected the progressivist and universalist ambition of the League of Nations would indeed frequently be employed in the discourse of terrorism. Moreover, there would be direct borrowing from the passed conventions. For example, formulas from the convention on counterfeiting currency (1929) which in a period academic literature would be described as “international crime of virulent and insidious character” that injured public order and monetary sovereignty and harmed all States because of existing economic interdependence,²⁸² appeared in the convention on terrorism. The most obvious borrowings were the collocation “prevention and punishment” (art. 1) and the wording of the constraint on extradition (art. 8).²⁸³

Power-Knowledge Nexus

Terrorism and Sovereign Reason

There can be little doubt that the basic discourses in which the Terrorist was subjectified and othered as the perpetrator of illegitimate – from the viewpoint of States and their (virtual) community – violence, and the discourses of the civilization and order in particular, were at the most abstract level, in some way conditioned by the modern constitution of sovereign reason. This reason has recognized itself by excluding madness and chaos from the realm of „civilization“ – a central topic of Foucault’s *Folie et Déraison* (Foucault 1961). In reference to international relations, sovereignty of the reasoning man, as noted by Richard Ashley (1984), is a universal regulative ideal in the international world of *inside/outside*. It enables global domestication of men into particular

did not make to the final round of deliberations. The reason why issues of statelessness and dual nationality were seen as most unproblematic may have had something to do both with the new political order following the WWI (displacing vast numbers of people from their previous political communities), and more generally with the normalization of political units in the international order and enclosure of human communities within those standardized forms of governance structures – nation States.

²⁸¹ Cf. Doc. C.P.D.I.110 (1928), Committee of Experts, Responses of government; Doc. C.P.D.I.115 (1928), Committee of Experts, Final Report; or Doc. A.37.1933.V, Report of the First Committee on gradual unification of criminal law. In the debate, while some argued for the necessity of instituting international criminal law (standardization of “the means of social defense unanimously approved by criminal science” because of „unceasing transformation and internationalisation of contemporary social life,” others favoured unification from particularist positions only where there existed identical legal principles, social conceptions and traditions. Cf. Doc. A.7(a).1933.V, letter by Austria.

²⁸² Ernestine Fitz-Maurice, „Convention for the Suppression of Counterfeiting Currency,” *The American Journal of International Law*, vol. 26, no. 3 (1932) 533.

²⁸³ This constraint, as noted above, was a late addition and had actually *limiting* character for the new mode of international governance that was meant to be created.

territorial sovereignties where autonomy of reason can be founded since problems of interpretation are authoritatively resolved and decisive truths established. This is what Ashley calls, in reference to Foucault, „conductorless orchestration.“ It does not produce universal harmony; but it does normalize certain historically specific economy of power.

The Terrorist as created (constructed) in the discourse in the 1930s was not only excluded from this order; he was positioned as its absolute enemy. The spaces of *anti-governance* which terrorist societies occupied were no *confinements*, but centers from which disorder was actively disseminated. Furthermore, due to his mobility and elusiveness, the Terrorist challenged the boundaries dividing the world into various *insides* and thus the whole paradigm of global domestication. Finally, as noted above, while making use of modern technology of destruction, the Terrorist remained in a peculiar sense imprisoned in history. He represented a force of backwardness and reaction, antagonistic to the heroic historical progressivism of Enlightenment which should culminate in the universalist ideal of harmony and peace in the League of Nations – united not against particular enemy, but rather against the war as such – succeeding recurrent cycles of violence, contingency and undecidability.

However, at the same time the international Terrorist was no madman. Indeed, he was depoliticized and reduced to a criminal, and as such he could *hypothetically* be observed and treated as a sick person, i.e. subjected to psychiatric expertise that would make technical prescription for normalization – correction of deviance. But there is no observable nexus between a psychiatric discourse of normalcy and deviance and the discourse of power about terrorism. Even the Terrorist's *irrationality* is not a theme that would seem to particularly resonate in the discourse, however it may have occasionally conditioned statements such as the one mentioned above about distance between violence and its object – if this rationality was understood instrumentally.

The constitutive relationship between the discourse of power and the social science, i.e. of one producing or inducing effect on the other, seems to be rather limited. There was as yet no discipline of terrorist studies, and the statements made about terrorism were thus rather undisciplined: more akin to the dispersion in the general discourse than to the progressive narrowing which was taking place in the discourse among States. Indeed, in *Encyclopaedia of the Social Sciences* (1934) Hardman defined terrorism as „the method or underlying theory of systematic violence employed by an organized group in an effort to achieve its goals“ which characteristically involved relocation of power.²⁸⁴ Terrorism was differentiated from intimidation (associated e.g. with labour conflict) in that it relied on the actual use of violence; and from government terror in that it did not pretend to be exercised by a legally constituted authority. In the past, it was „an accepted revolutionary technique of anarchism“ and found its purest expression in the violence of *Narodnaya Volya's* Executive Committee. But as a revolutionary tactic, terrorism could never really succeed, since governments would not yield to the terrorist campaigns. The conclusion could therefore be drawn that „the art of revolution must be sustained by the will of a large portion of the population affected by the power at issue and by concerted mass operations.“²⁸⁵

Yet this understanding of terrorism (as strictly revolutionary) was by no means universally accepted. Terrorism would continue to be used in reference to government oppression – for instance, also in the year of the Marseilles attentat, *Foreign Affairs* printed an article titled „The Evolution of Soviet Terrorism“²⁸⁶ and at the end of 1930s, a nomothetic article on „typical life cycles“ of dictatorships would list (systematic) terrorism as one of their characteristic instruments.²⁸⁷ Even within the *Encyclopaedia* the term would not be treated in a uniform way – in another entry, it would e.g. be associated with *Ku Klux Klan*. Actually, even Hardman's definition did not fit the rules of States's discourse which was about to emerge to the extent when it could be reasonable to suspect any substantial constitutive relationship between (social) science and power. Terrorism as debated in the political discourse among States was related more to destruction and disorder than to

²⁸⁴ „Terrorism,“ *Encyclopaedia of the Social Sciences*, vol. XIV, ed. Edwin Seligman (New York: Macmillan, 1934).

²⁸⁵ *Ibid.*

²⁸⁶ William Henry Chamberlin, „The Evolution of Soviet Terrorism,“ *International Affairs*, vol. 13, no. 1 (1934): 113-121.

²⁸⁷ J.O. Herzler, „The Typical Life Cycle of Dictatorship,“ *Social Forces*, vol. 17, no. 3 (1939): 303-339.

redistribution of power, and while there indeed was debate on the matter (see above), in the end it was defined by creating *state of terror* rather than employing violence. In contrast, Hardman's terrorism is characterized by violence and, on the other hand, it „does not threaten.“ Finally, Hardman considered terrorism a phenomenon which was now near extinction, since it involved individuals or small groups whereas it would be classes and masses which would henceforward drive social change. Needless to say, this was not the position of States who after Marseilles created the Terrorist as *hostis humani generis* and terrorism as a scourge which needed to be eliminated by an unprecedented concerted universalist action.

Terrorism and Law

If there was a constitutive relationship between power (States' discourse) and knowledge in the 1930s, it involved another knowledge: the *legal knowledge*. The most elementary conditioning function of the legal field originated in the simple fact that to a great extent, the discourse of terrorism among States aimed at a legislative action. Therefore it followed rules determining (constraining) enunciative possibility of the latter – e.g. in the choice of lexicon, structure of argument etc. But there was also the dominant period paradigm of legal positivism manifested in reification of international norms, and the more concrete influences in terms of defining the terrorism as a specific (category of) crime and depolitization of the Terrorist. In turn, States' discursive practices had an important transformative effect on the legal discourse of terrorism, which is what makes the relationship complex and one of true mutual constitutivity.

Legal positivism, which in contrast to natural law theories attributed the source of law to the will of the State, had gained dominance in European jurisprudence already in the 19th century. However, it was only in the first decades of the next century that it found its literally *purest* expression in the theory of a Prague-born jurist Hans Kelsen. (It was embodied in his *Reine Rechtslehre*, originally published in the year of the Marseilles attentat.)²⁸⁸ Kelsen viewed legal order

²⁸⁸ Hans Kelsen, *Pure Theory of Law* (Berkeley: University of California Press, 1967).

as a system of normative ascriptions which were all genealogically related to the *Grundnorm*, the basic norm. It was a system of inherent and uninterrupted unity and harmony which could be positively discovered. His „normative theory“ was progressivist, mathematicizing and depoliticizing jurisprudence in that it *purified* jurisprudence of all sociology, and extremely liberal since it transcended the original legal positivism and negated the State (and command) as a sovereign source of the norm in favour of law itself.²⁸⁹

Kelsen's pure theory was perhaps the extremest offshoot in jurisprudence of the Enlightened rationalism and progressivism before that failure of modernity which Lyotard metaphorically termed „Auschwitz“ (Lyotard 1979). However, in its extremity it most clearly shows the dominant legal *epistémé* of the period the criticism of which indeed existed, but remained rather marginal. (For instance, Schmitt and Morgenthau would argue, in opposition to Kelsen, but not always in mutual agreement, against the sovereignty of the law and in favour of the political.)²⁹⁰ This *epistémé*, with its universality, progressivism, rationalism and liberalism, conditioned the project of positivation of international norms – the „progressive codification of international law“ (see above) whose ultimate objective was to positively articulate international law as a universal and harmonious normative system free of the undecibility that comes with the political. An extreme version of this enterprise was internationalization of law, i.e. an effort to make the *international* law the true (Kelsenian) sovereign over municipal realms in effort to „civilize“ nations (cf. Koskenniemi 2004). A parallel project, less ambitious than internationalization but conditioned by the fundamentally same *epistémé*, was that of unification of criminal law, i.e. *normalization* of law inside the national orders rather than its *positivation* in the outside so that in absence of global governance eliminating the continuing material particularism of individual constituent political units of the international order a

²⁸⁹ This was the main point of criticism levelled at Kelsen by Schmitt in his *Political Theology* (Schmitt 2005).

²⁹⁰ Cf. Carl Schmitt, *Political Theology* (Chicago, Chicago University Press, 2005 [1922]); Carl Schmitt, *The Concept of the Political* (Chicago: Chicago University Press, 1996 [1927]). Shortly before Marseilles, Morgenthau would write that reality of a legal norm was founded in the sanction, which depended on the actual constellation of power. The very existence of international law, he added a year later, was conditioned by this balance. Hans Morgenthau, *La réalité de norms, en particulier des norms du droit international* (Paris: Felix Alcan, 1934); Hans Morgenthau, „Théorie des sanctions internationales,“ *Révue de droit international et de législation comparée*, vol. 36, no. 4 (1935): 809-836.

harmony could be produced based on homogeneity of their realms.²⁹¹ The 1937 terrorism convention combined both positivation (but not internationalization) and normalization. It positively reaffirmed and specified the norm prohibiting intervention, while at the same time it created an obligation for States to normalize their national legal orders – that is, to make a certain catalogue of acts „criminal offences“ and to provide the same punishment whichever State they be directed against.

The States' discourse of terrorism that made this outcome possible was indeed conditioned by the legal positivist paradigm. But it also drew more specifically on the truth claims contained in one particular academic discourse of law – the discourse of unification of criminal law.²⁹² I will limit my analysis here of this discourse and the ways it conditioned the States' discourse of terrorism to statements enunciated in the organizational framework of International Bureau for the Unification of Criminal Law. It is a methodological choice that warrants some justification. Since the Bureau's international conferences (ICUCL) were attended by leading experts from forty four countries of the world, the enunciated statements can be taken as both authoritative and representative (and despite delegations were formally sent by the participating governments, they did not represent States' official positions). The issue of terrorism featured prominently on the agenda in the 1930s, and the statements' concentration was therefore considerable. Finally, the Bureau had a close institutional link to the League of Nations on the basis of the Assembly's resolution (1933).²⁹³ Due to these factors, direct interdiscursive references in the States' discourse of terrorism were a commonplace and in

²⁹¹ That normalization of municipal law could contribute to international peace and it was necessary to adapt the former to the „conditions of international life“ was a conclusion e.g. of the Report from International Association of Criminal Law's Fourth Congress (1937) to the League of Nations, registered as Doc. 3A.29706.2293.

²⁹² In contrast, it did not seem to relate in any way to the discourse of „systematic terrorism“ developed in the law of war, which referred more particularly to the occupation. See H. de Watteville, „The Military Administration of Occupied Territory in Time of War,“ *Transactions of the Grotius Society*, no. 7(1921): 133-152; Edward William Hall, *A Treatise on International Law*, Eighth Edition (Oxford: Clarendon Press, 1924); or George Whitecross Paton, *A Textbook of Jurisprudence* (New York: Oxford University Press, 1946).

²⁹³ Reports of the Bureau's conferences would be passed to the League of Nations. For instance, the final report of the Copenhagen conference (1935) was discussed in the Committee of Experts. Cf. Doc. C.R.T.17 (1936).

comparison to other organizational discourses, and occasional dispersed statements's role notwithstanding,²⁹⁴ the importance of the ICUCL's discourse was unmatched.

Roots of ICUCL's discourse of terrorism can be traced to the the first international conference on the unification of criminal law in Warsaw (1927). The conference considered inclusion among *delicta juris gentium* employment of means capable of causing common danger (other offences discussed were piracy, trade in women and slavery, drug traffic and traffic in obscene publications).²⁹⁵ Terrorism (which had been suggested by Romania for international legislation the previous year, see above) was not yet directly mentioned. Eventually, however, it would indeed be considered a kind of this particular category when it was placed by the organization committee on the agenda of the third conference in Brussels (1930). Terrorism would later be discussed also at international conferences in Paris (1931) and Madrid (1933). There would be no consensus on the precise definition, however. Nonetheless, several reports were delivered on the issue and it acquired certain general and recurrent characteristics in the discourse. On the other hand, it was concluded both in Paris and Madrid that terrorism should not be treated as an international crime since it did not trouble international relations.

The States's discourse of terrorism that was initiated after the Marseilles attentat, however, exerted a considerable influence on the legal discourse at the sixth conference in Copenhagen (1935). Here, terrorism was elevated to the prominent status on the agenda, and the conference would conclude by presenting a proposal for its national codification (*normalization*) as a crime. In terms of mutual influence, Saul (2006a) contends that the conference discourse borrowed a number of statements from the Committee of Experts, such as references to common danger, state of terror, or obstacles to functioning of public bodies in the definition proposals. However, all these had been articulated in ICUCL discourse before (see below). It seems to make more sense to reverse the relationship, therefore – the legal discourse was likely to condition the discourse of power (starting

²⁹⁴ One such statement referenced in the States' discourse was Saldaña's definition of terrorism (which he in fact presented as *normal* in contemporary criminology) as „a crime or offence which causes general alarm due to its liability to cause special danger.“ Quintiliano Saldaña, „La Terrorisme,“ *Révue internationale de droit pénal*, vol. 8, no. 1 (1936): 26-37.

²⁹⁵ For the discourse's own statements on its early history see Raphael Lemkin, *Terrorisme: Rapport Spécial* (Madrid: Imprenta de Galo Sáez, 1933); J.A. Roux, *Terrorisme: Rapport* (Madrid: Imprenta de Galo Sáez, 1933).

in the Council and including e.g. the French proposal) in terms of providing constitutive elements for the definition of terrorism and also, as discussed below, depoliticizing the Terrorist. In two important ways at least, however, the latter conditioned the former: 1) the essential duality of terrorist acts (assassination of privileged persons *and* mass explosion) was asserted in the legal discourse, and 2) reference to international relations as a referent object of terrorist action was stressed.

To see better how ICUCL discourse could condition the discourse of terrorism among States, some of the key statements (mainly reports and proposals) are now presented and discussed. The very first report on terrorism, delivered during the Brussels conference (1930) by Niko Gunzburg, identified terrorism as *a series of crimes capable of producing common danger*.²⁹⁶ More specifically, terrorism could produce common danger by a rather broad scope of activities – from explosions to spreading contagious diseases and causing floods. The reference to common danger was reflected in the final commission proposal, unlike the catalogue of activities (which would however be expanded in the final proposition of the Paris conference),²⁹⁷ but terrorism would additionally be defined also as acts against life and liberty of (yet unspecified) persons or private and state property which moreover were committed “with the purpose of expressing or executing political or social ideas.”²⁹⁸ There would as yet be no link to the State, either as an orchestrator of terrorist violence or its victim. However, in the final report of the conference terrorism would be considered as having as its object “détruire toute organisation sociale,”²⁹⁹ introducing into the legal discourse of unification of criminal law the familiar aspect of disorder which would later form the ground for terrorism’s depoliticization (see below).

This element would be stressed also in Paris (1931) and Madrid (1933) where terrorism would continue to be defined as undermining social order and instituting anarchy. A subjectification of the Terrorist proposed during the Madrid conference, for example would read: “He, who with the

²⁹⁶ Quoted from Lemkin, 1933, op.cit.

²⁹⁷ There, the proposed subjectification of the Terrorist would read: „Whoever, for the purpose of terrorizing the population, uses against persons or property bombs, mines, incendiary or explosive devices or products, fire arms or other deadly or deleterious devices, or who provokes or attempts to provoke, spreads or attempts to spread an epidemic, a contagious disease or other disaster, or who interrupts or attempts to interrupt a public service or public utility.“ Quoted in Zlataric (1975, 480).

²⁹⁸ The definition is reprinted in Zlataric (1975, 479).

²⁹⁹ Quoted in Lemkin, 1933, op.cit.

aim of destroying the entire social order [*toute organisation sociale*] employs any means whatsoever to terrorize the population, will be punished.”³⁰⁰ These statements about undermining the social order, which would turn constitutive of the later depolitization of terrorism both in ICUCL and the political discourse, were actually themselves a replication of Institute of International Law’s earlier definition of “social crimes” as “criminal acts directed against the bases of the entire social order [*toute organisation sociale*], and not against only a certain State or a certain form of government.”³⁰¹ (It is more than plausible that this definition related, without making a direct reference, to “anarchist violence”. Some years later, at the Rome conference on anarchism, the latter would be defined as “having as its aim the destruction, through violent means, of all social organisation.”³⁰²) Moreover, while terrorism as a threat to international relations was introduced only in Copenhagen, the reference to the general order drawing upon the IIL definition of social crime which explicitly emphasized the order above any particular constituent unit identified with a State, could in some sense be considered a condition of the future *internationalization* of terrorism both in the political and legal discourse.

At both conferences, however, the question whether terrorism constituted a new international crime (*un délit de droit des gens*) that would make the suspect a subject to extradition and warrant a universal repression was resolved in the negative. The Terrorist could operate in more State territories, it was conceded in Paris, and could even imperil the *bien morale* which was international peace. Yet the danger he produced was *common*, not *international* danger. Both reports delivered on the issue in Madrid, produced by Lemkin and Roux, also argued against the notion of terrorism as an international crime. In fact, the former claimed that the contrary view would actually *imperil* international relations since it would compel States to pass judgments on other States’ politics. What would seem a rare conservative statement in the period of universalism and positivation of absolute principles is followed by the conclusion, however, that some other acts, such

³⁰⁰ International Conference on the Unification of Criminal Law, Madrid (1933), *Actes de la conférence* (Paris: A. Pedone, 1935) 335.

³⁰¹ *Annuaire de l’Institut de Droit International*, no. 12 (1892–94). The similarity is pointed in Bach Jensen (2009), who nonetheless does not notice that disrupting the entire social order was an element of the definition presented already at the Brussels conference.

³⁰² Quoted in Deflem (2005, 278).

as *barbarie* on defenseless population (massacres, collective cruelties etc.) should be internationally punishable irrespectably of the crimes' perpetrators and the declared political motive.³⁰³ (This is hardly surprising when one remembers that Lemkin would later famously coin the term *genocide* that would encompass such activities.)³⁰⁴ In terms of terrorism's definition, Lemkin's report noted that terrorism was not *une notion juridique*, but a concept which united other crimes (such as murder or arson) in that there existed a special state of mind of the criminal (rather than the terrorized victim) which involved a political objective. Roux's report, on the other hand, made an important connection between targeting *hommes politiques* and terror to the general population – a connection which would become subject to some controversy in the political discourse but eventually would be normalized (see above).³⁰⁵

The Copenhagen conference (1935) would, as noted above, assert the dual nature of terrorism mentioned above (assassination of protected persons; explosion directed at general public). It also introduced international relations as a referent object of harm to terrorist action – the final report, published in *Revue de Droit Pénal et de Criminologie* and sent to the League of Nations' Expert Committee,³⁰⁶ would find it desirable to criminalize special offences that create the state of terror because they change or impede the operation of the public authorities *and* disturb international peace. The common characteristic of all terrorism was the sense of insecurity of life, liberty and property. In other words, terrorism threatened the Liberal triad of life, liberty and the pursuit of happiness.³⁰⁷ Besides attributing the Terrorist with undermining the Liberal order, the debate in Copenhagen seems to have borrowed from the basic political discourse of civilization and barbarism: in statements that it had eschewed before, terrorism was therefore identified with danger for humanity or „lutte politique aux extremes de la barbarie et de la sauvagerie.“³⁰⁸

³⁰³ Lemkin, 1933, op.cit.

³⁰⁴ Raphael Lemkin, *Axis Rule in Occupied Europe* (New York: Carnegie Endowment for International Peace, 1944).

³⁰⁵ Roux, op.cit.

³⁰⁶ See *Revue de Droit Pénal et de Criminologie* (Aug.-Oct. 1935); Doc. C.R.T.17 (1936), Copenhagen Final Report.

³⁰⁷ For one of the earliest articulations of this Liberal triad see Locke's *Second Treatise of Government* 13.49.

³⁰⁸ Doc. C.R.T.17 (1936), Copenhagen Final Report.

That terrorist acts “menacent toute civilisation” and also the order in the abstract sense would be stated also in a new report by Gunzburg, which would define terrorism as aiming at overturning (*renversement*) a government or a regime.³⁰⁹ Another report delivered by Thomas Givanovitch seems to have underlied the final statement’s reference to the Liberal triad and the distinction between internal and international terrorism, which it considered an international crime under *jus gentium*, since it created international danger.³¹⁰ When conceptualizing terrorism Givanovitch furthermore makes an interesting statement, not repeated anywhere else, on *repetition* as a necessary condition for creating the state of terror. Such terrorism can involve a broad range of means, including e.g. defamatory campaigns – in the last instance, therefore, what distinguishes *political terrorism* is violence. The violent character of terrorist intimidation (which would be discussed in the political debate but was not included as a defining characteristic in the Convention) would also be posited in another report by Lemkin.³¹¹ It includes an interesting character sketch of the Terrorist, who does not believe in the possibility of victory in open combat and therefore engages in clandestine action destructive to the moral state of the masses (*l’état moral des masses*). By disorganizing social forces and instituting a state of terror, he attempts to *draw nearer* to reality his radical Utopian visions.

In delimitation of terrorism there existed a complex constitutive relationship between the political and ICUCL discourse with mutual influences, but also differences – a relationship complicated furthermore by intradiscursive tensions as neither discourse was perfectly disciplined. It is rather unproblematic to claim, on the other hand, that in depolitization of terrorism, the legal discourse played an important (if not the *only*) conditioning role in constituting the rules of the States’s discourse of terrorism. In this legal discourse the key force behind denying the Terrorist any political motive was the perceived need to remove terrorism from the category of political crimes for

³⁰⁹ Niko Gunzburg, *Terrorisme: Rapport* (Copenhague: Conférence internationale pour l’unification du droit penal, 1935).

³¹⁰ Thomas Givanovitch, *Terrorisme: Rapport* (Copenhague: Conférence internationale pour l’unification du droit penal, 1935). Givanovich presented a similar report also to the Committee of Experts, where it was registered as Doc. C.R.T.9 (1935).

³¹¹ Raphael Lemkin, *Terrorisme: Rapport* (Copenhague: Conférence internationale pour l’unification du droit penal, 1935).

which a certain special protection, namely with respect to possible extradition, existed.³¹² It therefore reinforced the legalistic, or technical depolitization in the political discourse, differentiated above from the general depolitization linked to dehumanization of the Terrorist and his subjectification as an absolute enemy to civilization and order.

The legal discourse of unification of criminal law established the depoliticized character of the Terrorist with considerable force. At the same time it should be emphasized that even here marginal discourses of “political terrorism” existed. Therefore, at the very moment of its discursive emergence, Gunzburg’s report mentioned no social or political intent of terrorism, yet in the final commission proposal to the plenary session of the Brussels conference, terrorism would indeed be characterized as *expressing or executing political and social ideas*. In the subsequent conferences, however reports presented spoke of political and social motives (Lemkin’s terrorist state of mind demanded a political end, for example)³¹³, in the end terrorism would only be limited to practices “for the purpose of terrorising the population”³¹⁴ or causing social disorder at the most abstract level. This indeed amounted to effective depolitization since the Terrorist’s objective was pure negation and destruction of order – a theme recurrent in both political and academic discourses of terrorism in the following decades. The Terrorist, Givanovitch would claim in Copenhagen, was “un vulgaire bandit et non un homme politique,” whatever his cause was. While he always corrupted the political, his *crimes* never were political.³¹⁵

The dominant conceptualization of terrorism as a depoliticized crime in Copenhagen furthered the effective depolitization of Paris and Madrid conferences. The Terrorist’s ultimate objective, it was conceded, was to overthrow the existing social order in the most general sense (that could now include the international order). Because of the purely abstract character of this end, nonetheless, it would not be considered *political* – a term reserved for combating an incumbent

³¹² This special treatment based in separating political crimes from common law, had its origin in the 19th century. It did not consist only in asylum, interpreted as nonintervention, but involved also different punishment or trial by jury. But in Russia, and after the WWI in other countries where regimes who had recently taken power assumed a defensive character to prevent reaction too, political crimes were in contrast approached with *increased*, rather than decreased severity.

³¹³ Lemkin, 1933, op.cit.

³¹⁴ Quoted in Zlataric (1975, 480).

³¹⁵ Gunzburg, op.cit.

government. Proposals would indeed be made in Copenhagen to substitute “political terrorism” a term which seemed rather popular in the general discourse, with “public terrorism” that had no immediate relation to the political and could thus unproblematically be removed from the category of political crimes and subjected to universal repressive action.³¹⁶ In the end, “public terrorism” would not gain wide acceptance in either the political or academic discourse. But “political terrorism” would be practically purged from both.

Conclusion

From the crisis of international order that lost its *nomos* the first discourse of terrorism among States emerged in the 1930s. This “international terrorism” was carved from the multiplicity of terrorisms in the general discourse as a monumental construct against which a universalist and normalizing action should be taken to preserve the (fictional) community of States. The law of rarity which established the boundaries of this discourse ruled that terrorism was international, and in consequence it was “international relations”, i.e. the hegemonic *status quo*, that could serve as the referent object of the securitizing narratives of terrorism. Furthermore, while it aimed to undermine the entire social order terrorism was always tied to the regular (a renegade state). It was a paradoxical relationship. It made terrorism thrive and grow into an unprecedented threat to the established order. Yet at the same time terrorism had to be alienated from the States (as driving a wedge into their virtual community). Finally, terrorism was defined by an (accidental) unity of two activities selected from a rather broad catalogue – assassination of “protected persons” (state authorities), and mass explosion aimed at the general public.

The universalist action failed, and so did the imagined community of civilized States, trampled in the mud by the military shoes in what was the bloodiest conflict humankind has ever

³¹⁶ Doc. C.R.T.17(1936), Copenhagen Final Report; Lemkin, 1935, op.cit.

witnessed. But the discourse remained, and so did the rules that disciplined it and basic discourses in which the Terrorist was subjectified in opposition to certain complementary Selves. Three such basic discourses were identified: the discourse of *civilization / barbarism*, in which he was subjectified as a Barbarian (imprisoned in history in a peculiar way because of his barbarism which scorned the universal progress towards civilization); the discourse of *order / chaos*, in which he could be juxtaposed to the peaceful and orderly servant of the State; and *political / criminal* in which he was depoliticized, that is reduced to a common criminal while at the same time elevated to the position of *hostis humani generis*.

No order of discourse is ever total. Battle would continue until the bitter end in the League of Nations over the precise definition of terrorism. Yet rules which made some statements possible and suppressed or marginalized others can be identified nonetheless. So can be their at least most fundamental conditions: the paradigm of sovereign reason excluding madness and chaos while constituting the realm of civilization, and the *epistémé* of legal positivism facilitating in its unbound optimism “progressive codification of international law” with the aim of achieving universal peace and harmony; and more specifically, the academic discourse of unification of criminal law, where the debate about terrorism had been initiated shortly before and which conditioned as much as it was conditioned in what was a true constitutive relationship between power and knowledge.

The Terrorist who emerged as a subject from the States’s discourse was a construct. Due to the constitutive power of the discourse, however, he was very much real. His reality, in fact, would outlive the ephemeral existence of yet *another* construct: the international community’s unity in suppression of it which was intended to preserve the international order in crisis. (Since this action remained limited to discursive practices, it does not in its own right yet meet the criteria of Foucault’s *dispositif*, an apparatus of both discursive and nondiscursive practices to reproduce and maintain power which the discourse of global terrorism arguably constitutes today.) But this history of terrorism is not a story merely of continuities, but also discontinuities. Thus in the next chapter will be witnessed also e.g. substantive emergence of “state terrorism” or more generally the debate

about root causes, conditioned by temporary restitution of the political in the discourse of terrorism among States.

Division (1970s)

Terrorism was once constructed to preserve the frail unity of the international order of „civilized States“. Its primary purpose was not to delimit and delegitimize a certain (existing) form of political violence, but to check a rising conflict among States. Terrorism was an instrument of State policy – a conflict unbracketed and, as underlined by reference to the Marseilles attentat, the archetypical act of „international terrorism“ in the 1930s, possibly also uncontained to its place of origin. When the discourse of terrorism among States was forcefully revived in the 1970s, it was again in reaction to a new crisis of international order. By forcing a discursive unity on a rising tide of phenomena such as political assassination, bombing, air hijacking and kidnapping, States of the First World resurrected the discourse of terrorism to delegitimize nonstate revolutionary violence sponsored by other States which to them seemed to threaten their hegemonic position in the existing international order. However, under a *Weltkonjunktur* substantially different from that in the 1930s, mainly since a new provisional *nomos* came to being, this move met with fierce opposition. The discourse of terrorism among States in the 1970s turned into a global discursive battle over legitimacy of violence and order.

The discourse of terrorism was now a true power to be seized. This meant that some elementary commonality notwithstanding, there was a fundamental and in the last instance unresolved but rather quelled duality in terms of laws of rarity and basic discourses. Thus, the Terrorist could be subjected as a masked revolutionary armed with an AK-47 automatic rifle, elusive and truly international (while still finding „safe havens“ in friendly renegade States); or as a system of capitalist exploitation and imperialism, a faceless *machine* at the abstract level, yet materialized into „state terrorism“ practised by particular alien powers against an equally abstract colonized Soul, materialized into concrete „oppressed *peoples*“. This duality, however, did not mean that an effective disorder would rule the discourse. Rather, it translated into two separate but interconnected orders

that disciplined the fragmented enunciative field in a way similar to the unipolar discourse of terrorism in the 1930s.

The Sound and The Fury

This section outlines the basic conditions for the reemergence and the (dual) order of discourse of terrorism among States in the 1970s. It describes the Munich spectacle as the catalytic discursive event, but argues that it was the sense of crisis and the temporary restitution of the *nomos* (and hence political) which were the fundamental conditions that made the new emergence and the particular order of States' discourse ultimately possible. A summary overview is given of the statements on terrorism preceding this discursive series to check for immediate conditioning continuities, but also to point important discontinuities, namely the shift of focus in constructing terrorism from *inside* intervention to *outside* spilling.

The Spectacle of Munich

„[The] lunatic acts of terrorism, abduction and blackmail which tear asunder the web of international life“ – this is how Golda Meir described³¹⁷ the spectacular sequence of events that started with storming the dormitory of Israeli team at the XXth Olympic Games by a Black September commando on September 5, 1972 and immediate killing of two of them. It was followed by fifteen hours of negotiation (Black September demanded release of Palestinians held in Israeli prisons as well as five senior members of RAF incarcerated in Germany, including Baader and Meinhof themselves), transfer to Fürstfeldbruck airport, German law enforcement authorities' failed rescue operation and the tragic fate of the nine remaining hostages. Spectacle it was indeed. Due to its attractive setting, live broadcast of the unreeling crisis was watched live by close to a billion people in more than a hundred countries around the world (Taylor 1993) – and in this multitude of gazes,

³¹⁷ NYT, Sept. 6, 1972.

some actually belonged to the „terrorists“ themselves, who used a television set in the dormitory to see the crisis in a broader (including international) context. „We have made the universe hear what it did not hear before,“ the three surviving commandos, released in a bargain stroke with hijackers of a Lufthansa flight *en route* from Damascus and Beirut to Frankfurt on October 29, 1972 could tell the worldwide audience during a press conference held in Libya where they had received a hero welcome.³¹⁸ This too was part of the spectacle – in fact, they were making the world hear *again*.³¹⁹

The spectacle of Munich makes it somewhat more understandable why Brian Jenkins's period metaphor of *terrorism as theater*³²⁰ gained such notoriety in the burgeoning field of terrorism studies. Not that theatricality would be absent from preceding widely popularized „terrorist acts“ – from the hijacking of El Al flight *en route* from Rome to Tel Aviv on July 22, 1968 which Hoffman considers a milestone of modern international terrorism precisely because the hijacked plane was used not as a means of transportation, but rather as a coercive tool for enunciation and guaranteed publicization of a political statement (2006, 68);³²¹ to the opening of gunfire at Lod (now Ben Gurion) international airport in Tel Aviv by Japanese Red Army aligned with Popular Front for the Liberation of Palestine (PFLP) on May 30, 1972. The Japanese, disguised as musicians, arrived on a flight from Rome armed with vz. 58 assault rifles hidden in violin cases.

The immediate reaction to the Munich events, and particularly the spectacular failure of German rescue operation, was forming special units in the West to prevent extended hostage takings

³¹⁸ Authenticity of this statement is doubtful, however, since in a widely available record from the conference it comes in response to a press question, yet *directly* from the interpreter, rather than the released Black September members, who are then asked by the press whether these *indeed* were their own words.

³¹⁹ Political effects of this are naturally not easily established. However, it is noteworthy that while initially Munich was initially seen as a tremendous setback for the „Palestinian cause“, by the end of the 1970s PLO had gained an observer status in the UN and diplomatic relations with more countries than Israel had at that time (Hoffman 2006, 70) – and if Munich did not positively contribute to this subsequent chain of events, it surely did nothing to prevent it.

³²⁰ Brian Jenkins, *Terrorism: A New Kind of Warfare* (Santa Monica, CA: RAND, 1974) 4.

³²¹ According to *Historical Dictionary of Terrorism* (Anderson and Sloan 1995), the first recorded hijacking of a plane with the intent of disseminating a political message took place already in 1932, where two rebels in Peru forced a U.S. aircraft to circulate above Lima so they could drop propaganda leaflets from the plane. Forcing an aircraft to change a scheduled route without any political message involved was later not an uncommon means of crossing the iron curtain. In Czechoslovakia, to take an example, three Dakota airplanes were hijacked by a group of former Royal Air Force pilots and forced to land in Erding airfield near Munich as early as March 24, 1950. The most notorious case, however, took place in June 1972 when a group of hijackers took control of a local flight *en route* from Mariensbad, shooting the crew captain, and forced the second pilot to land in Bavaria. The case was cited as an example of terrorism in the UN general debate (Doc. A/PV.2038, 1972). It was also later dramatized in a masterpiece of Czechoslovak television propaganda, the series *Třicet případů majora Zemana* [Major Zeman's Thirty Cases], where the hijackers' characters were loosely based on members of a dissent rock band *Plastic People of the Universe*.

seen as undermining authority of the State, as well as e.g. founding of a U.S. Cabinet Committee to combat terrorism by Nixon's order of Sept. 25, 1972. (This act, which in practice amounted to establishing a counter-terrorism program, would have important implications also for the *science* of terrorism, as discussed in detail below.) To tackle the more general phenomenon of growing nonstate violence that indeed aimed at undermining the existing international order (attacks against modern means of global communication, embassies and diplomats as institutions and actors of traditional international diplomacy, or the capital etc.) but onto which not unproblematically the uniting label „international terrorism“ was forced, actions by other States followed. They included establishing TREV I Group (1976) – enigmatically so called after the first chairman A.R. Fontejn and the place of its first meeting, Rome (Hix 2005, 356-357) – and other informal mechanisms of cooperation by European Community Members (cf. Cardona 1992).

But it was not only States who reacted, as evidenced by a number of organizations founded to advise executives in multinational corporations how to respond effectively to such violence, documented in a period report of CIA's National Foreign Assessment Center (Friedlander 1979a, Doc. 5). Indeed, the number of events to which the label of „international terrorism“ was attached by both States and terrorism science³²² was considerable, and in that sense terrorism as discussed among States was not as „virtual“ as the terrorism discussed in the 1930s, when discursive references to real events, with the exception of the Marseilles attentat, were almost entirely absent. That these acts would be called terrorism was of course never given.³²³ Some continuity was indeed preserved from

³²² For instance, RAND's Terrorism Incident Database (1972) records 2,150 incidents of international terrorism in the 1970s. RAND defines terrorism „by nature of the act, not by the identity of the perpetrators.“ Essence of the act is defined as „violence calculated to create an atmosphere of fear and alarm to coerce others into actions they would not otherwise undertake, or refrain from actions they desired to take,“ perpetrated usually on civilians for political purposes and with the aim of achieving maximum publicity. International incidents are those committed by someone other than citizen of the country where they occur, strikes against domestic targets with „international significance“ or planes (<<http://www.rand.org/nsrd/projects/terrorism-incidents/about/scope.html>>).

³²³ Brian Jenkins, head of terrorism research at RAND, later provided a rather reflective discussion of the problems associated with delimiting the scope of incidents included under such definition. A number of outstanding issues remained, which had to be resolved by consensus, rather than strict application of the definition, such as whether acts committed in war would be included, where exactly the borders of inside / outside lay when it came to activities of IRA or Puerto Rican separatists in their *metropoleis* (included on the grounds that they „carried the campaign abroad,“ even if not in a strictly *international* sense), or even what constituted a basic unit of analysis (whether e.g. each in a series of explosions committed one day by one organizations in close vicinity be considered a separate incident or not). Jenkins concluded, however, that these issues pertained only to a small fraction of actual incidents and the problem was thus rather marginal. Brian Jenkins, *The Study of Terrorism: Definitional Problems* (Santa Monica, CA: RAND, 1980).

the previous States' discourse, but a new accidentality complemented it, most notably with respect to the phenomenon of *air piracy*.

The Restituted Nomos: A New Discourse Emerges...

Yet the spectacularity of events such as Munich in itself could hardly give rise to the new discourse of terrorism, under which constitutive statements about these and a number of other events could be subsumed, and which emerged to facilitate a new universalist action in face of a new international crisis, only to turn into something very different. This discourse, it should be noted, initiated in a response to a monumental spectacle, was something of a spectacle *itself*, with the setting of the United Nations General Assembly providing a distinct theatrical quality to performances by individual „actors“ and their dialogues and (rather more often) soliloquys in which important statements on limits of political violence were enunciated. The conditions of this emergence and the turn this discourse took are now subjected to a detailed analysis.

The fundamental condition underlying the emergence with unprecedented intensity of the discourse of terrorism in the early 1970s and its divided and intensely political character – in contrast to the provisional unity and depolitization that characterized it in the 1930s – was a temporary return of Schmitt's nomos. Such claim requires some elaboration, as indeed it departs from Schmitt's own analysis of the Cold War as an instance of global civil war, and the (derived) contemporary Schmitt scholarship (cf. Odysseos and Petito 2007). In retrospect, it is however plausible to argue that the Cold War *did* represent a territorial order with a unity of legal and spatial orientation that used both traditional (diplomacy) and modern (nuclear weapons, or more precisely, abstract calculations about their use)³²⁴ means to rationalize interactions and bracket war. This despite the persistent inflammatory rhetoric used by both parties to discipline their domestic realms

³²⁴ „The new terror brings a certain element of equality in annihilation. Strange as it may seem, it is to the universality of potential destruction that I think we may look with hope and even confidence,“ Churchill claimed in the House of Commons (quoted in Gaddis 2005, 65). Needless to say, mutual deterrence and the effect nuclear weapons exert on the great power warfare has been one of the key issues the discipline of International Relations dealt with. Fortunately, due to the lack of evidence that would make it possible to falsify the issue of inhibitive role of nuclear weapons remains positively unresolved.

and sustain the national security state that gave more appearance than reality (in terms of nondiscursive practices) to the absolute enmity within the order.

This *nomos* indeed differed from *jus publicum Europeanum* – most notably in that it presented a trichotomy of political spaces (*Großräume*), which, using the conventional Occidental perspective, will be called here First, Second, and Third World. Secondly, the legal order (*Ordnung*) was indeed much weakened compared to *jus publicum Europeanum*, with an obvious consequence: intensified (but not absolute) enmity within the order. Diplomacy and nuclear weapons formed brackets effectively ruling out warfare between the First and the Second World. In the Third World, however, the situation was different. Not only was it a space of intense political contest between northern great powers where conflict was possible and in fact also unbracketed because some elementary norms of international law (nonintervention) and limited („civilized“) warfare, while purportedly universalist in nature, would in practice not apply here. Third World, the battlefield (often turned into „killing spaces“³²⁵) of men and marketplace of seductive ideologies and lucrative contracts, was also a site of total colonial war since it was, unlike the yester New World, *autonomizing* and subjectifying itself. This subjectification effected not only the colonial war waged between the national liberation movement(s) and the imperialist *metropoleis* in the North. Once some of the former colonies gained independence, it also effected the discursive challenge of the limits of legitimate violence and character of international order in the debate about terrorism.

... and Breaks in Two: The Battle over Terrorism

This challenge was made possible by the political fragmentation in the North, temporarily restituting the political in international relations. (Indeed, the 1970s were the era of *détente*. Yet while to some extent conditioned on political development beyond its borders, it was limited to Europe.)³²⁶ And it was in the United Nations, an international organization at the intersection of

³²⁵ I borrow the term from Niall Ferguson, who applied it to Eastern Europe in the first half of the twentieth century (Ferguson 2006).

³²⁶ This was also how it was perceived by States at the time. Cf. Doc. A/PV.2125 (1973), Minutes of the General Assembly, opening remarks by the governments.

those *Großräume* that it was most forcefully enunciated. The Third World lacked material power, but the magnitude of its representation combined with the majoritarian voting procedure in the General Assembly predisposed it to entertain influence over discourse once it was initiated in response to a perceived crisis of international order by the First World and in an effort to launch a new global war against inhumanity.³²⁷ Despite considerable effort, the *autonomizing* Third World was unable to withstand the concerted pressure of the First World and silence the discourse about terrorism in the very beginning.³²⁸ It then attempted to seize „the idea of terrorism,“ which in its view was intended to conceal the very evils that the desperate acts of violence were intended to publicize.³²⁹

This seizure was finally unsuccessful, however. The Third World States were indeed able to enshrine clauses about the *prima facie* unrelated right to self-determination to all important final documents (resolutions, reports), thus effectively employing a *logic of exception* for these movements in relation to terrorism (a rule of discourse that is introduced and explained in more detail below).³³⁰ Yet they did not succeed in bringing about a state in which a convention on state terrorism by „colonial, racist and alien regimes“ which indeed was the *only* terrorism condemned in the founding resolution 3034 (1972) and several that followed it in the 1970s could be passed; in which „hostages“ under the terms of International Convention against the Taking of Hostages (1979)³³¹ would include the colonial peoples and the government would thus effectively be rendered a Terrorist (Sofaer 1986, 916); or in which elimination of colonial domination, end of foreign occupation and prohibition of all assistance to regimes that exercise it could be effected, possibly under the authority of the Security Council acting under Chapter VII.³³²

³²⁷ The State most vocal in pointing out the (alleged) discursive hegemony of the Third World was, unsurprisingly, Portugal – one of the colonial regimes *par excellence* in whose colonies a number of colonial wars continued to be fought in the 1970s. Cf. Doc. A/PV.2138 (1973), Minutes of the General Assembly.

³²⁸ Doc. A/PV.2037 (1972), Minutes of the General Assembly. For example, Democratic Yemen would criticize in this forum the Waldheim report (see below) for „unintentionally exposing the liberation movement in the world to a trial by a world court.“ Cf. also Sofaer (1986, 904).

³²⁹ Cf. Doc. A/34/37, Report of the *Ad Hoc* Committee (1979).

³³⁰ The clause continued to be inserted in the resolutions up to the early 1990s. Cf. General Assembly Res. 38/130 (1983), 40/61 (1985), 42/159 (1987), 44/29 (1989), 46/51 (1991).

³³¹ UN Treaty Series, vol. 1316, no. 21931.

³³² Doc. A/9028, Report of the *Ad Hoc* Committee (1973); A/34/37 (1979), Report of the *Ad Hoc* Committee.

The battle over discourse was not fought by two monolithic entities. The First World was indeed rather homogeneous in enunciating the hegemonic, *status quo* discourse of depoliticization of nonstate violence – illegitimate, and categorically prohibited as an instrument of change irrespective of the possible justice of its cause, since it was located beyond certain *established* limits. The Third World, in contrast, was divided by its very nature of battlefield / marketplace. This was, after all, the reason behind Fanon’s call for revolutionary socialism as the desired cement of its envisioned unity: „The rival blocks take opposite sides, and hold each other in check; let us take advantage of this paralysis, let us burst into history, coercing it by our invasion into universality for the first time.“³³³ Statements in the (autonomizing) Third World States’s discourse³³⁴ tended to emphasize the restitution of (former) independence of colonial lands and emancipation of their *Großraum* rather than a more radical transformation of the international order through the revolt of the world’s „wretched“ and establishment of global socialism (a conclusion of a dialectical process in which colonialism had its irreplaceable position). Nonetheless, these States’s discourse was permeated by the vocabulary (*imperialism, exploitation*) and conditioned on truth claims contained in or at least inspired by Marx and Lenin’s doctrine.

Yet despite the ideological affinity and actual support provided both to liberation movements and new governments,³³⁵ the Second World, constrained by the existing *nomos*, figured more as a *status quo* than revolutionary entity, which should be emphasized as one of the important conclusions of the 1970s discourse’s analysis. Lukewarm, rather than directly *opposed* to its initiation, the Soviet Bloc indeed made statements in favour of national liberation movements and their war for independence, but showed little inclination in effecting a more fundamental transformation of international order, at which many Third World States aspired, despite their (however imperfect) socialization into the society of States which limited their political alternatives

³³³ Franz Fanon, *The Wretched of the Earth* (New York: Grove Press, 1963 [1961]) 12.

³³⁴ Hereafter, I use the term „Third World“ to mean the States of *autonomizing* Third World, unless specified otherwise.

³³⁵ While the idea that the Soviet Union should weaken imperialist powers by supporting revolutionary movements in the colonies existed almost since its inception, once it became clear that imperialist wars would not undermine the capitalist system in the near future, nor would the Bolshevik revolution spark a chain reaction of socialist revolutions in their *metropoleis*, it was only in the Cold War that it became an actual government policy. „I am not an adventurer... but we must aid national liberation movements,“ Khrushchev would remark (quoted in Gaddis 2005, 122).

to the world of states and redistribution of means of production *within* this world. Hence it is not possible to isolate a discrete Second World's discursive order. The two juxtaposed orders the statements formulated under which confronted each other were those of the First and Third World (inasmuch as the geographical correspondence of these fundamentally analytical constructs is subject to the reservation made above). The Second World States indeed enunciated statements in the discourse: they were not silent as e.g. Germany was, institutionally excluded from the discursive field in the 1930s. Their statements, however, tended to follow the rules of either one of the discursive orders – and, the ideological affinities/differences notwithstanding, besides a few statements formulated under the first logic of exception (ruling out national liberation movements from the debate about terrorism) and the Third World's discourse of method (see below), it was, curiously, the First World's order. Despite their criticism of the capitalist state, Second World States would not, for example, subjectify a State as terrorist. Incidentally corresponding to the change in nondiscursive practices (gradual withdrawal of support to those who in First World's discourse were subjectified as Terrorist, including by closing the „safe havens“ in the Eastern bloc in the 1970s), this generally conservative position, intriguing as it is given the inherent revolutionary rhetoric of Marxism and Leninism, may be explained only by the actual *satisfaction* with the existing nomos and, consequently, a shared sense of threat with the First World States. If this conjecture is true, it makes it easier to comprehend the discursive change towards First World discursive order's hegemony once the nomos of the Cold War collapsed.

The discourse of international terrorism among States in its many variations detailed in the following section took place in this *Weltkonjunktur* and complex power interactions between First, Second and Third World. Indeed, political events (e.g. Six Days and Yom Kippur Wars, OPEC oil embargo or even an agreement between USSR and Syria on renting Latakia naval base) may have caused minor turns in the discourse.³³⁶ It is even conceivable that the increased exposure to terrorist attacks of Arab governments in the latter part of the 1970s because of their perceived lack of

³³⁶ Baxter (1974) mentions oil embargo as a specific factor in articulating European countries' position, while Franck and Lockwood (1974) claim that Yom Kippur War caused failure of the International Civil Aviation Organization's Rome negotiations.

radicalism could have contributed to a modest weakening of their position (cf. Saul 2006a, 202-203). After all, the resolution 34/145 (1979) was the first which besides the obligatory reference made separately to terrorist acts by colonial, racist and alien regimes „unequivocally condemned all acts of terrorism.“ Yet it is hard to imagine how particular events such as those mentioned above could be *constitutive* of emergence or order of entire discourses. Regarding the progressive moderation of some Third World States' positions, the evidence for which in the 1970s is moreover rather scant, the increased exposure to „terrorism“ may not have been the ultimate, but rather a mediate cause. It could in fact be a consequence of the progressive socialization of those States into international society and the decreased resolve to materially support revolutionary violence seen by this society as undermining the prevailing international order.³³⁷

Previous Statements: Limited Spilling

The emergence of the discourse of terrorism in the 1970s with unprecedented intensity did not mean that States would have been entirely silent on the issue in previous decades at international fora. The Draft Code of Offences, prepared by International Law Commission (1954) charged with the task by UNGA resolution 177 (1947), proposed to make „the undertaking or encouragement by the authorities of a State in another State, or the toleration by the authorities of a State of organized activities calculated to carry out terrorist acts in another State“ an offence against the peace and security of mankind, and a crime under international law.³³⁸ The Code, which notably continued to consider acts of terrorism merely in the framework of *State* responsibility, drew upon the 1937 convention (particular in the first draft),³³⁹ but was also inspired by the process and outcomes of Nürnberg trials.

³³⁷ This was actually the conclusion of a CIA's National Foreign Assessment Center research paper on terrorism reprinted in Friedlander (1983, Doc. 2), which claimed that by the end of the 1970s there had been „a notable decline in government patronage of international terrorist acts“ by Arab governments who had realized that such patronage was detrimental to their relations with the West.

³³⁸ Doc. A/2693 (1954), Report of the International Law Commission.

³³⁹ The early version of the draft defined as offence the „undertaking, encouragement or toleration by the authorities of a State of organized activities *intended or calculated to create a state of terror in the minds of particular persons or a group of persons or the general public* in another State“ [emphasis added]. Doc. A/CN.4/SER.A/1951, Yearbook of the International Law Commission, vol. II, ch. 3.

In the 1960s, terrorism was discussed during the preparation of res. 2131 (1965), Declaration on the Inadmissibility of Intervention, which stated that „no State shall organize, assist, foment, finance, incite or tolerate subversive, terrorist or armed activities directed towards the violent overthrow of the regime of another State, or interfere in civil strife in another State.“ The 1960s were also a period when Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States, later passed as res. 2625 (1970) was labouriously negotiated. In its final version, it reiterated the categorical prohibition of intervention and general use of force, and provided an exemplary (but not exhaustive) enumeration of acts by which it was constituted. These included organizing armed bands or instigation of civil strife and acts of terrorism.³⁴⁰ From the beginning, formulation of the relevant articles posed particular difficulties,³⁴¹ but it is noteworthy that the Third World States failed to amend them with an exception clause stipulating that the people subjected to colonial oppression were entitled to seek and receive all support in accordance with the UN Charter and res. 1514 (1960). Indeed, this provision was included in the Declaration, yet it was removed from the immediate context of acts of terrorism.³⁴² In any case, these debates reflected the perception by First World States of the same international crisis mentioned above, essentially brought about, as in the 1930s, by acts of States sponsoring terrorist violence, in addition to the resolve of Third World States to renegotiate some rules of international society. The similarity obtained also in that the positivation and precision of the prohibition of intervention was seen as a product of „progressive codification of international law,“ in this case a norm enshrined both in the UN Charter (art. 2/4) and the customary law which e.g. obliged States to prevent the use of their territory for activity harmful to other States.³⁴³

³⁴⁰ It was rather symptomatic of the ongoing Cold War that in the Sixth Committee debate the United States noted that the provision does not preclude a State's right to provide military assistance to another State at its request. Doc. A/C.6/SR.1180 (1970).

³⁴¹ Cf. Doc. A/5746 (1964), Report of the Special Committee on Principles of International Law concerning Friendly Relations and Cooperation among States. The first proposals that included „terrorism“ in the draft were submitted during the 1964 session of the Committee by Yugoslavia (A/AC.119/L.7), Mexico (A/AC.119/L.24) and Ghana, India and Yugoslavia (A/AC.119/L.27).

³⁴² Doc. A/8018 (1970), Report of the Special Committee on Principles of International Law concerning Friendly Relations and Cooperation among States.

³⁴³ See e.g. Lotus Case (1927); Corfu Channel Case (1949).

A discontinuity with the later discourse of terrorism, on the other hand, rested in that „terrorism“ was related in this discourse of intervention to the problem of disrespecting the (sanctified) boundaries of a domestic political space by acts of sedition or subversion sponsored from the outside. In the 1970s, in contrast, the boundaries retained their significance, but the crucial concern by the promoters of the discourse of international terrorism was the threat it posed to international order by *spilling* the conflict and disorder from its (domestic) political space of origin. Yet it is important to note that the res. 2625 (1970) – the essential product of the 1960s discourse of intervention as a first attempt by the First World to check the perceived international crisis – was in a close interdiscursive relationship with the later discourse of terrorism since it was referenced in all UNGA terrorism resolutions passed in the 1970s and after.³⁴⁴ What it meant in practice was that at least implicitly, the state sponsoring element of terrorism activity was present in the discourse, despite the opposition by Third World States. But in the end, so was the *logic of exception* employed with respect to the national liberation movements the seeds of which were sown in the same resolution.

Mastered by Their Own Rhetoric

„Each speaker was master of his own rhetoric and, sometimes unwittingly, revealed much of himself and his Government’s approach to the item under consideration and other questions,“ the United States remarked after first rounds in the discursive battle over terrorism were fired in General Assembly’s Sixth Committee.³⁴⁵ It is a curious reflection in that it actually says the opposite of what it seems: it was the rhetoric that mastered the masters, which in the context of their „unwitting revelations“ were more *owners* of statements about terrorism than their autonomous makers. To deduce from the totality of these statements rules of this rhetoric, or order of this discourse, and its conditions, is the subject of this section. Before the actual analysis of this discourse employing the

³⁴⁴ This includes res. 3034 (1972), 32/147 (1977), 34/145 (1979), 38/130 (1983), 40/61 (1985), 42/159 (1987), 44/29 (1989), 46/51 (1991), 49/60 (1994), 51/210 (1996), 52/165 (1997), 53/108 (1999), 54/110 (2000), 55/158 (2001), 56/88 (2002), 57/27 (2003), and 58/81 (2004).

³⁴⁵ A/C.6/SR.1386 (1972), Minutes of the Sixth Committee.

established pattern of inquiry, it is useful to outline the discourse's character in terms of its material locus and content.

Discourse Overview

The United Nations should not be a „mute spectator,“ Kurt Waldheim, the organization's Secretary-General, claimed after the Munich events, fully appreciating spectacularity of the tragedy discussed above (quoted in Hoffman 2006, 23). Three days after it took place, on September 8, 1972, he proposed inclusion of the item on the agenda of the General Assembly entitled „Measures to prevent terrorism and other forms of violence which endanger or take innocent human lives or jeopardize fundamental freedoms“. He did not forget to stress that „all concerned,“ thus possibly pointing also to certain States, „should turn away from senseless and destructive violence.“³⁴⁶ This, however, caused discontent of Third World States who forced Waldheim to add, in another submission dated September 20, a concern for „underlying situations which give rise to terrorism.“ (In the strict sense, it was Waldheim, rather than the „First World“ who initiated the discourse of terrorism in the General Assembly. However, in the act and the statements that surrounded it, he undoubtedly voiced *its* concerns, rather than those of the Second or Third World.)³⁴⁷ After heated debates in the General Committee and the plenary session concerning the question whether the item should be discussed at all,³⁴⁸ it was ordered to the Sixth Committee (Legal Affairs) under a modified title based on a proposal by Saudi Arabia,³⁴⁹ „Measures to prevent international terrorism which endangers or takes innocent human lives or jeopardizes fundamental freedoms, and study of the underlying causes of those forms of terrorism and acts of violence which lie in misery, frustration,

³⁴⁶ Doc. A/8719 (1972).

³⁴⁷ Not only did he introduce the discourse of innocence, but in a report that would be frequently referenced in the following States' discourse, the Secretary-General also limited the interest to „international terrorism“. While this was generally accepted, with important consequence for the discourse's law of rarity, other statements contained in the report proved controversial precisely because of their anchoring in the First World's position. Thus, in the report, terrorism, while once the practised by States, now comprised activities exclusively exercised by nonstate actors and directed against State (a formulation inspired by the 1937 Convention). It also articulated a normative view recurrent in the First World's discourse that possible justice of the cause notwithstanding, some means must *never* be used. The report indeed did discuss „underlying causes“ of terrorism (and hence was referenced also by Third World States), but it was cautious to establish direct causal relationship: misery, frustration, grievance and despair were instead considered *states*, or *psychological conditions*, which *sometimes* lead, *directly or indirectly*, to violence. Doc. A/C.6/418 (1972).

³⁴⁸ A compilation of views presented in General Assembly was made by the Secretariat and presented to the Sixth Committee as Doc. A/C.6/L.867 (1972).

³⁴⁹ Doc. A/L.673 (1972).

grievance and despair and which cause some people to sacrifice human lives, including their own, in an attempt to effect radical changes.“ This formulation, stressing innocence of the victims, underlying causes of terrorism and political intent of the Terrorist („effect radical changes“), while sanitizing the effects of terrorist violence („sacrifice human lives“), would also serve as a title for the first UNGA resolution on the issue, res. 3034 (1972).

Despite opposition by First World States, the resolution did not condemn „international terrorism“ as such, but merely terrorist acts by „colonial, racist and alien regimes“. At the same time it stressed the right to self-determination and independence of all peoples under colonial and racist regimes, thus employing the implicit *logic of exception* mentioned above.³⁵⁰ The same statements would be contained also in res. 31/102 (1976) and 32/147 (1977). The fourth of UNGA resolutions passed in the 1970s, res. 34/145 (1979) would be the first to condemn (all) acts of terrorism unequivocally.³⁵¹

The resolution 3034 (1972) established an *Ad Hoc* Committee, which sat three sessions in the 1970s and produced three comprehensive reports with recommendations for the General Assembly.³⁵² It was composed of 35 Member States from all three worlds.³⁵³ Significantly missing was Israel, who was a frequent subject of the state terrorism discourse enunciated there, and who in consequence subjected its proceedings to scathing criticism.³⁵⁴ The first Committee divided in final sessions into three subcommittees – on the definition of terrorism, on its underlying causes and on measures of prevention. Each of those subcommittee’s sessions in fact lasted only two days, in which a consensus was meant to be reached. Even if there did exist favourable conditions for agreement, therefore, it could only have been reached with extreme difficulty. But as it was not the case, it was

³⁵⁰ Doc. A/RES/3034 (1972).

³⁵¹ Doc. A/RES/34/145 (1979).

³⁵² Doc. A/9028 (1973); A/32/37 (1977); A/34/37 (1979). The Committee’s original mandate was later extended by the resolutions 31/102 (1976) and 32/147 (1977).

³⁵³ Members included Algeria, Austria, Barbados, Canada, Congo, Czechoslovakia, Democratic Yemen, France, Greece, Guinea, Haiti, Hungary, India, Iran, Italy, Japan, Mauritania, Nicaragua, Nigeria, Panama, Seden, Syrian Arab Republic, Tunisia, Turkey, Ukrainian Soviet Socialist Republic, USSR, United Kingdom, United Republic of Tanzania, USA, Uruguay, Venezuela, Yemen, Yugoslavia, Zaire and Zabia. Doc. A/AC.160/INF.1 (1972).

³⁵⁴ Cf. Israel’s statements regarding A/34/37 (1979), *Ad Hoc* Committee Report, in which (and in particular reference to the analysis of underlying causes there contained) it said e.g. that „were it to be published as a book with the author’s name displayed, any unbiased reviewer would have little difficulty in giving it a short shrift.“ Doc. A/C.6/34/SR.10 (1979), Minutes of the Sixth Committee.

no surprise that the Committee's conclusions were indecisive, the issues most contentious being those that the subcommittees of the whole were meant to deliberate: *definition, causes, and action*.³⁵⁵

The inconclusive discursive battle in the *Ad Hoc* Committee coupled with the concern of the *status quo* powers both in the First and Second World contributed to the adoption of a number of „sectoral treaties“. These treaties would establish as criminal offences various activities associated in the discourse with terrorism. States would be bound to include them in their criminal codeces (thus effecting a normalization of the general legal order) and institute an extradition regime on the basis of *aut dedere, aut judicare* (i.e. without instituting any international adjudicating institution such as International Criminal Court). The controversial term „terrorism“ would usually be avoided to guarantee consensus (cf. Bassiouni 1975; Cassese 2003; Lehto 2003; for a more general discussion of these sectoral treaties cf. Saul 2006a, 130-142; Hafner 2006; or Gioia 2006). In the 1970s, there would be concluded in this manner the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents (1973),³⁵⁶ which securitized „maintenance of normal international relations“ by means of traditional diplomacy (a rather manifest testament to the perceived international crisis), and International Convention against the Taking of Hostages (1979).³⁵⁷ The latter convention did not only testify to the existing division between the world's *Großräume* – besides the proposition to include certain peoples as „hostages“ to the colonialist regimes, a Third World State also proposed including wording „innocent hostages“ in the convention, thus implying that some hostages were not innocent since they bore responsibility for their elected governments' actions³⁵⁸ (a „democratic theory argument“ often repeated in the discourse of innocence by „Terrorists“ themselves). It is noteworthy also because it included a statement defining the offence by its perpetrator's intent to „compel a third party organization... to do or abstain from doing any act...“ This formulation would later become a commonplace reference in legal statements about acts of terrorism.

³⁵⁵ In the final report, the Committee stated „diversity of existing viws on the various aspects of the subject submitted for consideration.“ Doc. A/9028 (1973), Report of the *Ad Hoc* Committee.

³⁵⁶ UN Treaty Series, vol. 1035, no. 15410.

³⁵⁷ UN Treaty Series, vol. 1316, no. 21931.

³⁵⁸ Doc. A/C.6/31/L.11 (1976), proposal by Libya.

The sectoral approach would prevail until the 1990s, when it started to be succeeded by a new universalism discussed in the next chapter. Among its first manifestations was the Convention on Terrorist Bombings (1997),³⁵⁹ which aimed at a more general definition of terrorism close to that of the 1937 Convention – the link connecting the two being UNGA resolution 49/60 (1994) – and more generally a principle of *quasi-universal* jurisdiction the newer treaties established (Freestone 1997) as compared to the more traditional principles of jurisdiction contained in the previous treaties – nationality, territoriality, but also passive personality and the protective principle (Saul 2006a, 140). By that time, more than a dozen of conventions and protocols had been signed and ratified by a number of States, though despite a considerable increase of ratifications following UN SC res. 1377/2001 (cf. n 2004, 190) only a minority of States has ratified *all* of them.³⁶⁰

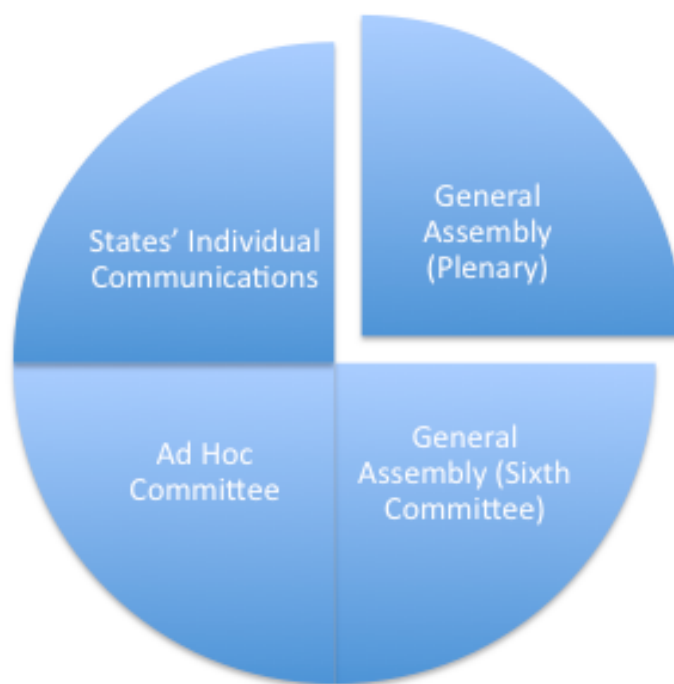
From the outline of the discourse's content it emerges that the main locus of the United Nations' discourse about terrorism, comprising thousands of pages of minutes, reports, proposals, drafts and resolutions) was the General Assembly, its Sixth Committee, and the *Ad Hoc* Committee that it established. (In this institutionally delimited discursive space a final source of statements would be individual governments' communications.) The Security Council remained mostly outside the discourse, which was conditioned less by the perceived (insufficient) seriousness of the issue than by the institution's general paralysis. It was not entirely silent, however. Most notably, on September 10, 1972 a resolution was vetoed here by USSR and China that mentioned the recent attack by Black September „terrorists“.³⁶¹ But, significantly, it would be only towards the end of the Cold War (1985) that the Security Council became truly *seized* of the problem of international terrorism.³⁶²

³⁵⁹ Doc. A/RES/52/164.

³⁶⁰ To mention the treaties concluded in the 1970s, ICAO's Hague and Montreal Conventions (see below) have been ratified by some 95% of States, while the UN conventions discussed above by ca. 80% (Saul 2006a, 134). In both cases, this represents a considerable increase compared to the end of the 1970s, by when the Hague Convention had been ratified by 68%, the Montreal Convention by 66% and the Convention on Protected Persons by 26% States. (To avoid the problematic of the concept of State, I calculate only with United Nations' Member States. Saul makes no methodological note in respect to his count.)

³⁶¹ Doc. S/10786 (1972). The Council had also passed a resolution (S/286/1970) and a decision (S/10705/1972) concerning plane hijacking.

³⁶² The first Security Council resolution that used the term „terrorism“ was S/579/1985, condemning acts of hostage taking as manifestations of international terrorism (cf. Saul 2005; and next chapter).



The Security Council's paralysis – which in the view of Third World States was caused not by the existing nomos, but characteristically by the union between two imperialist regimes, Israel and the United States, its protector³⁶³ – made it easier for the General Assembly to assume the role of the main site where the discourse of terrorism was articulated, to the benefit of Third World States who held majority here. Needless to say, the General Assembly has no actual legislative power in the United Nations' system of global governance (cf. Simma 2002, 237ff.). UNGA's decisions are not binding (e.g. a condemnation of terrorism does not result in any further immediate action; and the conventions intended to be binding, such as res. 3166/1973 on the protection of crimes against internationally protected persons, would be opened for signature as standard treaties). Neither can they give rise to an instant custom. Declarations can indeed have a legal effect as interpretations of the UN Charter (Brownlie 1998, 15; Saul 2006a, 193), and depending on the manner of their adoption can reflect an emerging custom. But, in the final instance, they *clarify* rather than *make*

³⁶³ Cf. Doc. A/PV.2142 (1973), Minutes of the General Assembly, statement by Syria.

norms, and the UNGA is an organ of collective legitimization/delegitimization of States' action (cf. Claude 1966) rather than a sovereign legislator.

Whatever the UNGA's legal powers, however, States convened here, debated and *acted* in terms of enunciating statements that were meant to legitimize or delegitimize their's and other actors in the international relations' actions. States' discursive practices here demonstrate that they did not underestimate the forum's potential. It is with those statements, rather than with their immediate legal effect, that this dissertation is concerned. Without underestimating the element of States' practice in formation of international norms (cf. Higgins 2003), it is only in discourse that the meaning of this practice is established and enforced. The UNGA discourse of terrorism, due to near universal participation of States, is chosen here for its representativity.³⁶⁴ Yet it is important to note that it was not the only discourse of terrorism among States in the 1970s. Statements about terrorism were enunciated also in the discourse of international humanitarian law – whose interdiscursive relations with the UNGA discourse of terrorism will be analyzed in some detail below – but also in specialized intergovernmental agencies (International Civil Aviation Organization, International Atomic Energy Agency) and regional organizations (Organization of American States, Council of Europe, European Community or Conference on Security and Cooperation in Europe).

Two sectoral treaties were passed in ICAO's framework in the 1970s – the Hague (1970)³⁶⁵ and the Montreal (1971)³⁶⁶ Conventions – in addition to the earlier Tokyo Convention (1963).³⁶⁷

³⁶⁴ In the 1970s, Palestine Liberation Organization would also be allowed to articulate statements in this institutional framework – first through other States, then in its own right as an organization with observer status with the United Nations (1975). In 1972, it would issue a statement, since presented by Democratic Republic of Yemen (Doc. A/C.6/L.876), in which it portrayed Arab people as victims of systematic and institutionalized terrorism by Israel, a structural condition causing alienation among people and disrespecting norms of human and international behaviour. Characteristically, Israel practised, in Arafat's view, all forms of activities that were often considered „terrorist“ in the contemporary discourse. The most famous statements were, however, enunciated by Arafat personally in the General Assembly (1974). Here, he stated that „those who call us terrorists... seek to hide the terrorism and tyranny of their acts, and our own posture of self-defence,“ and even more notoriously, that „the difference between the revolutionary and the terrorist lies in the reason for which each fights. For whoever stands by a just cause and fights for the freedom and liberation of his land from the invaders, the settlers and the colonialists cannot possibly be called terrorist, otherwise the American people in their struggle for liberation from the British colonialists would have been terrorists; the European resistance against the Nazis would be terrorism, the struggle of the Asian, African and Latin American peoples would also be terrorism, and many of you who are in this Assembly hall were considered terrorists. Doc. A/PV.2282 (1974). I do not include PLO's statements in the following analysis, but it is noteworthy to what extent they were actually similar to Third World States' statements (see below), betraying a similarity of position, if not identity, between those revolutionary international actors in the autonomizing Third World who had achieved the status of State, and those that had not.

³⁶⁵ Convention on the Suppression of Unlawful Seizure of Aircraft. UN Treaty Series, vol. 860, no. 12325.

³⁶⁶ Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation. UN Treaty Series, vol. 974, no. 14118.

Indeed, none of them dealt explicitly with „terrorism“, but all related to acts that were generally considered among States, including those of the Third World (see below), as *terrorist*. This was also the case of IAEA's Convention on the Physical Protection of Nuclear Materials (1979),³⁶⁸ which was conceived by States as a reaction to the perceived threat of „nuclear terrorism“.

OAS's Convention to Prevent and Punish the Acts of Terrorism (1971),³⁶⁹ in contrast, is both more specific in definition and general in scope: it describes those acts, including murder, kidnapping and „other assaults against life and physical integrity of protected persons“ regardless of their cause as „common crimes of international significance.“ It was preceded by a Permanent Council's resolution of May 15, 1970 which noted terrorist acts' increased frequency in American political space, and considered them cruel, irrational, and consequently *crimes against humanity*. The juridical committee tasked with drafting the Convention by General Assembly's resolution of June 30, 1970 followed this reasoning in its final report (reprinted in Friedlander 1979b, Doc. 91). It noted that for a point of departure it took the Belgian clause (see last chapter), which it however extended to all persons, rather than only Heads of States, „simply because they are *human* [emphasis added] and because principles of equality and abolition of personal privileges are at the very root of American tradition“ (while, to reiterate, it *actually* limited its scope to acts committed only against „protected persons“ – government representatives and diplomats). It too faced the problem of consensus in defining terrorism, but noted the Terrorist assaulted the individual, society, the State and international community – all at the same time, which effectively rendered him *hostis humani generis*.

Council of Europe debated terrorism when preparing European Convention on the Suppression of Terrorism (1977). It was mainly intended to facilitate extradition of „acts of terrorism“ by prohibiting asylum to perpetrators of acts defined in the three previous sectoral treaties *and* those that commit the „use of bomb, grenade, rocket, automatic firearm or letter or parcel bomb if this use endangers persons“ or damage property (to the extent that such damage

³⁶⁷ Convention on Offences and Certain other Acts Committed on Board Aircraft . UN Treaty Series, vol. 704, no. 10106. All these conventions are available e.g. in the compendium *International Instruments related to the Prevention and Suppression of International Terrorism* (New York: United Nations, 2008).

³⁶⁸ UN Treaty Series, vol. 1456, no. 24631.

³⁶⁹ UN Treaty Series, vol. 1438, no. 24381.

results in „collective danger“).³⁷⁰ Two years later, European Community passed the Dublin Agreement (1979) operationalizing application of the European Convention. Sponsoring of terrorism was mentioned also in negotiations of CSCE, and the Conference's Final Act obliges States „to refrain from direct or indirect assistance to terrorist activities“ (reprinted in Friedlander 1981, Doc. 20).

Law of Rarity: Divided but Ordered

Derived from the totality of discourse, the law of rarity determines boundaries of that which is possible to enunciate in the discourse. In other words, it determines the space of discursive „factuals“ as opposed to discursive „counterfactuals“, the statements which are never enunciated or those which occur at the discourse's margins and thus are undisciplined by the order that emanates from its centre – or, as is the case of the discourse of terrorism in the 1970s, *centres*. For the temporary restitution of the political caused a division in the discourse, as a result of which it is possible to identify two separate orders governed by their own laws. These separate laws of rarity are derived from statements enunciated by the First and Third World. But it is important to remember that these are but simplified theoretical constructs. The First World's order of discourse extended to its allies in the (geographical) Third World, whereas the Third World's order encompassed only the autonomizing part of this divided *Großraum* (on the other hand, there is a considerable unity in this autonomizing Third World's statements, their geographical distribution notwithstanding). Moreover, the geographical Second World did not articulate a discrete order of discourse, but with some exceptions and for reasons suggested above, tended in its statements to follow the rules of the First World's discursive order.³⁷¹

³⁷⁰ UN Treaty Series, vol. 1137, no. 17828. This Strasbourg Convention was preceded by several motions by Council of Europe's Consultative Assembly (599/1970, 613/1970, 703/1973) and also e.g. a resolution 74(3)/1974 of the Committee of Ministers which noted „multiplication of acts of international terrorism“ and called upon States to consider in extradition requests for offences covered in sectoral treaties the particularly serious nature of those acts.

³⁷¹ In what follows, individual States are associated with the respective discursive order contextually. In other words, certain rule identified with either of the discursive orders is illustrated by a State's statement, which points to its association with a certain „world“ as a political-geographical unit. The aim of the analysis is not to encompass the entire (geographical) worlds, but rather to demonstrate that no State falling into a certain order politically and geographically defined would enunciate statements falling into a discursive order that would not correspond to it. On the other hand, given their special status, Second World statements are explicitly indicated.

Common Grounds

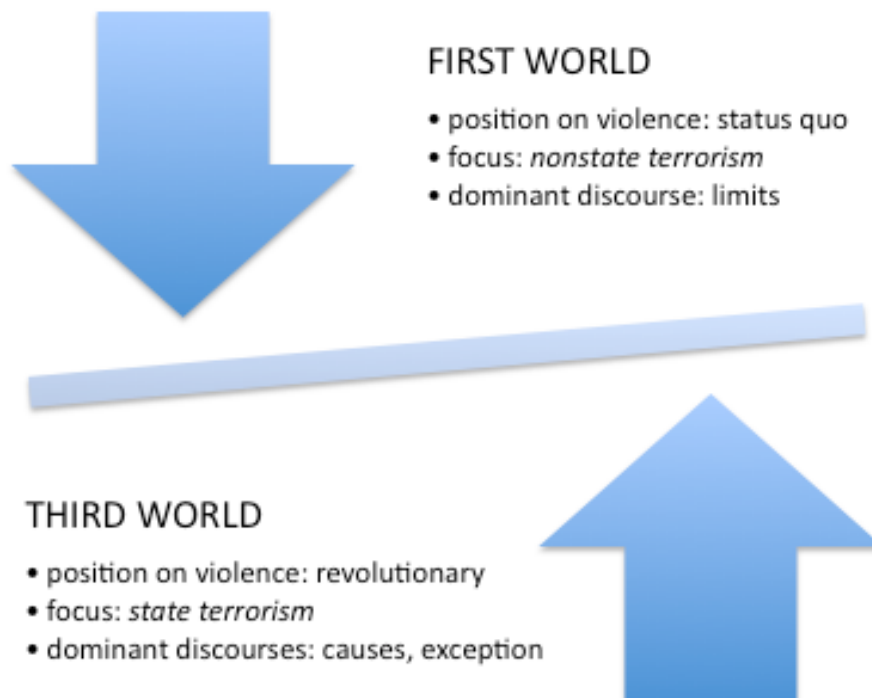
That is not to say, however, that there was no common foundation at all of these separate orders. From the most abstract point of view, „terrorism“ was considered a meaningful subject to be discussed by all. The concept, despite a profound disagreement concerning its definition, also seems to have encompassed in the vast majority of statements the element of *anti-governance* introduced in the previous chapter – either terrorism is the ideal counterpart of good domestic political order, preventing a collectivity’s emancipation (*state terrorism*), or it undermines international order by assailing diplomacy or international traffic and thus, by pursuing particular political ends, it attempts to institute a global disorder (*nonstate terrorism*). From that follows that it is constructed as something essentially reprehensible. This position, it should be pointed out, often (if not always) extends also to Third World States’ position towards nonstate terrorism. However, as will be demonstrated below, in the Third World’s order of discourse there were two basic ways of finding a way around an actual normative condemnation of those that the First World’s States considered (revolutionary) Terrorists. In one way or another, in both discursive orders „terrorism“ is also related to the State – either it is practised by it or practised against it, in which case it is discursively constructed as sponsored by other States – who, as in the 1930s, provide terrorism with a link to the regular. Finally, the discourse was limited to „international terrorism“ as opposed to „domestic terrorism“.³⁷² (State terrorism was effectively *internationalized* because it was conceived as preventing the internationally recognized title of certain peoples to their State.)

Basic Duality

This, then, was the minimum normative consensus delimiting the boundaries of States’ discourse of terrorism. Beyond its admittedly limited scope, basic duality governed the discourse. Yet this duality of order, encapsulated in a simplified figure below, did *not* translate into an effective *disorder*. The two orders limited and disciplined the enunciative field in which statements belonging

³⁷² Cf. Doc. A/9028 (1973), Report of the *Ad Hoc* Committee.

to different orders were articulated often one in opposition to another (and were thus related) much in the same way as an order with one governing pole would have done, and as it indeed did in the 1930s.



To introduce this division, it is useful to rehearse a discursive battle that took place at the very origin of the discourse of terrorism under study in this chapter – in the Sixth Committee before the res. 3034 (1972) was passed. The battle was effectively launched after the presentation by the United States of a Draft Convention for the Prevention and Punishment of Certain Acts of International Terrorism,³⁷³ which was immediately followed by a draft resolution.³⁷⁴ They were both a characteristic product of the First World’s discursive order, constructing terrorism as nonstate and international (including by virtue of threatening *interests* of other States) while subjectivating Terrorist as „any person who unlawfully kills, causes serious bodily harm or kidnaps another

³⁷³ Doc. A/C.6/L.850 (1972).

³⁷⁴ Doc. A/C.6/L.851 (1972).

person.“ The draft resolution furthermore established a discursive link with the res. 2625 (1970) citing States’ obligation to refrain from sponsoring terrorism and called upon States to exchange information (i.e. to establish a surveillance regime) about Terrorists.³⁷⁵ It met with a fierce opposition from Third World’s States, who refused also a more tempered draft resolution (which however still *condemned* nonstate terrorism)³⁷⁶ and finally pressed their own draft which stressed finding just and peaceful solutions to the underlying causes of international terrorism, particularly related to colonial, racist and alien regimes, and condemned only the state terrorism that those regimes practised.³⁷⁷

A Disciplined Variety

When the definitions and typologies of terrorism embodied in States’ statements that followed this first discursive battle are surveyed, it might seem that the discourse was entirely undisciplined. The definitional attempts emphasized what were considered different aspects of the problem – *type of action, choice of target, character of the perpetrator or purpose of the action* (Higgins 1997). Thus, terrorism could be defined, in a rather traditional way, as assassination of Heads of States, members of government, diplomats, but also (common) nationals in foreign countries for the purpose of exerting influence on governments and provoking international conflict;³⁷⁸ in strong normative terms as „heinous act of barbarism in the territory of a third State“;³⁷⁹ as any threat or act of violence on foreign territory with a view to achieving a political objective;³⁸⁰ as acts of violence in which there was no relation between authors and victims, which were planned and undertaken in foreign localities and used spectacular means, spreading fear in the affected population and world at large;³⁸¹ as a systematic threat or use of violence to break the will to

³⁷⁵ In establishing only an individual responsibility for the acts of terrorism while stressing the duty of nonintervention by States, the U.S. proposals followed the pattern established in the 1937 Convention.

³⁷⁶ Doc. A/C.6/L.879 (1972).

³⁷⁷ Doc. A/C.6/L.880 (1972).

³⁷⁸ Doc. A/PV.2037 (1972), Minutes of the General Assembly, statement by USSR.

³⁷⁹ Doc. A/9028 (1973), Report of the *Ad Hoc* Committee.

³⁸⁰ *Ibid.*

³⁸¹ Doc. A/C.6/SR.1355 (1972), Minutes of the Sixth Committee, statement by Belgium.

resist of those against whom it was used;³⁸² or as a means whereby the oppressed could communicate grievances effectively to their oppressors³⁸³ (i.e. not merely publicize them,³⁸⁴ but rather to directly speak the truth to power). It could be characterized by intent (political) and method (arousing terror);³⁸⁵ by an attempt to coerce a State into a particular action (an early instance of what would become an established specification of the „directed against a State“);³⁸⁶ by *repetition* of terrifying acts;³⁸⁷ or by killing and maiming the innocent (see below, basic discourses).

The Third World States were scant on positive definitions of terrorism and, together with some Second World States, stressed the need, in concordance with their position in the *discourse of method* (see below), to arrive at a precise definition only after a rigorous study (and before any action is taken) in order to protect legitimate resistance to State, particularly that of national liberation movements.³⁸⁸ But that would not prevent them from neither making statements about both state and nonstate terrorism (and their mutual causal relationship) nor articulating various grids of specification, on which the First World States would remain silent since they had an expansive effect on the definition beyond their narrow conception. Therefore, terrorism could be divided by the Third World States into repressive acts by colonial, racist and alien regimes, individual acts and acts for private gain;³⁸⁹ terrorism by the State, against the State, and the criminal terrorism;³⁹⁰ individual terrorism and political terrorism (encompassing state terrorism, aiming at subjecting people, and nonstate terrorism);³⁹¹ heinous (criminal) and political terrorism;³⁹² national (analogous to homicide and motivated by cupidity, love of power, or love of adventure) and

³⁸² Doc. A/C.6/SR.1356 (1972), Minutes of the Sixth Committee, statement by Sri Lanka.

³⁸³ Doc. A/C.6/SR.1356 (1972), Minutes of the Sixth Committee, statement by Sudan.

³⁸⁴ For this view, current in the academic discourse (see below), by a government cf. Doc. A/C.6/SR.1366 (1972), Minutes of the Sixth Committee, statement by Liberia; or A/AC.160/SR.6 (1977), Minutes of the *Ad Hoc* Committee, statement by Austria.

³⁸⁵ Doc. A/C.6/SR.1359 (1972), Minutes of the Sixth Committee, statement by Uruguay. Interestingly, the enumeration of actions by which terror could be aroused followed in this statement to considerable extent the broad list presented at the ICUCL's Brussels Conference (1930) rather than the duality asserted at Copenhagen (1935) and in the States' discourse in the 1930s (see last chapter).

³⁸⁶ Doc. A/C.6/SR.1369 (1972), Minutes of the Sixth Committee, statement by Italy.

³⁸⁷ Doc. A/C.6/SR.1356 (1972), Minutes of the Sixth Committee, statement by Pakistan. Repetition as an essential characteristic of terrorist action had previously been mentioned marginally in the Givanovitch Report to the Copenhagen conference of ICUCL (1935).

³⁸⁸ Cf. Doc. A/PV.2037 (1972), Minutes of the General Assembly; A/AC.160/SR.8 (1977), Minutes of the *Ad Hoc* Committee, statements by USSR and Czechoslovakia; A/AC.160/L.3 (1973), Draft Report of the *Ad Hoc* Committee.

³⁸⁹ Doc. A/9028 (1973), Report of the *Ad Hoc* Committee, draft definition submitted by non-aligned countries.

³⁹⁰ Doc. A/C.6/SR.1357 (1972), Minutes of the Sixth Committee, statement by Algeria.

³⁹¹ Doc. A/9028 (1973), Report of the *Ad Hoc* Committee, annex submitted by Algeria.

³⁹² Doc. A/AC.160/SR.5 (1977), Minutes of the *Ad Hoc* Committee, statement by Algeria.

international (motivated by a noble cause of self-determination);³⁹³ or state and international terrorism³⁹⁴ (others would equal the two).³⁹⁵

Nonetheless, as in the 1930s the multiplicity of definitions and specifications did not mean the discourse was undisciplined. The statements articulated in both orders would follow certain sets of rules (e.g. *discourse of alarm* or *discourse of underlying causes*, see below), and the series of statements articulated according to these rules could relate to each other. For example, in the *discourse of method*, two different series of statements can be identified, each articulated according to different set of rules. Furthermore, statements formulated according to *logics of exception* (Third World's discourse) or *discourse of limits* (First World's discourse) would relate to each other, thus limiting the enunciative field's fragmentation. These most important rules for enunciation are now surveyed.

Terrorism in First World's Discursive Order: New Accidental Unities

In the First World's discursive order, the concept of state terrorism is refused, and those activities that constitute it in Third World's statements and are considered here as relevant for discussion at all are confined to *other* discourses (see below). The sole concern is the nonstate terrorism. It is the terrorism which challenges the *status quo* and which, as the terrorism discussed by States in the 1930s, does so not only because it negates or undermines the order's institutions and means that cement it together (such as international traffic). It also divides the community of States since, as in the past, its *modus operandi* is conditioned on the assistance of renegade States.³⁹⁶ In other words, while First World States did not consider *all* subversive nonstate terrorism state-

³⁹³ Doc. A/C.6/SR.1355 (1972), Minutes of the Sixth Committee, statement by Saudi Arabia.

³⁹⁴ Doc. A/AC.160/1 (1973), observation by Syria to the *Ad Hoc* Committee.

³⁹⁵ Doc. A/PV.2149 (1973), Minutes of the General Assembly, statement by Libya.

³⁹⁶ The relation between State and terrorism, established in the 1930s, was rather unproblematical in the 1950s and 1960s – e.g. in the Draft Code of Offences (1954) or resolutions 2131 (1965) and 2625 (1970). The paradigm of state terrorism would be manifest in the discourse, but not in the final statements. The situation would change not only with the actual emergence of the state terrorism in the discourse discussed above, but also e.g. in the failure of First World States to include nonstate terrorism in the definition of aggression. Cf. Doc. A/8719 (1972), Report of the Special Committee on the Question of Defining Aggression; and see below.

sponsored,³⁹⁷ predominantly – and in continuity with the discourse of the 1930s – they indeed did.³⁹⁸ In contrast to the 1930s, however, the renegade State who undermined the existing order was the new and unsocialized State, rather than an old revisionist State. (In the 1980s, however, it would become possible and actually rather common in the official and academic discourse of First World's superpower to locate the head of the discursively constructed international terrorist network in the capital of the Second World.)

In terms of substantive content of the concept of the nonstate terrorism, there was a certain continuity with the discourse of the 1930s in that assassination and mass bombing were still included among terrorist activities (while the importance of assassination withered with the emphasis on the indiscriminate character of the terrorist violence and targeting of the *innocent*). These were compounded, however, and to a great degree *overlaid*, by new activities: hijacking (air piracy) and hostage taking (primarily of diplomats, but also generally of nationals). This extension of the terrorist acts' catalogue and the new constructed unity of nonstate terrorism was as accidental as the unity constructed in the 1930s. There was no essential connection between air piracy / hostage taking and terrorism, and it was certainly not inevitable that these actions would be subsumed under the category of „terrorist acts“ rather than, for instance, (discursively) treated separately.

³⁹⁷ For instance, a period CIA report differentiated between *international* terrorism as an instrument of State policy and *transnational* terrorism practiced by autonomous nonstate groups, while it noted that the borders were difficult to draw. David Milibank, *International and Transnational Terrorism: Diagnosis and Prognosis* (Langley: Central Intelligence Agency, 1976).

³⁹⁸ This discourse included statements about terrorism as threatening fundamental rights of States which is organized, armed and financed from the *outside* (Doc. A/AC.160/1, statement by Turkey) and as such constituting the act of aggression (Doc. A/C.6/SR.1359, statement by Uruguay); about the „common knowledge that Terrorists penetrated States, assisted in doing so by other States (Doc. A/C.6/SR.1365, statement by Belgium); about terrorist bases which „were not on the moon“ or the possibility to virtually eliminate terrorism „if certain States ceased to support it (Doc. A/34/PV.12). A separate chapter were Israel's diatribes against other Middle Eastern governments, which often related to admitting plane hijackers and other „Terrorists“ to these countries where they would not face prosecution („safe havens“), starting with the aftermath of the October 29, 1972 hijacking described above. Cf. Doc. A/31/182 (1976), where Libya is termed „the paymaster and instigator of international terror“; A/PV.2045 (1972); A/9150 (1973); A/C.6/L.872 (1972). The latter is a report by Israel submitted to the United Nations titled „Accessories to Terror: The Responsibility of Arab Governments for the Organization of Terrorist Activities“ in which the government claims that nonstate terrorism is not a desperate activity beyond control, but rather an organized and controlled instrument of State policy. Interestingly, in the case of Lebanon, „a free zone for the activities of terrorist organizations,“ the State could not be attributed full responsibility for what went on in its territory, since its government shared sovereignty with PLO under the terms of Cairo Agreement (1969), imposed on the former by Syria and Egypt. This was a rather important development compared to the 1930s, where it seemed beyond imagination that a State would not control its territory (and thus could be incurred responsibility) to the contemporary discourse of failed states. Regarding the report's context, it was a reaction to an Arab governments' paper detailing acts of state terrorism by Israel (Doc. A/C.6/L.869) – an instance of a rather frequent pattern of action and reaction between Israel and other Middle East governments. It is noteworthy that while clearly articulated in relation to one another, the series of those statements were not particularly aimed at *refuting* what the others claimed, but rather at *denouncing* the other party by an account of the latter's actions.

The Discourse of Alarm: An Unprecedented Threat once More

As in the 1930s, the discourse of terrorism was initiated to counter a perceived crisis of international order. As such it entailed a *discourse of alarm* which represented terrorism as an unprecedented threat requiring an exceptional response. This discourse of alarm, in which some Second World States also partook, is (as much as its 1930s antecedent) a useful historical corrective of the common view that ours are exceptional times. In the 1970s, it would include statements about an alarming spread of international violence; increasing gravity and frequency of terrorist action, wave of violence and terror spreading throughout the world;³⁹⁹ the wave of terrorism (the metaphor, discussed in the last chapter, now established in the discourse of power) which is „making our own world impossible to live in;“⁴⁰⁰ or a true „human crisis.“⁴⁰¹ In a direct continuity with the 1930s, terrorism was rendered „the scourge of our time“⁴⁰², but also – manifesting the emergence of the medical discourse of terrorism (see below) – as a *plague* or a worldwide disease.⁴⁰³ It threatened some „key elements holding the world community together“ such as communication by mail, international travel or diplomacy;⁴⁰⁴ the „machinery of international cooperation“⁴⁰⁵ including by seeding „fear and distrust among States;“⁴⁰⁶ or generally international peace and security. Terrorism was a continuation of the barbarity and plague of Nazism⁴⁰⁷ and threatened to „explode into a real holocaust, because there is no force like fear in inciting men to commit so many irrational acts.“⁴⁰⁸ In other words, to bereave the rational of their reason, with catastrophic consequences for the political order and future of humanity.

³⁹⁹ Doc. A/RES/3034 (1972); A/AC.160/1 (1973), observations by States, statements by Austria, Belgium, Germany, Italy, Spain, Fiji etc.

⁴⁰⁰ Doc. A/PV.2125 (1973), Minutes of the General Assembly, statement by Paraguay.

⁴⁰¹ Doc. A/PV.2037 (1972), statement by Canada.

⁴⁰² Doc. A/PV.2125 (1973), Minutes of the General Assembly, statement by Paraguay; A/PV.2129 (1973), statement by El Salvador; A/C.6/34/SR.7 (1979), Minutes of the Sixth Committee, statements by Brazil and the United States.

⁴⁰³ Doc. A/PV.2127 (1973), Minutes of the General Assembly, statement by Iran; A/PV.2142 (1973), statement by Austria.

⁴⁰⁴ Doc. A/AC.160/1 (1973), observation by the United States. A very similar statement was actually articulated by USSR (Doc. A/C.6/SR.1362), and made in the Report of the Ad Hoc Committee (1979), Doc. A/34/37; cf. also A/C.6/SR.1366 (1972).

⁴⁰⁵ Doc. A/C.6/34/SR.6 (1979), Minutes of the Sixth Committee, statement by Turkey.

⁴⁰⁶ Doc. A/34/37 (1979), Report of the *Ad Hoc* Committee.

⁴⁰⁷ Doc. A/PV.2037 (1972), Minutes of the General Assembly; A/PV.2045 (1972).

⁴⁰⁸ Doc. A/PV.2129 (1973), Minutes of the General Assembly, statement by El Salvador.

The facilitating conditions of the securitization of terrorism were, as in the 1930s, otherwise positive achievements of modernity, such as the advent of television⁴⁰⁹ or more generally improved global communication which translated also in the improved communication of fear.⁴¹⁰ Once again, terrorism, despite its barbarity, was represented as the dark side of human progress.⁴¹¹ More specifically, particularly in the latter part of the 1970s, the discourse of alarm was sustained by references to the rising threat of nuclear terrorism which was, as it is today, compounded by the securitization of possible nuclearization of renegade States.⁴¹²

Discourse of Method : Immediate Action or Understanding First

Moving to the discussion of the proposed action with regard to nonstate terrorism, the statements were organized in what could be termed a *discourse of method*.⁴¹³ The First World maintained that some action had to be taken to preserve the existing *status quo* even if underlying causes of terrorism were not perfectly understood, since their study (the feasibility of which was not generally questioned) would take a long time.⁴¹⁴ An immediate action should be taken on acts for which there was no social, ethical or rational justification – attacks on diplomatic agents, safety of aircraft, violence „outside the areas of belligerence“ and „taking of innocent hostages“⁴¹⁵. This, in fact, amounted to nonstate terrorism *in toto*.

In contrast, the Third World's statements seem to betray the methodological conviction that it is important first to fully understand the underlying (or generating) causes before practical solutions can be found. This position was conditioned on the assumption that by using a scientifically sound method of finding the root causes, the problem would be made to disappear. It would be

⁴⁰⁹ Doc. A/C.6/SR.1358 (1972), Minutes of the Sixth Committee, statement by Iran.

⁴¹⁰ Doc. A/C.6/SR.1379 (1972), Minutes of the Sixth Committee, statement by Venezuela.

⁴¹¹ Doc. A/C.6/SR.1367 (1972), Minutes of the Sixth Committee, statement by Sierra Leone.

⁴¹² Doc. A/AC.160/SR.5 (1977), debate in the *Ad Hoc* Committee. In a presidential debate in 1980, President Carter would claim that „the most serious terrorist threat is one of those radical nations who believe in terrorism as a policy should have atomic weapons“ (reprinted in Friedlander 1981, Doc. 18).

⁴¹³ The elementary duality of positions emerges clearly from the observations submitted to the *Ad Hoc* Committee, Doc. A/AC.160/1 and the debate in the Committee, Doc. A/AC.160/L.3 (1973). The summary of those early positions is included also in A/9028 (1973), Report of the *Ad Hoc* Committee.

⁴¹⁴ Cf. Doc. A/AC.160/1 (1973); A/PV.2037 (1972); A/PV.2125 (1973); A/C.6/SR.1355 (1972); A/C.6/SR.1357 (1972); A/C.6/SR.1367 (1972); A/9028 (1973).

⁴¹⁵ Cf. Doc. A/9028 (1973); and also A/PV.2038 (1972); A/C.6/SR.1359 (1972); A/C.6/L.879 (1972).

reasonable to first establish the causes of the problem and then resolve it. The Third World's discourse of action thus employed a Western rhetoric of reason and Positivist science. At the same time, however, it included a mass of statements which positively identified those underlying causes of terrorism even before any (constantly stressed, but also constantly *hypothetical*) study was initiated. In their turn, the First World States and their allies stressed the need to *act* to preserve the order, the *normative* argument about illegitimacy of certain means whatever their causes, and inapplicability of *academic logic* to political affairs.⁴¹⁶

Because of the existing division, no *coalition against terrorism* (1930s) nor *war against terrorism* (2000s) would appear in the discourse, despite agitated calls for unity and the need of universal action to face the *universal* problem (see above, the *discourse of alarm*) or „international disease“⁴¹⁷ by the First World and its allies. The idea of a universal convention that would establish a general regime of counter-terrorism similar to that of the 1930s – that is, including a fundamental norm on the prohibition of terrorism, establishing procedures for punishment based on the normalization of particular political orders and *aut dedere, aut punire* and common surveillance – proved impossible to negotiate.⁴¹⁸ Instead, in the First World's discursive order a gradual turn took place towards the focus on implementation of the existing and conclusion of new sectoral treaties (particular regimes).⁴¹⁹ The general discourse of method, on the other hand, would become dominated by calls for the study of underlying causes and, *at the same time*, a mass of positive

⁴¹⁶ Cf. Doc. A/PV.2129 (1973), statement by El Salvador. There was no room for psychological or sociological analysis, claimed Paraguay, since terrorism amounted to aggression (Doc. A/C.6/SR.1359). „The tree is known by its fruit,“ Portugal added laconically (*ibid.*). And, making an analogy of terrorism and war, Belgium pointed that the special committee on the question of defining aggression had never been asked to consider causes of aggression – in the attempt to abolish war in international law, its causes were of no relevance (Doc. A/C.6/SR.1365).

⁴¹⁷ Doc. A/AC.160/1 (1973), observation by Iran to the *Ad Hoc* Committee; A/C.6/SR.1358 (1972), Minutes of the Sixth Committee, statement by Iran.

⁴¹⁸ A proposal for an international conference of plenipotentiaries, an *ad hoc* forum similar to the diplomatic conference in the 1930s, was proposed in the U.S. draft convention in 1973 (Doc. A/C.6/L.851), but was promptly refused, and the *ad hoc* committee with a different mandate would be established instead.

⁴¹⁹ Cf. Doc. A/AC.160/WG/R.2 (1979), a working paper by the United Kingdom for the *Ad Hoc* Committee. The United States, the first to propose the universal regime in its draft (Doc. A/C.6/L.850) and in the general debate (A/PV.2038) would however continue to press the idea even at this time (Doc. A/AC.160/WG/R.3), but was rather isolated.

statements of what these causes were, and condemnations (with no practical effect) of the *prima causa*, acts of terrorism by colonial, racist and alien regimes.⁴²⁰

Two Logics of Exception

Before inquiring into the discourse of underlying causes in more detail, the normative response by the Third World to the First World's identification of a number of liberation movements or their particular segments' activities as *terrorist* needs to be discussed. It was this normative response that made the discourse of underlying causes, and more generally all statements about nonstate terrorism in the Third World's discursive order, ultimately possible. I choose to call the rules governing this response two *logics of exception*.

The first exception is articulated in statements that exempt all activity by a national liberation movement from the discourse of terrorism.⁴²¹ No matter what the action is, such activity is not terrorism because of the 1) noble and just (revolutionary) cause that guides the actor's hand,⁴²² 2) suffering that had been previously imposed on the desperate,⁴²³ or 3) the defensive / restitutive aim in national liberation movements' activity.⁴²⁴ Terrorism is reprehensible. But what the First World States talk about, while indeed constituting acts of violence, is *not* terrorism; and those who perpetrate it are not terrorists, and must be subjectified alternatively. (It is interesting that this exception in itself was conditioned by the colonial context which as such was made possible by a particular and narrow spatiotemporal exception from the dominance of the *status quo* norm of

⁴²⁰ The differences over action against nonstate terrorism would last until the end of the decade – in the last statement on the subject by the *Ad Hoc* Committee, it would be recommended at once to contribute to elimination of the underlying causes – with a possible action by the Security Council under the authority of UN Charter's Chapter VII – a call upon States to live to their duty to refraining from instigating civil strife or terrorism, or adopting measures at the national level. Doc. A/34/37 (1979), Report of the *Ad Hoc* Committee. Cf. also A/C.6/34/SR.59 (1979) on the subsequent inconclusive Minutes of the Sixth Committee.

⁴²¹ Cf. debates in the *Ad Hoc* Committee recorded in its reports A/9028 (1973), A/32/37 (1977) and A/34/37 (1979); and also Doc. A/AC.138/L.22 (1978), Report of the *Ad Hoc* Committee on Convention against the Taking of Hostages; or A/C.6/SR.1179 (1970), Minutes of the Sixth Committee, statement by Pakistan; A/AC.160/L.3 (1973).

⁴²² During the Sixth Committee's debate, Yugoslavia would e.g. argue that resistance to terror cannot be defined as terrorism since it was an integral part of the effort to realize universal peace and progress. Doc. A/C.6/SR.1657 (1972); cf. also Doc. A/PV.2037 (1972), Minutes of the General Assembly, statement by Cuba; A/AC.138/L.22 (1978).

⁴²³ This subargument of the first exception is encapsulated e.g. in the following statement by Mauritania in the General Committee (1972): „[The term Terrorist] could hardly be held to apply to persons who were denied the most elementary human rights, dignity, freedom and independence, and whose countries were objected to foreign occupation“ (quoted by Sofaer 1986, 904).

⁴²⁴ Cf. A/C.6/34/SR.10, Minutes of the Sixth Committee, statement by Mauritania; A/9028 (1973), Report of the *Ad Hoc* Committee.

territorial integrity in international law in favour of the principle of self-determination. It is also important to note, however, the exception on the use of force by national liberation movements never became a universally accepted norm; cf. Cassesse 1995; Saul 2006a, 75). When they do, and it is often the case, their statements constitute a *status quo* discourse intending to discredit national liberation movements and the process of historical change transforming the international order. In fact, such rhetoric may in fact amount to „intellectual and psychological terrorism.“⁴²⁵ While the first exception argument spurred much controversy, as noted above, the First World was unable to resist enshrining reservation / exception clauses for national liberation movements into all key General Assembly's statements on terrorism in the 1970s, perhaps also due to the limited support for this view by Second World States.⁴²⁶ It had more success in preventing an inclusion in those statements the marginal offshoot of the first exception argument according to which the international community was under the obligation to assist national liberation movements to overcome the (colonial) order, since their action aimed at realizing the principles of United Nations's Charter.⁴²⁷

It was the second logic of exception, however, which had the direct conditioning effect on the Third World's statements about nonstate terrorism (with the exception of marginal references to criminal terrorism). This logic is characterized by an effective agreement with the First World's rules of discourse on the *essence* of nonstate terrorism. Yet because it is the ultimate reaction to the excess of power that is the state terrorism, a last resort⁴²⁸ of the „desperate, colonized, persecuted and underprivileged,“⁴²⁹ such terrorism is *legitimate*. It is never lauded, and statements that no State

⁴²⁵ Doc. A/PV.2037 (1972), Minutes of the General Assembly, statement by Jordan.

⁴²⁶ Doc. A/RES/3034 (1972), A/RES/31/102 (1976), A/RES/32/147 (1977), and A/RES/34/145 (1979). The exception was also articulated as a special supplement to the convention on crimes against internationally protected persons (Sofaer 1986, 918).

⁴²⁷ Cf. Doc. A/AC.160/1 (1973), debate in the *Ad Hoc* Committee. An interdiscursive link would be made to res. 2625 (1970) to sustain this argument.

⁴²⁸ While the Third World discourse was otherwise rather heavily indebted to truth claims produced by the First World's *epistémés*, it does not seem to have made use of the *last resort* argument as part and parcel of the just war doctrine. In the discipline of International Relations, this doctrine was revived around this time by Michael Walzer, whose *Just and Unjust Wars* actually included a chapter on terrorism. Walzer denounced indiscriminate terrorism based on his normative framework, but being something of a radical (and to this day a periodical contributor to *Dissent*), he compared soldiers in the war to government officials in the peacetime. A result of his attempt to limit peacetime political violence was the argument that assassination of those government officials in a political conflict is permissible, since what is the key and reprehensible characteristic of contemporary terrorism of terrorism is its *randomness* and consequent murder of the innocent. Michael Walzer, *Just and Unjust Wars* (New York: Basic Books, 1977).

⁴²⁹ Doc. A/C.6/SR.1362 (1972), Minutes of the Sixth Committee, statement by Guinea.

condones terrorism are a commonplace.⁴³⁰ But it is justified, even if not *in itself*, i.e. not by the justice of its cause, but only as a *reaction* to the state terrorism. It is a necessary, and hence legitimate evil, of counter-terror.⁴³¹ This reactive terrorism is also beyond control (*contra* the discourse of state sponsoring / responsibility for this terrorism), and its impact is diminished in comparison to terrorism practised by the State.⁴³²

The conclusion that terrorism could be rendered legitimate in the States' discourse is important in two respects. First, it demonstrates how Third World States attempted to shift the boundaries of legitimate violence in international order.⁴³³ Second, it challenges the established view in history of terrorism that by the 1970s the term „terrorism“ had gained such negative meaning that it served merely as an instrument of delegitimization of the other's state or action (cf. Gearty 1991; Hoffman 2006; Rapoport 2006). While Third World States made considerable effort to uncouple national liberation movements and terrorism in the first logic of exception argument, under the second logic of exception they positively legitimized their terrorist action.

A marginal offshoot of the second logic of exception (and hence legitimization of terrorism) argument was the relativizing discourse of violence, encountered already in the 1930s. In the 1970s, it could include abstract statements about „the doors of glorious history sometimes unlocked by the keys of what is called terrorism“⁴³⁴ and the tension in revolutionary violence between ends and means.⁴³⁵ But it would also feature more direct reminders that many present States were born of

⁴³⁰ Cf. Doc. A/PV.2045 (1972), Minutes of the General Assembly; cf. also Algeria's statement about *legitimacy* of „political terrorism“ practised by national liberation movements whose objectives are „approved by a large part of international community and of certain States,“ contrasted to *illegality* of terrorism of certain States, which is „unacceptable under international law.“ Doc. A/C.6/SR.1367 (1972), Minutes of the Sixth Committee, statement by Algeria.

⁴³¹ Cf. Doc. A/AC.160/L.3 (1973); A/C.6/SR.1365 (1973); A/AC.160/L.3 (1973), Draft Report of the *Ad Hoc* Committee; A/AC.160/L.3/Add.2 (1973), statement by Algeria. An exception to the rule was a statement by Madagascar in the Sixth Committee in which it was claimed that acts of „political terrorism“ undertaken to vindicate „hallowed rights recognized by the United Nations“ were *praiseworthy* (while it was regrettable that they involved innocent persons). Doc. A/C.6./SR.1365 (1973).

⁴³² Cf. Doc. A/C.6/SR.1358, Minutes of the Sixth Committee, statement by Saudi Arabia.

⁴³³ In a perhaps most telling statement in this respect, in the final Report of the *Ad Hoc* Committee (1979) it is maintained that international terrorism should be considered within the framework of broader actions aimed at building new democratic international relations. Doc. A/34/37 (1979).

⁴³⁴ Doc. A/PV.2037 (1972), Minutes of the General Assembly, statement by Kuwait.

⁴³⁵ Doc. A/PV.2045 (1972), Minutes of the General Assembly, statement by Israel. This tension, Israel claimed, existed in the case of Israel's liberation, but not Arab terrorism, which was not intended to achieve freedom, but rather to eliminate it.

violence which *at the time* international society may have characterized as terrorism,⁴³⁶ and that the States who now favoured *status quo* had their own „freedom fighters“ during Reformation, Napoleonic Wars or the WWII.⁴³⁷ George Washington could be called a Terrorist by Saudi Arabia to strike the point. The United States would object that he was a *Rebel*, not a Terrorist, because he never hijacked a boat nor killed innocent civilians.⁴³⁸

Discourse of Underlying Causes: The Third World's Challenge...

Conditioned on the second logic of exception, the discourse of underlying causes was a dominant discursive challenge to the First World's discourse of nonstate terrorism. This challenge consisted in a causal relationship discursively established between state and nonstate terrorism, a link conditioned on the second logic of exception which provided that nonstate terrorism could be legitimate, and thus made it possible to enunciate statements about it in the Third World's discursive order. Introduction of state terrorism in the discourse of power was a revolutionary move intended to both to seize the discourse for defensive purposes and as a medium for a change of established international order. That despite the fact that the envisioned change was confined to the emancipation of the Third World's *Großraum* by instituting a certain political order here (of multiplicity of States, as more radical political alternatives were marginalized) and empowerment *vis-a-vis* the outside world(s).

State terrorism was the *prima causa* of individual violence in general in this discourse, including terrorism against the State.⁴³⁹ It was „the most dangerous brand of violence, the most often practised at the most comprehensive scale,“ and employing the most modern means.⁴⁴⁰ It was the „true terrorism“ – also because, in a repetition of a classic Leninist argument, it was divorced from

⁴³⁶ Doc. A/C.6/SR.1356 (1972), Minutes of the Sixth Committee, statement by Sri Lanka.

⁴³⁷ Doc. A/C.6/SR.1366 (1972), Minutes of the Sixth Committee, statement by Pakistan.

⁴³⁸ Doc. A/C.6/SR.1355 and A/C.6/SR.1357 (1972).

⁴³⁹ In rarer statements conditioned by the *first logic of exception*, in contrast, terrorism would be represented as „formerly the preserve of the hopeless and the desperate,“ but now exercised by those in power and desperate to retain it. Cf. Doc. A/PV.2144 (1973), Minutes of the General Assembly, statement by Somalia.

⁴⁴⁰ Doc. A/AC.160/1 (1973), debate in the *Ad Hoc* Committee, statement by Syria; A/9028 (1973), Report of the *Ad Hoc* Committee.

the masses.⁴⁴¹ It could include physical repression, denial of political participation, colonial domination, foreign occupation, sustaining poverty, foreign exploitation of natural resources, systematic destruction of flora and fauna, or any war in violation of the United Nations' Charter.⁴⁴² It was the preserve of colonial and capitalist regimes individually or collectively – in some statements, it is the the entire (cruel and unjust) international (economic) order in which they held a hegemonic position was the ultimate cause of (nonstate) terrorism, with clear implications for action.⁴⁴³ As a concept state terrorism would have an antecedent in the past general discourse (while in the States' discourse in the 1930s it was present only marginally⁴⁴⁴). Yet it also involved a considerable accidentality due to its intimate link to the colonization context and implicit reference to some concrete actions by First World States in the Middle East and Southeast Asia that were seen by the Third World States as contravening the existing international law.

... and the First World's Response: The Discourse of Limits

The First World refused the discourse of underlying causes in several series of statements. Some (see above) would confine state violence („state terrorism“) to other discourses, most notably of human rights and Geneva laws (international humanitarian law).⁴⁴⁵ Here supposedly it was *already* covered, so that the unity of terrorism in the First World's discursive order would remain unchallenged.⁴⁴⁶ Other statements would question the *scientific* soundness of the causal claims. On the basis of unidentified scientific studies they would assert that a „typical“ Terrorist tended to have a middle-class background and point to a variety of violent / nonviolent reaction to abuse of state power in places where the standard (i.e. democratic liberal) institutional means were lacking – that

⁴⁴¹ Doc. A/C.6/SR.1368 (1972), Minutes of the Sixth Committee, statement by China.

⁴⁴² Doc. A/9028 (1973), Report of the *Ad Hoc* Committee; A/AC.160/L.3 (1973); A/AC.160/L.3/Add.2 (1973); A/C.6/L.867 (1972), summary of the General Assembly debate.

⁴⁴³ Cf. Doc. A/C.6/SR.1367 (1972), Minutes of the Sixth Committee, statement by Algeria; A/34/37 (1979), Report of the *Ad Hoc* Committee, working paper by the subcommittee for underlying causes.

⁴⁴⁴ In an isolated statement, however, Cuba attempted to subsume the „state terrorism“ as practised by the United States in Vietnam under the definition of the 1937 Convention. Doc. A/C.6/SR.1358 (1972), Minutes of the Sixth Committee.

⁴⁴⁵ Cf. Doc. A/AC.160/L.3 (1973), Draft Report of the *Ad Hoc* Committee; A/32/37 (1977), Report of the *Ad Hoc* Committee; A/AC.160/SR.7 (1977), Minutes of the *Ad Hoc* Committee.

⁴⁴⁶ Cf. Doc. A/C.6/SR.1362 (1972), Minutes of the Sixth Committee, statement by the Netherlands.

is, in „nondemocratic countries.“⁴⁴⁷ Moreover, it would be argued that whatever the causes of nonstate terrorism were, they were located *inside* the State, and thus should not be subjected to international debate – unlike terrorism, which was an international (*outside*) phenomenon. Another series of statements belonged to the discourse of action and articulated a claim that while causes may have indeed been important, due to the existing crisis some action must be taken immediately, and in consequence the *study* of the causes is currently of less import than a swift counter-terrorist *action*.

But the most important First World’s defense against what was seen as an implied legitimization of terrorism in the discourse of underlying causes was what could be termed a *discourse of limits*. In this discourse, underlying causes of terrorism were rendered effectively irrelevant since nonstate terrorism was reprehensible by the *sole* fact that it transgressed conventional limits of violence. No possible cause could render such transgression either legitimate or legal. This, needless to say, was a *status quo* discourse *par excellence*, since it stressed the inviolability of the existing (conventional) boundaries to action.

Rather often, the case for transgression as a delegitimizing factor of nonstate terrorism would be made by analogy with States: even when a State’s survival is at stake, there existed, at least theoretically, some limits imposed on its action under the established norms of international society. Therefore, these limits should exist for groups and individuals too. Such argument could be sustained by interdiscursive reference to international humanitarian law, which was being precised at that time: if there existed a consensus on the constraints imposed on the behaviour of parties in war (including terrorism), these constraints should *a fortiori* apply also in the time of peace.⁴⁴⁸ It could also be related to civilizational norms in a way that civilization would stand for restraint while barbarity for excess (see below, basic discourses): „...once the deliberate and unprovoked murder of unarmed civilians is justified by reference to the murderers’ ,motives’ and ,frustrations’... we might as well include murder among legitimate indulgences of a permissive society and wipe the Sixth

⁴⁴⁷ Doc. A/34/37 (1979), Report of the *Ad Hoc* Committee, working paper by the subcommittee for underlying causes; A/C.6/L.418 (1972).

⁴⁴⁸ Doc. A/C.6/SR.1359 (1972), Minutes of the Sixth Committee, statement by Denmark.

Commandment off the tablet of man's ethical history."⁴⁴⁹ Terrorism would come to represent violence outside the framework of institutions constituting „the very nature of our civilization."⁴⁵⁰ Finally, statements about limits would often be accompanied by a recognition of the right of self-determination which would uphold the spatiotemporal exception of the colonial context with respect to suspension of the norm of territorial integrity⁴⁵¹ (perhaps facilitated by the special status of colonial lands under *jus publicum Europeanum*). Yet at the same time, the means by which this right was being realized would be desecrated.

To such statements about limits, responses would be articulated in the Third World's discursive order. They would emphasize that national liberation movements' choice of means must be measured against the means at their disposal. „It would be unjust to expect [the oppressed people] to adhere to the same code of ethic as those who possessed more sophisticated means of advancing their own interests."⁴⁵² It would even be possible in the Third World's discourse to positively argue that in order to „overthrow foreign domination and regain usurped territories"⁴⁵³ an inherent right existed to use *all* means at one's disposal, without any constraints imposed either internally or externally.

Basic Discourses

The duality of discursive orders translated in the discourse of terrorism among States in the 1970s to the basic duality of Terrorist Subject. The analysis of basic discourses of identity and difference is thus more complex than in the last chapter, not least because alternative subjectifications enunciated in the respective orders would compete in the discourse. On the other hand, despite the duality of orders, some fundamentally similar basic patterns of identity and difference, while relating to different Terrorist Subjects, are found in both. These are 1) the familiar

⁴⁴⁹ Doc. A/PV.2045 (1972), Minutes of the General Assembly, statement by Israel.

⁴⁵⁰ Doc. A/AC.160.1 (1972), observations by States to the *Ad Hoc* Committee, statement by Austria.

⁴⁵¹ Cf. Doc. A/AC.160/1 (1973), observations by governments to the *Ad Hoc* Committee.

⁴⁵² Doc. A/C.6/SR.1368 (1972), Minutes of the Sixth Committee, statement by Indonesia; cf. also A/C.6/SR.1367 (1972), statement by Oman; A/C.6/SR.1365 (1972), statement by Cuba.

⁴⁵³ Doc. A/C.6/SR.1369 (1972), Minutes of the Sixth Committee, statement by Kuwait.

basic discourse of *civilization / barbarism*, and 2) a new discourse of *innocence / harm*. Besides these commonalities, two specific First World's basic discourses are identified: the familiar *order / chaos*, and a new *healthy body / disease*. An important offshoot of the former, the subjectification of Terrorist as Pirate, will be discussed in detail. Finally, a specific Third World's basic discourse of the *(terrorist) regime / people* will be outlined.



Two Terrorist Selves and Subjectification Challenges

The basic duality in the subjectification of the Terrorist was that of *Revolutionary / State*. The Terrorist as Revolutionary in the First World's discursive order is a masked anarchist, elusive, stateless and truly international. At the same time, he continues to find a *safe haven* in States which provide, as in the discourse of the 1930s, this irregular Other with an element of regularity. The Terrorist as State, in contrast, is a regime or machinery (yet sometimes personalized) that terrorizes the (illegitimately) subjected population and sustains the existing unjust international political order.

This dual identity of the Terrorist represents an important discontinuity with the States' discourse of terrorism in the 1930s. In effect, there would now be two Subjects in the discourse instead of one. But besides statements on the respective Subject of the Terrorist as Revolutionary /

State in each discursive order formulated according to familiar patterns of identity and difference, the discourse would also contain a series of statements *challenging* the subjectification of Revolutionary as Terrorist, and articulating alternative positive subjectifications. These alternative subjectifications were conditioned by the *first logic of exception* challenge to the First World's discourse of nonstate terrorism, and would include e.g. Terrorist as a Freedom Fighter, Guerilla, Commando etc.⁴⁵⁴ Each would in its particular way legitimize action of its bearer, either by reference to his just cause (freedom) or the war context that makes the use of violence permissible. Under the second logic of exception, in contrast, the Third World States would not propose alternative subjectifications for the Terrorist, but would contest his particular characteristics as featuring in First World's statements. Instead of an insane / coldblooded criminal, therefore, the Terrorist would be represented as a deprived and desperate person using extreme means (the only available) to redress the terrible wrongs he had had to suffer by the hand of the „Real Terrorist“. There would be no direct alternative representations of Terrorist as *State* in the First World's discursive order. But it may be possible to see the subjectifications of First World States as ordered, civilized polities in the basic discourse of Terrorist as Revolutionary as *indirect* discursive defensive to this subjectification.

Despite the duality of the Terrorist Subject in the States' discourse of terrorism and the political contest over his dual identity, it is noteworthy that two essentially same basic discourses of association and dissociation are used in both orders – with respect to their respective emphasized Terrorist Subjects – to establish their location as *hors humanité*. The first is the familiar discourse of *civilization and barbarism*, a truly universal legacy of the discourse of terrorism in the 1930s. The second is the *discourse of innocence* which, in contrast, had little precedent.⁴⁵⁵

Common Basic Discourse I: Civilization and Barbarism

In the First World's discursive order in particular are found familiar statements about the Terrorist positioned outside the boundary of civilization / as Barbaric, because he denies / assails

⁴⁵⁴ Cf. Doc. A/PV.2037 (1972), Minutes of the General Assembly.

⁴⁵⁵ For a rare exception mentioned in the last chapter see League of Nations, Official Journal, Records of the Seventeenth Ordinary Session of the Assembly, Special Supplement no. 156 (1936), Minutes of the First Committee.

civilization and its values, or all *civilized people* or *mankind*.⁴⁵⁶ The most distinct characteristic of Terrorist as Barbarian in this discourse was the transgression of the established (civilized) norms limiting the use of violence⁴⁵⁷ and whose grievances, whatever their substance, were thus being internationalized in an uncivilized way.⁴⁵⁸ The obvious practical implication was the Terrorist's dehumanization. Moreover, the civilized mankind could be called upon to take „take a keen look“ at those States which opposed inclusion of the terrorism item on the General Assembly's agenda.⁴⁵⁹ But the exclusion from humanity would generally not extend to the States that were deemed to sponsor terrorism. Instead, in the First World's discursive order statements would be enunciated, as in the 1930s, calling for a unity of the world community in face of an imminent human crisis brought about by the Terrorist's inhuman methods of undermining of social cohesiveness.⁴⁶⁰

That call would not be answered. The autonomizing Third World instead focused on state terrorism. To subjectify the State Terrorist, it would employ a very similar basic discourse of *civilization / barbarism*. State terrorism could therefore be represented as „the most drastic form of savagery and barbarism,“⁴⁶¹ and that incidentally also because it transgressed „most elementary codes of human and civilized behavior.“⁴⁶² In less abstract sense, it would be associated with *tyranny*⁴⁶³ to establish the positive characteristic of the autonomizing Third World's Selves who emancipated in their political spaces those formerly *terrorized* by the Colonial Other. Besides, relating to the discourse of method, these States could identify themselves with such characteristics

⁴⁵⁶ Doc. A/PV.2037 (1972), Minutes of the General Assembly, statements e.g. by Uruguay, Colombia and the United States; A/9028 (1973), Report of the *Ad Hoc* Committee, proposal by France; A/AC.160/1 (1973), observation by Austria to the *Ad Hoc* Committee; A/PV.2125 (1973), Minutes of the General Assembly, statement by Paraguay; A/C.6/34/SR.6 (1979), Minutes of the Sixth Committee, statement by Spain; A/C.6/L.872 (1972), Israel's report on Arab States' sponsoring of terrorism; A/C.6/SR.1357 (1972), Minutes of the Sixth Committee, statement by Brazil; A/C.6/SR.1359 (1972), statement by Uruguay; A/PV.2125 (1973), Minutes of the General Assembly, statement by Paraguay; A/AC.160/1 (1973), observation by Portugal to the *Ad Hoc* Committee; A/PV.2037 (1972), Minutes of the General Assembly, statement by Israel.

⁴⁵⁷ A similar position would be articulated also in Second World's statements, cf. A/C.6/SR.1362 (1972), debate in the Sixth Assembly, statement by USSR.

⁴⁵⁸ Doc. A/34/37 (1979), Report of the *Ad Hoc* Committee.

⁴⁵⁹ Doc. A/PV.2045 (1972), Minutes of the General Assembly, statement by Israel.

⁴⁶⁰ Doc. A/C.6/SR.1357 (1972), Minutes of the Sixth Committee, statement by Guatemala; A/C.6/SR.1386 (1972), statement by the United States.

⁴⁶¹ Doc. A/AC.160/1 (1973), observation by Syria to the *Ad Hoc* Committee.

⁴⁶² Doc. A/PV.2144 (1973) Minutes of the General Assembly, statement by Somalia.

⁴⁶³ Doc. A/PV.2037 (1972), Minutes of the General Assembly.

of civilization as reason and prudence, for „no civilized society could approve terrorism or condemn it coldly without [first] studying its causes.“⁴⁶⁴

Common Basic Discourse II: Innocence and Harm

The 1970s were a true *age of innocence*, with all the irony that the allusion conveys. Whereas in the 1930s the issue of innocence of the Terrorist's victim featured only marginally in the discourse, now it gained a rather prominent status in both discursive orders. What was distinctive of the Terrorist, either as Revolutionary or the State, was that he took *innocent human lives*.⁴⁶⁵ There could hardly be a more powerful moral discourse to condemn the Terrorist, since the opposite of innocence is nothing but *harmful* and to harm the innocent, those *not* harming, must but raise universal condemnation.

In each discursive order, innocence would however stand for something different. In the First World's order the innocent were primarily those uninvolved in the political dispute. The concept was underlied by a requirement to contain the conflict to its political space of origin. After all, it was „a traditional function of international law to attempt to contain violence within the narrowest feasible territorial limits.“⁴⁶⁶ The innocent in this discourse could be either third parties' governments and citizens (over which those governments' sovereign power extended).⁴⁶⁷ Their actual ability to inflict harm was of little import; the real „test of innocence“ was their relationship to the actual political conflict.⁴⁶⁸ In the Third World's discursive order, on the other hand, the innocent

⁴⁶⁴ Doc. A/C.6/SR.1367 (1972), Minutes of the Sixth Committee, statement by Oman.

⁴⁶⁵ Doc. A/PV.2037 (1972), Minutes of the General Assembly; A/RES/3034 (1972); A/AC.160/L.3/Add.2 (1973); A/AC.160/L.3 (1973); A/AC.160/1 (1973), observations by governments to the *Ad Hoc* Committee; A/C.6/SR.1362 (1972), Minutes of the Sixth Committee, statement by Colombia; cf. also Doc. A/C.6/418 (1972).

⁴⁶⁶ Doc. A/C.6/SR.1355 (1972), Minutes of the Sixth Committee, statement by the United States.

⁴⁶⁷ Cf. Doc. A/PV.2129 (1973), Minutes of the General Assembly, statement by El Salvador; A/PV.2131 (1973), statement by Fiji; A/PV.2142 (1973), statement by South Africa.

⁴⁶⁸ Doc. A/AC.160/1/Add.1 (1973); cf. also A/C.6/SR.1386 (1972), Minutes of the Sixth Committee, statement by the United States. A/C.6/SR.1355 (1972), statement by Sweden; A/C.6/SR.1369 (1972), statement by Spain; A/AC.160/2 (1973), debate in the *Ad Hoc* Committee; cf. also the United States' Draft Convention (A/C.6/L.850/1972), in which an uninvolved State's national would not be considered object of terrorist act under the convention if he was targeted in the Terrorist's home country. Similarly, a national of a conflict's protagonist targeted in his home country would not be object to the convention. But uninvolved State's citizens outside the area of conflict, as much as the citizens of the protagonist States outside the area, that is, in „innocent territories“ would fall within the purview of the convention. For the explicit purpose to spatially contain violence see a report *The Role of International Law in Combating Terrorism* (1973), reproduced in Friedlander (1979b, Doc. 77) and the discussion of the Draft in Franck and Lockwood (1974, 82), according to whom it combined principles of *innocent nationality* and *innocent territoriality*.

who were prayed upon by the Terrorist were the *powerless* subjects of the tyrannical (both in the sense of usurpatory and oppressive) power.⁴⁶⁹ Thus, they were located *inside* the political space of conflict rather than outside. But in either case, the innocent as victims of terrorist violence were a *multitude*, rather than a sovereign in his physical body or his limbs (government officials), the dominant object of international terrorism in the States' discourse of the 1930s – and one whose identification with harmlessness would have been much more problematic.

First World's Discourse I: Order and Chaos

I now turn to the discussion of two specific First World's basic discourses of particular salience. These are the discourse of *order / chaos*, encountered already in the 1930s, and the new discourse of *disease*.⁴⁷⁰ In the former, terrorism would represent an assault on the international order and subversion of law and organized society (a guarantee of human progress);⁴⁷¹ nihilist violence aimed at destruction of free societies;⁴⁷² or „murder of a State,“ in committing which the Terrorist rises „against history, law, justice, humanity and peace.“⁴⁷³ Some statements are rather pessimist regarding resilience to his effort to undermine the international order: „Mankind... came to be dominated by armed men who roamed the world, trafficked in drugs, stole, attacked trains, aircraft, ships and banks, and sacrificed innocent human lives.“⁴⁷⁴ This is an interesting statement not only because of its pessimism. It also illustrates how the Terrorist was rendered as a common criminal (dealing with drugs and thus *poisoning* the body politic, but with no obvious political *reason*) who targets international traffic (trains, aircraft, and ships) and capital (banks) and kills the innocent along the way. But more often, pessimism would lend way to the call for action, and the basic

⁴⁶⁹ Cf. Doc. A/C.6/SR.1362 (1972), Minutes of the Sixth Committee.

⁴⁷⁰ There would be a marginal discourse of order also in the Third World's discourse, characterized by 1) constituting the State Terrorist as undermining the international order (cf. Doc. A/AC.160/1/1973, observation by Syria to the *Ad Hoc* Committee), and 2) excluding national liberation movements from the discourse of nonstate terrorism because their aim was to restore order in the Third World and thus bring about a just international order, an effort colonial, alien and racist regimes of the First World continued to spoil (Cf. Doc. A/9028/1973, Report of the *Ad Hoc* Committee).

⁴⁷¹ Doc. A/PV.2038 (1972), Minutes of the General Assembly, statement by the United States; cf. also A/C.6/L.872 (1972), Israel's report on Arab States' sponsoring of terrorism; A/PV.2126 (1973), Minutes of the General Assembly, statement by Canada; A/PV.2142 (1973), Minutes of the General Assembly, statement by South Africa; A/C.6/SR.1358 (1972), Minutes of the Sixth Committee, statement by Colombia; A/C.6/SR.1366 (1972), statement by Costa Rica.

⁴⁷² Doc. A/C.6/34/SR.7 (1979), Minutes of the Sixth Committee, statement by Brazil.

⁴⁷³ Doc. A/PV.2045 (1972), Minutes of the General Assembly, statement by Israel.

⁴⁷⁴ Doc. A/C.6/SR.1366 (1972), Minutes of the Sixth Committee, statement by Costa Rica.

discourse of order would thus relate closely to the First World's discourse of method. Thus Terrorist would represent a threat that required immediate and resolute action, *lest* a reign of anarchy / jungle law / mediæval concept of private war or scourge of war without there actually being a war (i.e. limited and spatially contained violence) would prevail. Such war without a war would deprive innocent people of their right to be free from fear (guaranteed by governments).⁴⁷⁵ In the future, there could either continue to rule *governments* that would keep decent and rational public order, or *gunmen*.⁴⁷⁶

The statements about a *scourge of war* the unchecked terrorism could produce points to the lack of strict delimitation of terrorism and warfare. But it also implies that at least in the First World's discursive order the Terrorist was not a participant in the traditional war, an idealized product of the civilization's constraint on legitimate violence. Terrorist did not become identical to Soldier. He was either a *deviant* Soldier, transgressing the established limits on the use of violence (this in the discourse of international humanitarian law, which discussed terrorism in the context of armed conflict); or he brought about and figured in a key role of *a new kind of warfare*, without limits and spatial constraints.⁴⁷⁷ In other words, he was a Subject in the discursive reflection of the total war that was upon the world. Such position is consistent with the criticism mounted by a number of First World States of the attempt to legitimize terrorism by depicting it as a kind of war in the Third World's discursive order.⁴⁷⁸ The concept of war in that order did not relate to the *limits* on violence, but rather to basic legitimization of violence in the war context.

In continuity with the 1930s, the Terrorist in the First World's discourse was represented as a despatialized, ubiquitous threat: „...the evil is everywhere. The criminal walks every day the entire

⁴⁷⁵ Doc. A/AC.160/1 (1973), observation by Iran to the *Ad Hoc* Committee; A/C.6/SR.1357 (1972), Minutes of the Sixth Committee, statement by the United States; A/C.6/SR.1364 (1972), statement by Nepal; A/C.6/SR.1359 (1972), statement by Portugal, who invoked the authority of Hedley Bull to strike the point; A/C.6/SR.1359 (1972), statement by Uruguay; A/C.6/SR.1365 (1972), statement by Belgium; A/AC.160/1 (1973), observation by Austria to the *Ad Hoc* Committee; A/AC.160/SR.6 (1977), Minutes of the *Ad Hoc* Committee, statement by Austria.

⁴⁷⁶ Doc. A/PV.2139 (1973), Minutes of the General Assembly, statement by Israel.

⁴⁷⁷ Doc. A/PV.2037 (1972), Minutes of the General Assembly, statement by Colombia; A/C.6/SR.1361 (1972), Minutes of the Sixth Committee, statement by Israel; A/PV.2142 (1973), Minutes of the General Assembly, statement by Austria.

⁴⁷⁸ Doc. A/PV.2037 (1972), Minutes of the General Assembly.

geography of our planet,⁴⁷⁹ and consequences of his actions „explode in any place, any hour, at any time, without respect for the life of anyone.“⁴⁸⁰ In contrast to the 1930s, however, this spatial dislocation has moral implications. The Terrorist is „without homeland,“ which means that he is also „without honour and without morality.“⁴⁸¹ Moreover, his is generally not an alternative polity, as was the case in the 1930s, even though in rare instances „international organization“ of terrorism is mentioned that undermines (State) sovereignty and stands against civilized society.⁴⁸²

Offshoot: Terrorist as Pirate

Part and parcel of the basic discourse of order and chaos was the subjectification of Terrorist as *Pirate*, which would become rather popular in relation to one particular manifestation of terrorism – air hijacking.⁴⁸³ (What facilitated the subjectification was the fact that as much as the Pirate of yore operated in a political space that was characterized by a void of sovereign power, so did the air Pirate, at least until ICAO’s regulative treaties were concluded.)⁴⁸⁴ A related metaphor was that of safe *havens* – renegade States – which, however, did not carry with it the same practical political implications at the time as it does today.

The alignment between Terrorist and Pirate was instrumental in that piracy was a universal archetypal crime against order, humanity, civilization and *jus gentium* as its particular product, which rendered the Terrorist *hostis humani generis*⁴⁸⁵ and effectively located him *hors humanité*. Besides

⁴⁷⁹ Doc. A/PV.2035 (1972), Minutes of the General Assembly, statement by Paraguay.

⁴⁸⁰ Doc. A/AC.160/SR.5 (1977), Minutes of the *Ad Hoc* Committee, statement by Paraguay.

⁴⁸¹ Doc. A/AC.160/SR.5 (1977), Minutes of the *Ad Hoc* Committee, statement by Uruguay.

⁴⁸² Doc. A/C.6/SR.1362 (1972), Minutes of the Sixth Committee, statement by Bolivia.

⁴⁸³ Doc. S/10683 (1972), letter by Israel to the President of the Security Council; A/PV.2037 (1972), Minutes of the General Assembly, statement by USSR; A/PV.2129 (1973), Minutes of the General Assembly, statement by El Salvador; A/PV.2135 (1973), statement by Rwanda; A/C.6/34/SR.6 (1979), Minutes of the Sixth Committee, statement by Hungary; A/AC.160/SR.8 (1977), Minutes of the *Ad Hoc* Committee, statement by Tunisia; cf. also Council of Europe’s Consultative Assembly recommendations 599 (1970) and 613 (1970). Statements about „aerial piracy“ would be found in all discursive orders, but were much more common in the First World’s than the latter two’s. Their discourse of piracy was located between first and second logic of exception in that it aimed at establishing an alternative subjectification of the Subject that in the First World’s discourse was considered Terrorist, but would not *redeem* him through this alternative subjectification, since air piracy was universally reprehensible.

⁴⁸⁴ The Hague Convention established a regime on board of air planes during flight, whereas the Montreal Convention added regulations governing situations on ground. Cf. Glaser (1973).

⁴⁸⁵ Pirate was subjectified as *communis hostis omnium* (rather than a lawful enemy, to whom oaths sworn are binding) in Cicero’s *De Officiis* (44 BCE) and in early modern times e.g. by Bacon and Gentili. Bacon, drawing on his theory of monstrosity, inferred that pirates degenerated from laws of nature and thus fell in the category of „nature erring“, and included them among subjects deserving destruction in his *An Advertisement Touching an Holy War* (cf. Linebaugh and Rediker

dehumanization, it was also an effective instrument of depolitization, first employed against the pirate hydrarchy in the Atlantic which would not only challenge the economic (capitalist) order, but also establish its own alternative social order (cf. Linebaugh and Rediker 2000). Real political objectives, such as political transformation in one limited space, were suppressed in favour of an (alleged) universal attack against humanity and also civilization. Terrorists committed „the most cruel and heartless of crimes,“ preparing „in cold blood, in a calculated way, deliberately, in silence and in secret... their destructive and nefarious activity which sometimes reaches, kills or destroys people who are tragically powerless before such refined evil.“⁴⁸⁶ The fact that some „Terrorists“ chose suicidal means of violence could be explained by their „manipulation by anarchists and nihilists“⁴⁸⁷ (with clear allusion to the widespread image of Russian Anarchist armed with bomb and revolver and ready to die in the assassination attempt). More often, however, and in contrast to the cold blood statement quoted above, it would be argued that they were simply *mad*. Finally, the crime of piracy invoked universal jurisdiction and other exceptional measures against the absolute enemy who deliberately excluded himself from the protection of order and civilization and, what was worse, aimed at undermining it.

It has been argued above that the association of air hijacking with terrorism was accidental. So was its association with piracy and the consequent subjectification of Terrorist as Pirate. Indeed, there was a precedent in comparing *Anarchist* to Pirate (cf. Thorup 2008; Thorup 2009). Yet it was less by some essential similarity in their acts than in their morally reprehensible outcomes. With respect to the Terrorist, it was noted already in the 1970s that the two were associated *souvent mais faussement* (Glaser 1973, 833). The traditional understanding of piracy, embodied also in Geneva

2000, 39), whereas Gentili claimed that „war should be made against pirates by all men, because in the violation of that law [of nations] we are all injured“ (quoted in Thorup 2009, 404). An influential early subjectification of pirate and the term a *hostis humani generis* is found in Coke's *Institutes*. Cf. *The Third Part of the Institutes of the Laws of England, Fourth Edition* (London: Flesher, Lee and Pakeman, 1644) 311. But Pirate was hardly the only one to be subjectified as *hors humanité* in early modernity. Both Bacon and Gentili would reserve the same spatialization also for the Savage (cf. Tuck 2001), and already in Kramer's *Malleus maleficarum* 1.3 (1485), the subjectification „*humani generis inimici*“ would be attributed to witches (Thorup 2009, *ibid.*).

⁴⁸⁶ Doc. A/PV.2125 (1973), Minutes of the General Assembly, statement by Paraguay. The argument that terrorism cannot be seen as an expression of political will would be articulated also by Czechoslovakia as a Second World State (Doc. A/AC.160/1/Add.2/1973), and the Soviet Union would repeat with approval (Doc. A/C.6/SR.1363/1972) Brazil's view (Doc. A/C.6/SR.1357/1972) that since terrorist crimes were directed against anyone who crossed the criminal's path, they should be considered as international offences *erga omnes*. But both the Second World superpower and its satellite would at the same time exclude national liberation movements from the category of terrorism.

⁴⁸⁷ Doc. A/C.6/SR.1365 (1972), Minutes of the Sixth Committee, statement by Belgium.

Convention on the High Seas (1958), identified piracy as an act of one vessel against another (rather than a forcible takeover of one vessel by those on board). Moreover, it related to strictly private, rather than political ends. The latter point was emphasized also in *travaux préparatoires* towards the convention (Sofaer 1986, 911). A shared characteristic of both sea piracy and air hijacking was an attempt on the security of traffic, but that would hardly make it inevitable to associate one with another, and consequently to subjectify Terrorist as Pirate. In this mean *Ursprung*, other considerations outlined above were of importance.

First World's Discourse II: Healthy Body and Disease

The discourse of disease was one of key innovations in subjectification of the Terrorist in the State discourse. Needless to say, it too had important dehumanizing and depoliticizing effect. The latter effect was emphasized in the representation of terrorism as a *mental* disease. The Terrorist was therefore „senseless, insane, demented.“⁴⁸⁸ The former, on the other hand, depicted terrorism as a contagious disease such as cancer, plague or other unspecified epidemic.⁴⁸⁹ The international body politic would be represented as a patient threatened with such disease (contagious and ultimately consumative) for which a cure had to be found.⁴⁹⁰ Moreover, in line with the First World's discourse of method, it would be argued that the patient had to be cured as soon as possible, even before all causes of his illness were known.⁴⁹¹ (To this Third World States would reply that these causes were actually known, thus contributing to the tension between the positive articulation of these causes and call for their further study, discussed above.)⁴⁹²

The representation of sedition in the body politic as a disease indeed had its precedents. To take but two illustrious examples, strife in the polis was a *nosos* to Plato (cf. Constantinou 2004) and

⁴⁸⁸ Doc. A/PV.2038 (1972), Minutes of the General Assembly, statement by the United States; A/AC.160/SR.5 (1977), Minutes of the *Ad Hoc* Committee, statement by Paraguay;

⁴⁸⁹ Doc. A/C.6/SR.1357 (1972), Minutes of the Sixth Committee, statement by the United States; A/C.6/SR.1359 (1972), statement by Senegal; A/C.6/SR.1369, statement by United Arab Emirates; A/AC.160/SR.5 (1977). see also Council of Europe's Consultative Assembly recommendation 613 (1970).

⁴⁹⁰ Doc. A/C.6/SR.1366 (1972), Minutes of the Sixth Committee, statement by South Africa.

⁴⁹¹ Doc. A/C.6/SR.1357 (1972), Minutes of the Sixth Committee, statement by the United States; cf. also A/C.6/SR.1361 (1972), statement by Austria.

⁴⁹² Doc. A/C.6/SR.1358 (1972), Minutes of the Sixth Committee, statement by Saudi Arabia; A/C.6/SR.1366 (1972), statement by Democratic Yemen.

a „consumptive disease“ to Machiavelli (1988, 11). What is striking about the discourse of terrorism as disease, however, is the treatment of international order as *one* sick body, suffering from the disease which imperiled *both* its survival and *sanity* (reason). The Terrorists, those dangerous psychopaths on the loose, dehumanized and depoliticized in this discourse of disease, were thought to have the power to destroy this body, or to bereave the *normal* Self of its reason, sanity and order – in plain words, to drive it mad. Interestingly, it effectively amounted to the same thing.

Third World's Discourse: Faceless Regime and the People

Moving to the Third World's discursive order, the State Terrorist would be endowed here with characteristics that differentiated it from the postcolonial Self constituted in the difference and characterized by emancipation of the individual, justice and political containment (contrasted to the State Terrorist's imperialist ambition). State Terrorist Subject would commonly be represented as a faceless machinery, inhuman, barbaric and *criminal*⁴⁹³ (as opposed to the *political* character of freedom fighter / revolutionary Terrorist).⁴⁹⁴ It would be an (inhuman) *regime* that terrorizes *people*, both within and without the legal boundaries of its power. It might not have a face, but it would have a name. The archetypical Terrorist State in this discourse was Israel, while the United States, Portugal and South Africa were also often claimed to practice systematic and mass terrorism. In a marginal version of this discourse, drawing upon the vision of autonomy of the Third World from both remaining *Großräume*, great powers of whatever camp could be identified as State Terrorists too.⁴⁹⁵

The Israel / Zionist Other was the only Terrorist Subject whose character sketch was drawn in substantial detail in the Third World's discursive order, and a short representation of this sketch is therefore now presented. Its essence was rather elusive. It could be a State a such, but also a regime,

⁴⁹³ Cf. Doc. A/C.6/SR.1367 (1972), Minutes of the Sixth Committee, statement by Algeria.

⁴⁹⁴ The assertion of the State Terrorist as criminal and the Revolutionary Terrorist under the second logic of exception as political, or using the *political* significant to distinguish national liberation movements from terrorists was an important way to legitimize their violence and prevent its „criminalization“ by the *real* terrorists. Cf. Doc. A/AC.160.1 (1973), statement by Syria to the *Ad Hoc* Committee.

⁴⁹⁵ Doc. A/C.6/SR.1355 (1972), Minutes of the Sixth Committee, statement by Saudi Arabia.

ideology (Zionism) or – in an exception to the rule that State Terrorist had no face – a band of former terrorists (whose lists would be duly presented)⁴⁹⁶ who later became the new State's leaders. In any case, the essence of the State was terrorist. This would be asserted both by pointing to the original terrorist violence such as King David Hotel bombing (1946) or Deir Yassin massacre (1948)⁴⁹⁷ and the list of the Israel's subsequent actions. They would include, at various levels of abstraction, „the war of annihilation waged by Israel, in a national policy of state terrorism, against the Palestinian people by murdering their national leaders and intellectuals and all those who inspire them to struggle for their nationhood;“⁴⁹⁸ raids, covert operations or shooting down of an airliner;⁴⁹⁹ or more generally, intimidation and rule of fear and terror;⁵⁰⁰ and bestiality against innocent civilians.⁵⁰¹ It is noteworthy that besides the standard *modi operandi* of state terrorism such as colonial domination, foreign occupation, and exploitation of the subjects, Israel's terrorism would in addition comprise acts associated in the First World's discourse with nonstate terrorism (assassination and even „piratical hijacking“), from which, it was claimed, Israeli State was born.⁵⁰²

The faceless machinery of repressive power was dehumanized by definition. As such, it stood in contrast to its victims, the innocent people. Yet the dehumanizing alienation would be reinforced even further, by referring to the Israeli as „hords herded together from all around the world, united only in fanaticism“⁵⁰³ and their State as as a „Zionist creature of American imperialism.“⁵⁰⁴ Zionism and Israel as its product were the ultimate Other, since they represented a „foreign import to the Middle East.“⁵⁰⁵ This Other was not contained to this political space, however. It also also „insidiously permeated the socio-political systems of all the countries where it has been allowed to thrive,“ operating from its basis whose foundation was a tragedy that threatened to set

⁴⁹⁶ Cf. Doc. A/C.6/L.896 (1972), a paper *On Terrorism* delivered by Yemen to the Sixth Committee; cf. also Doc. S/10688 (1972), a letter by Egypt to the President of the Security Council.

⁴⁹⁷ Cf. Doc. S/10684 (1972). In this communication to Security Council by Lebanon, „Zionists“ are also attributed madness which ruined „once prosperous cities.“

⁴⁹⁸ Doc. A/PV.2037, Minutes of the General Assembly, statement by Egypt.

⁴⁹⁹ Cf. Doc. A/C.6/L.869 (1972), a report submitted by Arab governments.

⁵⁰⁰ Doc. A/PV.2149 (1973), Minutes of the General Assembly, statement by Libya.

⁵⁰¹ Doc. A/PV.2133 (1973), Minutes of the General Assembly, statement by Oman; A/PV.2141 (1973), statement by Qatar.

⁵⁰² Doc. A/C.6/SR.1360 (1972), Minutes of the Sixth Committee, statement by Uganda.

⁵⁰³ Doc. A/PV.2149 (1973), Minutes of the General Assembly, statement by Libya.

⁵⁰⁴ Doc. A/PV.2142 (1973), Minutes of the General Assembly, statement by Syria.

⁵⁰⁵ Cf. Doc. A/C.6/SR.1362 (1972), Minutes of the Sixth Committee, statement by Egypt.

the whole world aflame.⁵⁰⁶ Thus, in a peculiar (and marginal) Third World's version of the *discourse of alarm*, it should be a matter of universal concern.

Links to Other Discourses of Power

Terrorism and the Principles of International Law

The interdiscursive relationships between the discourses of principles of international law and intervention in the 1960s and the States' discourse of terrorism in the 1970s have already been outlined. To reiterate, a duality of 1) the element of state sponsoring (embodied in the positive obligation to refrain from instigation and assistance to terrorist activities by States) and 2) the exclusion of national liberation movements was established in the res. 2625 (1970) and would represent a major continuity with the later discourse of terrorism in the 1970s. On the other hand, terrorism would cease to be related in this discourse to violation of a State's internal sovereignty by intervention from the *outside*, and would instead be securitized in the First World's discursive order as spilling of political conflict over from its (*inside*) space of origin with the destabilizing effect on the international order. This paradigmatic shift was most likely related to the failure of First World States to include terrorism among acts of aggression, which would represent the yet strongest articulation of the principle of impermissibility of the state sponsoring of terrorism.⁵⁰⁷ As for the conditions of the discourse of principles of international law itself – of which the discourses of intervention and aggression were offshoots – it seems to be conditioned to some extent by the residual paradigm of progressive codification of international law encountered in the 1930s.⁵⁰⁸ This paradigm was coupled with the attempt at stabilization of the relations between the First and the

⁵⁰⁶ Doc. A/PV.2133 (1973), Minutes of the General Assembly, statement by Saudi Arabia.

⁵⁰⁷ Cf. Doc. A/8719 (1972), Report of the Special Committee on the Question of Defining Aggression; draft proposals A/AC.134/L.17 (1972) or A/AC.134/L.37 (1972) where indirect aggression included „organizing, supporting or directing violent civil strife or acts of terrorism in another state“; but also the Soviet proposal (A/AC.134/L.12) that considered as an act of indirect aggression „sending armed bands, mercenaries, terrorists or saboteurs and engaging in other forms of subversive activity.“ The final resolution (A/RES/3314/1974) would continue to identify „the sending by or on behalf of a State of armed bands, groups, irregulars or mercenaries“ of certain gravity and substance as an act of indirect aggression, but acts of terrorism were omitted.

⁵⁰⁸ Cf. Doc. A/RES/1815/1962; or A/5746 (1964) and A/8018 (1970), Reports of the Special Committee on Principles of International Law concerning Friendly Relations and Cooperation among States.

Second World (reflection of the state of living in the „divided world“).⁵⁰⁹ More importantly, however, the *status quo* powers had a vested interest in reinforcing the existing nomos challenged by the decolonization process that autonomized part of the hitherto passive *Großraum* and threatened to revolutionize international relations. At the same time, there existed an interest on the part of this autonomizing Third World to renegotiate some of their crucial norms by using the *same* institutional framework of General Assembly. This made the discourse of principles (and of intervention), in which these forces collided, ultimately possible.

Terrorism and the Geneva Laws: Terrorism in / as War

The arguably most important interdiscursive relationship, however, existed with another discourse, one that served as another intended medium of international crisis management in the 1970s. It was the discourse of international humanitarian law, extending its reach in this period to the contemporary, internalized warfare and its participants. Before this interdiscursivity is outlined in more detail, a brief overview of IHL's past links to terrorism is useful. Terrorism was mentioned in Art. 33 of the Fourth Geneva Convention (1949), where it related to acts exercised by an occupying power against protected persons (civilians). However, terrorism was not included here among *grave breaches* that were to be prosecuted under the Convention (Art. 146). In Art. 147, an enumeration of activities which in the general discourse were associated with the state terrorism during occupation (see last chapter) were listed. Taking of hostages would be prohibited in Art. 3(b) of all four Geneva conventions. But it would not be discursively related in any way to terrorism.

In 1974-1977, a conference on international humanitarian law was held in Geneva under the auspices of International Committee of the Red Cross. It concluded with the negotiation of two additional Protocols. Both prohibited acts or threats of violence the primary purpose of which was to spread terror among the civilian population (not the other party).⁵¹⁰ But the most important and controversial change was the elevation of peoples fighting against colonial domination and alien

⁵⁰⁹ Cf. Doc. A/C.6/SR.1178 (1970), Minutes of the Sixth Committee.

⁵¹⁰ Protocol I, Art. 51(2); Protocol II, Art. 13(2). These provisions were were all included in the draft protocols published already in 1973 (cf. Baxter 1974, 384).

occupation and against racist regimes in the exercise of their right to self-determination to the status *parties to international conflicts*, with the appropriate rights and obligations under Protocol I (Art. 4/1). This may seem *prima facie* as the victory of the Third World. Indeed it has been argued to constitute one, since in this way the fundamentally criminal nature of terrorism was (allegedly) obscured by granting terrorists a legal status under the law of war (Sofaer 1986) or at least the „conduct that could formerly be regarded as terrorism“ was *decriminalized* (Saul 2006a, 76). It is however important also to point the positive implications from the First World's point of view (cf. Lehto 2003). These rested primarily in the bounding obligations imposed on those movements, the grave breach of which could from now be considered war crimes.

Geneva Conventions and in particular the Protocols (cf. Gasser 2002) were conservative legal attempts to discipline the total colonial war that was upon the world, and in this they were similar to the initiation of the general discourse of terrorism among States in the 1970s. They involved elements of codification and universal action, however framed as preventing, rather than suppressing or punishing certain acts, in contrast to the action against terrorism in the 1930s. The success of this action is subject to dispute that goes beyond the scope of this dissertation (e.g. not all States ratified Protocol I and the provision of Art. 1/4 was not incorporated in customary law). But it is indisputable that they enabled criminalization under IHL of certain actions by national liberation movements that were considered at that time and in both discursive orders to constitute acts of terrorism.

Geneva Protocols may have been motivated by similar considerations as the general discourse of terrorism among States in the 1970s. By means of both this discourse and that of international humanitarian law, the First World attempted to render certain actions by nonstate actors *criminal*. This, however, is where similarity ends. It is crucial to keep in mind that the natural boundaries of IHL were defined by the situation of armed conflict / war. Therefore, the acts considered within Geneva laws were only marginally identical with the acts considered in the First World's discourse of terrorism. *Nonetheless*, interdiscursive relationship would form in this discursive order between terrorism and international humanitarian law which transcended the

narrow borders in which the allusion could be substantiated.⁵¹¹ In one series of statements, (nonstate) terrorism would be rendered illegitimate by the use of *a fortiori* argument: international humanitarian law prohibited terrorism in the time of war, and therefore even more so it should be prohibited in the time of peace.⁵¹² The second interdiscursive link was the domiciliation of subjectification of nonstate terrorism's victims as *civilians* (besides the innocent), even as the particular acts to which reference was made were taking place outside the context of armed conflict. In this way, the Terrorist's action could be delegitimized since it involved a transgression of norm – even if this norm was only applicable to the situation in which the difference *civilian / soldier* made sense. By extension, it could also be suggested that a state of war obtained in the world and the Terrorist was the absolute enemy who needed to be destroyed, and that this should be done by means of universal mobilization and other extraordinary measures if needed. The *war on terrorism* was not yet officially declared,⁵¹³ but in the identification of the Terrorist's victim as civilian it was already implied.

Power-Knowledge Nexus

Any practice of power involves truth claims which legitimize it and which, at the same time, are in a constitutive relationship with it. Power produces knowledge and knowledge produces power. To present an comprehensive archæology of the knowledges that shaped the discursive orders discussed above would be far beyond the scope of this dissertation. What follows is therefore rather an intermediate commentary on the basic conditions and some important issues at play, such as the borrowings of First World's *epistémé* to support the autonomizing Third World's discursive practices (pointing to the tension between the political autonomization and dependent knowledge that conditioned it) or the relation between the discursive strategies of First World's science of

⁵¹¹ In academic discourse, in a study for the UN Crime Prevention and Criminal Justice Branch in Compliance with CTL/9/91/2207 (1992) Alex Schmid would notoriously define terrorism, as „peacetime equivalent of war crimes.“ For an argument that treating terrorism in *general* under the law of war would e.g. legalize their targeting of government facilities or make it possible to claim the status of prisoners of war cf. Scharf (2001).

⁵¹² Cf. Doc. A/C.6/SR.1359 (1972), Minutes of the Sixth Committee, statement by Denmark; A/AC.160/SR.5 (1979), Minutes of the Sixth Committee, statement by Sweden.

⁵¹³ It would however be commonly reported by the First World's media (cf. Sloan 1978).

terrorism and the subjectification of the Terrorist in the *status quo* discourse of the First World States.

Camus and Sartre: Two Ideologies of Violence

The basic duality in the States' discursive orders in the 1970s centered in the first instance around the general problem of violence. In one case, systematic violence built into the fabric of capitalism and colonialism was stressed; in the other, murder of those professing to be emancipating themselves and masses they claimed to represent from this system. Both positions were ideological in that they narrowed their vision to one contemporary manifestation of violence, and were they willing to consider the other (as in the Third World's second *logic of exception*), then only in a chain of causality in which it represented the inevitable effect of the first. In a certain way, it was a continuation of the debate on violence the two foremost French intellectuals of their time, Jean-Paul Sartre and Albert Camus, had had some time before about the situation in Algeria – a debate characterized, despite the participants' intellect, by the same ideological myopias, and one which ultimately ended their friendship (cf. Aronson 2001; Aronson 2005; Eds. Sprintzen and van den Hovert 2004).

The author of *l'Homme Revolté* (1951) would vigorously refuse all necessitarian and abstract justifications of violence. The freedom that the Rebel claims must be for all. In his rebellion, he asserts his humanity by detaching himself from the world of Master and Slave; and in murder or terrorism (death of the innocent), he commits an unjustifiable „double sacrifice“ of innocence and life.⁵¹⁴ In *Les Justes* (1949), Camus had already exposed and affirmed the morality in the actions and deliberations of Ivan Kaliaev, a Socialist Revolutionary and assassin of Grand Duke Sergei, brother to Tzar Alexander III (1905) – Kaliaev actually decided not to proceed with the attack once he learned that the Grand Duke's children were in the carriage. In a fictional scene in the play that follows, members of the organization discuss the justice of his action. Some claim that lives of two children

⁵¹⁴ Albert Camus, *The Rebel* (London: Penguin, 2000); Albert Camus, *Réflexions sur le terrorisme* (Paris: Nicolas Philippe, 2002).

(„innocents“) are not significant when the fate of humanity is at stake. Thousands others die every year because of the systemic violence. But Kaliaev and others disagree: despotism must be literally „killed“ and a brave new world built, but it cannot be founded on a murder of two innocent children.⁵¹⁵ Camus' conservative position on violence would later translate in a rather blind advocacy of the French activity in Algeria – the proper reason for the clash with Sartre, who by that time had become one of the foremost spokesman for the emancipatory violence. Camus' influence on the later *discourse of innocence* in the discourse of terrorism is difficult to establish, but given his intellectual reputation and even occasional direct references to his views in this discourse among States,⁵¹⁶ it is not implausible. In any case, Camus' position on violence seems to reflect the characteristic liberal milieu dominant in the First World.

From this milieu, Sartre most vehemently distanced himself. Not only did he see revolutionary violence as an appropriate response to bourgeois (systemic) violence and as a foundation of future humanity. He also would celebrate particular violence against Europeans (the French) in Algeria – most vocally in the preface to Franz Fanon's *The Wretched of the Earth* (1961). Furthermore, he would endorse the Munich massacre, claiming that it was the only available means to resist the existing system of oppression (Aronson 2005, 308). Structural violence could be defeated only if turned against the oppressor. Every liberal discourse of limits was actually a manifestation of the *status quo* power keen on its own preservation.⁵¹⁷ In the preface to Fanon, he would embrace the latter's psychologizing view of the colonial situation and the constitution of the colonial Self / Other. He would claim that the revolutionary violence was constitutive of the postcolonial Subject, cured of „colonial neurosis“ and more advanced and humane than the present Man. In this Fanonesque view, the violence was not only justified as a means to the end, but would have a liberating and constitutive function in *itself*. But what was more: the conflict unreeling in the Third World was for Sartre *symbolic*, and its consequence transcended its boundaries. The

⁵¹⁵ Albert Camus, „The Just Assassins,“ in *Caligula and Three other Plays* (New York: Vintage, 1962). For a commentary on the play related to Camus' justification of such violence see Evangelista (2008, 40).

⁵¹⁶ For instance, Spain would make an allusion to Camus's works in the Sixth Committee while making an argument that the most serious thing about terrorism was not the suffering it caused, but the annihilation of human values such as life, dignity and freedom. Doc. A/C.6/SR.1369 (1972).

⁵¹⁷ Jean-Paul Sartre, *Colonialism and Neocolonialism* (New York: Routledge, 2001).

decolonization was taking place also in Europe, or better, in European subjects' *psyche*, from which the „settler“ was being „savagely rooted out.“⁵¹⁸

The Freudian Fanonesque analysis of the Colonial soul aside, the issue of structural violence and the limits of legitimate violence permissible in response remains very much alive and unresolved to this day, even as decolonization has all but ended and the conflict in the States' discourse on terrorism has been quelled. In the 1970s, in contrast, these different ideologies of violence – one (liberal/conservative) stressing the inviolability of certain limits whatever the cause, the other (radical) refusing these limits as established by those in power keen to preserve their status – underlied the political division of the First and Third World in the discourse of terrorism. These ideologies, in turn, seem to be conditioned by the basic *status quo* / revolutionary orientation of those *Großräume*, legitimized by a series of truth claims and knowledge practices to which attention is now turned.

From the methodological perspective, the *status quo* practices of knowledge are far more difficult to establish, since the normalized power relations tend to be invisible to a common eye. Yet this is precisely what will be attempted here in an archæology of those practices that formed the First World's science of terrorism in the 1970s. Before this archæology is done, however, a few words must be spent on the (dis)continuing conditioning role of law.

Needless to say, the basic conditioning role of law continued insofar as rules of legal discourse constrained the enunciative possibility of States' statements to some extent – as in the 1930s, this would refer to final statements, such as resolutions, conventions etc. The positivist legal paradigm of „progressive codification of international (criminal) law, on the other hand, would remain marginally influential in the discourse, but no legal discourse would gain a position as privileged as the ICUCL discourse had in the 1930s.⁵¹⁹ Such state may have been conditioned by the

⁵¹⁸ Jean-Paul Sartre, „Preface,“ in Franz Fanon, *The Wretched of the Earth* (New York: Grove Press, 1963).

⁵¹⁹ Elements of the ICUCL discourse, e.g. the statements classifying terrorism as a common crime or the list of offences constituting terrorism, would however be referenced by States even in the 1970s. Cf. A/C.6/SR.1357 (1972), Minutes of the Sixth Committee, statement by Greece; A/C.6/SR.1359 (1972), statement by Uruguay. In the summary of the ICUCL's history,

politicization of the discourse of terrorism among States, but also by the paradigmatic change in the discipline of international law itself, which gradually resigned on its attempted status of the „gentle civilizer of nations“ (cf. Koskeniemi 2004). That said, it would persist e.g. in Glaser’s lament that despite humanization of international law that had been taking place since the 19th century terrorism by the State against the individual had not been criminalized and his call for including the State and the individual under one common law.⁵²⁰ Yet the majority of legal literature of the period produced in the First World seems to deal rather with *technical* problems associated with sectoral treaties. Thus it tacitly consented to the political / normative basis on which the actions in question were criminalized. Alternatively, it directly affirmed the power *status quo*, as in Baxter’s conservative warning against „tilting the law in the direction of those who fight lawfully,“ since this would constitute a „route to barbarism.“⁵²¹ (Baxter’s view at the concept of terrorism seems be conditioned by his sensitization to the revolutionary potential with which the discourse of terrorism was imbued.)

The Birth of the Discipline from the Spirit of Counter-terrorism

When the UN Dag Hammarskjöld Library compiled a list of literature on terrorism in 1972, it was dominated by studies of legal problems associated with protection of diplomats, colonialism, Middle East or urban insurgency in Latin America. What remained were general social science treatises on civil and revolutionary violence or government terror, including classic works of European *emigrés* Arendt and Friedrich,⁵²² or a more recent study by Walter (which did not actually deal with modern totalitarianism, but with the tribal structures in Africa in the nineteenth century).⁵²³ If the same list were composed a few years later, it would have looked strikingly

on the other hand, Cuba would note that the outcome of Copenhagen Conference was determined by the „extremely reactionary“ French proposal in the Council of the League of Nations (see last chapter). Doc. A/C.6/SR.1358 (1972).

⁵²⁰ Stefan Glaser, „Le terrorisme international et ses divers aspects,“ *Revue internationale de droit comparé*, vol. 25, no. 4 (1973): 825-850.

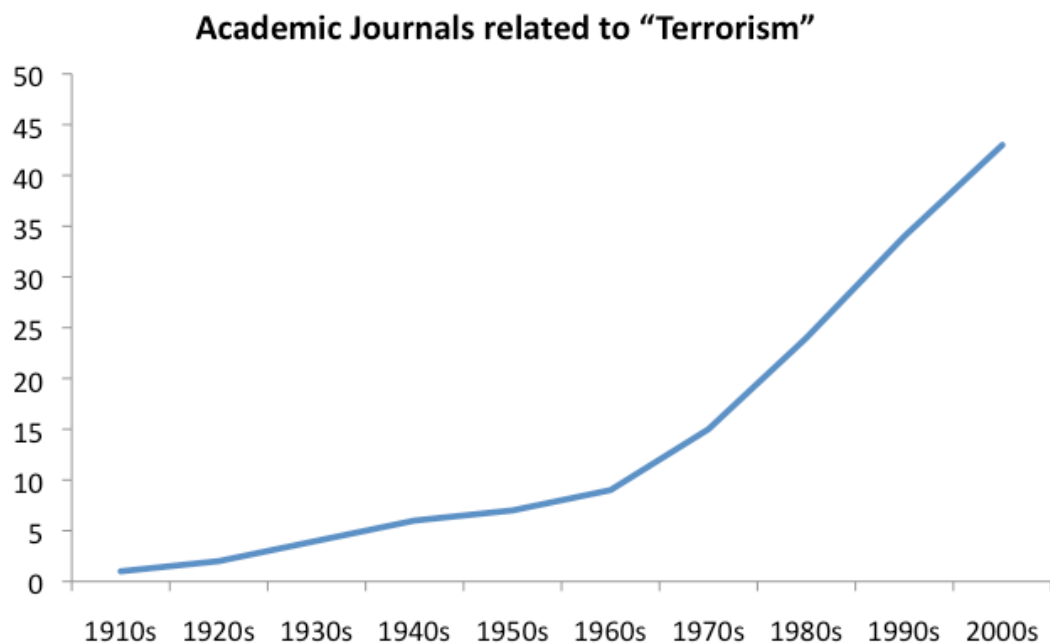
⁵²¹ Richard Baxter, „A Skeptical Look at the Concept of Terrorism,“ *Akron Law Review*, vol. 7, no. 3 (1974) 384.

⁵²² Hannah Arendt, *The Origins of Totalitarianism* (Fort Washington, PA: Harvest Books, 1951); Hannah Arendt, *On Revolution* (New York: Viking Press, 1963); Hannah Arendt, *On Violence* (New York: Harcourt, Brace and World, 1970); Carl Joachim Friedrich, *Totalitarian Dictatorship and Autocracy* (New York: Praeger, 1965) written in collaboration with young Zbigniew Brzezinski.

⁵²³ E. Victor Walter, *Terror and Resistance* (New York: Oxford University Press, 1969).

different. The reason was that after the Munich massacre, the First World's science of terrorism was born. It was born in the United States (and to some extent, United Kingdom), and it was born, to paraphrase Nietzsche, from the spirit of counter-terrorism.

A way to look at the growth of this science to this day is to approximate it through various categories, such as a number of academic journals related to terrorism⁵²⁴ or of records in *ISI Web of Knowledge*.⁵²⁵ The field's development may be contrasted to the growth in incidence or fatalities⁵²⁶ attributed to international terrorism, or its media coverage.⁵²⁷ The similarity in variables' trends is rather striking:



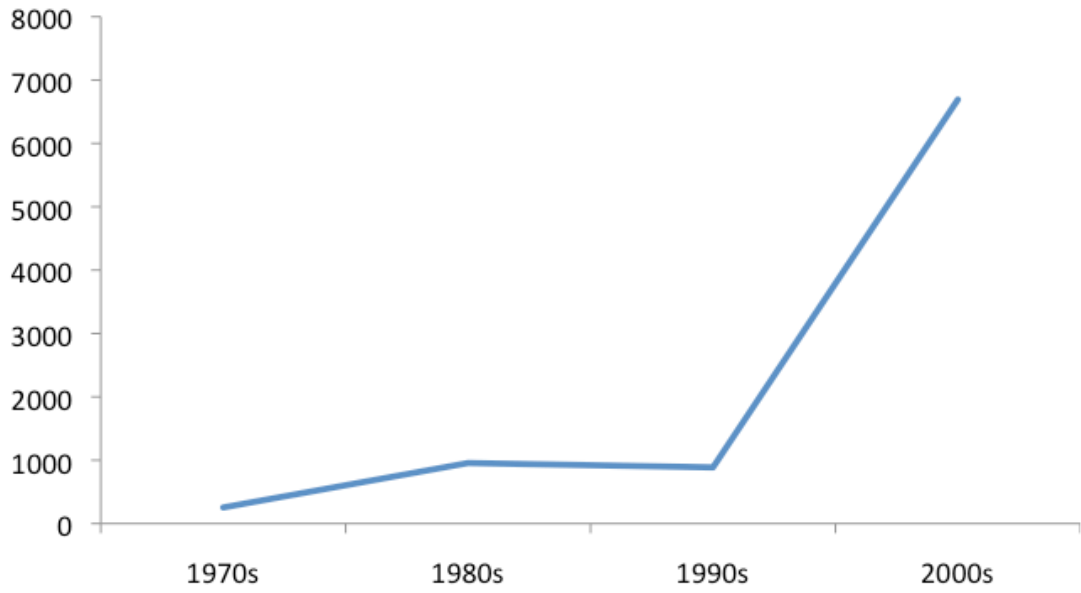
⁵²⁴ Source: *Ulrich's Periodicals Directory*, partially adopted from Silke (2004, 110). The variable is a number of journals with „terrorism“ declared as a subject area at the end of each decade (the journals were founded during a decade but ceased circulation shortly thereafter are thus not included).

⁵²⁵ The searched word was „terrorism“. It includes articles in journals outside the narrowly defined field of terrorism studies, e.g. law or psychology.

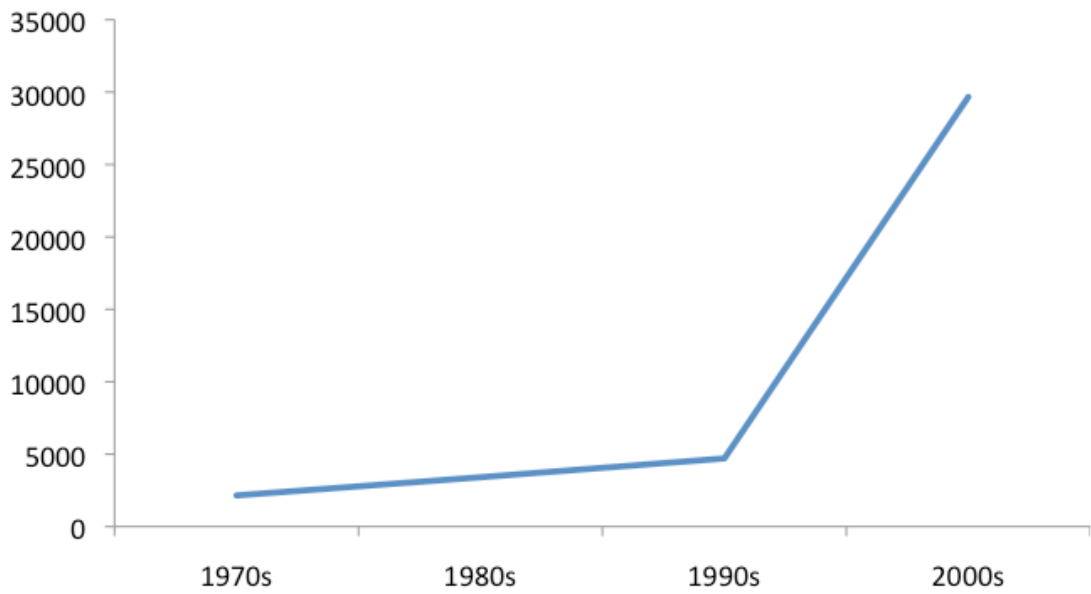
⁵²⁶ Source: RAND Terrorism Database. The numbers of incidents and fatalities do not show similar trends when broken into yearly statistics, but in decadal view they are indeed rather similar.

⁵²⁷ The figure captures the trend in occurrence of „terrorism“ on New York Times' cover pages.

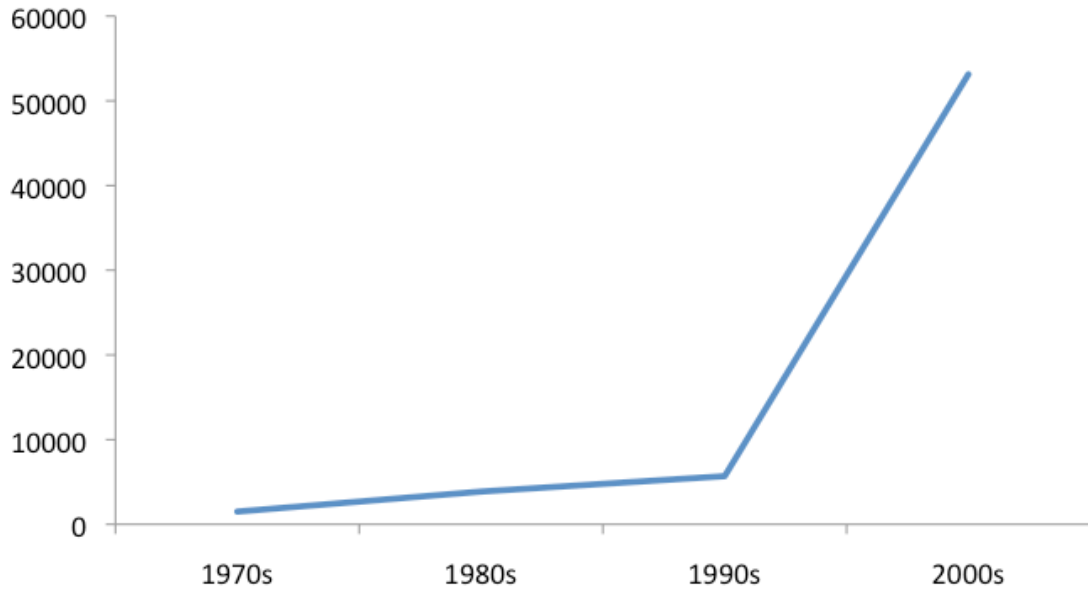
ISI Web of Knowledge



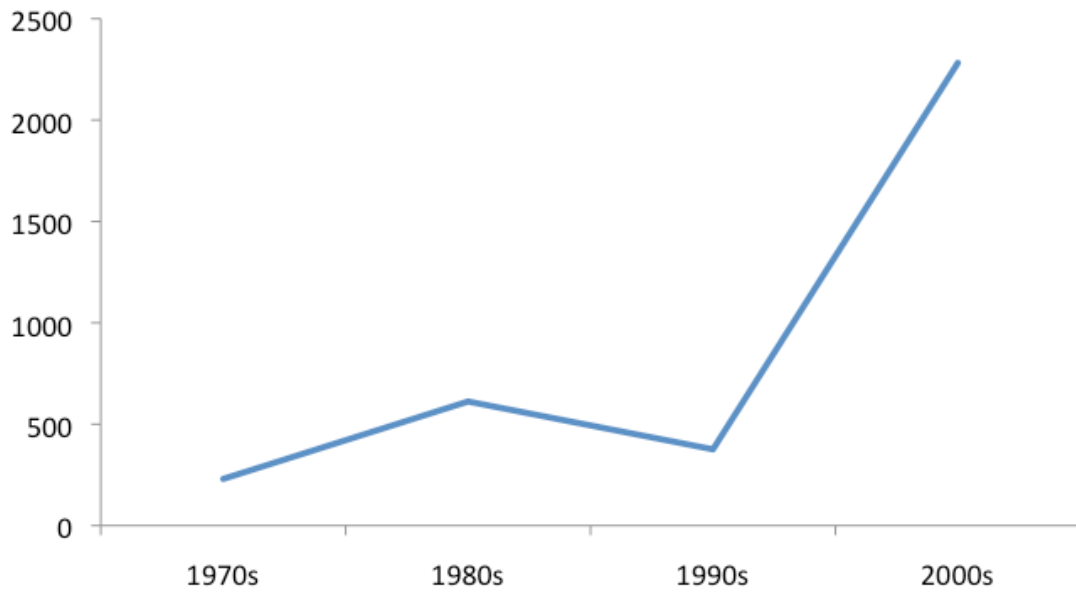
Incidents of International Terrorism (RAND)



Fatalities of International Terrorism (RAND)



Terrorism in New York Times



To interpret the mutual relationship of these trends is beyond the scope of this dissertation, which in this chapter focuses on the constitutive relations of power and knowledge in the First World in the 1970s. Even to accomplish this limited task, some simplification and approximation is necessary. Therefore, only field classics (widely referenced works) are included in the archæology. It is a methodological choice governed by the assumption that the major figures in the field were in a better position to influence the official discursive practices and at the same time, were main recipients of government funding. Secondly, critical (self)reflection of the field, both period and retrospective, is utilized to elaborate and sustain the emerging picture.

The picture of the field of terrorism science in the 1970s that emerges from this analysis is that of a relatively small community with a limited number of scholars of various backgrounds that produced a discourse which lacked discipline. Yet it featured “instant classics” by authors such as Rapoport, Crenshaw, Wilkinson or Laqueur and had its own agendas, members, funding or established means of linking separate research groups, as well a shared normative beliefs, causal beliefs, notions of validity and common practises that are characteristic of an epistemic community (cf. Ranstorp 2006; Ranstorp 2009; Reid 1993; Raphael 2009; on the notion of “epistemic community” see Haas 1992).⁵²⁸ From an institutional perspective, an important founding moment was a creation of a terrorism program at RAND (1972), headed by Brian Jenkins and funded by the U.S. government as a part of its new anti-terrorist policy to “provide a broad understanding of the origins, theory, strategy and tactics of modern terrorism” (quoted in Ranstorp 2009, 20). RAND was a crucial institutional framework for the constitution of discursive practices both of power and knowledge in this period as a major recipient of government funding and a privileged provider of scientific expertise. Furthermore, researchers associated with RAND played an important role in in establishing academic centres such as Centre for the Study of Terrorism and Political Violence at St. Andrews (Jackson 2009, 81).

⁵²⁸ The notion itself however has only limited use in this context, as Haas and his colleagues focused on the *one way* influence of (transnational) epistemic communities and policy, rather than their mutual constitutive character.

The Object Formation: Definitionenstreit and the Terrorist's Abnormality

Foucauldian archæology is interested with much more, however, than the institutional framework of the field (which nonetheless does determine its enunciative modalities). It also studies rules and practices of formation of objects and assembling their grids of specification; theoretical concepts that enable inferences, descriptions or generalizations and their borrowings from other discourses; and finally, the overall discursive strategies. In terms of object formation, the new science was primarily interested in the phenomenon of terrorism, but it would also enunciate statements about the Terrorist Subject. The accepted definition of terrorism as an object of scientific inquiry would have provided the field with clear boundaries, and was indeed sought. Yet it was not to be, and a kind of *Definitionenstreit* would follow this quest for discipline. Admittedly, it did not result in a complete chaos, as for instance Schmid's study (2006 [1984]) showed that 83,5% of 109 definitions of terrorism assembled before 1984 included the element of violence and force, 65% stressed its political character and 51% associated it with fear and terror. But Schmid also found that majority of researchers (58%) preferred their own definition to anyone's else, whereas the rest would favour a wide variety of other definitions (Schmid and Jongman 2006 [1984], 25).

The absence of a commonly agreed definition facilitated the field's overreach (cf. Silke 2004a, 4; Gordon 2004, 107) – as it grew institutionally, so did the number of definitions, which resulted in an ever wider dispersion of statements. Yet this presented no obstacle to their continuing enunciation. Forgetting the concept's accidental and political nature, researchers in the field normalized terrorism and even in absence of a clear definition produced essentialist, nomothetic and normative statements about it. Reflectivity and sensitiveness to the problem of power relations in the constitution of terrorism would be rare if not absent in the field. Even the often cited Jenkins' claims that the "use of the term terrorism implies a moral judgment," terrorism is „what bad guys do“ and it can consist of „almost any violent act by the opponent“ which is once labelled Terrorist was actually not relativist, but *essentialist* in nature: what it meant to say is that because of the misuse / abuse of

the term, the true meaning of terrorism was obfuscated.⁵²⁹ Even Laqueur, who claimed that there are many terrorisms and concluded that a truly scientific, predictive study is consequently impossible,⁵³⁰ never reached the conclusion that perhaps there is little benefit in subsuming these disparate phenomena under one object of study. Instead he made a number of generalizing conjectures about ineffectiveness of terrorism or absence of causal relation between its occurrence and perceived grievances.⁵³¹ Stohl, another voice critical of the contemporary science of terrorism, would in his turn deconstruct the *myths* obtaining in the field, which he however understood not as constitutive of the social reality, but rather *obscuring* it.⁵³²

Turning to the Terrorist Subject, his character sketch would be a rather common pastime among researchers in the field, unimpeded by the apparent lack of actual empirical research concerning the perpetrators of terrorist violence (cf. Silke 2004a). In a number of statements, the Terrorist emerges as politically motivated and rational, rather than mindless, senseless and irrational.⁵³³ However, in many others examining his social background, but also mental health, he would be portrayed as abnormal; psychologically disturbed; fanatical or foolish (in the sense of false conscience resulting from their mental disease); or self-destructive (disrespecting the sanctity of his own life).⁵³⁴ His apparently senseless behaviour would be explained by most curious causes from inconsistent mothering to faulty vestibular functions of the middle ear, rejection of father and the values he represented, thirst for power that is satiated by inflicting pain and death upon other human beings, or failed socialization (cf. an overview in Schmid and Jongman 2006 [1984], 89-91). Indeed, it seems that the nexus of power, sex and destruction seemed to be much more common in explaining the Terrorist's behaviour than ideological inspiration in the doctrinary treatises of Mao, Trotsky or

⁵²⁹ Jenkins, 1980, 1-2.

⁵³⁰ Walter Laqueur, *A History of Terrorism* (New Brunswick: Transaction Publishers, 2001 [1977]) 146.

⁵³¹ Laqueur, 2001 [1977], 220-221.

⁵³² Michael Stohl, ed., *The Politics of Terrorism*. New York: Marcel Dekker, 1979. For Stohl's recent employment of the same approach see „Old Myths, New Fantasies and the Enduring Realities of Terrorism,“ *Critical Studies on Terrorism*, vol. 1, no. 1 (2008): 5-16.

⁵³³ Cf. Richard Shultz, „Conceptualizing Political Terrorism: A Typology,“ *Journal of International Affairs*, vol. 32, no. 1 (1978): 7-16; Jenkins, 1974, 3; Brian Jenkins, *Will Terrorists go Nuclear?* (Santa Monica, CA: RAND, 1975a); Martha Crenshaw, „The Causes of Terrorism,“ *Comparative Politics*, vol. 13, no. 4 (1981): 377-399.

⁵³⁴ Cf. Gerald McKnight, *The Terrorist Mind* (Indianapolis: Bobbs and Merrill Co., 1974); Charles Russell and Bowman Miller, „Profile of a Terrorist,“ *Studies in Conflict and Terrorism*, vol. 1, no. 1 (1977): 17-34; Irving Louis Horowitz, „Political Terrorism and State Power,“ *Journal of Political and Military Sociology*, vol. 1, no. 1 (1973): 147-157; Albert Parry, *Terrorism: From Robespierre to Arafat* (New York: The Vanguard Press, 1976); Laqueur, 2001 [1977]; Frederick J. Hacker, *Crusaders, Criminals, Crazyies: Terror and Terrorism in Our Time* (New York: W.W. Norton, 1977).

Ho Chi-Minh (though in those sociological sketches that would stress his middle class background to controvert possible underlying causes alternative explanation, he might be indoctrinated with those while at university),⁵³⁵ and even the established social scientific concepts such as relative deprivation.⁵³⁶

The Terrorist is not *normal*. He is anti-social, narcissistic and paranoid, and occasionally he is even portrayed as betraying such psychopathological personality characteristics *without* actually suffering from any disorder – a rather convenient kind of abnormality and a way around the absence of evidence of any clinical symptoms (for a critical discussion of these discursive practices cf. Silke 1998). Such abnormality and irrationality would, needless to say, be rather useful in sustaining depoliticizing orchestrations in the First World States' discourse. Terrorism was indeed often defined by its political character. Moreover, in the grids of specification (see below), this character would be asserted by the division between revolutionary and subrevolutionary terrorism, which aimed at a political change within the existing political (international) order. But it is disputable whether this indeed represented a major difference with the discourse of power since the political nature of terrorism was often underspecified (as much as the notion of state terrorism). Discursive strategies (see below) would also play a role: in order to assert the objective and demonstratively unpolitical character of the field, and to enable generalizable testable hypotheses, Jenkins, the *spiritus agens* behind the RAND terrorism research, for example promoted a study of terrorism that emphasized „nature of the act“ rather than „identity of the perpetrators or the nature of their cause.“⁵³⁷

Grids of Specifications: False Duality

⁵³⁵ Russell and Miller, op.cit.

⁵³⁶ Gurr's relative deprivation model of explaining violence was based on an influential refinement by Berkowitz of Dollard's *frustration-aggression* thesis, itself heavily indebted to Freudian psychoanalysis. (Berkowitz expanded the model to account for a variety of responses to frustration, which would later resonate in the First World States' replies to the discourse of underlying causes.) The paradigmatic nomothetic theory of political violence would however not resonate in the autonomizing field of terrorism studies, as e.g. Wilkinson would consider it altogether unuseful in explaining its incidence. Ted Robert Gurr, *Why Men Rebel* (Princeton: Princeton University Press, 1970); Leonard Berkowitz, *Aggression: A Social Psychological Analysis* (New York: McGraw-Hill, 1962); John Dollard et al., *Frustration and Aggression* (New Haven: Yale University Press, 1939); Wilkinson, 1974, 96.

⁵³⁷ Jenkins, 1980, 2.

The science of terrorism was born at a time when “systematic ordering and classification of empirical data“ was considered a condition for explanation.⁵³⁸ Yet, as one researcher complained in a period statement, by the end of the decade there were „almost as many typologies of terrorism as there are analysts.“⁵³⁹ Interestingly, an overwhelming majority of studies terrorism would include both state and revolutionary activity (possibly divided into *revolutionary*, attempting an overall change of existing order, and *subrevolutionary*, striving for a change within the existing order).⁵⁴⁰ To exclude state activity from the study of terrorism, e.g. by means of establishing a semantic opposition of *terror* and *terrorism*,⁵⁴¹ would be rather rare. In no way would it be eccentric for Jenkins to claim that „governments, their armies, their secret police may also be terrorists.“⁵⁴²

The inclusion of state terrorism as an object to study would seem a rather important difference from a period First World States’ discourse of terrorism. Yet caution is at place. Most authors list state terrorism in their introductory grids of specification, but the actual focus of their studies is then exclusively *nonstate* terrorism (cf. Jackson 2009). Moreover, when they do speak of state terrorism, it is in a way that seems to allude to Second World authoritarian dictatorships. Their statements thus betray little critical spirit towards their own governments and their policies. (Jenkins, a mainstream scholar *par excellence*, seems to have felt no restraint in speaking of such state terrorism before a Congressional committee.)⁵⁴³ That said, the duality of state and nonstate terrorism, which seems to have been conditioned on the popular use of the term that included both as a possibility, and the „colonization“ of the study of government terror that predated the science of terrorism (see above), made establishment of disciplinary boundaries effectively rather difficult. As superficial as the statements about state terrorism could have been in the discipline dominated by a

⁵³⁸ Eugene Meehan, *The Theory and Method of Political Analysis* (Homewood, IL: Dorsey Press, 1965).

⁵³⁹ Chalmers Johnson, „Perspectives on Terrorism,“ in ed. Walter Laqueur, *The Terrorism Reader* (New York: New American Library, 1978).

⁵⁴⁰ Paul Wilkinson, *Political Terrorism* (London: Macmillan, 1974). In *Terrorism and the Liberal State* Wilkinson would add *epiphenomenal terrorism* to this grid. Paul Wilkinson, *Terrorism and the Liberal State* (London: Macmillan, 1977). Cf. also Thomas Thornton, „Terror as a Weapon of Political Agitation,“ in *Internal War: Problems and Approaches*, ed. Harry Eckstein (New York: The Free Press of Glencoe, 1964).

⁵⁴¹ Brian Crozier, *A Theory of Conflict* (New York: Scribner, 1974).

⁵⁴² Jenkins 1980, 3; cf. also Jenkins, 1974, 7.

⁵⁴³ Jenkins, 1974. The publication was originally conceived as a congressional report.

counter-terrorism ethos, they indeed were recurrently articulated within the discourse. Thus they contributed to the dispersion of its enunciative field.

Theoretical Concepts: Terrorism as Theater and a New Mode of Conflict

No paradigmatic theory or competing theories as sets of general inferences about the subject matter would emerge in the science of terrorism in the 1970s.⁵⁴⁴ Nonetheless, there seem to have been a few theoretical concepts that were recurrent in a number of statements in the field, and which seem to reflect and possibly be even constitutive of the contemporary discourse of power. The first of those concepts discussed here is terrorism as *theater, spectacle, advertisement, drama* or generally *communication*.⁵⁴⁵ It may have conformed to (and constituted in turn) the association between terrorism and anarchism, as a result of which the former could be framed as *propaganda by deed*. The concept seems to have been conditioned more, however by the spectacular character of events framed as terrorist in the 1970s.⁵⁴⁶

From embracing the metaphor of terrorism as theater, it would then be but one step to the critical appraisal of the role of the First World's media in bringing about and sustaining the present (international) political crisis.⁵⁴⁷ The media, besides succumbing to political correctness in their liberal overstretch would not only obfuscate the true meaning of terrorism. More importantly, they would provide a medium for terrorism as communication – its *oxygen*, as Margaret Thatcher put it – and thus disseminate fear and make possible the global traffic of ideas undermining international order. Furthermore, in having their part in making the terrorism crises live spectacles (watched also

⁵⁴⁴ For a period survey of contending claims about terrorism, including e.g. its effectiveness, cf. Bowyer Bell, *A Time of Terror* (New York: Basic Books, 1978); see also a review in Jenkins, 1978, op.cit.

⁵⁴⁵ Cf. Thornton, op.cit.; Jenkins, 1974, 1975a; Brian Jenkins, *International Terrorism: A New Mode of Conflict*. Research Paper no. 48, California Seminar on Arms Control and Foreign Policy (Los Angeles: Crescent Publications, 1975b); Horowitz, op.cit.

⁵⁴⁶ The metaphor of terrorism as *language* and an act of terrorism as *speech* seemed to be rather common not only in the academic, but also in general and marginal discourses by the 1970s – cf. the statement by the surviving Black September commandos utilizing the metaphor of *hearing* that was also quoted above. In all these discourses, it would prove rather durable – to give but one example of later notorious use in marginal discourse, Osama Bin Laden would claim in the aftermath of the 9/11 attacks that „these young men [the hijackers]... said in deeds, in New York and Washington, speeches that overshadowed all other speeches made everywhere in the world. These speeches are understood by both Arabs and non-Arabs – even by the Chinese“ (quoted in Devji 2005, 13).

⁵⁴⁷ Cf. Walter Laqueur, „The Futility of Terrorism,“ *Harper's Magazine* (March 1976); Laqueur 2001 [1977]; Rapoport 1977; Yonah Alexander, „Terrorism, the Media and the Police,“ *Journal of International Affairs*, vol. 32, no.1 (1978); Yonah Alexander and S.M. Finger, „Terrorism and the Media,“ *Studies in Conflict and Terrorism*, vol. 2, no. 1-2 (1979); Richard Clutterbuck, „Terrorism is Likely to Increase,“ *Times of London* (Apr. 10, 1975).

by the Terrorists themselves, as during the Munich events), they would hamper rescue operations and jeopardize the lives of hostages. It is noteworthy, however, that the author widely credited for the metaphor of terrorism as theater would not particularly partake in the pillory the media, and would even deduce from the concept that there in fact were *two* terrorisms – one real, the other in the imagination of the audience.⁵⁴⁸ But he would not pursue the idea to the point of pondering how the difference between the imagined and the real terrorism, whose objectivity he would never dispute, was effected.

The second concept is that of terrorism as a *new mode of conflict*. Similarly to the official discourse, it would be characterized by the increased threat it posed to civilized society and public order because of the *abuse* of technological progress (employment of modern and efficient means of destruction, as much as mass media) or increased *vulnerability* of this civilized society. This threat would stem from the society's dependence on modern technology; no spatial limitation of the conflict and consequently, no notion of neutrality and ubiquitousness of the contemporary Terrorist, who can strike anywhere; or transgression of the established norms limiting the use of violence.⁵⁴⁹ The notion of unprecedented threat terrorism presented in the contemporary world was sustained also by statements theorizing the threat of nuclear (or CBRT) terrorism.⁵⁵⁰ Such statements tended to focus – as they do today – on the *opportunity* rather than *motive* to acquire and use nuclear weapons⁵⁵¹ (Cameron 2004, 78).

The concept of terrorism as a new mode of warfare lent itself to apocalyptic visions of the future, if not the present. Jenkins would readily admit that „measured against other disruptive forces in the world“ such as oil embargoes, conventional wars, inflation or food shortages the impact of

⁵⁴⁸ Jenkins, 1974, 4; cf. also Jenkins, 1980, 8.

⁵⁴⁹ Cf. Jenkins, 1974; Jenkins, 1975b, op.cit.; Stephen Sloan, „International Terrorism: Academic Quest, Operational Art and Policy Implications,“ *Journal of International Affairs*, vol. 32, no. 1 (1978): 1-5; Jenkins 1980, 2; Shultz, op.cit., 8; Wilkinson, 1974.

⁵⁵⁰ Cf. Mason Willrich and Theodore Taylor, *Nuclear Theft: Risks and Safeguards* (Cambridge: Ballinger, 1974); Augustus Norton and Michael Greenberg, *Studies in Nuclear Terrorism* (Boston: G.K. Hall, 1979); Thomas Schelling, „Thinking about Nuclear Terrorism,“ *International Security*, vol. 6, no. 4 (1982): 61-77; Laqueur, 2001 [1977], 226-234. For a more comprehensive review see Cameron (2004).

⁵⁵¹ Based on the subjectification of the Terrorist as an instrumentally rational person minimizing costs and maximizing outcomes and the metaphor of terrorism as theater, Jenkins would be sceptical about the prospect of nuclear terrorism, on the other hand: *Terrorists wanted a lot of people watching, not dead*. Jenkins, 1975a; cf. also Brian Jenkins, *The Potential for Nuclear Terrorism* (Santa Monica, CA: RAND, 1977).

terrorism was rather limited.⁵⁵² But even in his estimate, destructiveness of terrorist acts would rise as the public grew more bored. In extension of the States's discourse of sponsored terrorism, terrorist organizations could be turned into new armies in States' service or, alternatively, they could become private companies offering their services on the terrorism market. Most interestingly, in statements that resembled the discourse of the 1930s, they could also form one terrorist society that would carry out a worldwide revolution or, resigning on the terrorists' original political aims, establish an independent income base sustained by criminal activities.⁵⁵³ Laqueur too would envision future terrorism as a multinational corporation, but one financed by Moscow.⁵⁵⁴

What was imagined as a possible future in the 1970s would be asserted as a present fact in the next decade. The American science of terrorism would produce a series of truth claims that portrayed international terrorism as a global network with the centre in the Second World's capital.⁵⁵⁵ Despite lack of any sound evidence that would sustain it, this view became a commonplace in Washington's policy circles (Schmid and Jongman 2006 [1984], 102-103). An extreme example of suspect research that produced truth claims used by a government to legitimize its policies (including legitimization of its covert policies within the governmental organization), it had a distinct ideological (partisan) character that mirrored the association of terrorism with imperialism in the Second and Third Worlds' discursive orders (and in the First World's dissent discourse).⁵⁵⁶ terrorism was now identified with Communism and incorporated among other standard discourses of danger / national security threats⁵⁵⁷ and would soon assume a prominent place among them.⁵⁵⁸ It would not mean, however, that terrorism would be framed as a political action.

⁵⁵² Jenkins 1974, 10.

⁵⁵³ Cf. Jenkins, 1974; Brian Jenkins, „International Terrorism: Trends and Potentialities,“ *Journal of International Affairs*, vol. 32, no. 1 (1978): 115-123.

⁵⁵⁴ Laqueur, 2001 [1977].

⁵⁵⁵ Cf. Claire Sterling, *Terror Network: The Secret War of International Terrorism* (New York: Holt, Rinehart and Winston, 1980); Samuel T. Francis, *The Soviet Strategy of Terror* (Washington: The Heritage Foundation, 1981); Ray S. Cline and Yonah Alexander, *Terrorism: The Soviet Connection* (New York: Crane Russak, 1984); or Benjamin Netanyahu et al., *Terrorism: How the West Can Win* (London: Weidenfeld and Nicolson, 1986). For an early criticism of the international terror network paradigm cf. Edward Herman, *The Real Terror Network: Terrorism in Fact and Propaganda* (Boston: South End Press, 1982).

⁵⁵⁶ For instance, Chomsky and Herman would claim that the United States „supported terror“ in Latin America and Asia in order to improve „investment climate“ in those regions. Noam Chomsky and Edward Herman, *The Political Economy of Human Rights* (Nottingham: Spokesman, 1979).

⁵⁵⁷ It should be noted, however, that proposed anti-communist bills of 1949 would have stated in form of a congressional declaration that a world movement under the direction of the Soviet Union („a foreign country“) employed the means of

Discursive Strategies: Solving Terrorism

The dominant discursive strategies in the field of terrorism science seem to have derived from its Liberal and Positivist character. The Liberal character was manifested in the terrorism science's concern about the future of the liberal political order in the First World not only because it was threatened from the *outside*, but also because of the response it could elicit from the *inside*.⁵⁵⁹ (Incidentally, it was precisely such response some „Terrorists“ of the period seemed to hope for: in unleashing the dialectic of violence involving their action and government response to effect a mass action leading to the overthrowing of the existing order and emancipation.)⁵⁶⁰ Its liberal character, however, was not radical and emancipatory, but rather favouring the political *status quo* and problem-solving (Gunning 2007; Jackson 2009; Jarvis 2009; cf. Cox 1981). More understanding of social problems would inevitably translate into social progress, including reduction of violence, but without the necessity to dramatically transform the existing liberal order, since the causes of those problems would generally not be sought at the systemic level.⁵⁶¹ *Knowledge* of (revolutionary) terrorism would somehow effect solution of the problem terrorism posed for liberal society, but this

„treachery, espionage, sabotage and terrorism“ to establish Communist dictatorships „in all the countries of the world.“ NYT, March 9, 1949. The legislation did not pass, however.

⁵⁵⁸ In a review essay published in 1986, Edward Said would note that in the American discourse terrorism had „displaced Communism as public enemy number one“ (Said 1988 [1986], 149).

⁵⁵⁹ Cf. most notably Paul Wilkinson, *Terrorism versus Liberal Democracy: The Problems of Response* (London: Institute for the Study of Conflict, 1976); Wilkinson, 1977. Laqueur would be critical of the grounding of terrorism studies in liberal ideology which was manifested e.g. in the belief that it was a response to injustice or in the conviction that government repression in response to terrorism would lead to instability and ultimately to defeat. Laqueur, 2001 [1977], 143. But even he was sensitized to the balance that had to be struck between liberty and security in democracies, which together with weak dictatorships were, in his view, most defenceless in the face of terrorism. Ibid., 147. Similarly, Friedlander, whose statements on terrorism otherwise came very close to the official discourse – his terrorism had as its purpose destruction of organized society and substituting it with apocalyptic nihilism and revolutionary and national liberation movements are identified with terrorism, which is „barbarism pure and simple“ – would warn against the effect of the „dialectic of violence“ (a term he borrows from Henry Levi) could have on the liberal society. Robert Friedlander, „Introduction,“ in *Terrorism: Documents of International and Local Control*, Volume I (Dobs Ferry, NY: Oceana, 1979); Robert Friedlander, „Introduction,“ in *Terrorism: Documents of International and Local Control*, Volume III (Dobs Ferry, NY: Oceana, 1981).

⁵⁶⁰ Cf. Carlos Marighela, *For the Liberation of Brazil* (London: Penguin, 1971). Schmid and Jongman (2006 [1984], 84) illustrate a similar reasoning among RAF members. Marighela's treatise is a good example of marginal discourse that would in fact not deny subjectification of the Terrorist, but would portray terrorism as a noble enterprise because it would eventually effect mass action and transformation of the tyrannical order. His and Guillen's concept of *urban guerilla* would actually be borrowed into mainstream general, political and academic discourses, as would occasionally their understanding of the revolutionary process. Abraham Guillen, *Philosophy and Urban Guerilla: The Revolutionary Writings of Abraham Guillen* (New York: Morrow, 1973). Cf. Brian Jenkins, *Five Stages of Urban Guerilla Warfare* (Santa Monica, CA: RAND, 1971) as an example of study which by and large reflects the guerillas' own perspective, e.g. in terms of the causal link between guerilla offensive provoking repression and consequent mass mobilization.

⁵⁶¹ In the field of International Relations Kenneth Waltz would famously articulate a critical position to this belief regarding the causes of war by „mental health experts“, so much at odds with the anthropological pessimism of Niebuhr or Morgenthau, in what originally was his Ph.D. dissertation. Yet he too in its introduction expressed the hope that understanding of the causes of war would increase the chances of peace. Kenneth Waltz, *Men, the State and War* (New York: Columbia University Press, 1959).

would be done by means of producing research of practical relevance to the incumbent *government* policy to increase its effectivity. In other words, the science of terrorism had a „firefighting agenda“, acted (or tried to act) as an extended arm of the State and was involved in a hegemonical project of the State by producing truth claims that were generally commensurable with the order of the discourse of power and could be readily used to legitimize government policies (Gurr 1988; Herman and O’Sullivan 1990; George 1991; Reid 1997; Silke 2004a; Schmid and Jongman 2006; Jackson 2009).

The only relevance that was established as a criterion of good science was therefore *policy* relevance, i.e. contribution to State counter-terrorism activities.⁵⁶² The means of achieving this relevance was producing statements conforming to the Positivist standard of scientific inquiry that would be translated into (depoliticizing) focus on data-events, rather than motives; privileged character of quantitative methods; or most generally preference for generalized and explanative nomothetic statements as preferred research outcomes.⁵⁶³ Ever since the science of terrorism emerged, however, it has been criticized from within for failing to live up to those standards – i.e. for being too descriptive, producing little explanatory or predictive testable hypotheses about terrorism and its recurrent patterns, tolerating poor research methods that would not be endured in other established social sciences, or lacking sound empirical basis for its essentially speculative and unfalsifiable conclusions (cf. Gurr 1988; Merari 1991; Silke 2004a; Silke 2004b; Schmid and Jongman 2006). For most of the critics – in the good spirit of what Gaddis called, while referring to social sciences in general, a „physics envy“ (1996, 37) – the way of achieving the desired level of policy relevance was quantitative analysis. Interestingly, the normative aim of policy relevance did not seem to collide with the Positivist requirement of objectivity. Instead, it was likely to increase the

⁵⁶² For an explicit articulation of this principle cf. Sloan, op.cit.

⁵⁶³ A good example of such attempt at nomothetic statement production is Crenshaw, op.cit.. Nomothetic method was criticized in the period discourse e.g. by Laqueur, 2001 [1977], 146. But even Laqueur found no problem with articulating claims such as that terrorism is seldom effective, or complaining about the mistaken nature of terrorism that prevailed due to the belief that its root causes were found in the social fabric or due to the obfuscation of the term by the media.

value of truth claims produced in such *objective* way to validate governmental policies and the very construction of the Terrorist Subject in the States' discourse, including in the United Nations.⁵⁶⁴

The Third World's Epistémé: Marx, Lenin and Freud

No attempt at establishing a discrete science to produce truth claims about terrorism was conceived in the autonomizing Third World. However, even statements enunciated in its discursive order relied on distinct *epistémés*. Their geographical origin could invariably be traced to the First World (and very often, as with Postcolonial theory, it would remain situated there even after the decolonization process was concluded.) Marxism / Leninism would be one of those *epistémés* that distinctly underlied particularly the materialist world system analysis behind the dominant *discourse of underlying causes* – statements about the exploitative character of colonialism, imperialism, their driving forces and relation to capitalism, as much as the emancipatory rhetoric of revolution.⁵⁶⁵ At the same time, there does not seem to emerge a discursive link to the distinct marginal field of knowledge of International Relations drawing on the same intellectual sources, Peace Studies, e.g. by means of borrowing of „structural violence“, a concept that could arguably have been of much analytical use in describing the dystopian reality of international world.⁵⁶⁶ Furthermore, as noted above, the envisioned modalities of the new autonomous political space of the Third World remained limited to the logic of nationalism (rather than national emancipation e.g. as a means of realization of consciousness that would be followed in the historical dialectic by some form of transnational socialism). Emancipation and national independence were one. In how this national independence was to be achieved, Lenin's way of radical, revolutionary and violent overthrow of the present order would be favoured to Wilson's gradual emancipation by Liberal reform. (Lenin could in fact have

⁵⁶⁴ For example, the work of Crozier and Thornton were directly referenced in the Sixth Committee by Portugal. Doc. A/C.6/SR.1359 (1972).

⁵⁶⁵ For Lenin's most notorious analysis of imperialism see „Imperialism: The Highest Stage of Capitalism,“ in *Essential Works of Lenin* (New York: Bantam Books, 1966). The rhetoric would be even more salient in statements by the revolutionary movements, which might render the liberation struggle in terms of *class* struggle (whereas the conventional war, with its limits, was a *bourgeois* war), or characterize themselves as vanguard of the mass movement that would follow its lead. Cf. Manifesto of People's Front for the Liberation of Palestine, in *Voices of Terror*, ed. Walter Laqueur (Naperville, IL: Sourcebooks, 2004) 149-152; and for a more general survey see Harkabi (1968).

⁵⁶⁶ Cf. Johan Galtung, „Violence, Peace, and Peace Research,“ *Journal of Peace Research*, Vol. 6, No. 3 (1969): 167-191; or Johan Galtung, „A Structural Theory of Imperialism,“ *Journal of Peace Research*, Vol. 8, No. 2 (1971): 81-117.

been first to insist on self-determination of peoples, including colonial peoples, as international principle; cf. Cassese 1995, 14-18).

Another, and in this case non-materialist *epistémé* which seems to have a conditioning role in the Third World's discursive order was that of Freudian psychoanalysis, mediated through the analysis of the Colonial Selves by the paladin of the South's liberation, Franz Fanon. Within its boundaries issues such as internalization of the unequal position of the colonizing and the colonized, purifying role of violence that transforms the „narrow world“ of normalized power relations or the consequent mental rebirth of the (post)colonized Self would be discussed.⁵⁶⁷ They would resonate in the Third World's discursive order, endowing the liberation violence with basic legitimation and ruling out the preference for the peaceful and gradualist way to independence. On the other hand, the Fanonesque radical Utopia populated by a kind of *Übermenschen* born from the successful decolonization violence would not find echoes in the Third World States' discourse.

A major factor in the influence of Fanon's analysis of the colonial situation in terms of power – his treatise was no revolutionary's handbook, as those written by Marighela and Che Guevara – was its dramatization in Gillo Pontecorvo's *Battle of Algiers* (1966).⁵⁶⁸ This remarkable movie, which captures the problematic of both state and revolutionary violence while managing, despite having been commissioned by the Algerian government, not to dehumanize the Colonizing Other (particularly by capturing the stark humanity of victims of FLN's bombings) or romanticize the revolutionary struggle. It also emphasizes some of the aspects of Fanon's analysis of possible import to the autonomizing Third World's discourse. First of all, it materializes Fanon's geography of the soul in presenting the two distinct colonial worlds: Casbah and the Cité Européenne, the latter of which must (and indeed *can*) be conquered if the new postcolonial Subject is to be constituted.⁵⁶⁹

⁵⁶⁷ Cf. Fanon, op.cit.

⁵⁶⁸ Pontecorvo admitted the heavy influence of *The Wretched of the Earth* on his work e.g. in a later interview with Edward Said (2001b, 285). The screenplay was written by Franco Solinas, who would later write also Costa Gavras' *State of Siege* (1973), exposing the paramilitary training practices of the United States in Latin America, and Saadi Yacef, a rebel leader of FLN.

⁵⁶⁹ It should be noted that Freud himself, in his analysis of the *psyché*, employed geographical metaphors, rendering *Ich, Es* and *Überich* as *Reichte, Gebiete, Provinzen* in a multiethnic State (such as the Habsbourg Empire). There is also a distinct power aspect to his theory, that lends itself easily to the analysis of the colonial situation, as *Überich* (posing as a great power) allies with *Es* (the middle tier) and together they represent the archic and the stable, and mediate external reality to the dependent

Second, it forcefully articulates the inevitable historical dialectic of emancipatory revolution. Despite the seeming success of the counter-terrorism operation led by Colonel Mathieu in „decapitating the tapeworm“ of FLN’s urban insurgency, after some time, while „nobody knows how and why,“ as the commentary reads, a mass action follows, leading to the eventual (inevitable) national independence. The French cannot change the course of history. Third, it legitimizes the use of all means of resistance that are available, as much as the refusal to be bound by any limits on the exercise of violence that are imposed on the *status quo* power. Following his capture, a (fictional) leader of FLN Ben M’Hidi is asked during a press conference whether he found it cowardly to send women carrying bombs in their baskets that killed a number of innocent people in Cité Européenne. His answer is paradigmatic. It is even *more* cowardly to attack defenseless villages with napalm bombs; and having no air bombers, FLN uses baskets to carry the explosives insteads, which it would be happy to trade with the French for their planes, should the latter wish to make the trade.

Conclusion

The discourse of terrorism in the 1970s once again emerged in a response to a perceived crisis of international order. Yet this time, due to the basic condition of a temporary restitution of the political under the provisional nomos the initial unity turned into a true battle over the discourse. In this battle, the autonomizing Third World countered the *status quo* claims about the established (civilized) limits of violence by turning the debate in the discourse of underlying causes to systemic violence characteristic of international political and economic order. The provisional unity formed in the States’ discourse of terrorism in the 1930s was substituted by a duality of both laws of rarity and basic discourses. Yet this duality did not result in a discursive disorder. The two discrete discursive orders it effected indeed disciplined the enunciative field in that they determined the possibility of enunciation of statements. Statements made by Second World States, standing in between the two,

and repressed *Ich*, standing for the anarchic and unstable, whose repressed impulses are from time to time expressed, but within the boundaries of what Freud called „internal foreign territory“. Sigmund Freud, *Introductory Lectures on Psycho-Analysis* (London: Penguin, 1991). Cf. Constantinou (2004).

were articulated according to rules borrowed from both, but more closely following those of the First World Order, which can be explained by their effective satisfaction with the nomos of the Cold War which they had, unlike the autonomizing Third World (with obvious discussed limits) no intention to revolutionize.

The basic division existed in terms of focus on one form of violence – revolutionary or state / systemic. However, while the Third World States attempted to enforce alternative subjectifications of the Subject that in the First World's discursive order was conceived as Terrorist, under what has been termed a *second logic of exception* they did consent to his essential character. At the same time, they purified him as a Subject and legitimized his action nonetheless. The violence he employed was merely reactive in nature. In any case, while predominantly discussing terrorism by the State, in the Third World's discursive order nonstate terrorism would also have a role. More importantly, it *could* be legitimate, and as such discussed in the discourse of underlying causes, the main challenge by the autonomizing Third World in the battle over the discourse of terrorism as such.

The discourse of terrorism among States in the 1970s betrayed both continuities and discontinuities with the discursive series studied in the last chapter. A recurrent discourse was that of alarm in the First World's order. The nonstate terrorism (whose unity was as accidental as in the 1930s, but due to incorporation of air piracy in somewhat different ways) was represented as an unprecedented threat to the international order, preying on and abusing modernity and human progress. It would also continue to be associated with State policies. Regarding basic discourses, in both orders the respective Terrorist Subjects were identified as Barbarian and hurting the innocent, with obvious depoliticizing and dehumanizing effects. In the First World's order the reference to innocence would be usually made in terms of *spatial* location (outside the political conflict's space of origin), whereas in the Third World it would be made in terms of *power(lessness)*. Among the First World States, the basic discourse of order and chaos would continue, now amended by the association of the Terrorist with (air) Pirate, reinforcing his location *hors humanité*. A major novelty in this order, on the other hand, was the discourse of disease. In this discourse, terrorism would be represented as a contagion / plague and the Terrorist as Madman threatening the order's reason and

sanity. The unique basic discourse in the Third World's order would be organized around the dichotomy of the terrorist regime / victimized people.

The most important interdiscursive relationship between the discourse of terrorism and other official discourses existed with international humanitarian law. Its extension taking place in the 1970s was yet another specific response to the perception of the current international crisis. However, First World States would tend to ignore the narrow borders in which Geneva laws referred to terrorism – i.e., in the context of armed conflict – and its consequent peculiar nature not entirely commensurate to the (accidental) conceptualization in the States' general discourse. This, it has been suggested, made it ultimately possible to declare a (global) war against terrorism.

Regarding the nexus of power and knowledge, the once dominant role of the discourse of law receded, contrasted with the raising importance of *epistémés* from other disciplines that would provide truth claims substantiating statements articulated in both official discursive orders. In the First World, the science of terrorism was founded, which particularly in its discursive strategies reflected the interests of the incumbent power. But even in the autonomizing Third World, the sources of truth claims would be located in the First World. Most obviously, it was the world system analysis behind the discourse of underlying causes was conditioned on the *epistémé* of Marxism and Leninism with its materialism, historical dialectic and a general sanction of revolutionary violence to overthrow the existing material (but to some extent also nonmaterial) hegemonical structures.

Enclosure (2000s)

The demise of the provisional nomos of the Cold War has had a profound effect on the discourse of terrorism. Made possible by a specific *Weltkonjunktur* in which the global civil war turned from a total colonial war moderated by the provisional nomos to social pest control, the discursive response by States to the 9/11 has been monumental construction of *global terrorism / counter-terrorism*. In terms of inquiring into historical continuities and discontinuities, what stands out as the most radical novel element in this discourse, alongside continuities such as the basic discourses of *civilization / barbarism* and *order / chaos*, or the discourse of alarm involving statements about some new terrorism, is the excess that this discourse betrays. It is the excess which has been used to facilitate ever more exceptional counter-terrorist action by extreme alienation, depoliticization and dehumanization of the enemy that can strike *anywhere and at any time*. It is the excess of reaction to terrorism, the magnitude of the hyperbole rather than excess of any objective material violence which more than anything else determines the modalities of world politics that relate to the distribution of legitimate violence in the international order.

The contemporary discourse of terrorism is one of gigantism and apocalypse (cf. Said 2001a; Kapitan 2003). It is also a discourse of hegemony. The intensely political character of the discourse of terrorism among States in the 1970s, discussed in the last chapter, has been succeeded by a hegemonical and hence depoliticized version formed in its excess by a dominant power to legitimize its global policing role, a process facilitated by the former actual affinity of the Second World States with the First World's discursive order. It has been generally accepted by the others, including the United States' contenders such as Russia or China, as much as Third World States (which is not to claim that there has existed an absolute and total harmony). The reason is that it has created a world in which they too, as long as they are recognized as members of civilized humankind, can legitimize and realize their power, discipline and punish and suppress alternatives to the *normal order* inside

their national boundaries. In other words, the discourse of terrorism in this contemporary version is a constitutive part of the ensemble forming a Foucault's *dispositif* – an apparatus for power reproduction and management, formed as a response to an urgent need and comprising discourses, institutions, laws, administrative measures, scientific statements or other propositions in the field of knowledge (1980 [1977], 194ff.).

This chapter's (inasmuch as this dissertation's) aim is much more modest than attempting to explain our present state. It is first and foremost an analysis of States' discourse of terrorism. It follows, as in the previous chapters, the established research design. There emerges a yet unencountered challenge to this analysis here, however: the size of the discourse. Compared to previous discursive series, the discourse of terrorism among States in the 2000s, even within the narrow institutional boundaries set in the research design, is enormous in proportion. From a methodological perspective, this issue is discussed in more detail below. Suffice it to say here that the thrust of this dissertation lies not in an exhaustive descriptive analysis of the discourse's conditions, but rather in the *historization* of the most dominant (recurrent) practices, i.e. the analysis of historical continuities and discontinuities across the chosen discursive series. Genealogy, to reiterate, is a history of the present, not an attempt to capture or explain it.

A World without Rules⁵⁷⁰

„A hellish storm of ash, glass, smoke and leaping victims“ – this is how *New York Times* described the pandemonium (the newspaper actually invoked Hieronymus Bosch to render the picture more vivid)⁵⁷¹ which followed after two planes crashed, within seventeen minutes, to World Trade Center. In little more than half an hour, a third plane flew into the Pentagon in Washington D.C.

⁵⁷⁰ An image attributed to George W. Bush in Sands (2006, 174), quoted in Ward (2009, 10). It would be intriguing to know whether this image was in any way an allusion to the last words of the protagonist of *The Matrix* (1999) – a rather sympathetic anarchist / emancipatory character. Speaking from a phone booth to those in power (machines), he tells them: „I'm going to show [the people] a world without you. A world without rules and controls, without borders or boundaries. A world where anything is possible.“

⁵⁷¹ NYT, Sept. 12, 2001.

Finally, the fourth plane crashed close to Shanksville, Pennsylvania. The nineteen perpetrators of the series of acts which took close to 3,000 casualties were shortly after identified by the U.S. government as affiliated with Al-Qaeda organization.⁵⁷²

Excess of Response: The Global War on Terror

The responses to those acts of mass violence, the spectacular images of which seem to have been engraved in our memory (and perhaps are linked to personal memories),⁵⁷³ were excessive on many levels. It was perhaps least surprising in the case of the media. In a monumental synecdoche they had declared America „under attack“ as the first pictures of smoking towers of the World Trade Center were broadcasted over and over again. In the next weeks, they would continue to fuel the image of the global terrorism that threatened *everyone* and whose manifestation on September 11, 2001 was a milestone in the history of mankind – nothing would be now as it used to. Such statements would frequently be supported by misguided allusions to Conrad’s *The Secret Agent* (e.g. missing the virtuality of the plot to blow the Greenwich Observatory, a symbol of science and modernity, which actually is masterminded by an *agent provocateur* and a foreign diplomat, while employing the character of the Professor, roaming „like a pest in the street full of men“⁵⁷⁴ with a bomb strapped to his body, as a perfect subjectification of the modern Terrorist; cf. Shulevitz 2001)⁵⁷⁵ or W.H. Auden’s *September 1, 1939* (enraptured by the poem’s setting in New York or references to a „psychopathic god“ while suppressing lines such as „Those to whom evil is done / Do evil in return“ or the more general scope of the critical commentary Auden makes about the modern age) or to historical events such as the sacking of Rome by Barbarians.⁵⁷⁶ „Nous sommes tous

⁵⁷² NYT, Sept. 13, 2001. Osama Bin Laden, however, would only unequivocally claim responsibility for the acts in a videotape message to American people ahead of the 2004 general election.

⁵⁷³ The otherwise more or less insignificant event of the author of this dissertation’s enrolment in a political science major at Charles University thus gained a prominent place in his memory. („There would be a war now,“ an agitated participant of a conversation he overheard on the way home concluded.) Yet it would take years before his interest was raised, and the event just described had very little to do with it.

⁵⁷⁴ Joseph Conrad, *The Secret Agent* (Oxford: Oxford University Press, 2004) 227.

⁵⁷⁵ Laqueur notes that *The Secret Agent* (1907) was recommended for readership among law enforcement agencies by a (unnamed) witness giving testimony before a U.S. Congressional Committee already in the 1970s (Laqueur 2001, 173).

⁵⁷⁶ Cf. „At War: The First Great War of the 21st Century began September 11,“ *National Review*, Sept. 12, 2001.

Américains,“ *Le Monde* famously declared in an admirable show of solidarity,⁵⁷⁷ which however could too easily be read also as a narrative of fictional unity as victims of the global threat, since *our* values of civilization and order had also been attacked in this evil act. In the same newspaper and in his characteristically bombastic style, the philosopher Baudrillard would later claim that the attentats in New York constituted an absolute event, the mother of events, the pure event „qui concentre en lui tous les événements qui n'ont jamais eu lieu. Tout le jeu de l'histoire et de la puissance en est bouleversé, mais aussi les conditions de l'analyse.”⁵⁷⁸

By far the greatest excess of reaction, however, has been the “global war on terror” (GWOT). The global war on terror as a discursive construct has resulted in two real wars – albeit the second one was, in the strict sense, legitimized not as counter-terrorism, but by the United States’ security concerns related to weapons of mass destruction (in the hands of a irrational and uncontrollable Dictator who could however pass it to Al-Qaeda).⁵⁷⁹ It has also legitimized violence on individual bodies both within the islands of inhumanity, the most notorious of which is Guantánamo, perhaps the best contemporary manifestation of the state in which individuals are reduced to “bare life” and confronted with the power unchecked by any law that would constrain it (cf. Agamben 1998; Agamben 2005; Butler 2002),⁵⁸⁰ or by distributing the “drone justice” from Pakistan to Yemen.⁵⁸¹ Yet it should not be forgotten that the global war on terror has been waged against the (constructed) global terrorist network also on the slopes of North Caucasus (for a critique of Russia’s discourse of jihadist terrorism in the region cf. Ditych and Souleimanov 2008). The local detention centres are no

⁵⁷⁷ *Le Monde*, Sept. 13, 2001.

⁵⁷⁸ Jean Baudrillard, „L'Esprit du terrorisme,” *Le Monde*, 2 Nov. 2001.

⁵⁷⁹ The formal legal justification by the United States and the United Kingdom relied on a doctrine of „material breach” and the authorization of the use of force under Chapter VII (cf. doc. S/RES/678/1990, S/RES/687/1991 and S/RES/1441/2002), whereas the U.S. also added that „the action was necessary to defend the United States and the international community from the threat posed by Iraq” (doc. S/2003/350, S/2003/351). To quell an argument that the threat was hardly imminent, Washington would argue that that involvement of WMDs extended the limits of imminence due to their destructive potential. In consequence, the objective of regime change became justified, since the source of hostile intentions had to be removed if security were to be attained. Needless to say, to reason that attacking a State only on the ground that one day this State might have the will and capability to strike first removes all limits on the use of force among States. Regarding the statements related to Iraq by U.S. government in general political discourse, portraying Iraq as a „terrorist state” linked to Al-Qaeda, an excellent overview is presented in Weinberger (2005).

⁵⁸⁰ It should be noted that Agamben (1998) is critical to Foucault’s concept of biopolitics, which he sees as overly restrictive in its (contemporary) opposition to sovereign power.

⁵⁸¹ The steady increase in the use of drones for targeted extrajudicial killings, has been reported e.g. in Bergen and Tiedemann (2009a; 2009b). Shortly before leaving office, George W. Bush described the killing of Osama al-Kini and Ahmed Salim Swedan, men involved in bomb attacks against U.S. embassies in East Africa (1998) as „bringing them to justice” (quoted in Bergen and Tindeman 2009a).

less islands of inhumanity than Guantánamo and CIA interrogation centres around the world. It has also been waged in Xīnjiāng, China's Western Lands, and even less is known about its proceedings there.

What happened on September 11, 2001 has been constructed by the United States as an act of war (cf. Jackson 2005). This effectively made war (i.e. mass armed intervention) the only possible course of (re)action. Yet it has been a war without rules or deadline (which was frankly declared).⁵⁸² Whoever happens to not to be on the right side (and does not even to be categorized as “terrorist”), seems to be committing war crimes by mere *participation* in it. His very *enmity* is a crime and he is placed in a statusless limbo – neither combatant nor civilian. Marginal categories such as “unlawful enemy combatant”, first documented in the U.S. Supreme Court case *Ex Parte Quirin* (1942) have been resurrected and normalized. But in reality they provide the enemy with no status and no protection from the bare power (cf. Gasser 2002; Harris 2003; Prasow 2010).

Absence of Nomos and the Global Civil War

The first response against the “acts of war” supposedly declared by Al-Qaeda to the United States specifically and to the entire civilized humankind in general was the invasion of Afghanistan. Driven by American liberal universalist interventionism,⁵⁸³ it started as a punitive expedition – and an attempt to politically control chaos by *territorializing* threats to the order by locating their source / base in rogue or failed States (“decapitating the tapeworm”), a *countermodern* response once warned against by Ó Tuathail (1999). Gradually, however, it has come to symbolize the disruption of order which makes Afghanistan an illustrative metaphor of the absence of the nomos of the Earth and the final substitution of an international constitution based on a bracketed war and mutual recognition of enemies with a state of permanent exception. Such permanent exception makes

⁵⁸² George W. Bush, a speech at the Joint Session of Congress, 20 Sept. 2001. The prerogative to take „further actions with respect to other organizations and other States“ was assumed by the United States also in a letter to the President of the Security Council following the invasion in Afghanistan on October 7, 2001 (Doc. S/2001/946).

⁵⁸³ The most notorious and concise summary of this position is found in the United States' *National Security Strategy* (2002). The document also contains a number of statements on modernity, civilization, order etc. which could easily be articulated under the discursive order constructed below.

possible pest control action against the ultimate foes situated beyond law and humanity (Ditrych 2010).⁵⁸⁴ There can be no neutral ground and every nation *must* take a decision (“either you are with us, or you are with the terrorists”⁵⁸⁵). In the new “state of nature” everything is permitted, which is to say that the only constraint imposed on those in power is the (perceived) relative amount of the power they wield.⁵⁸⁶

Absence of even a provisional and imperfect nomos as an organizing principle of the international order has resulted in the global civil war. Its most obvious manifestations have been humanitarian intervention (i.e. an intervention waged in the name of humanity) and the global war on terror, a police action against the depoliticized, parasitical Terrorist. In extension of the discourse of disease, it has been combined with the action intended to remove the disease of international order which are rogue States (“cancer cells” in the international body politic which, because they also deploy terror inside, may be subjected to intervention also for *humanitarian* reasons). Moreover, the sick, the failed States who, as *patients*, lose their autonomy to decide (cf. Manjikian 2008) must be cured also because they threaten to breed and disseminate the terrorism virus and check the progress and stability of others (who should be at least *immunized*).

None of what has been said is intended to convey the idea that there are no challenges to the discourse of hegemony (including the hegemonical discourse of terrorism), or that there exists anything such as harmony in international politics. The United States’ main prospective contenders, Russia and China, seem to be willfully increasing the costs of U.S. hegemony (Iran) or at least free ride (Afghanistan), and have challenged (among other) U.S. discursive legitimization of the policing

⁵⁸⁴ In the rhetoric of NATO summit declarations, Afghanistan tends to be rendered as 1) a *dangerous space* for the allies and the international community (i.e. a space from which Terrorists struck the humankind in the past and may do so in the future) which, in order to cease to be a dangerous space, 2) must be *normalized* (i.e. democratized). Cf. in particular *NATO Istanbul Summit Communique*, 28 June 2004; *NATO Riga Summit Declaration*, 29 Nov. 2006; *NATO Strategic Vision*, 3 Apr. 2008; or *NATO Strasbourg / Kehl Declaration on Afghanistan*, 4 Apr. 2009.

⁵⁸⁵ George W. Bush, a speech at the Joint Session of Congress, 20 Sept. 2001; see also the speech announcing launching of the operation *Enduring Freedom*, 7 Oct. 2001.

⁵⁸⁶ Using different words, Der Derian makes a similar claim when he says that a nuclear balance of terror which „had provided a modicum of order, if not peace and justice, to the bipolar system“ was substituted by a „new imbalance of terror... based on a mimetic fear and hatred coupled with an asymmetrical willingness and capacity to destroy the other without the formalities of war“ (Der Derian 2005, 25).

action in Iraq.⁵⁸⁷ But despite all the predictions of decline, the United States has been able in the 2000s to sustain both its hegemonic position in the international order *and* the hegemonic discourse of terrorism, from which others continue to benefit and which continues to be governed by a single order. While changing power constellation would be expected to influence the discourse's order, this may not necessarily translate in dislocating the *dispositif* of which it is a component part. A new *nomos* would indeed (re)create a possibility for reconfiguration. But it is not to say that it would necessarily cause it.

Previous Statements: Slow Boiling

In both discursive series discussed in previous chapters, States' discourse of terrorism was initiated at the beginning of the respective series. It was never *ex nihilo*, yet there always could be found an identifiable moment of dramatic change both in terms of form and content. In this discursive series, much more than before the inquiry begins *in medias res*. There has been a continuity of the discrete discourse of terrorism from the 1970s (e.g. in annual statements on the issue in form of UNGA resolutions on international terrorism) on one hand; on the other, the structural constellation of power described above started to yield effect in terms of the discourse's transformation in the late 1980s at the latest. Due to these factors, the 9/11 has been a turning moment to the extent that it pushed to the extreme rules for articulating statements many of which had already been in place, rather than representing a watershed after which the States' discourse would substantially cease to be what it was before. To inquire into the conditions for articulation of statements in this discourse, it is therefore necessary to engage in more detail with previous statements made in the 1980s and 1990s, inasmuch as these are not subjected to an exhaustive analysis. Even though the main emphasis in the project of historicization of the contemporary discourse is with the previous discursive series (1930s and 1970s), this overview is useful in supplementing the genealogy with some more immediate (or *mediating*) conditioning relations.

⁵⁸⁷ Cf. Doc. S/PV.4721 (2003), Minutes of the Security Council.

UN General Assembly: From Prevention to Definition and Elimination

In the last chapter it was noted that res. 34/145 (1979) *unequivocally* condemned “all acts of terrorism.” This condemnation would be emphasized in res. 40/161 (1985) – passed after the *Achille Lauro* seizure. It introduced a formula that would be recurrent in a vast amount of future statements by States on terrorism (and not only in UNGA resolutions): condemning, “as criminal, all acts, methods and practices of terrorism, wherever and by whomever they are committed.” At the same time, it still included a clause on the right of self-determination and thus it contained an implicit exclusion for national liberation movements under what has been termed the *first logic of exception* in the previous chapter. This was also the case of res. 46/51 (1991), the first in the series of annual resolutions passed by UNGA that was titled not “Measures to Prevent International Terrorism,” with its implicit allusion to root causes of terrorism, but rather “Measures to *Eliminate* [emphasis added] International Terrorism”. UNGA res. 48/122 (1993) was then the first not to include the self-determination clause. What it did include, on the other hand, was a rudimentary definition of typical terrorist acts. Such acts, according to the definition, targeted *innocent* persons, commonly involved destruction of *human rights*, threatened integrity and security of *States*, destabilized *governments*, undermined *pluralistic civil society*, and checked *economic and social development* of States.

The resolution contained important statements about terrorism, particularly about its object (innocent persons) and effects. However, it did not attempt to present a formal definition. Such definition would only appear in the groundbreaking resolution 49/60 (1994), *Declaration on Measures to Eliminate International Terrorism*. Besides repeating the characteristics of terrorist acts listed above it defined them as “criminal acts intended or calculated to provoke a state of terror in the general public, a group of persons or particular persons for political purposes.”⁵⁸⁸ Such acts were moreover declared unjustifiable under any circumstance, “whatever the considerations of a political, philosophical, ideological, racial, ethnic, religious or any other nature.” Both statements would

⁵⁸⁸ Saul calls this a „working definition“ of terrorism (2006a; 2009), whereas Cassesse derives from it existence of a customary offence of terrorism on which there is a „broad agreement“ (2001, 246).

become normalized in the discourse and recurrent in a number of resolutions, declarations, conventions and in debates in the 1990s and 2000s.

To some extent, this definition of terrorism is indebted to the 1937 Terrorism Convention, particularly in the tautological reference to the “state of terror”. Similarly to the Convention, it effectively (despite the reference to “political purposes”) depoliticizes terrorism and represents a shift of the focus from ends to means, i.e. in the direction of First World’s discursive order. *All* acts of terrorism were declared *criminal* already in res. 40/161 (1985). This would be even interpreted as a ground for establishment of universal jurisdiction (Saul 2006a, 203). But now their *unjustifiability* by no possible considerations was further emphasized. In contrast to the 1937 Convention, on the other hand, acts of terrorism were not defined as directed against a State. Furthermore, an enumerative part (either exemplary or exhaustive), detailing what material acts could constitute terrorism, is missing from the definition, rendering the concept’s boundaries effectively blurred.

The definition is silent on the acting Subject of the terrorist act. Combined with the by now recurrent condemnation of all “methods and practices of terrorism, wherever and by whomever they are committed,” it could be interpreted as a tacit inclusion of state terrorism as previously articulated in Third World’s statements. However, there seems to be a very limited amount of statements about state terrorism as conceived in the Third World’s discursive order (e.g. as repression of the powerless by “colonial, racist and alien regimes”) since the late 1980s. Indeed, in the 1980s, the concept of state terrorism was translated to First World’s discursive order. For instance, in the United States it was linked to the “global terror network” construct introduced in the last chapter. Reagan administration’s discourse of terrorist danger, with its conception of acts of terrorism as acts of war, basic discourses of *good / evil* and *civilization / barbarism* represented in many ways a genealogical antecedent to the present discourse of the war on terror (cf. Said 1988; Der Derian 1992; Campbell 1998; Wills 2003; Jackson 2006). The obvious difference was that at the time global terrorism was constructed as orchestrated from Moscow, a State capital, and hence the Terrorist was not yet *emancipated*. The terrorism in the 1980s in the First World’s discursive order referred to what more properly should have been termed *state sponsored terrorism*, rather than to the State

repression directed at its own (alienated) population.⁵⁸⁹ But with the demise of the Cold War, even this discourse of “state terrorism” vanished (whereas the discourse of *state-sponsored* terrorism, in which however the Terrorist and the State are more of partners in alliance than principal and agent, has naturally thrived). While statements governed by the former Third World’s discursive order would continue to be occasionally enunciated in debates, the main focus would from now on rest with the hegemonic *nonstate* terrorism.

The General Assembly’s activity was far from exhausted by the annual publication of resolutions to eliminate international terrorism, however. Following Vienna World Conference on Human Rights (1993), UNGA’s Third Committee started to prepare resolutions on terrorism and human rights. The sole concern of those resolutions, starting with 48/122 (1993) mentioned above, was the “destruction” of human rights and destabilizing governments (presumably their guarantors) by *nonstate terrorist activity*. This contrasts with the later evolution in the discourse of human rights interdiscursively linked to terrorism in which human rights are counterposed as one of major challenges to the unbridled *counter-terrorist* activity (see below).

Furthermore, a new *Ad Hoc* Committee on terrorism was created in 1996 (cf. UNGA res. 51/210) as an instrument of building a comprehensive legal framework for the action against terrorism. It has negotiated three sectoral conventions – on terrorist bombings (1997),⁵⁹⁰ suppression of the financing of terrorism (1999)⁵⁹¹ and suppression of acts of nuclear terrorism (2005).⁵⁹² In addition to negotiating those three treaties, *Ad Hoc* Committee has been discussing a comprehensive convention on international terrorism (see below). The financing of terrorism treaty deserves a particular attention because it was the first sectoral agreement which included a *quasi*-definition of terrorism, which was different from the definition in res. 49/60. It consisted in an

⁵⁸⁹ The 1980s were a decade of unprecedented covert activity, often by means of sponsored proxy entities, by the United States particularly in Latin America, which could be defined as *counter-terrorism* (cf. Ronzitti 2004), but it could also be framed as moderating the extralegal “secret war” waged by the other side (such as Moscow’s agents Cuba and the Sandinistas in Nicaragua), the exercise of legitimate collective self-defense and a noble effort to preserve the international order based on the observance of the rule of law. Cf. John Norton Moore, „ The Secret War in Central America and the Future of World Order,“ *World Affairs*, vol. 148, no. 2 (1985): 75-129.

⁵⁹⁰ Doc. A/RES/52/164.

⁵⁹¹ Doc. A/RES/54/109.

⁵⁹² Doc. A/RES/59/290.

explicit backward construction of sectoral offences as “acts of terrorism.” But it further included all acts “intended to cause death or serious bodily injury to a civilian, or to any other person not taking an active part in the hostilities in a situation of armed conflict, when the purpose of such act, by its nature or context, is to intimidate a population, or to compel a government or an international organization to do or to abstain from doing any act.”

UN Security Council

Importantly, in the latter part of the 1980s the Security Council started to issue statements on terrorism. Its first resolution to mention it was res. S/579/1985, which condemned acts of hostage taking as manifestations of international terrorism.⁵⁹³ In 1989, res. S/635/1989 pondered implications of terrorism for international security (the same year, the Security Council also condemned the assassination of the Lebanese President Mouwad as an act of terrorism).⁵⁹⁴ Several years later res. S/748/1992 declared Libya’s failure to respond to previous requests that it assisted investigations of bombings of PanAm Flight 103 (1988) over Lockerbie and UTA Flight 772 (1989) – which according to the United States, France and the United Kingdom it had sponsored – a „threat to international peace and security“ and imposed economic sanctions on Tripolis under UN Charter’s Chapter VII (for a more detailed discussion of the case see Higgins 1997). The decision to treat acts of international terrorism as a threat to international peace and security should be seen in the context of the process of practical „widening security“ manifest in a number of Security Council resolutions.⁵⁹⁵ Yet it is nonetheless significant insofar as it opened way for future legitimizations of militarized responses against suspected perpetrators and their State sponsors (Oudraat 2004, 158). It is important to note that in line with the emancipation thesis articulated above it was gradually the

⁵⁹³ Later, the Security Council passed similar resolutions incidents – cf. S/618/1988, or S/638/1989.

⁵⁹⁴ Doc. S/20988 (1989).

⁵⁹⁵ Cf. Docs. S/RES/670 (1990), S/RES/794 (1992), S/RES/798 (1992), S/RES/841 (1993) which declared, respectively, serious violations of human rights, internal conflict, breach of international humanitarian law, or *coup d’état* a threat to international peace and security. The process of practical widening of security that extends the possibility of legitimate interventions in what was traditionally considered the „inside“ of international order is also reflected in the doctrine of Responsibility to Protect. Cf. Doc. S/RES/1674 (2006).

Terrorist *as such*, rather than state sponsoring terrorism, whose actions would be defined as a threat to international peace and security (cf. Santori 2006; Saul 2006a, 238).

The Security Council had brought up the issue of sponsoring terrorism already in res. 687/1991, which obligated Iraq not to „commit or support any act of international terrorism or allow any organization directed towards the commission of such acts operate within its territory and to condemn unequivocally and renounce all acts, methods and practices of terrorism.“⁵⁹⁶ In turn, after Libya the sanctions under Chapter VII were imposed also against Sudan for failing to extradite suspects in Husni Mubarak’s assassination attempt in Addis Abeba (1995).⁵⁹⁷ And in the latter part of the 1990s, after the bombings of U.S. embassies in Kenya and Tanzania, the Security Council issued a series of resolutions which called upon the Taliban regime in Afghanistan to refrain from providing „safe haven“ and a training base for Al-Qaeda terrorists. When it failed to do so it imposed economic sanctions on Kabul.⁵⁹⁸ After the fall of the Taliban regime, the sanctions were restructured to exclude Kabul and focus directly on Al-Qaeda and its associates,⁵⁹⁹ but it is noteworthy that the first resolution to impose sanctions on Al-Qaeda directly (i.e. not on what was deemed the network’s main state sponsor) was passed already in 2000.⁶⁰⁰

The Security Council also issued several resolutions on nonstate terrorism by UÇK in Kosovo.⁶⁰¹ Interestingly, it treated the organization as terrorist, rather than a party in intrastate conflict possibly resorting to acts of terrorism as defined in international humanitarian law (Saul 2006a, 230). Furthermore, it implicitly referred to „root causes“ of terrorism in Kosovo when it advised Yugoslav government to offer Kosovar Albanians „genuine political process“ to prevent future terrorism.⁶⁰² Finally, already in the 1990s the Security Council issued its first resolution unconnected to any actual event which, in the rhetoric of UNGAOR annual resolutions to eliminate

⁵⁹⁶ It was this resolution (yet not these particular provisions) the effective breach of which was later argued to enable the revival of the authorization of the use of force in res. 678/1990 (see above).

⁵⁹⁷ Doc. S/RES/1054 (1996) and S/RES/1070 (1996).

⁵⁹⁸ Doc. S/RES/1189 (1998), S/RES/1193 (1998), S/RES/1214 (1998), and S/RES/1267 (1999). The sanctions regime is monitored by the *1267 Committee*.

⁵⁹⁹ Doc. S/RES/1390 (2002), S/RES/1526 (2004) and S/RES/1617 (2005).

⁶⁰⁰ Doc. S/RES/1333 (2000).

⁶⁰¹ Doc. S/RES/1160 (1998), S/RES/1199 (1998), S/RES/1203 (1998).

⁶⁰² Doc. S/1160/1998.

international terrorism, unequivocally condemned „all acts, methods and practices of terrorism as criminal and unjustifiable, regardless of their motivations.“⁶⁰³

Terrorism as (not) an International Crime

Terrorism was finally discussed in International Law Commission's deliberations about *Draft Code of Crimes*.⁶⁰⁴ For a period of time, it was even considered as a separate offence / crime (e.g. not subsumed under the offence of aggression as in the 1950s), whose definition reflected the 1937 Convention, because it included a reference to „state of terror“.⁶⁰⁵ In the final draft, however, terrorism was listed as a category of war crimes, i.e. it could be (hypothetically) committed only within the boundaries of armed conflict.⁶⁰⁶ The International Law Commission also prepared a draft statute of an International Criminal Court (1990-1994). It contained an offence of creating „terror, fear or insecurity in the minds of public figures, groups or persons, the general public or populations, for whatever considerations and purposes of a political, philosophical, ideological, racial, ethnic, religious or such other nature invoked to justify them,“ reminiscent of the definition in res. 49/60 (1994). Furthermore, the draft included under terrorism offences defined in six sectoral treaties as much as „use of firearms, weapons, explosives, and dangerous substances to penetrate indiscriminate violence“ against both persons or property.⁶⁰⁷ The issue whether to incorporate the offence in the Rome Statute (1998) was discussed both by a preparatory committee and at the conference of plenipotentiaries.⁶⁰⁸ Finally, it was not listed as a discrete crime in the statute of the International Criminal Court. (To reiterate, in the 1930s the convention creating an International Criminal Court endowed it with a jurisdiction *solely* over the terrorist offences). The issue whether to include it was

⁶⁰³ Doc. S/1269/1999.

⁶⁰⁴ The work on the Draft Code of Offences / Crimes (the latter term substituted the former in 1987, cf. doc. A/42/151), originally started in the late 1940s (see last chapter), was resumed in 1981.

⁶⁰⁵ Cf. Doc. A/CN.4/430 (1990).

⁶⁰⁶ Cf. Doc. A/CN.4/466 (1995), Report of the Special Rapporteur; A/51/10 (1995), International Law Commission Report.

⁶⁰⁷ Doc. A/Conf.183/2/Add.2/1998, Draft Statute of an International Criminal Court.

⁶⁰⁸ The proceedings of preparatory committee are summarized in doc. A/AC.249/1 (1996). For discussions during the diplomatic conference cf. doc. A/Conf.183/C.1/SR.6- (1998). A number of governments were of the opinion that the crime of terrorism should be included in the draft statute since terrorism shocked the conscience of humanity and had been increasing in frequency. Some others argued that there would have to be a general definition of terrorism. The need to find consensus on such definition could significantly delay or even imperil establishment of the court. For an overview of the debate see also Dunér (2007).

deferred to a review conference,⁶⁰⁹ which would later meet Kampala (2010). Nonetheless, despite a proposal by the Netherlands, terrorism was not subject of the debate here.

The period preceding the 2000s witnessed emergence of some standard statements about the nature and absolute injustice of terrorism. Occurrence of some others that would become recurrent may also be observed (e.g. statement linking terrorism and organized crime), as much as the expansion of the discourse of terrorism among States into new loci – most of all the Security Council. Furthermore, some continuities with the previous discursive series can be established even after a cursory review of the discourse, such as the discourse of alarm / action in which international terrorism (scourge, plague) that knows no borders and challenges order and civilization *resurges* and the only proper course is a universalist, *unisono* harmonious action to counter it. Statements articulated under the rule of the *first logic of exception* would continue to be occasionally articulated, stressing the need to distinguish national liberation movements and terrorists and *ipso facto* preventing identification of the former with the latter. (On the other hand, it is important to note there do not seem to be any statements articulated under the *second logic of exception*, i.e. statements legitimizing terrorism.) As noted above, statements about state terrorism would continue to be enunciated from time to time, as would be statements about the underlying causes of terrorism. In the latter case, however, the issue seems to be depoliticized insofar as it does not define an oppositional discourse as in the 1970s, and the importance to address root causes of terrorism is commonly emphasized also by the First World States in a new hegemonized discourse (see below).

In the very end of this section, I wish to mention two period marginal statements on *counter-terrorism*. These two archeological finds do not seem to reflect any identifiable rules of discourse. However, perhaps because of their very eccentricity, they remain eerily relevant commentaries to the present state. In a session of UNGA's Sixth Committee in 1993, Benin pointed out that „making innocents pay for terrorist crime is also terrorism.“ During the very same session, Uganda warned against alarmist excess and actions which were not in accord with international law and which

⁶⁰⁹ Cf. Doc. A/Conf.183/10 (1998), Final Act of the UN Diplomatic Conference on the Establishment of an International Criminal Court.

„increase the sense of terror within and amongst people.“ Such actions, Uganda’s representative concluded, only encouraged the terrorists.⁶¹⁰

A Fugitive and a Vagabond in the Earth

Before the analysis of the discourse of terrorism’s conditions, it is once again useful, as in the last chapter, to outline its material its material content and locus. More than previously, this introductory note needs to make plain methodological issues related to the analysis and explain the choices taken. Since, as noted above, the analysis commences *in medias res*, it is on the other hand pointless to attempt a linearized narrative of the discourse’s development, which was done in the previous chapters.

Discourse Overview

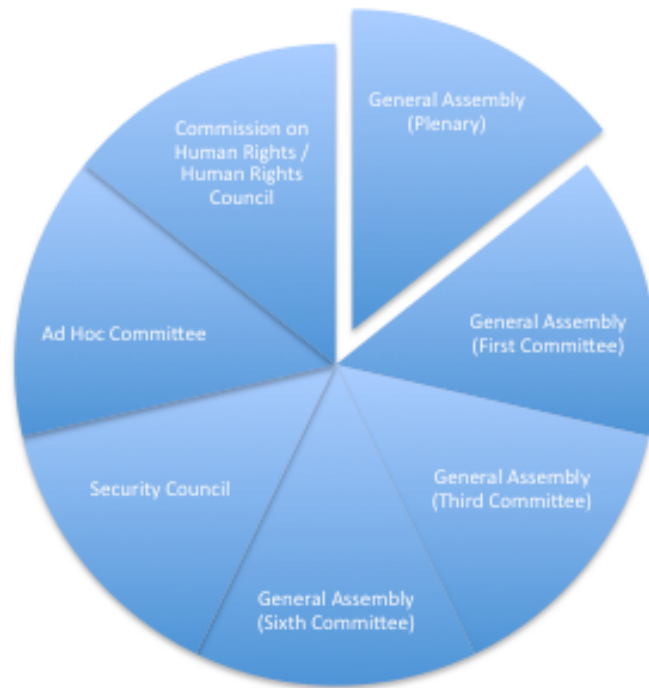
Instead, the attention can immediately be turned to the discourse’s immense *size*. This size in itself is a significant material positivity since it may be interpreted as an expression of prominence that the discourse of terrorism gained relatively at undedicated fora, i.e. fora seized in general matters. However, the discourse’s monumental proportions present a methodological problem. To derive sensible abstractions of the rules of this discourse from such a vast amount of material produced in different *loci* – even if the focus has not been extended beyond the rather narrow institutional boundaries of the United Nations – it has been essential 1) to surely navigate the system of UN bodies and their documents, 2) to make use of the full search engines (since all public documents are now available in electronic form), and 3) to focus on preselected *loci* and time periods in more detail than others (in a yet another application of the principle employed in the general research design). A somewhat disproportionate attention has therefore been paid to the debate in

⁶¹⁰ Doc. A/C.6/48/SR.13 (1993), Minutes of the Sixth Committee.

General Assembly immediately following the 9/11. The reason is that it has been unsurpassed in terms of subjectification of the Terrorist (while it seems to feature a somewhat disproportionate *amount* of alarmist statements, which however do not seem to differ significantly from later enunciations in terms of *rules* that condition them). This subjectification, as much as other rules of discourse derived from this debate, have remained basically unchallenged in later statements, among which I have focused on various bodies' resolutions (a choice made on the assumption that they need to betray a consensual position and thus encompass manifold concerns of individual States while retaining the capacity to betray underlying tensions in various positions) and occasionally surrounding debates (to control for possibly omitted controversies). This choice has been governed by the exogenous criterion of the assumed importance of documents under consideration (e.g. *Global Counter-Terrorism Strategy*, 2006) and the *sorting-by-relevance* function of the UN Documents search engine (which yielded debates with high concentration of statements on terrorism). Even so, the amount of perused material is incomparable to previous discursive series. Under such circumstances, it is particularly important to keep in mind that citations are intended to be merely illustrative of the wide distribution (dispersion) of statements across *Großräume* and other divides. For example, to strike the point about the truly universal construction of global terrorism, statements about the terrorist network's tentacles reaching all corners of the world enunciated by countries such as Laos or Nauru are cited.⁶¹¹

To say that the order derived from the initial general debate has been unchallenged does not mean that it has remained entirely static. The observed dynamics, e.g. in terms of the discourse of human rights gradually being articulated in opposition to *counter-terrorism* rather than terrorism, has been noted. But generally, no substantial changes in the order of discourse have been observed, which is in line with the theoretical assumption that such a substantial change could only be conditioned upon a change in the constellation of power (*Weltkonjunktur*) that has not yet taken place.

⁶¹¹ It is important not to underestimate diplomatic and more broad socialization (e.g. educational) patterns that do influence how statements are articulated in the United Nations by representatives of individual States. At the same time, the ultimate power over how these statements are articulated in long term is assumed in this dissertation to rest with the State power, rather than the individuals who represent them.



This familiar figure delimits the scope of inquiry in terms of the discourse's locus. Beyond the focus remain, as in the previous chapters, other international (regional) fora, such as European Union, Council of Europe, Organization of Islamic Conference, Arab League, Organization of African Unity, Organization of American States, Commonwealth of Independent States, or Shanghai Cooperation Organization.⁶¹² The discourses of specialized intergovernmental bodies such as International Atomic Energy Agency; or UN High-Level Threat Panel, an expert body convened under the authority of the Secretary-General have also not been inquired into.⁶¹³

⁶¹² The interdiscursivity pattern seem, as a rule, to be either a *borrowing* from the general discourse or a *simultaneity* – one notable exception is the discussion about criminalization of „public provocation to commit a terrorist offence“, which indeed was enshrined in the Convention on the Prevention of Terrorism (2005). From here, it would find a way to the Security Council, where a (nonbinding) res. 1624 (2005) would be passed that called upon States „to prohibit by law incitement to commit terrorist acts.“ (Both of these instruments would later be referenced in an EU framework decision 2008/911/JHA.) It is also noteworthy that the collocation „terrorists, separatists and extremists“ employed in a convention by Shanghai Cooperation Organization, and illustrative of the processes in which opponents of the established order and discursively identified with terrorists, would be used in the United Nations several times by China (cf. Doc. A/56/PV.8/2001; or A/64/PV.14/2009).

⁶¹³ It is noteworthy, however, how – even within terms of the quelled political controversy that dominated the discourse in the 1970s – the Panel seems to be absolutely in favour of the *status quo*, dominant First World's discourse on terrorism. The relevant passage from *A More Secure World: Our Shared Responsibility*, its pinnacle product, is illustrative in this respect: „The search for an agreed definition usually stumbles on two issues. The first is the argument that any definition should include States' use of armed forces against civilians. We believe that the legal and normative framework against State violations is far

Besides the res. 56/1 (2001) condemning as heinous the „terrorists attacks“ in the United States, and several other resolutions debated and passed during the plenary session,⁶¹⁴ the General Assembly has been issuing annual resolutions in the series Measures to Eliminate International Terrorism, prepared by the Sixth Committee and closely resembling the res. 49/60 (1994),⁶¹⁵ Human Rights and Terrorism,⁶¹⁶ succeeded by Protection of Human Rights and Fundamental Freedoms while Countering Terrorism⁶¹⁷ (prepared by Third Committee) and Measures to Prevent Terrorists from Acquiring Weapons of Mass Destruction (First Committee).⁶¹⁸ In addition, these Committees have also been preparing other occasional resolutions:

	PLENARY	C.1	C.3	C.5	C.6
2001	x	x	x	x	x
2002		x	x		x
2003		x	x x x		x
2004		x	x x x		x
2005	x	x x	x		x
2006		x	x		x
2007	x	x	x x		x
2008		x	x		x
2009	x	x	x x		x

stronger than in the case of non-State actors and we do not find this objection to be compelling. The second objection is that peoples under foreign occupation have a right to resistance and a definition of terrorism should not override this right. The right to resistance is contested by some. But it is not the central point: the central point is that there is nothing in the fact of occupation that justifies the targeting and killing of civilians.” Doc. A/59/565 (2005), Report of the Secretary’s General High-Level Panel on Threats, Challenges and Change.

⁶¹⁴ Docs. A/RES/60/288 (2005), Global Counter-Terrorism Strategy; A/RES/62/272 (2007) and A/RES/64/235 (2009).

Excluded from the following table are resolutions such as 57/338 (2002) which did not deal with terrorism specifically, but framed the attack against a UN compound in Baghdad as „an act of terrorism“. It is worthy of being mentioned here since, as Saul notes (2006a, 206), the resolution neither invoked international law on protected personnel nor did it cite a breach of international humanitarian law, which would imply a presence of armed conflict. In this context it is useful to point to how U.S. State Department has been deciding on the difference between terrorist and insurgent violence – if the suspected perpetrator was *jihadi*, the act would be categorized as terrorism; if secular, insurgency (Hoffman 2006, 36).

⁶¹⁵ Docs. A/RES/56/88 (2001), A/RES/57/27 (2002), A/RES/58/81 (2003), A/RES/59/46 (2004), A/RES/60/43 (2005), A/RES/61/40 (2006), A/RES/62/71 (2007), A/RES/63/129 (2008), and A/RES/64/118 (2009).

⁶¹⁶ Docs. A/RES/56/160 (2001), A/RES/58/174 (2003), A/RES/59/195 (2004).

⁶¹⁷ Docs. A/RES/57/219 (2002), A/RES/58/187 (2003), A/RES/59/191 (2004), A/RES/60/158 (2005), A/RES/61/171 (2006), A/RES/62/159 (2007), A/RES A/RES/63/185 (2008) and A/RES/64/168 (2009).

⁶¹⁸ Docs. A/RES/56/24 (2001), A/RES/57/83 (2002), A/RES/58/48 (2003), A/RES/59/80 (2004), A/RES/60/78 (2005), A/RES/61/86 (2006), A/RES/62/33 (2007), A/RES/63/60 (2008) and A/RES/64/38 (2009).

Furthermore, within the Sixth Committee a special Working Group has been discussing the draft comprehensive convention on terrorism, the convention on nuclear terrorism, and the possibility of convening a conference to define terrorism.⁶¹⁹ The last issue has in fact been one of the few sources of contention ever since the idea was proposed in late 1980s.⁶²⁰ The Third World Countries have desired to convene the conference and define terrorism to make it impossible to use the concept in relation to the legitimate activity of national liberation movements. The First World Countries on the other hand have resisted convening such conference since in their view it could undermine the fragile existing compromise on terrorism (favourable towards their original position).

The same triad of issues organized the deliberations of an *Ad Hoc* Committee on Terrorism, which was established by the General Assembly's resolution 51/210 (1996).⁶²¹ The current draft comprehensive convention was presented to the Committee in 2000.⁶²² Despite two attempts at breaking the deadlock in 2002 and 2007, however, the negotiations on the Convention remain stalled. The most serious point of contention is not, as might be expected, the definition of the act of terrorism (art. 2). In the draft, it contains the objective element (death or serious bodily injury to a person; serious damage to public or *private* property; damage to property, places, facilities or systems likely to result in a major economic loss) and the subjective element taken from International Convention against the Taking of Hostages: „...when the purpose of the conduct, by its nature or context, is to intimidate a population, or to compel a Government or an international organization to do or to abstain from doing any act.“⁶²³ (Missing, as in the Security Council's definition contained in res. 1566/2004 is a political motive, which nonetheless was included in the original India's draft.)

⁶¹⁹ Reports of the Working Group are available as Docs. A/C.6/56/L.9 (2001), A/C.6/57/L.9 (2002), A/C.6/58/L.10 (2003), A/C.6/59/L.10 (2004), A/C.6/60/L.6 (2005). Subsequently, the reports were presented orally during the Sixth Committee's session, cf. Doc. /A/C.6/61/SR.21- (2006), A/C.6/62/SR.16- (2007), A/C.6/63/SR.14- (2008) and A/C.6/64/SR.14- (2009).

⁶²⁰ Cf. Doc. A/RES/42/159 (1987), and A/44/456/Add.1 (1989), report of the Secretary-General on the feasibility of the conference.

⁶²¹ The Committee's reports are available as Docs. A/56/37 (2001) to A/65/37 (2010).

⁶²² Doc. A/C.6/55/1 (2000). This draft was an amended document originally presented in 1995 (A/C.6/51/6). India, which to reiterate was the only country to ratify the 1937 Convention, called for a new comprehensive convention ever since the early 1990s. Cf. Doc. A/C.6/48/SR.11 (1993), Minutes of the Sixth Committee.

⁶²³ The original India's draft (A/C6/51/6) defined terrorist acts as the 1937 Convention – i.e. as criminal acts intended or calculated to provoke a state of terror.

The subject of main controversy is rather art. 18, containing exclusionary clauses that limit the scope of the convention. The main issue, which has divided Organization of the Islamic Conference and the EU, has been the inclusion / exclusion of the activities of national liberation movements and of State militaries (including during peacetime). The OIC States wish to *a priori* exclude national liberation movements' activities (e.g. by citing rights of peoples in the article and excluding *parties*, rather than *armed forces* only, from the Convention's scope)⁶²⁴ while they argue that the proposed exclusion of State militaries would effectively sanction their activity.⁶²⁵ Whereas the positions have been influenced by a tacit reference to Arab-Israeli conflict, there seems also to be more general considerations of the favourable *status quo* in terms of legitimization of violence on one hand (making the EU and Israel, rare bedfellows indeed, to stand a common ground), and the concern about too heavy a restraint on the possibility of revolutionary violence on the other hand.

In the microcosm of the *Ad Hoc* Committee, the political conflict observed in the previous discursive series seems to continue. But while I have no wish to subdue the fact that the enclosure discussed above is thereby rendered unperfect, several remarks need to be made. While national liberation movements and State terrorism do have a place in States' statements articulated in the Committee, the discourse produced under the *first logic of exception* is notably more defensive than in the 1970s. Furthermore, the debate concerns a legal definition of terrorism. There exist several other legal definitions passed by consensus or adhered to by a large number of States, though admittedly with respect to the Terrorist Subject they are rather vague. More importantly, statements in the general discourse can be, and indeed they are, articulated under a common order even without settling the particular issues surrounding the Convention. In other words, the division over the Comprehensive Convention does not necessarily have to have an effect on the discourse in general. In fact, it does not seem to. Finally, the inability of the *Ad Hoc* Committee to arrive at a consensus regarding the nature of the terrorism covered by it (the latest move to facilitate consensus has been a

⁶²⁴ This issue is underlied by an interdiscursive link to the discourse of international humanitarian law (see below).

⁶²⁵ Cf. in particular Docs. A/57/37 (2002) and A/62/37 (2007), Reports of the *Ad Hoc* Committee.

proposal to delete „comprehensive“ from the title)⁶²⁶ seems to have been influenced less by insurmountable political differences and more by rigidity conditioned on political prestige considerations and even legal amateurism of some negotiators.⁶²⁷

The conflict of terrorism and human rights has been discussed, unsurprisingly, also in the Commission on Human Rights: more specifically, its second Subcommission on Promotion and Protection of Human Rights and a working group on guidelines and principles for the promotion and protection of human rights when combating terrorism.⁶²⁸ Both the Commission and Human Rights Council that succeeded it (2006) have issued a series of resolutions and decisions on the matter.⁶²⁹

The last but most certainly not least important locus of the discourse is the Security Council. It has been argued that while the General Assembly's action against terrorism has focused more on *policing* and the Security Council's has been defined by *military* responses (Peterson 2004, 183). This has indeed been the case with S/RES/1368 (2001) – which could be called the „second French proposal“ (see the third chapter) since it was circulated by the French President of the Security Council LeVitte within hours of the 9/11 events (Oudraat 2004, 152). The resolution recognized the right to self-defense in the context of international (counter)terrorism while not instituting any collective measures (thus leaving it to the States themselves to decide on a violent action against what they themselves considered „international terrorism“).⁶³⁰ It is important to note, however, that the issue of terrorism has been one where the Council assumed (or *usurped*) extensive legislating powers. These power not only relate to authorization of the use of force and other sanctions in response to threats to international peace and security, but have obligated States on the basis of the Council's sovereign decision to a variety of actions such as normalization of laws in their domestic

⁶²⁶ Cf. Doc. A/65/37 (2010), Report of the *Ad Hoc* Committee.

⁶²⁷ I owe this point to Veronika Bílková at Faculty of Law, Charles University in Prague.

⁶²⁸ The working group was established pursuant Docs. E/CN.4/Sub.2/2004/40 and res. 2004/109.

⁶²⁹ Cf. Commission of Human Rights' resolutions 2003/68, 2004/87, 2005/80 and Human Rights Council's resolutions 6/28 (2007), 7/7 (2008), 10/15 (2009) and the decision 2/112 (2006).

⁶³⁰ This *bianco check* would indeed be used by the United States and its allies in Afghanistan, without any challenge to the interpretation of self-defense that departed significantly from both the customary „no choice of means, and no moment of deliberation“ and the procedure established under UN Charter's art. 51. A year later, Russia too justified her strikes in Georgia's Kodori Valley by a reference to res. 1368 (2001). Moscow would cite also (alleged) Georgia's noncompliance with res. 1373 (see below), but what is crucial in this context is the assumed right to decide, by individual States, on the militarized response to „non-compliance“ of others that they themselves would determine (cf. Oudraat 2004, 161).

realms. (At the same time and in line with what has been said above, the Security Council has made no effort to control the violence associated with the global war on terror.)⁶³¹

The most important „sovereign“ resolution to do so was S/RES/1373 (2001),⁶³² later followed by S/RES/1540 (2004).⁶³³ In general terms, Security Council’s resolutions would confirm that terrorist acts represented threats to international peace and security and terrorism was criminal and unjustifiable regardless of motivations.⁶³⁴ Some of them would be general statements (S/RES/1373/2001, S/RES/1540/2004, or S/RES/1456/2003 pointing to the *crime-terror* nexus), others would be issued following serious „terrorist acts“ (Bali, Dubrovka, London or Madrid). In other such cases, presidential statements would be made, usually with the same standard content: the terrorist act would be condemned in strongest terms, it would be reaffirmed that terrorism in all its forms and manifestations constituted one of the most serious threats to international peace and security (i.e., *any* act of international terrorism) and was criminal and unjustifiable, regardless of its motivation and wherever, whenever and by whomever committed. States would also be normally reminded of their obligations under the res. 1373/2001.⁶³⁵ Responsibility for the terrorist acts would seldom be attributed – and in one such case, the Madrid bombing, it would be attributed wrongly (ETA), emphasizing the problem of evidence in Security Council’s statements (cf. Saul 2006a, 241; O’Connell 2002).

⁶³¹ Instead, it would only normalize *ex post* consequences of this violence – cf. Docs. S/RES/1386 (2001), S/RES/1511 (2003) or S/RES/1546 (2004).

⁶³² Under this binding resolution, States are required to define terrorist acts as serious criminal offences in their domestic legislations, insure that perpetrators of terrorist acts are brought to justice and punished accordingly to the gravity of their acts, prevent terrorist acts, recruitment to terrorist groups, use of their territory by terrorists, or foreclose forgery of identity documents. Furthermore, States must criminalize activities related to financing terrorism (i.e. freeze assets of entities implicated in terrorism) and exchange information (i.e. again to create a global regime of surveillance). A number of those measures had already been established in various sectoral treaties, but now they were imposed on States as a binding law. To ensure States’s compliance, Counter-Terrorism Committee (CTC) was established under the authority of the Council. Res. S/1535/2004 reinforced its position by creating a Counter-Terrorism Executive Directorate.

⁶³³ Res. 1540 (2004) was passed after the exposure of the A.Q. Khan’s „network“, extended States obligations in the context of terrorism to the area of weapons of mass destruction. Pursuant the resolution, States must criminalize activities related to production, transfer and the use of WMDs and the means of their delivery. The compliance is monitored by the *1540 Committee*. In general, the Council’s Committees related to the respective sanctions regimes have assumed a „managerial“ (capacity-building), rather than „enforcement“ mode of operation (Heupel 2007).

⁶³⁴ S/RES/1368 (2001), S/RES/1373 (2001), S/RES/1377 (2001), S/RES/1438 (2002), S/RES/1440 (2002), S/RES/1450 (2002), S/RES/1452 (2002), S/RES/1455 (2003), S/RES/1465 (2003), S/RES/1516 (2003), S/RES/1526 (2004), S/RES/1530 (2004), S/RES/1535 (2004), S/RES/1566 (2004), S/RES/1611 (2005), S/RES/1617 (2005), S/RES/1618 (2005), S/RES/1735 (2006), S/RES/1787 (2007), S/RES/1805 (2008), S/RES/1822 (2008), S/RES/1904 (2009).

⁶³⁵ The Security Council has also been issuing resolutions on Arab-Israeli conflict in which it demanded „cessation of terror.“ From the context it may be deduced that it seems to refer only to (terrorist) activities by nonstate (Palestinian) actors. In relation to Israeli government’s activities, „excessive use of force“ would be cited instead in an earlier resolution. Cf. Saul (2006a, 244).

While extensive legislating was done on the issue of terrorism, it never was defined in Security Council's resolutions. The watershed change came with S/RES/1566 (2004). Based on a proposal by Russia, it finally offered a definition of terrorism. The definition combines elements of the 1937 Convention (terrorism provoking a „state of terror“) and sectoral treaties (with the purpose to „intimidate a population or compel a government or an international organization to do or to abstain from doing any act“). Significantly, it does not involve acts against property (Bílková 2006). Neither does it mention a political motive of the terrorist offence (Saul 2006a, 246).

Law of Rarity: New Universa

As in the last chapters, the section devoted to the law of rarity derives from the multitude of statements in the discourse some basic rules determining the States' enunciative possibilities. It starts by introducing fundamentals of the hegemonic discourse of terrorism after the 9/11, such as the agreement that the acts indeed constituted terrorism and this terrorism was fundamentally *not* of political nature. It reviews statements about the nature of terrorism, betraying its reification and forgotten (accidental) origin. It records the transformation of the former challenging discourses of state terrorism and national liberation movements, points to the recurrence of the familiar discourse of alarm (noting at the same time its new enunciative modalities), and surveys the rules of the discourse of action (notably the need, once again, of a universal coalition against terrorism, and the legitimization of exception entailed by framing terrorism/counter-terrorism as war). Finally, it reviews some marginal statements that enable to see the boundaries of the hegemonical discourse more clearly.

Hegemonic Fundamentals

When the General Assembly's plenary session was opened on September 12, 2001 at the UN Headquarters, the echo of the recent tragedy undoubtedly continued to be, to borrow from a title of

Safran Foer's later book, „extremely loud and incredibly close.“⁶³⁶ Despite this rather unprecedented setting, the rules of discourse that can be derived from the ensuing debate on terrorism in which the total of 156 States took place (and many of the statements were enunciated by their Heads, assembled to New York for the event) seem to hold for much of what followed. First of all, no one doubted that the acts of mass violence that happened on the 9/11 were actually *terrorism*. Second, in all statements enunciated in this debate, terrorism was universally condemned, often in all its manifestations. It was also frequently stated that it represented a threat to peace and security and that no cause possible could justify it. This would be reiterated in many statements by States that followed, all General Assembly's and Security Council's resolutions, reports of the *Ad Hoc* Committee etc. The dominant pattern was perhaps best encapsulated in a pure *status quo* statement made by Denmark some years later: „Terrorism can never be justified. Terrorism is never a legitimate weapon. The targeting and deliberate killing of civilians are unacceptable. Full stop.“⁶³⁷

The essential depolitization of terrorism through the focus on means, rather than ends (see previous section) cannot be too emphasized. That terrorism's nature was criminal whatever the considerations of political, philosophical, ideological, racial, ethnic, religious or any other nature, irrespective of its motivation and wherever, whenever and whomever committed has been asserted in numerous General Assembly and Security Council's resolution, as much as States' statements and *Ad Hoc* Committee Reports. In view of this hegemonical discourse of depolitization, it is therefore plausible to see occasional references to terrorism's political nature (in terms of purpose) merely a way of differentiating it in juxtaposition to *common crime*. In other words, it has been a limited defining move not intended or successful in checking the Terrorist's ultimate depolitization based on the means he has employed.

States would express compassion with the United States (or at least its citizens or direct victims). At the same time they would sustain the construct of terrorism which had attacked *all of us*

⁶³⁶ Jonathan Safran Foer, „Extremely Loud and Incredibly Close“ (Boston: Houghton Mifflin Harcourt, 2005).

⁶³⁷ Doc. S/PV.5261 (2005), Minutes of the Security Council.

(some of them by pointing that they themselves had been victim to terrorism in the past).⁶³⁸ All but lost would be the yester discourse of state terrorism. Rarely would national liberation movements be mentioned. Root causes would not represent now a discourse of resistance – they have been depoliticized and discussed universally in the context of universal condemnation of terrorism, but more importantly, in the context of eradication of poverty and development (see below).⁶³⁹ Even if „the establishment of international relations based on sovereign equality, multilateralism and justice“ would continue to be occasionally stressed,⁶⁴⁰ gone is the project of transforming the international order based on imperialism and capitalist exploitation. (Utopian statements emphasizing the importance of defending and extending „a vision of human dignity, opportunity and prosperity – a vision far stronger than the dark appeal of resentment and murder,“ articulated by the United States, could of course be seen as constituting a discourse of root causes *sui generis*.“⁶⁴¹)

Definitions: The Forgotten Origin

In view of the vast amount of statements enunciated by States on terrorism, an inquiry should be made into ways it was defined by individual States, i.e. into statements about its nature other than legal (*quasi*)definitions mentioned above. There would seem to be considerable variety in this respect. Some statements would be rather *essentialist*, even if not necessarily saying too much about the nature of terrorism: „Despite the fact that terrorism is multifaceted, its nature is one and the same, and at its roots lie a doctrinaire egoism which has been raised by its followers to the highest level of evil, intolerance and cruelty.“⁶⁴² In other, often quoted words, „what looks, smells and kills like terrorism is terrorism.“⁶⁴³ Others would betray epistemological scepticism, likening

⁶³⁸ Among those who asserted this most forcefully were Russia, Turkey, Yugoslavia, Afghanistan, but also Libya or Cuba. In the case of latter two, it would be „state terrorism“ that they were subjected to (see below, marginal discourses). It is noteworthy that Afghanistan (represented by Northern Alliance at this time) would claim to be threatened by a „reign of terror bred by Pakistan“ (Doc. A/56/PV.20/2001, Minutes of the General Assembly).

⁶³⁹ Even States that frequently articulated marginal statements would speak of terrorism as a „perverted response to injustice and exclusion.“ Doc. A/56/PV.15 (2001), statement by Iran.

⁶⁴⁰ Doc. A/59/37 (2004), Report of the *Ad Hoc* Committee.

⁶⁴¹ Doc. A/60/PV.2 (2005), Minutes of the General Assembly, statement by the United States.

⁶⁴² Doc. A/59/PV.12 (2004), Minutes of General Assembly, statement by Turkmenistan.

⁶⁴³ Doc. A/56/PV.12 (2001), Minutes of General Assembly, statement by the United Kingdom. It is worth noting that Sir Jeremy Greenstock would in his eloquent speech offer a more detailed view of the nature of terrorism: „Terrorism is terrorism. It uses violence to kill and damage *indiscriminately* to make a political or cultural point and to influence *legitimate* Governments or

terrorism to *terra incognita*, the heart of which we do not know, but even they would not doubt the „terrorist“ nature of its external manifestations.⁶⁴⁴ Yet others would point to (or regret)⁶⁴⁵ absence of precise definition of terrorism, but would not hesitate to condemn it morally: „We could debate how to define it, but *we all understand* [emphasis added] that no cause, however legitimate, justifies the use of indiscriminate violence against innocent civilians in order to coerce societies and governments.“⁶⁴⁶

What all those statements that in one way or another attempt to capture the essence of terrorism show, however, is how normalized the concept has become and to what extent the original accidentality has been forgotten, and how terrorism in *all its forms and manifestations* has been reified. The common ground for the wide variety of events (*positivités*) associated with terrorism seems to be the *indiscriminate* character of terrorist violence which is aimed at *innocent civilians*, specifically including women and children, who are „massacred and maimed.“⁶⁴⁷ Transgressing the established (civilized) limits of violence is once again a dominant theme; so are, by now normalized, references to *innocence* of victims and their *civilian* status. Arguably not a very firm ground, it is used to sustain the construction of global terrorism:

In a cynical mockery of international cooperation, terrorist groups, even those from entirely different parts of the world with entirely different agendas, had begun to work together to train operatives, trade expertise in death and cooperate in the perpetration of atrocities. Their only common bond was a willingness to murder the innocent in pursuit of their goals.⁶⁴⁸

State Terrorism and National Liberation Movements: No More Challenge

State terrorism would indeed be mentioned in the debate, but not in any way reminiscent to the 1970s discursive series, where it represented a discourse of resistance, a *prima causa* of revolutionary violence generally or, under the second logic of exception, (nonstate) terrorism

public opinion *unfairly* or *amorally* [emphasis added].“ This is „terrorism pure and simple... the use of violence without honour, discrimination or regard for human decency.“ Ibid.

⁶⁴⁴ Doc. A/59/PV.12 (2004), Minutes of General Assembly, statement by Kazakhstan.

⁶⁴⁵ Cf. Doc. A/60/PV.99 (2005), Minutes of General Assembly, statements by Syria, Sudan and India.

⁶⁴⁶ Doc. A/62/PV.112 (2007), Minutes of General Assembly, statement by Guatemala.

⁶⁴⁷ Cf. Docs. A/RES/56/160 (2001), A/RES/58/174 (2003), A/RES/59/195 (2004); S/RES/1566 (2004); or A/56/PV.12 (2001), Minutes of General Assembly, statements by Norway, the United Kingdom and Belarus; A/56/PV.13 (2001), statements by Morocco and Liechtenstein; A/56/PV.14 (2001), statements by Guatemala and Sudan.

⁶⁴⁸ Doc. A/C.6/64/SR.4 (2009), Minutes of the Sixth Committee, statement by Israel.

specifically. Instead it seems to have a residual character, it is always placed in the context of universal condemnation of terrorism (of which state terrorism may be the „most heinous form“), and the almost only Terrorist Subject mentioned is Israel.⁶⁴⁹ While exceptions could be found,⁶⁵⁰ in general it would seem much less dehumanizing and emphatic in nature than the discourse in the 1970s, and limited to activities of armed forces of a State (Israel), rather than extending to systemic patterns of repression and exploitation. State terrorism – which, to reiterate, was the only form of terrorism specifically condemned in res. 3034 (1972) – would not be mentioned in any UNGA resolution including *Global Counter-Terrorism Strategy*. Nor would a reference be pressed into the draft comprehensive convention discussed in *Ad Hoc* Committee and the Sixth Committee’s Working Group, despite the fact that some States strove to have „state terrorism against innocent civilians“ specifically included in both.⁶⁵¹ Interestingly, as in the 1970s, there would exist a small counterdiscourse including statements to the end that the current debate about international terrorism had, and indeed ought to have the individual, rather than the State in focus, while activities by a State that those in favour of including it call „terrorism“ were covered elsewhere (e.g. in the UN Charter, international humanitarian law or the law of responsibility of States for internationally wrongful acts) and expanding the boundaries of the debate would not be „realistic“ and it would impede progress in codification of international law with regard to terrorism.⁶⁵²

Statements about national liberation movements, both in the debate after the 9/11 and later, would be governed solely by the *first logic of exception*. Terrorism was to be universally condemned, but it had to be differentiated from national liberation movements’ activities. To that end, a standard definition of terrorism (e.g. in comprehensive convention, or agreed at a special diplomatic conference) has been called for by some States to prevent „wilful confusing terrorism with struggle

⁶⁴⁹ In its turn, Israel would later call Iran „the world’s most pernicious sponsor and practitioner of terrorism.“ Doc. A/64/PV.5 (2009).

⁶⁵⁰ Cf. the already encountered pattern of binary opposition of „Zionist entity“ and „Palestinian people“ (Doc. A/56/PV.10/2001, Minutes of General Assembly) or a later reference to Israel’s „brutal image of terrorism and evil“ (Doc. A/60/PV.99/2005, Minutes of General Assembly statement by Syria).

⁶⁵¹ Cf. Doc. A/60/PV.99 (2005), statements by Syria, Iran and Libya; A/62/37 (2007) and A/65/37 (2009) Reports of the *Ad Hoc* Committee. In the latter case, the issue of terrorism by armed forces of a State, subject to art. 18, also relates indirectly to this matter (see above).

⁶⁵² Cf. Docs. A/C.6/63/SR.14 (2008), A/C.6/64/SR.14 (2009), Minutes of the Sixth Committee, or A/65/37 (2010), Report of the *Ad Hoc* Committee.

for national liberation and independence.“ For Lebanon, the difference was clear: „National liberation is a right and an honour; terrorism is a crime and cowardice.“⁶⁵³ But once more, this could most accurately be seen as a residual discourse rather than an indication of a separate order of discourse – while rights of peoples have been added to art. 18 of the draft convention,⁶⁵⁴ an attempt to amend it by a special preambular paragraph reasserting the right of peoples to self-determination did not succeed,⁶⁵⁵ and neither has this once standard trope governed by the *first logic of exception* been featured in any UNGA resolutions.⁶⁵⁶

Statements about state terrorism and national liberation movements cannot be simply confined to the field of marginal discourses. They do testify to an imperfect enclosure of the discourse and its residual political character. Yet at the same time, their character and magnitude prevent seeing them as constituting an independent order of discourse constituted in opposition to the dominant one. No order of discourse is total. But it can indeed be claimed that the rules of discourse to which is now turned attention do govern articulation of vast majority of statements across the former *Großräume*.

Discourse of Alarm: No Limits, Perverse Progress and Disease

A familiar common discourse was the *discourse of alarm*. The 9/11 events were a vile, heinous (perhaps the most frequent adjective used in collocation with *terrorist acts*) and „worst terrorist assault in the history of the world.“ They were a „terrible evil which shocked the conscience of the entire world“ and burnt horrifying images into the global memory that would, from now on, serve as a „constant reminder to all of the need to stamp out this scourge.“⁶⁵⁷ (*Scourge* seems to have found its the way back to the discourse, having temporarily absented in the 1970s discursive series.)

⁶⁵³ Doc. A/59/PV.5 (2004), Minutes of the General Assembly.

⁶⁵⁴ Cf. Doc. A/C.6/60/L.6 (2005), Report of the Working Group of the Sixth Committee.

⁶⁵⁵ Doc. A/C.6/60/L.6 (2005), Report of the Working Group of the Sixth Committee.

⁶⁵⁶ Indirectly, it can be traced in A/RES/60/288 (2005), Global Counter-Terrorism Strategy which, unlike other resolutions including those issued in the series Measures to Eliminate International Terrorism, refers to res. 46/51 (1991) that contains a self-determination clause.

⁶⁵⁷ Doc. A/56/PV.1 (2001), A/56/PV.12 (2001), Minutes of the General Assembly; S/PV.4370 (2001), Minutes of the Security Council.

As would by now be expected in the discourse of alarm, the present terrorism has been identified as a new and entirely unprecedented threat. The new global terrorism is the „greatest of new dangers“⁶⁵⁸ because it knows no limits: familiar *spatial limits* (terrorism knows no boundaries,⁶⁵⁹ has no nationality,⁶⁶⁰ is an elusive evil⁶⁶¹ spreading to all corners of the world against which no country, including great powers, is safe or immune⁶⁶²), but also less familiar *moral limits*⁶⁶³ (terrorism is brutal, unconstrained in its readiness to inflict mass casualties⁶⁶⁴). Even when it is conceded that terrorism is not a new threat, its „scale and brutality“ are said to „have altered our lives and our thinking and forced us to take new measures to protect ourselves“⁶⁶⁵ (significantly, it is terrorism as the original cause rather than *counter-terrorism* as a result of a choice that has altered our lives in this statement). In short, terrorism is featured as existential threat to individuals, nations and human civilization as a whole.⁶⁶⁶

Part and parcel of the construct of terrorism characterized by an unprecedented lethality is the threat that Terrorists *might* use weapons of mass destruction. Some statements would speak of the threat / risk or terrorists or „irresponsible dictators“⁶⁶⁷ acquiring weapons of mass destruction⁶⁶⁸ that would „allow them to kill on a scale equal to their hatred“⁶⁶⁹ (conveniently linking rogue states with international terrorism). In a number of others, „growing evidence of possible linkages between

⁶⁵⁸ Doc. A/56/PV.7 (2001), Minutes of General Assembly, statement by Russia.

⁶⁵⁹ Doc. A/56/PV.9 (2001), Minutes of General Assembly, statement by Bhutan; A/56/PV.12 (2001), Minutes of General Assembly, statement by Ukraine; A/56/PV.18 (2001), Minutes of General Assembly, statement by the United Kingdom; A/56/PV.14 (2001), Minutes of General Assembly, statement by Pakistan; A/56/PV.14 (2001), Minutes of General Assembly, statement by Yemen; A/56/PV.15 (2001), Minutes of General Assembly, statement by Oman; A/56/PV.4 (2001), Minutes of General Assembly, statement by Russia.

⁶⁶⁰ Doc. A/56/PV.18 (2001), Minutes of General Assembly, statement by Tanzania.

⁶⁶¹ Doc. A/56/PV.12 (2001), Minutes of General Assembly, statement by Burkina Faso.

⁶⁶² Doc. A/56/PV.12 (2001), Minutes of General Assembly, statement by Algeria; A/56/PV.20 (2001), statement by Myanmar; A/56/PV.21 (2001), statement by Nauru; A/C.6/64/SR.9 (2009), Minutes of the Sixth Committee, statement by Trinidad and Tobago; S/PV.4370 (2001), Minutes of Security Council, statement by Mauritius; A/56/PV.17, Minutes of General Assembly, statement by Nicaragua.

⁶⁶³ Doc. A/C.3/56/SR.18, Minutes of the Third Committee, statement by Russia.

⁶⁶⁴ Doc. A/58/PV.12 (2003), statement by Poland.

⁶⁶⁵ Doc. A/56/PV.10 (2001), Minutes of General Assembly, statement by Norway; cf. also A/62/PV.20 (2007), Minutes of General Assembly, statement by Maldives; A/56/PV.13 (2001), Minutes of General Assembly, statement by Ecuador.

⁶⁶⁶ Cf. Doc. A/60/PV.25 (2005), Minutes of General Assembly, statement by Turkey.

⁶⁶⁷ Doc. S/PV.5261 (2005), Minutes of Security Council, statement by Denmark.

⁶⁶⁸ Doc. A/56/PV.12 (2001), Minutes of General Assembly, statement by Belgium (on behalf of EU), A/56/PV.15 (2001), Minutes of General Assembly, statement by Bhutan; A/C.1/57/PV.3 (2002), Minutes of the First Committee, statements by Singapore and Mozambique; cf. also First Committee's resolutions on measures to prevent terrorists from acquiring weapons of mass destruction, recognizing the „growing risk that terrorists may seek to acquire weapons of mass destruction and means of their delivery“ and specific resolutions on radiological terrorism (A/RES/60/73/2005) and acquisition of radioactive materials (A/RES/62/46/2007); and Security Council's res. 1456/2003 noting „serious and growing danger of terrorist access to and use of nuclear, chemical, biological and other potentially deadly materials.“

⁶⁶⁹ Doc. A/60/PV.2 (2005), Minutes of General Assembly, statement by the United States.

terrorism and weapons of mass destruction⁶⁷⁰ is cited (whatever *evidence* of the *possible* means). Yet others, most notably *International Convention for the Suppression of Acts of Nuclear Terrorism*,⁶⁷¹ would seem to construct nuclear terrorism not as a possibility (based on the common wisdom that Terrorists do seek to acquire weapons of mass destruction) but, despite its hypothetical character, as a *fact*.

This discourse should be seen as a part of a more broad *discourse of progress* encountered in both previous discursive series. In this discourse the Terrorist is rendered as benefiting from the modernity and globalization (resulting in a fast and seemingly uncontrollable movement of persons, ideas, and importantly capital). But since he uses the reaped fruit of progress to vile purpose of actually *impeding* the progress, he poses at the same time as a paradigmatic antagonist to the Modern Man (see below, basic discourses). As in the past, his is a dialectic of (instrumental) modernity and countermodernity (of purpose). And once more, globalization serves as an important permitting cause for the rise of (new and unprecedented) international terrorism.⁶⁷²

The lack of „immunity“ of any country from terrorism points to a yet another familiar discourse that can be subsumed under the *discourse of alarm* and which has an important implications for the subjectification of the Terrorist – the *discourse of disease*. Similarly to the 1970s, the most common characterizations of terrorism in this discourse besides simple reference to disease or ill⁶⁷³ have been on one hand (metastasized) *cancer* or *plague*,⁶⁷⁴ stressing the element of contagion and uncontrollable spread; and on the other *madness*,⁶⁷⁵ pointing to sheer irrationality of

⁶⁷⁰ Cf. Doc. A/C.1/57/PV.16 (2002), Minutes of the First Committee; A/C.6/64/SR.2 (2009), Minutes of the Sixth Committee, statement by Uzbekistan.

⁶⁷¹ Doc. A/RES/59/290 (2004); cf. also A/C.1/57/PV.3 (2002), statement by South Korea on the need to „combat nuclear terrorism.“

⁶⁷² Cf. Doc. A/56/PV.9 (2001), Minutes of General Assembly, statement by Brasil; A/56/PV.7 (2001), statement by Russia; A/56/PV.12 (2001), statements by Algeria and Croatia; A/56/PV.18 (2001), statement by Namibia; A/C.6/56/SR.26 (2001), Minutes of the Sixth Committee; A/62/PV.120 (2007), Minutes of General Assembly, statement by Thailand; S/RES/1456 (2003).

⁶⁷³ Cf. Doc. A/56/PV.12 (2001), Minutes of General Assembly, statement by Belarus; A/59/PV.10 (2004), Minutes of General Assembly, statement by Iraq; A/63/PV.42 (2008), Minutes of General Assembly, statement by Afghanistan.

⁶⁷⁴ Cf. Doc. A/56/PV.12 (2001), Minutes of General Assembly, statement by the United States; A/56/PV.18 (2001), statement by Tanzania; S/PV.6128 (2009), Minutes of Security Council, statement by the United States.

⁶⁷⁵ Cf. Doc. A/56/PV.8 (2001), Minutes of General Assembly, statement by Uruguay; A/56/PV.9 (2001), statement by the Netherlands; S/PV.4370 (2001), Minutes of Security Council, statement by Ukraine.

terrorist activity. In turn, the 9/11 events showed „extreme vulnerability“⁶⁷⁶ of the international body, and wounded „our collective psyche.“⁶⁷⁷

Discourse of Action I: Total and Universal

Logically, as in the previous discursive series, the *discourse of alarm* has been coupled with the *discourse of action*. Faced with a new terrible threat, what is to be done? The first notable characteristic of this discourse is *totality*, conditioned on the absolute enmity towards the Terrorist. The aim of any such action is to free ourselves *forever* from, or simply to *eradicate*, the (accursed) scourge of terrorism.⁶⁷⁸ It is to be achieved by building of the broadest possible coalition against terrorism. The new unprecedented threat requires an unanimous and harmonious response by the international community in its totality. Furthermore, as in the 1930s, Terrorists must be prevented to undermine its (discursively constructed) unity.⁶⁷⁹ Such universal response includes denying Terrorists safe havens or lending support to the terrorist network in any way.⁶⁸⁰ While a number of States would indeed blame each other of sponsoring international terrorism, it does not, as has been argued before, need the link to the regular to thrive. In other words, refraining from support of terrorism does no longer, as in the 1930s, suffice to eradicate international terrorism, since it „has become essentially stateless and nebulous in nature...“⁶⁸¹

Through the universal action, it is necessary also to eliminate „conditions conducive to the spread of terrorism.“ These include poverty, injustice, unresolved conflicts, economic marginalization, lack of good governance and rule of law or widespread violations of human rights

⁶⁷⁶ Doc. A/56/PV.3 (2001), Minutes of General Assembly, statement by France.

⁶⁷⁷ Doc. A/56/PV.18 (2001), Minutes of General Assembly, statement by Ghana.

⁶⁷⁸ Doc. A/56/PV.12 (2001), Minutes of General Assembly, statement by Nicaragua; A/56/PV.15 (2001), statement by Cyprus; A/64/PV.64 (2009), Minutes of General Assembly, statement by Burkina Faso.

⁶⁷⁹ Doc. A/56/PV.12 (2001), Minutes of General Assembly; A/56/PV.13 (2001).

⁶⁸⁰ Cf. Doc. S/RES/1373 (2001) and other Security Council's Resolutions; or UNGA resolutions in the series Measures to Eliminate International Terrorism. The duty of States to „refrain from financing, encouraging, providing training for or otherwise supporting terrorist activities,“ articulated in this particular form in A/RES/2625 (1970), would also be mentioned in A/RES/60/288 (2005), and even declared customary by International Court of Justice in *Armed Activities on the Territory of Congo* (2005). Cf. also A/RES/56/1 (2001).

⁶⁸¹ Doc. A/59/PV.5 (2004), Minutes of General Assembly, statement by Djibouti.

(but not those entailed by *counter-terrorism*).⁶⁸² While this may seem as an eerie resemblance to the earlier discourse of action conditioned on the discourse of root causes, several differences must be noted. As in the discourse of root causes discussed above, this discourse of action related to structural issues is depoliticized insofar as it is used by everyone (notably including First World States)⁶⁸³ and it is not a discourse of resistance. Rather, it is linked to development as a universal value (e.g. by frequent references to *Millenium Development Declaration*),⁶⁸⁴ as much as human rights, rule of law and elimination of conflict, and as such, it could more properly be framed as a hegemonic discourse of normalization of the international order rather than a revolutionary discourse of transformation in conflict with the dominant patterns of imperialism and capitalist exploitation, as was the case in the 1970s.

Discourse of Action II: Terrorism and Counter-terrorism as War

Exceptional threat calls for exceptional action. Indeed, statements about a war without rules and a return to the state of nature, implicitly declaring a state of exception, have not been articulated in the United Nations. Moreover, several important statements have been made about the need not to resign rule of (international) law in counter-terrorism.⁶⁸⁵ But the possibility of exceptional action has been sustained by one particular discourse, the discourse of *terrorism as war*.

To reiterate, the discursive difference between the Terrorist and Soldier, however not too significant in subjectification of the Terrorist, was observed already in the 1930s discursive series. In the 1970s, Terrorist was separated from Soldier in First World's discursive order based on his *a priori* transgression of the norms of limited (civilized) warfare. Yet in this series, he could at the same time be subjectified also as having a crucial role in a new kind of warfare about to be upon the world.

⁶⁸² Cf. Doc. A/RES/60/288 (2005); A/56/PV.12 (2001), Minutes of General Assembly, statements by Belgium (on behalf of EU), Algeria and Norway; A/56/PV.13 (2001), statements by Costa Rica, Tunisia and Mongolia; A/57/PV.4 (2002), Minutes of General Assembly, statement by Italy; cf. also UNGA resolutions series on Measures to Eliminate International Terrorism.

⁶⁸³ In the 1970s discursive series, statements related to the eradication of root causes would only sporadically be formulated by some Nordic countries.

⁶⁸⁴ Doc. A/RES/55/2 (2000).

⁶⁸⁵ Cf. Doc. A/56/PV.12 (2001), Minutes of General Assembly, statement by Belgium (on behalf of EU). Haiti would cite Benjamin Franklin to the same effect: „They that can give up essential liberty to obtain a little temporary safety deserve neither liberty nor safety.“ Doc. A/56/PV.19 (2001). See also below, basic discourses.

In the present series, this discourse seems to be transformed into a general rule for enunciating statements about terrorism that make it possible to legitimize militarized (and thus exceptional) responses. The 9/11 have been rendered as „acts of war“⁶⁸⁶; and terrorism as such as „all out war declared against all of humankind,“⁶⁸⁷ „the principal method of warfare used by disaffected groups seeking to achieve their political ends and to blackmail national governments,“⁶⁸⁸ „violence transformed into a method of war against innocent people,“⁶⁸⁹ or as the ever uglier face of war „involving civilians on a large scale.“⁶⁹⁰ The response by the international community to terrorism has in consequence also been characterized as *war*⁶⁹¹ – and that even as in various statements it is suggested to be waged on different fronts, including political, legal and economic.⁶⁹² Moreover, war has also served as an organizing metaphor for a series of other statements related to responses in which it would not be mentioned specifically, but which would abound in terms such as *battle*, *combat*, *fight*, or *front*.

The discourse of *terrorism as war* would serve, above all, to normalize violent response such as the invasion of Afghanistan. (The related legitimizing statement by the United States is illustrative both in terms of the countermodernity and excess discussed above, as Afghanistan is identified as a space whose conquest and political transformation would undermine Al-Qaeda as a deterritorialized global terrorist network, and at the same time, the United States reserved the right to decide on „further actions with respect to other organizations and other States“ should this action prove unsatisfactory to meet the purpose.⁶⁹³) Yet it would also *militarize* other responses, endowing the concerted action against terrorism with unparalleled sense of urgency. Indeed, if a step is taken outside the discourse of terrorism among States as defined in the research design, the hegemonical

⁶⁸⁶ Doc. A/56/PV.12 (2001), Minutes of General Assembly, statement by the United States.

⁶⁸⁷ Doc. A/56/PV.12 (2001), Minutes of General Assembly, statement by Algeria.

⁶⁸⁸ Doc. A/59/PV.5 (2004), Minutes of General Assembly, statement by Latvia.

⁶⁸⁹ Doc. A/56/PV.13 (2001), Minutes of General Assembly, statement by Chile.

⁶⁹⁰ Doc. A/56/PV.9 (2001), Minutes of General Assembly, statement by Slovakia.

⁶⁹¹ Doc. A/56/PV.12 (2001), Minutes of General Assembly, statements by the United States and Nicaragua; A/56/PV.19 (2001), statement by Israel; A/56/PV.20 (2001), statement by Nepal.

⁶⁹² Cf. Doc. A/56/PV.12 (2001), Minutes of General Assembly, statements by Norway and Egypt; A/56/PV.13 (2001), statement by Costa Rica.

⁶⁹³ Doc. S/2001/946, a letter by the United States to the President of the Security Council, Oct. 7. It is worth noting here that the current Obama's administration, while purging the vocabulary from „war on terror“ (see above), continues to see the United States engaged in a war against Al-Qaeda. Barack Obama, a speech on January 7, 2010.

unity even within the politically and geographically defined former First World seems to disappear after the first few weeks following the 9/11.⁶⁹⁴ However, if it is indeed granted that for much of Europe, counter-terrorism and war were not to be associated in the strict sense, the unity has arguably been preserved at the deeper metaphorical level, i.e. in conceptualizing action against terrorism in terms of *combat, battle, or front*.

Marginal Discourses: Against the Hegemony

The marginal discourses are those discourses composed of statements which articulated at the margins or outside the dominant discursive order. It is no surprise that their authors are *pariahs* of the international order – States such as Cuba, Zimbabwe or Belarus (who however in their other statements could and indeed would follow the rules of dominant discourse).⁶⁹⁵ Even their cursory review is useful since it may contribute to identifying the boundaries of the dominant order. Moreover, their eccentricity occasionally seems to make them keener observers of the processes under way than those immersed in the hegemonical discourse.

Therefore, for instance, Cuba would state in the General Assembly in the first general debate after September 11, 2001 that „many seem not to have realized... that the end of independence was decreed for every other State without exception“ by the United States. Havana opposed the war, which would only lead to a cycle of vengeance, lead to the death of incalculable number of innocent people and have „unpredictable effects on a global scale.“ And it warned that a solution to the problem of violence at hand must not entail legislation that makes it possible to disrespect international laws and boundaries. This would mean the end of collective security mechanisms and eventually, countries of the South would become „victims of actions of force if today we accepted war on the pretext of the struggle against terrorism.“⁶⁹⁶ Later, it would claim that „the so-called war on terrorism and the alleged promotion of freedoms serve as pretexts for aggression, military

⁶⁹⁴ I owe this point to one of the thesis' reviewers, Oldřich Bureš.

⁶⁹⁵ To take just one example, Cuba would repeat in its statements tropes such as „rejection of all acts, methods and practices of terrorism in all its forms and manifestations, by whomsoever and against whomsoever committed.“ Cf. Doc. A/60/PV.99 (2005), Minutes of General Assembly.

⁶⁹⁶ Doc. A/56/PV.13 (2001), Minutes of General Assembly, statement by Cuba.

occupation, torture, arbitrary detention... and the imposition of political, economic and social models that facilitate imperial domination."⁶⁹⁷

Equatorial Guinea would go even further, pointing to „covert terrorism carried out under the pretext of defending and protecting democracy and human rights.“ It also emphasized the problems of ambiguity and contradiction in the global war on terror which combated terrorism in some places and encouraged it in others.⁶⁹⁸ Similarly, Belarus criticized „terrorizing of civilians and the trampling of human rights in the name of the war on terror that were being witnessed in many regions“⁶⁹⁹ and identified as the (sole) root cause of terrorism the unipolar world order which „makes progress unattainable.“⁷⁰⁰ For Zimbabwe, the fight against international terrorism at least „exposed the duplicity and insincerity of erstwhile leading democracies and human rights monitors with regard to the question of the observance of human rights.“⁷⁰¹

Basic Discourses

The analytical concept of basic discourse serves to cast from the discursive material the mask of the Terrorist Subject. As in the previous chapters, this Subject emerges in juxtaposition to several complementary Selves. Some of them will by now have been rather familiar: *order / chaos*, *civilization / barbarism*. The discourse of *humanity / inhumanity* penetrating them in the previous discursive series can now be considered as more or less discrete. Finally, a new distinct moralist discourse of *good / evil* has been identified.

Through those discourses, terrorism is rendered a *common* enemy of all peoples, societies, and of peace and justice;⁷⁰² a total enemy to our collective Self constituted by reference to *order*, *civilization*, *humanity* and *good*. This universal collective Self too, needless to say, is discursively

⁶⁹⁷ Doc. A/62/PV.18 (2007), Minutes of General Assembly, statement by Cuba.

⁶⁹⁸ Doc. A/57/PV.3 (2002), Minutes of General Assembly, statement by Equatorial Guinea.

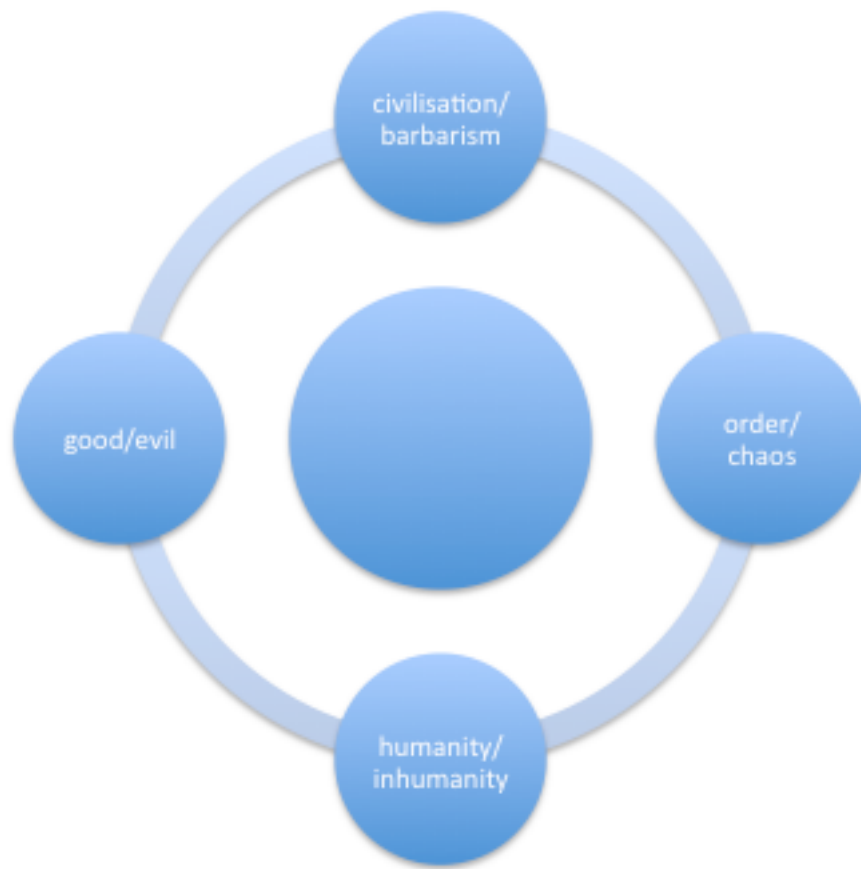
⁶⁹⁹ Doc. A/C.6/64/SR.5 (2009), Minutes of the Sixth Committee, statement by Belarus.

⁷⁰⁰ Doc. A/61/PV.24 (2006), Minutes of General Assembly, statement by Belarus.

⁷⁰¹ Doc. A/59/PV.5 (2004), Minutes of General Assembly, statement by Zimbabwe.

⁷⁰² Cf. Docs. A/56/PV.13 (2001), Minutes of General Assembly, statements by Tunisia and Argentine; S/PV.4370 (2001), Minutes of Security Council, Statement by Ireland.

constructed. „The evil of terrorism has caused us to rally together.“⁷⁰³ „In this new millenium, it is clear to all *responsible nations* [emphasis added] that one issue above all unites us as we seek to promote lasting peace, security and prosperity: the common war on terrorism.“⁷⁰⁴ Alternatively, it can be prescribed: We have all been attacked, and unless we unite, we perish, for the enemy, the anonymous traitor of humanity, can strike anywhere: „We do not know where to find [the enemy], but we know that he is among us. We do not know what it is that he seeks, but we know that he is ready to strike at any moment.“⁷⁰⁵ After all, as Bhutan’s government would recall, in words of a great English poet, „no man is an island.“⁷⁰⁶



⁷⁰³ Doc. A/58/PV.12 (2003), Minutes of General Assembly, statement by Armenia.

⁷⁰⁴ Doc. A/59/PV.4 (2004), Minutes of General Assembly, statement by Georgia.

⁷⁰⁵ Doc. A/56/PV.15 (2001), Minutes of General Assembly, statement by Uruguay.

⁷⁰⁶ Doc. A/56/PV.15 (2001), Minutes of General Assembly; cf. John Donne, *Meditation XVII*.

Before inquiring into the particular basic discourses, it is useful to make a comment on the dominant *morphology* of terrorism in States' discourse. The dominant morphological terrorist identity in this series has been, as in the U.S. government's discourse in the 1980s, that of terrorist *network*.⁷⁰⁷ This network is despatialized (it transcends and negates national boundaries, as terrorism has done since the 1930s). Furthermore, it is composed of (radical) cells that, in a possible extension of the medical discourse of action discussed above, need to be „surgically removed“⁷⁰⁸ or at least rooted out⁷⁰⁹ lest in their „thirst for blood, death and destruction“⁷¹⁰ they spread and consume the State body politic. The name of this network is Al-Qaeda. It is emancipated from the regular in the sense that it does not require a State for its function (while it may indeed be receiving voluntary assistance by the rogue States). What it does require, on the other hand, is money. Therefore, as important as „decapitating the tapeworm“ in the mountains of Afghanistan, finances for the terrorist network must be cut (which is stressed in a vast number of UNGA and Security Council's resolutions) since without money this monster will presumably die of thirst. An important source of terrorist financing, even possibly conceived as „lifeblood of terrorism“⁷¹¹, has been organized crime – an entrepreneurship in drug, arms and human traffic, incidentally also rendered as a transnational network challenging State sovereignties.⁷¹² The association of terrorism and organized crime, or even their very identification has been, needless to say, a useful way of depoliticizing the Terrorist. It has focused not on the means he uses (as discussed extensively above), but on the ends: he who once may have had a political aim turns into an organized criminal. Marginally, terrorism would also be

⁷⁰⁷ Cf. Docs. A/56/PV.12 (2001), Minutes of General Assembly, statements by the United States and Algeria; A/56/PV.8 (2001), statement by Brazil; A/56/PV.14 (2001), statements by Iceland and Yugoslavia; A/56/PV.20 (2001), statement by Laos; A/57/PV.3 (2002), Minutes of General Assembly, statement by Equatorial Guinea; S/PV.5261 (2005), Minutes of Security Council, statement by the United States.

⁷⁰⁸ Doc. A/56/PV.13 (2001), Minutes of General Assembly, statement by Singapore.

⁷⁰⁹ Doc. A/60/PV.2 (2005), Minutes of General Assembly, statement by the United States.

⁷¹⁰ Doc. A/56/PV.13 (2001), Minutes of General Assembly, statement by Ecuador.

⁷¹¹ Doc. A/57/PV.3 (2002), Minutes of General Assembly, statement by Yugoslavia.

⁷¹² Cf. Docs. A/56/PV.4 (2001), Minutes of General Assembly, statement by Russia; A/56/PV.12 (2001), statements by Algeria, Norway and Ukraine; A/56/PV.13 (2001), statements by Mongolia, Netherlands and Nigeria; A/56/PV.14 (2001), statements by Guatemala, Yugoslavia and Madagascar (the last referring to „recent studies“ on the issue); A/56/PV.20 (2001), statement by Azerbaijan; see also S/RES/1373 (2001), A/C.6/64/SR.2 (2009), Minutes of the Sixth Committee or S/PRST/2010/4, Statement by the President of the Security Council.

metaphorized as an *octopus* whose „destructive tentacles“ would reach to all societies,⁷¹³ a metaphor incidentally employed also in statements about organized crime.⁷¹⁴

Order and Chaos

„Terrorism is a movement. It has an ideology and its has a strategy, and the strategy is not just to kill. It is, by terror, to cause chaos and instability and to divide and confuse us, its enemy.“⁷¹⁵ Besides imposing an imagined unity upon the Terrorist Subject (*movement*), the statement introduces the basic discourse of *order and chaos*. The discourse is rather familiar from the previous series, therefore it may awarded only a cursory treatment here. Terrorists are out not *just* to kill: „the underlying reason for terrorism is to create chaos, to disrupt the global system of peace and security.“⁷¹⁶ It threatens peace and stability,⁷¹⁷ undermines foundations of human society,⁷¹⁸ disrupts its „normality“,⁷¹⁹ and strikes universal values of international order and society,⁷²⁰ thus imperiling friendly relations among peoples.⁷²¹ Genealogically related to the paradigmatic *anti-governance* discussed in the third chapter, terrorism thus constructed wants at once (paradoxically) „to rule the world“⁷²² and to „make the world ungovernable. If groups of killers are allowed to threaten innocent masses, the world, if it survives at all, will turn into a „hopeless battleground“ without neither order nor security.⁷²³ Whether it does survive or not amounts in the final instance to the same thing. Terrorism is an act against the order that guarantees survival of the multitude of mankind on the Earth.

⁷¹³ Cf. Docs. A/56/PV.9 (2001), Minutes of General Assembly, statement by Pakistan; A/56/PV.15 (2001), statement by Bhutan; A/56/PV.18 (2001), statement by Senegal.

⁷¹⁴ Whereas the metaphor of terrorism as the hydra, the beast who had a prominent status as a representation of Atlantic piracy characterized by resistance to the evolution of capitalism, epitomized in Hercules' works (cf. Linebaugh and Rediker 2000), seems to appear in the popular discourse, and e.g. a NYPD special counter-terrorist police force is called „Hercules Teams“, it has not been observed in the discourse of terrorism among States inquired into here.

⁷¹⁵ Doc. S/PV.5261 (2005), Minutes of Security Council, statement by the United Kingdom.

⁷¹⁶ Doc. A/59/PV.12 (2004), Minutes of General Assembly, statement by Ukraine.

⁷¹⁷ Docs. A/56/PV.13 (2001), Minutes of General Assembly, statement by Russia; A/56/PV.19 (2001), Statement by North Korea; A/56/PV.20 (2001), statements by Nepal and Laos; A/C.6/57/SR.8 (2002), Minutes of the Sixth Committee, statement by China; A/62/PV.120 (2007), Minutes of General Assembly, statement by Sri Lanka.

⁷¹⁸ Doc. A/56/PV.15 (2001), Minutes of General Assembly, statement by Bulgaria.

⁷¹⁹ Doc. A/56/PV.5 (2001), Minutes of General Assembly, statement by Bhutan.

⁷²⁰ Doc. A/56/PV.13 (2001), Minutes of General Assembly, statement by Ecuador.

⁷²¹ Docs. A/56/PV.14 (2001), Minutes of General Assembly, statement by Venezuela; A/56/PV.15 (2001), statement by Austria.

⁷²² Doc A/56/PV.12 (2001), Minutes of General Assembly, statement by Belarus.

⁷²³ Doc. A/63/PV.7 (2008), Minutes of General Assembly, statement by Israel.

If destroying the order and values of society is the only purpose that the Terrorist is widely attributed, it is arguably as good as none. Therefore under this basic discourse can also be included a developing subdiscourse of *irrationality*, already encountered in a more dispersed form in the 1970s. In statements articulated in this discourse, terrorism is *irrational, mindless, or insane*. It brings about „senseless destruction.“⁷²⁴ In words of a period Hollywood blockbuster, „some men just want to watch the world burn,“ and these men now seem to be, above all, Terrorists.⁷²⁵ Terrorism once again impedes, or at least threatens to check rational development and progress (towards a world of rational relations, free of conflict).⁷²⁶ The international community of States then predictably identifies itself, in contrast, with „reason, law and order.“⁷²⁷

Regarding the discourse of order, it is useful to point out its limits. Faced with the (discursively constructed) unprecedented threat in form of a global transnational network of terrorism, it could be presumed that in order to face it effectively, current modalities of government might be suggested to be altered. This clearly has not been the case. For the States, the *status quo* of sovereign pluralities is to be preserved (while their unity is requisite). This plurality is posed against the universality of terrorism. All the apocalyptic talk notwithstanding and extraordinary measures proposed and realized, a world state continues to mark the boundaries of the possible.”

Civilization and Barbarism

Another familiar basic discourse that constructs the idealized and united Self against the demonized and united Terrorist is the discourse of *civilization and barbarity*. Terrorism attacks and

⁷²⁴ Cf. Docs. A/56/PV.2 (2001), Minutes of General Assembly, statement by Peru; A/56/PV.13 (2001), statement by Cuba; A/56/PV.14 (2001), statement by Madagascar; A/63/PV.5 (2008), Minutes of General Assembly, statement by Liberia.

⁷²⁵ The allusion is to *The Dark Knight* (2008). The main antagonist of the film, the Joker, „can't be bought, bullied, reasoned or negotiated with,“ who is „not looking for anything logical, like money.“ In the opinion of a prominent Gotham's mobster, he has „no rules.“ The analogy with the common image of the Terrorist calls for a separate inquiry, as much as does the treatment of issues such as state of exception or surveillance in this Christopher Nolan's popular movie.

⁷²⁶ Cf. Docs. A/56/PV.15 (2001), Minutes of General Assembly, statement by Bhutan; A/56/PV.17 (2001), statement by Guinea; A/56/PV.20 (2001), statement by Albania; A/59/PV.10 (2004), Minutes of General Assembly, statement by Norway; A/61/PV.10 (2006), Minutes of General Assembly, statement by Finland (on behalf of EU); S/PV.5261 (2005), Minutes of Security Council, statement by the United Kingdom (referring to Palestine); S/RES/1377 (2001), S/RES/1566 (2004) or S/RES/1624 (2005).

⁷²⁷ Doc. A/56/PV.13, Minutes of General Assembly, statements by Costa Rica and Morocco.

undermines fundamentals / universals of civilization,⁷²⁸ it is an affront to it⁷²⁹ and threatens its unity and survival.⁷³⁰ It is barbaric,⁷³¹ and its barbarity rests, above all, in that it transgresses the fundamental norms (of constrained, and thus civilized) violence.⁷³² It is „blind and savage,“⁷³³ with blindness possibly forming a natural link to irrationality while at the same time referring to the indiscriminate character of terrorist violence⁷³⁴ and intolerance.⁷³⁵

As in the 1930s, the Terrorist as a Subject is a projection derived from the chaos brought about by the absence of a *nomos* of the Earth. The difference from this discursive series is, however, the *excess* of this basic discourse, which sees the very survival of civilization at stake. Another important difference is that this discourse of civilization seems to play a conflict prevention role in the sense that the Terrorist must not be allowed, as he apparently wishes to, to launch a „clash of civilizations“. To prevent this, the construct of one united civilization (*Us*) is posed against the total enemy of the barbaric Terrorist. Terrorism must not be related to any particular culture. Instead, the flag of civilization need be raised,⁷³⁶ and the „civilized world“ must stand united, even if retaining the „civilized plurality of the global city“⁷³⁷, against the new Barbarians. Those new Barbarians do not suddenly appear in great hosts *ante portas*, arrived from unknown lands in the East (for Orientalism in the field of terrorist knowledge see below, however). Instead, they wander around with ticking bombs attached to their bodies, „small bands of criminals [who] seek to undermine civilization itself.“⁷³⁸

⁷²⁸ Docs. A/63/PV.7 (2008), Minutes of General Assembly, statement by Sri Lanka; A/56/PV.1 (2001), Minutes of General Assembly, statement by Czech Republic; A/56/PV.14 (2001), statement by Ireland.

⁷²⁹ Doc. S/PV.5261 (2005), Minutes of Security Council, statement by Argentine.

⁷³⁰ Doc. A/63/PV.7 (2008), Minutes of General Assembly, statement by Paraguay; A/56/PV.15 (2001), Minutes of General Assembly, statement by Bhutan; A/56/PV.13 (2001), statement by Costa Rica.

⁷³¹ Docs. A/56/PV.12 (2001), Minutes of General Assembly, statements by the United States, Belgium (on behalf of EU), Ukraine and Belarus; A/56/PV.13 (2001), statements by Mongolia, Ecuador and Bangladesh; A/56/PV.14 (2001), statements by Yemen and Ireland; A/56/PV.4 (2001), statement by Russia; A/56/PV.10 (2001) statements by Germany and Indonesia; A/56/PV.15 (2001), Iran and Mauritania; A/56/PV.17 (2001), statement by Syria; A/56/PV.20 (2001), statement by Myanmar.

⁷³² In a statement articulated beyond the pale of the United Nations' discourse, the U.S. government would claim the Terrorist adheres to „animal values“ and lives „on the hunted margins of mankind“ (quoted in Jackson 2006, 174).

⁷³³ Doc. A/56/PV.10 (2001), Minutes of General Assembly, statement by Germany;

⁷³⁴ Cf. Doc. A/59/PV.12 (2004), Minutes of General Assembly, statement by Guinea or A/63/PV.9 (2008), Minutes of General Assembly, statement by Iraq.

⁷³⁵ Doc. A/56/PV.14 (2001), Minutes of General Assembly, statement by Yemen.

⁷³⁶ Doc. A/56/PV.7 (2001), Minutes of General Assembly, statement by Costa Rica.

⁷³⁷ Doc. A/56/PV.13 (2001), Minutes of General Assembly, statement by Chile.

⁷³⁸ Doc. A/56/PV.12 (2001), Minutes of General Assembly, statement by the President of General Assembly (South Korea).

A particular series of statements that can be subsumed under the discourse of civilization and barbarity associates the Civilized Self with *light* and the Barbaric Terrorist with *darkness*. The light comes with civilization and *enlightened* progress. The Terrorist, on the other hand, is possessed by some power that is „a dark antithesis of the light we all want to see at the dawn of the new millenium.“⁷³⁹ The Terrorist Subject succumbs to the *dark* forces of terrorism,⁷⁴⁰ is allured by the *dark* appeal of resentment and murder,⁷⁴¹ and consequently falls into *dark* depths of criminal degradation.⁷⁴² He also represents the *dark* side of modernity⁷⁴³ because, as in the previous discursive series, his is a perverse blend of intellectual resistance to the inevitable progress on one hand, and the use of the state-of-the-art technology on the other.

After the absolute victory of what has been construed as a conflict between democracy and freedom on one hand, and totalitarianism and servitude on the other, civilizational values are now hegemonically identified with the former: democracy and freedom. Because of terrorism, these values of „open and free society“⁷⁴⁴ now come under attack once more.⁷⁴⁵ The Terrorist is the enemy of freedom,⁷⁴⁶ and knows „no greater enemy and no greater force than the one embodied in a free society.“⁷⁴⁷ Predictably, in attempting to destroy the idealized state of political freedom and liberty that supposedly obtains around the world (with the exception of the *pariah* states), the Terrorist adheres to „*primitive* [emphasis added] and totalitarian ideology of politics.“⁷⁴⁸ But „democracy and freedom will prevail against all evil.“⁷⁴⁹

Humanity and Inhumanity

⁷³⁹ Doc. A/56/PV.12 (2001), Minutes of General Assembly, statement by the United States.

⁷⁴⁰ Doc. A/57/PV.3 (2002), Minutes of General Assembly, statement by Micronesia.

⁷⁴¹ Doc. A/60/PV.2 (2005), Minutes of General Assembly, statement by the United States.

⁷⁴² Doc. A/56/PV.15 (2001), Minutes of General Assembly, statement by Paraguay.

⁷⁴³ Doc. A/57/PV.3 (2002), Minutes of General Assembly, statement by France.

⁷⁴⁴ Doc. A/56/PV.15 (2001), Minutes of General Assembly, statement by Germany.

⁷⁴⁵ Doc. A/56/PV.13 (2001), Minutes of General Assembly, statement by Nigeria; A/56/PV.11 (2001), statement by Israel; A/56/PV.18 (2001), statements by Portugal and Ghana; A/56/PV.20 (2001), statement by Albania; S/PV.4370 (2001), Minutes of Security Council, statement by Mauritius.

⁷⁴⁶ Doc. A/63/PV.9 (2008), Minutes of General Assembly, statement by Iraq.

⁷⁴⁷ Doc. A/59/PV.4 (2004), Minutes of General Assembly, statement by Georgia.

⁷⁴⁸ Doc. A/56/PV.13 (2001), Minutes of General Assembly, statement by Chile; cf. also S/PV.5261 (2005), Minutes of Security Council, statement by the United States.

⁷⁴⁹ Doc. S/PV.4370 (2001), Minutes of Security Council, statement by Norway.

Replaying themes familiar from previous discursive series, in the basic discourse of humanity and inhumanity the Terrorist is rendered a *hostis humani generis*, operating „outside the pale of any human values.“⁷⁵⁰ Because of this externalized mode of being, that is, because of his essential inhumanity⁷⁵¹ (which can make his life *worthless*),⁷⁵² he poses a threat to all humanity (once again constructed as unitary),⁷⁵³ shocks its conscience,⁷⁵⁴ commits a crime against it⁷⁵⁵ and undermines not only state, but also *human* security.⁷⁵⁶ A difference from the 1970s discursive series that should not passed unnoticed, however, is that the subjectification of Terrorist as an enemy of mankind no more relies on his identification with (air) pirate.⁷⁵⁷ This is significant insofar as it shows that the effective disappearance of what once was called air piracy has had no bearing on the thriving of the concept of terrorism, which found or emphasized new links to the material events and appropriated them.

Good and Evil

Finally, an unprecedented number of statements would refer to terrorism in moral categories of good and evil. „The face of terrorism is one bloodied by its evil intention.“⁷⁵⁸ It is „a universal evil with tentacles in all societies,“⁷⁵⁹ a globalized evil,⁷⁶⁰ an evil that must be eradicated. Employment of such moral categories could have a defensive role – terrorism is a universal evil, and

⁷⁵⁰ Doc. A/56/PV.13 (2001), Minutes of General Assembly, statement by Chile; cf. also a statement by Bangladesh, *ibid.*; or A/56/PV.16 (2001), statement by Mauritius.

⁷⁵¹ Docs. A/56/PV.13 (2001), Minutes of General Assembly, statement by Tunisia; A/56/PV.15 (2001), statement by Austria.

⁷⁵² Doc. A/56/PV.21 (2001), Minutes of General Assembly, statement by Guinea-Bissau.

⁷⁵³ Cf. Docs. A/56/PV.12 (2001), Minutes of General Assembly, statements by the United States, Belgium (on behalf of EU), Algeria, Norway and Croatia; A/56/PV.13 (2001), statement by Russia; A/56/PV.14 (2001), statement by Pakistan; A/56/PV.7 (2001), statement by Croatia; A/56/PV.16 (2001), statement by Jamaica; A/56/PV.17 (2001), statement by Ethiopia; A/56/PV.18 (2001), statement by Slovakia; cf. also all UNGA First Committee's resolutions; S/RES/1377 (2001); S/PV.4370 (2001), Minutes of Security Council, statement by Russia; S/PV.5261 (2005), statement by Romania; or A/C.6/56/SR.8 (2001), Minutes of the Sixth Committee, statement by China.

⁷⁵⁴ Doc. A/56/PV.13 (2001), Minutes of General Assembly, statement by Costa Rica.

⁷⁵⁵ Cf. Docs. A/56/PV.13 (2001), Minutes of General Assembly, statement by Mexico; A/56/PV.16 (2001), statement by Sweden; A/56/PV.22 (2001), statement by Greece.

⁷⁵⁶ Docs. A/58/PV.12 (2003), Minutes of General Assembly, statement by Bali; A/59/PV.12 (2004), Minutes of General Assembly, statement by Thailand.

⁷⁵⁷ Thorup (2009) traces the roots of present-day discourse about terrorism to the earlier discourses of piracy, but his evidence is limited to a few statements articulated by U.S. government (notably the *National Security Strategy*, 2002) and journalists, and on the concept of *enemy of all mankind*, which does indeed originate there, but which has arguably become normalized as associated with terrorism, whereas the original source has been forgotten in the discourse among States.

⁷⁵⁸ Doc. A/56/PV.18 (2001), Minutes of General Assembly, statement by Ghana.

⁷⁵⁹ Doc. A/56/PV.9 (2001), Minutes of General Assembly, statement by Pakistan.

⁷⁶⁰ Doc. A/56/PV.13 (2001), Minutes of General Assembly, statement by Chile.

therefore it is not to be identified with any particular civilization or religion.⁷⁶¹ But it would also be related to the religious rhetoric of exceptionalism and milleniarism infused into the discourse by the hegemonious power: „Together we can confront and defeat the evil of terrorism. Together we can secure the Almighty’s gift of liberty and justice to millions who have not known it. Together we can build a world that is freer, safer and better fort he generations who follow.“⁷⁶² For those constrained by the modality of government that is the modern secular State, which resolved the ancient conflict of fear of God and fear of Government in favour of the latter, terrorism would be evil in that it undermined the order and civilization. It would also be evil because in its fundamentalism and fanaticism it attempted, in their understanding, to forcefully reinstate the fear of God as the supreme instrument of power and religion as a determinant of international relations, from where it had been expelled following the Peace of Westphalia – at least according to the popular myth (cf. Osiander 2001).⁷⁶³ In the United States’s discourse (cf. Jackson 2005), on the other hand, the war on terror was until recently constructed in religious terms (even as a *crusade*), rendering the Terrorist an archetypical *evildoer* against which an Augustinian unrestrained just war could be waged with the sole purpose of eliminating him. The sense of apocalyptic urgency was present in a vast number of statements by almost all States, but only in the hegemonic power’s discourse the conflict with the Terrorist is a conflict for a Utopian vision, the universal Kingdom Come established from the virtuous New Jerusalem (and extending the „untamed fire of freedom“ to the „darkest corners of the Earth.“)⁷⁶⁴

Links to Other Discourses of Power

⁷⁶¹ Doc. A/56/PV.12 (2001), Minutes of General Assembly, statement by Algeria.

⁷⁶² Doc. A/63/PV.5 (2008), Minutes of General Assembly, statement by the United States.

⁷⁶³ It was around this time that Hobbes’s Republican theory of liberty, as Skinner (2008) calls it, would be formulated as a polemical intervention in the ideological conflict of the time, with the intention to partly privatize, partly subordinate religion to the fear of the Mortall God, the secular Leviathan, and thus to resolve the civil conflict as well. „Such Crimes and Sufferings I Will not impute unto the Deity,“ as he would explain in his verse autobiography (Hobbes 1680). It may be noted that Zawahiri considers a constitution as „the creation of other gods“ and thus heretic (Kepel and Milleli 2008, 191).

⁷⁶⁴ George W. Bush, Second Inaugural Address, Jan. 20, 2005. Needless to say, this interpretation draws on the analysis of Puritan myth and its importance for constituting American identity (cf. Bercovitch 1975, Delbanco 1989). Reference to the *Weltanschauung* of the first European settlers in New England can hardly account in itself for the recent excess of hegemony, for *isolationism* of the city on the hill from the accursed world outside was as at least as strong a principle in the Puritan thought. That it is to some extent conditioned by it, on the other hand, is beyond dispute.

In the 1930s, the general framework under which the discourse of terrorism could be subsumed was that of *progressive codification of international law* as a new mode of international government generally and management of international violence specifically. While the theme would still resonate in the discourse in the 1960s, later it receded. This has been the case also of the discourse of intervention. The process of gradual extinguishing occurred later, in the 1990s. It took place in parallel to the emancipation of terrorism on the State. Terrorism no longer requires the link to the regular. It is metaphorized as a transnational network and it does not serve primarily as an instrument of State policy, while indeed Terrorists and Dictators can indeed strike mutually beneficial alliances. Therefore, the main and interdiscursive relationships have been with the discourse of human rights as another crucial element of the *dispositif* of current global politics, and with the discourse of international humanitarian law, introduced in the last chapter as a parallel conservative attempt to control the total colonial war that was upon the world. Other notable interdiscursive links have been with the discourse of development and organized crime.

Another Piece in the Dispositif: The Discourse of Human Rights

Statements linking human rights and terrorism can be related to the internal conditions captured in the basic discourses of civilization and humanity. The Terrorist negates human rights as a progressive civilizational value since he violates the right to life, the most fundamental human right, and *hence* also all all others.⁷⁶⁵ Violation of human rights brings about exclusion from the human community. The negative relationship between (nonstate) terrorism and human rights which could be observed already in the 1970s (when it was stressed that terrorism negated „fundamental rights and freedoms“⁷⁶⁶), but which evolved properly only with the end of the Cold War (cf. Koufa

⁷⁶⁵ Cf. Docs. A/RES/56/160 (2001) and other resolutions passed in the series Human Rights and Terrorism; A/RES/60/288 (2005); S/RES/1566 (2004), S/RES/1624 (2005); A/C.3/56/SR.12 (2001), Minutes of the Third Committee; A/C.3/56/SR.53 (2001); A/C.3/56/SR.12 (2001), statement by Iran; A/56/PV.8 (2001), Minutes of General Assembly, statement by Peru; A/56/PV.13 (2001), statements by Nigeria and Turkey; A/56/PV.19 (2001), statement by Eritrea.

⁷⁶⁶ Doc. A/RES/3034 (1972), A/RES/31/102 (1976), A/RES/32/147 (1977), A/RES/34/145 (1979). In the Third World's discursive order, human rights were even used to justify terrorism (under the *second logic of exception*), while First World States attempted to prevent the debate on state terrorism by redefining it in terms of human rights breaches and thus confining it to other discourses (cf. last chapter).

2006), has made it possible to define subversive terrorism as a breach of peremptory norms of international law (Dupuy 2004, 15). Thus it has served to legitimize severe measures to combat it. Some of these statements have been linked to the discourse of action more directly through their call to spread human rights and their universal observance as a means to eliminate terrorism (the salience of this concept connection would, no doubt, emerge clearly in the liberal interventionist and neoconservative narratives of world politics in the United States). In theory, normalization of the order of freedom would make it impossible for terrorism to thrive.

This legitimizing discourse cannot be analyzed separately, however, from the general discourse of human rights which has gained robustness in the 1990s. Inasmuch as this development can be conditioned on the need of hegemonic power to justify „humanitarian interventions“, the discourse of human rights serves as an important component in the *dispositif* of current global politics alongside, and with numerous linkages to, the discourse of terrorism. As Russia’s use of the term „humanitarian“ in narratives related to its „near abroad“ suggests, the associated discursive practices are not limited, despite the overt criticism by others, to the exercise of the U.S. power and its allies only.

At the same time, statements about human rights form also an alternative discourse of resistance to the hegemony, or at least, in the particular discourse of terrorism, of the excesses of *counter-terrorism*. From the very beginning of the 2000s discursive series, the risk of human rights violations in some (unidentified) countries has been pointed out.⁷⁶⁷ Later, it was expounded in a series of resolutions prepared by the Third Committee and titled „Protection of Human Rights and Fundamental Freedoms while Countering Terrorism“, which eventually succeeded the original „Human Rights and Terrorism“ series. Those resolutions would indeed condemn all acts, methods and practices of terrorism, and reiterate „the important contribution of measures taken at all levels against terrorism... to the functioning of democratic institutions and the maintenance of peace and security and thereby to the full enjoyment of human rights, as well as the need to continue this fight.“

⁷⁶⁷ Cf. Docs. A/C.3/56/SR.32 (2001) and A/C.3/56/SR.41 (2001), Minutes of the Third Committee.

Thus they would reify the fundamental role of the State as a guarantor of human rights. Yet at the same time, they would deplore the occurrence of violations of human rights and fundamental freedoms in the context of the fight against terrorism.⁷⁶⁸ Resolutions of Commission of Human Rights / Human Rights Council on protection of human rights while countering terrorism would have a similar tenor. In a number of other statements – including in the UNGA series Measures to Eliminate International Terrorism, but only starting with res. 59/46 (2004) – it would at least stressed that measures to combat terrorism must be in accordance with international law, and international human rights law in particular.⁷⁶⁹ While these statements indeed seem to betray resistance to the excess of the global war on terror, some caution is nonetheless at place. The discourse has been enunciated by *States* themselves (both from the North and the South). A number of them, if not all, have moreover passed strict measures against terrorism in their domestic realms, or have participated in the global war on terror in its international dimension.

Terrorism and the Geneva Laws: Lost in Translation

It was argued in the last chapter that in the 1970s, borrowing of the concept of the *civilian* from international humanitarian law, i.e. extracting it from the field of armed conflict, had an implicit effect of conceiving of (counter)terrorism as war. Now, the war has been officially declared. As discussed in the first section, it has been a peculiar war, however – a war without laws, a total war, which more than a *continuation of politics by other means* has resembled a social pest control, one in which the enemy, the Terrorist, whoever he actually may happen and whatever his real cause, political ambitions and habitat (North Caucasus, Afghanistan, Xīnjiāng), is awarded no recognition and is exposed to the bare power of the State. It has been a war in which established rules of

⁷⁶⁸ They could also be rather particular in this deploration. Res. 62/159 (2007) would therefore point out „detention of persons suspected of acts of terrorism in the absence of a legal basis for detention and due process guarantees, the deprivation of liberty that amounts to placing a detained person outside the protection of the law, the trial of suspects without fundamental judicial guarantees, the illegal deprivation of liberty and transfer of individuals suspected of terrorist activities, and the return of suspects to countries without individual assessment of the risk of there being substantial grounds for believing that they would be in danger of subjection to torture, and limitations to effective scrutiny of counter-terrorism measures...”

⁷⁶⁹ Docs. A/RES/59/46 (2004), A/RES/60/43 (2005), A/RES/61/40 (2006), A/RES/62/71 (2007), A/RES/63/129 (2008), A/RES/64/118 (1009); A/RES/60/1 (2005), A/RES/60/288 (2005), A/RES/62/272 (2007); S/PRST/2006/56 or S/PRST/2007/1, Statements by the President of the Security Council; A/59/37 (2004), A/62/37 (2007) or A/65/37 (2010), Reports of the *Ad Hoc* Committee.

international order, presumably (and in practice without doubt) including the Geneva laws are declared suspended in a state of global emergency.

Like the discourse of human rights, but less forcefully, international humanitarian law has been counterposed to the excesses of counter-terrorism. More often, however, the reification of terrorism as war by reference to *civilians* as its victims would be sustained, together with an occasional *a fortiori* argument which too was encountered in the 1970s: "Deliberate and indiscriminate attacks against civilian populations... can only be considered even more serious crimes in times of peace."⁷⁷⁰ A need would moreover arise in the *Ad Hoc* Committee to delimit the boundaries of the scope of the comprehensive convention and international humanitarian law while "filling all existing legal gaps *vis-à-vis* the action of armed forces of a State"⁷⁷¹ and determining whether activities of national liberation movements would be included or excluded. This has been, as noted above, no easy task. It has been complicated, at least formally, by different interpretations of international humanitarian law's concepts such as "armed forces" and "parties". Some countries have been worried that the former carried a restrictive meaning insofar as it implied an organized element and thus related exclusively to the State (i.e. only State forces are excluded from the scope of the Convention). Others have pointed that substitution for the latter in the relevant exclusionary clause would *en bloc* legitimize all activities of those parties involved in armed conflict. The concerns may be seen as artificial as both terms seem to have an established meaning in the discourse of international humanitarian law (and the very field of international humanitarian law seems to situate the understanding of "parties" within the context of situations related to combat). What is more important in this analysis, however, is the intense interdiscursive relationship as such, manifested in the conflict of interpretation in the discourse of terrorism over terms established in international humanitarian law.

Depoliticizing Links: Discourses of Organized Crime and Development

⁷⁷⁰ Doc. A/56/PV.13 (2001), Minutes of General Assembly, statement by Argentine.

⁷⁷¹ Doc. A/C.6/61/SR.21 (2006), Minutes of the Sixth Committee. Cf. reservations of applicability to the realm of international humanitarian law in the convention on terrorist bombings (A/RES/52/164), financing of terrorism (A/RES/54/109) and particularly nuclear terrorism (A/RES/59/290).

The other interdiscursive links that should be mentioned are to discourses of development and organized crime. Each has had a role in *depoliticising* either the Terrorist Subject, or the discourse of terrorism as a whole. The latter has been conditioned on the concept of the nexus between terrorism and organized crime, the two transnational *networks* threatening the established order of *States*, discussed above, which has emerged in the discourse in the 1990s.⁷⁷² The former seems to have emerged as a depoliticized succession of the discourse of root causes of terrorism such as global poverty and inequality in the 1970s. In the new hegemonical discourse, the statements have not been enunciated only by the autonomizing Third World. Development as a promise of the future, rather than redistribution in the present as a suppressed alternative, has been said to constitute the means of prevention of conflict and terrorism. Such belief that seems to be conditioned on the premise that there is no place for terrorism in the “developed” world – in other words, one normalized into the neoliberal patterns of economic relations. However, despite its depolitization, it needs to be stressed, this new discourse of root causes at least implicitly attributes to the Terrorist *some* cause other than the desire “to watch the Rome burn,” though his action is constituted as framed by externally conditioned patterns of deprivation which are imputed not to past and present exploitation, but rather “unequal development”. Thus they are amenable by modification of essentially material and depoliticized conditions, particularly the closest possible integration of the “underdeveloped” areas in the global economy and internal (neo)liberal reform.

Power-Knowledge Nexus

Not only the governments, but also the media and the public have recently been showing a remarkable thirst for the knowledge about terrorism. Since it has been constructed as an unprecedented threat to all order, humanity and civilization, essential and potentially omnipresent evil without cause threatening *our way of life*, it should not come as a surprise. It is the aim of this final section to provide a general overview of the institutional framework, rules and practices of

⁷⁷² References would involve e.g. UN Convention against Transnational Organized Crime, Doc. A/RES/55/25 (2000).

formation of the terrorism as an object and the Terrorist as a Subject, as well as theoretical concepts and overall discursive strategies in the field of terrorism knowledge. It needs be cursory in nature, even more than the analogous of knowledge about terrorism in the 1970s attempted in the last chapter. But several broad statements can be safely made about this field concerning its general characteristics, and several important nexi between the discourse of power and knowledge can be established.

At the most general level the field can be characterized as growing into vast proportions, transgressing disciplining boundaries of any academic *epistémé*. The journalists and pundits can now provide as authoritative source of knowledge about terrorism as terrorism scholars. Nonetheless, much of the knowledge continues to reproduce truth claims provided by governments, and by reproducing such claims, the expert continues to reify the government's policy. The field is characterized (needless to say, there are exceptions) by an „inability to think about violence coherently“ (Aronson 2005, 307). It features narrow and hence distorted visions of either *status quo* ideology, and marginally also a revolutionary discourse that in its excess of criticism of the power and apology for the other side forgets about the latter's atrocities. In that sense, what is observed is a continuation of the Camus / Sartre duality, only with the Camus's side reaching a hegemonic position in the discourse of knowledge.

Terrorism and Law: Between Apology and Critique of Counter-Terrorism

In the last chapter it was asserted that international law was primarily focused with technical aspects of counter-terrorism in the 1970s. No longer is this the case after the 9/11. The global state of emergency associated with the war on terror and manifested in the suspension of some established rules of international order related to limits on international violence, but also of the protective medium of law between violence exercised by the incumbent power and individual persons and their bodies seems to have shaken international and human rights law. It is plausible to assume that some of the reactions to this new state of affairs have been constitutive of the discourse of power. This includes in particular the apologetic discourses of the state of emergency. They often

have been articulated by the critics of modern positive legalism and/or government counsels⁷⁷³ and often based on a distorted concepts of natural law and *state of nature* which supposedly has been enacted by the Terrorists. Needless to say, to claim with scientific authority that the state of nature now obtains in the international order, in other words, that international law is „shattering“ because of terrorism⁷⁷⁴ has been to reify the construct of global chaos and to legitimize extreme and violent responses to actions of others (for overview of both those discourses see Ward 2009, 10ff.).

Law has been no gentle civilizer. But it has not been a pure apologist either. From various quarters, the state of affairs has been criticized.⁷⁷⁵ It would also be pointed out that terrorism was a „term without legal significance... a convenient way of alluding to activities... widely disapproved of.“⁷⁷⁶ However, while the legal discourse seems therefore far from irrelevant in discussing the nexi between discursive practices of power and knowledge, particularly insofar as its *apologetic* or *constativist* streams are concerned, it seems to focus more on *counter-terrorism* than terrorism itself. In what follows, I therefore focus only on those practices of knowledge that relate to the latter. Specifically, attention is paid to American (and partly British) academia, a methodological choice justified by the assumed privileged access to the structures of power, both in terms of locus and language. The general review attempted below, it also has to be added, does not aspire to be a genealogy in its own right. Therefore it does not primarily trace continuities and discontinuities with the previous discursive series, but rather focuses on the nexi with the contemporary discourse of power (such as the concept of *new terrorism*).

The Field's Inflation...

⁷⁷³ Cf. John Yoo, „International Law and the War in Iraq,“ *American Journal of International Law*, vol. 97, no. 3 (2003): 563-576.

⁷⁷⁴ Antonio Cassese, „Terrorism is also Disrupting some Crucial Legal Categories of International Law,“ *European Journal of International Law*, vol. 12, no. 5 (2001): 993-1001.

⁷⁷⁵ Cf. Ian Ward, *Law, Text, Terror* (Cambridge: Cambridge University Press, 2009); Marja Lehto, „Terrorism in International Law: An Empty Box or Pandora's Box?“ in Jarna Petman and Jan Klabbers, eds, *Nordic Cosmopolitanism: Essays in International Law for Martti Koskenniemi* (Leiden: Brill Academic Publishers, 2003); Dominic McGoldrick, *From „9-11“ to the „Iraq War 2003“* (Oxford: Hart, 2003); Theodor Menon, „Is International Law moving towards Criminalization?“ *European Journal of International Law*, vol. 9, no. 1 (1998): 18-31.

⁷⁷⁶ Rosalyn Higgins, „The General International Law of Terrorism,“ in Rosalyn Higgins and Maurice Flory, eds., *Terrorism and International Law* (London: Routledge, 2003) 28.

The science of terrorism in the 1970s was characterized in the last chapter as produced by a relatively small community of scholars, without a strict *epistémé* yet sharing, at least to some extent, discursive strategies, concepts etc. This scientific community has now been inflated into vast proportions, manifested in material expansion in terms of dedicated academic departments, academic courses offered, books and research articles published or Ph.D. dissertations defended (cf. Ranstorp 2009; Silke 2009; Silke 2004; and charts in the last chapter). At the same time, in answer to the exponential rise of demand for terrorism truth claims, the field for producing authoritative statements about terrorism has outgrown these narrow institutional limits. In the circumstances when privileged access to governmental information translates into a competitive advantage, think tanks, often employing former government experts and thus institutionally binding the field even more with the structures of power (cf. Ranstorp 2009; Herman and O’Sullivan 1990) have sprouted like dandelions as a *sui generis* locus for producing authoritative claims about terrorism. In this new institutional framework, trends such as reliance on government sources with no possibility or capacity for their verification and endless repetition of a few claims until their dubious source was forgotten could mature. Quality controls for what constitutes a solid and honest science, while theoretically still in place and certainly adhered to by some, cannot possibly be ensured *en masse*. Tales of „mythomaniac analysts“ such as Alexis Debat, rising to a senior and privileged position in the field (which has made it possible for him to articulate authoritative statements about terrorism) with fake credentials, furthermore testify to the lack of control over the field’s access points and rules for establishing authority (Ranstorp 2009, 26; Burnett and Whyte, 2005).

...and Increased Prospects for Institutionalized Critique

At the same time, the same undisciplinarity has made it easier for a critique of the state of affairs to flourish at the field’s margins. Eventually, a research program of Critical Terrorism Studies was established with the foundation of Centre for the Study of Radicalisation and Contemporary

Political Violence and the launching of the journal *Critical Studies on Terrorism* (2008).⁷⁷⁷ While open to a variety of approaches informed by different metatheoretical assumptions, it can be generally characterized by an interpretative (Poststructuralist or Critical Constructivist) method of critique of the reifications of terrorism within the field and without (including discourses of power, media discourses etc.), and by focusing on the neglected area of State (counter)terrorist violence or the constitutive relationship between terror and the modern State. It has also been critical of the *problem-solving* paradigm of science in the field's mainstream and of the ways its modalities are constitutive of, or at least legitimize, power practices.⁷⁷⁸ Next to the CTS, genealogically related to the Welsh School of security studies, scholars associated with the Paris School, to some extent drawing on Foucault (e.g. through Bigo's use of the concept of *governmentality*),⁷⁷⁹ have also produced a body of critical research of (both discursive and nondiscursive) practices of security, including counter-terrorism, some of which was in fact funded by the European Commission under its 6th Framework Programme (and hence had to conform to the discursive strategic criterion of policy relevance, see below).⁷⁸⁰

The Object Formation: Definition Rituals and the Portrait of the Terrorist as...

⁷⁷⁷ Cf. Lee Jarvis, „The Spaces and Faces of Critical Terrorism Studies,” *Security Dialogue*, vol. 40, no. 1 (2009): 5-27; Richard Jackson, Marie Breen Smyth and Jeroen Gunning, eds., *Critical Terrorism Studies: A New Research Agenda* (London: Routledge, 2009); Jeroen Gunning, „A Case for Critical Terrorism Studies?” *Government and Opposition*, vol. 42, no. 3 (2007): 363-393.

⁷⁷⁸ Cf. Richard Jackson, „Genealogy, Ideology and Counter-Terrorism: Writing Wars on Terrorism from Ronald Reagan to George W. Bush Jr.,” *Studies in Language and Capitalism*, vol. 1, no. 1 (2006): 163-193; Richard Jackson, *Writing the War on Terrorism: Language, Politics and Counter-terrorism* (Manchester: Manchester University Press, 2005); James Der Derian, „9/11 and Its Consequences for the Discipline,” *Zeitschrift für Internationale Beziehungen*, vol. 11, no. 1 (2004): 89-100; James Der Derian, „Imaging Terror: Logos, Pathos and Ethos,” *Third World Quarterly*, Vol. 26, No. 1 (2005): 23-37; Claudia Aradau and Rens van Munster, „Insuring Terrorism, Assuring Subjects, Ensuring Normality: The Politics of Risk after 9/11,” *Alternatives*, vol. 33, no. 2 (2008): 191-210; Barry Hindess, „Terrortory,” *Alternatives*, vol. 31, no. 3 (2006): 243-257; Michael Stohl, „Old Myths, New Fantasies and the Enduring Realities of Terrorism,” *Critical Studies on Terrorism*, vol 1, no. 1 (2008): 5-16; Anthony Burke, „The End of Terrorism Studies,” *Critical Studies on Terrorism*, vol 1, no. 1 (2008): 37-49; Cynthia Weber, „Popular Visual Language as Global Communication: The Remediation of United Airlines Flight 93,” *Review of International Studies*, vol. 34, no. 1 (2008): 137-153; Sandra Silberstein, *War of Words: Language, Politics and 9/11* (London: Routledge, 2002); John Collins and Ross Glover, eds., *Collateral Language: A User's Guide to America's New War* (London: New York University Press, 2002); Richard Devetak, „The Gothic Scene of International Relations: Ghosts, Monsters, Terror and the Sublime after September 11,” *Review of International Studies*, vol. 31, no. 4 (2005): 621-643; Robert Ivie, „Savagery in Democracy's Empire,” *Third World Quarterly*, vol. 26, no. 1 (2005): 55-65; Michael Bhatia, „Fighting Words: Naming Terrorists, Bandits, Rebels and other Violent Actors,” *Third World Quarterly*, vol. 26, no. 1 (2005): 5-22; Alexander Spencer, *The Tabloid Terrorist: The Predicative Construction of New Terrorism in the Media* (London: Palgrave Macmillan, 2010); John Edwards, „After the Fall,” *Discourse and Society*, vol. 15, no. 2 (2004): 155-184; Rainer Hülse and Alexander Spencer, „The Metaphor of Terror: Terrorism Studies and the Constructivist Turn,” *Security Dialogue*, vol. 39, no. 6 (2004): 571-592.

⁷⁷⁹ Didier Bigo, „Security and Immigration: Toward a Critique of the Governmentality of Unease,” *Alternatives*, Vol. 27, no. 1 (2002): 63-92.

⁷⁸⁰ Cf. Didier Bigo et al., *Illiberal Practices of Liberal Regimes: The (In)security Games* (Paris: L'Harmattan, 2006); Didier Bigo, Sergio Carrera and Elspeth Guild, *The Challenge Project: Final Policy Recommendations* (Brussels: CEPS, 2009).

Regarding the standard areas of archaeological inquiry, there seems to be a considerable continuity in the field of terrorism knowledge (cf. Silke 2004; Jackson et al. 2009). The first of those continuities relates to the field's object. It has become a commonplace to start scientific treatises on terrorism by an obligatory statement of the problem of definition of terrorism (Silke 2004). Some have been sceptical towards the enterprise of delimiting terrorism⁷⁸¹ and they do not seem to regret the peculiar situation of navigating the waters of „X Studies“. Others, on the other hand, have seen it as a contingent, rather than inherent problem (Cf. Jarvis 2009, 14) and have not given up their quest (sometimes synthetic in nature⁷⁸²) for scientific progress through eliminating dissent over what actually constitutes the field's object.⁷⁸³ Indeed, it is being pointed out, terrorism is a politically contested term and it is a construct constituted of a number of phenomena.⁷⁸⁴ But neither does this generally seem to be seen a fundamental obstacle to an objective definition, nor does it prevent or invite restraint in enunciation of positive statements about the ever elusive object.

In the science of terrorism, pointing to the problem of definition has therefore become something of a ritual, with no practical consequences for further research. That said, there indeed does seem to be at least *some* commonality among definitions formulated in this academia. An element of publicity / effect on the watching popular audience is still rather recurrent in academic definitions.⁷⁸⁵ Secondly, as in the States' discourse terrorism is often defined by reference to its innocent or civilian / noncombatant victims (linked to the new concept of double targeting /

⁷⁸¹ Cf. Walter Laqueur, *No End to War: Terrorism in the Twenty-First Century* (London: Continuum, 2003) 232.

⁷⁸² Leonard Weinberg, Ami Pedahzur and Sivan Hirsch-Hoefler, „The Challenges of Conceptualizing Terrorism,“ *Terrorism and Political Violence*, vol. 16, no. 4 (2004): 777-794; Alex Schmid and Albert Jongman, *Political Terrorism* (New Brunswick: Transaction Publishers, 2006).

⁷⁸³ Cf. Jessica Stern, *The Ultimate Terrorists* (Cambridge: Harvard University Press, 2001). There are indeed other reasons cited for the need of a definition, including improvement of the practice of counter-terrorism, eliminating abuse of the term or simply achieving better understanding of the current events. For a review of these positions cf. Schmid 2004, for the last position see e.g. C.A.J. Coady, „Defining Terrorism,“ in Igor Primoratz, ed., *Terrorism: The Philosophical Issues* (Basingstoke: Palgrave, 2004); Gerhard Hafner, „The Definition of the Crime of Terrorism,“ in Giuseppe Nesi, ed., *International Cooperation in Counter-Terrorism* (Aldershot: Ashgate, 2006); Ariel Merari, „Terrorism as a Strategy of Insurgency,“ *Terrorism and Political Violence*, vol. 5, no. 4 (1993): 213-251; Louise Richardson, „Terrorists as Transnational Actors,“ *Terrorism and Political Violence*, vol. 11, no. 1 (1999): 209-219.

⁷⁸⁴ Cf. Schmid and Jongman, 2006; Brian Jenkins, *The New Age of Terrorism* (Santa Monica: RAND, 2006).

⁷⁸⁵ Cf. the synthetic definitions of Weinberg, Pedahzur and Hirsch-Hoefler (op.cit.) and of Schmid and Jongman (op.cit.); see also Martha Crenshaw, „Psychology of Terrorism: An Agenda for the 21st Century,“ *Political Psychology*, vol. 21, no. 2 (2000) 406; or Stern, 2001, 11.

victimization).⁷⁸⁶ It is a remarkable testimony of the extent to which these problematic concepts domesticated in the discourse of power have been normalized, rather than challenged, in terrorism science. On the other hand, in the field beyond the pale of academia no need for the definition ritual has arisen. Instead, attention is focused on the particular aspects of new terrorism, such as its increased lethality and elusiveness because of the network structure, madness / fanaticism of the Terrorist or the possibility that he would use weapons of mass destruction (see below).

Due to the continuing interest of governments in the archetypal and reified Terrorist profile, the Terrorist Mind has remained an object of much interest in the field of terrorism knowledge (cf. Silke 1998; Crenshaw 2000).⁷⁸⁷ The basic duality of the Terrorist as a *rational person* (e.g. driven by a strategic logic to compel liberal democracies to territorial concessions)⁷⁸⁸ and *madman* has been preserved from the 1970s. Individual psychology would continue to be used as a basis for individual causation explanations of terrorist behavior⁷⁸⁹ (including e.g. the idea that the Terrorist's narcissist ego produces sociopathic behavior).⁷⁹⁰ But radicalization would become the dominant concept used in such explanations (Jackson 2009, 72), incorporating an element of structural conditioning which has enabled a fusion with explanations based on the understanding of terrorism as primarily a group activity, i.e. including individual and collective stages in evolution of the Terrorist Mind, to the constitution of which political and social environments also may contribute.⁷⁹¹ However, in the field

⁷⁸⁶ Cf. Igor Primoratz, „What is Terrorism?“ *Journal of Applied Philosophy*, vol. 7, no. 2 (1990) 131; Stern, 2001; Bruce Hoffman, *Inside Terrorism* (New York: Columbia University Press, 2006); Ronald Crelinsten, quoted in Schmid and Jongman (2006, 23).

⁷⁸⁷ It is noteworthy that some authors would engage in the profiling practice merely to show the futility of such enterprise, i.e. to show that there are no shared characteristics that could constitute a general Terrorist profile. Cf. Marc Sageman, *Understanding Terror Networks* (Philadelphia: University of Pennsylvania Press, 2004); Ehud Sprinzak, „Rational Fanatics,“ *Foreign Policy*, no. 120 (2000): 66-73.

⁷⁸⁸ Robert Pape, „The Strategic Logic of Suicide Terrorism,“ *American Political Science Review*, vol. 97, no. 3 (2003): 343-361. Pape renders terrorism as strategy an extreme case of Schelling's rationality of irrationality concept. Cf. Thomas Schelling, *Arms and Influence* (New Haven: Yale University Press, 1966). For some other contemporary examples of rationalist views on terrorism see Lawrence Freedman, „Terrorism as a Strategy,“ *Government and Opposition*, vol. 42, no. 3 (2007): 314-339; Brian Jenkins, „The Organization Men: Anatomy of a Terrorist Attack,“ in James Hoge and Gideon Rose, eds., *How Did This Happen? Terrorism and the New War* (New York: Public Affairs, 2001); Martha Crenshaw, „The Logic of Terrorism: Terrorist Behavior as a Product of Choice,“ *Terrorism and Counter Terrorism*, vol. 2, no. 1 (1998): 54-64.

⁷⁸⁹ Cf. John Horgan, *Psychology of Terrorism* (London: Routledge, 2005); Max Taylor and John Horgan, „The Psychological and Behavioural Bases of Islamic Fundamentalism,“ *Terrorism and Political Violence*, vol. 13, no. 4 (2001): 37-71; Max Taylor and John Horgan, „A Conceptual Framework for Addressing Psychological Process in the Development of the Terrorist,“ *Terrorism and Political Violence*, vol. 18, no. 1 (2006): 1-17.

⁷⁹⁰ M.J. Post, „The Mind of the Terrorist: Individual and Group Psychology of Terrorist Behavior,“ a testimony for Subcommittee on Emerging Threats and Capabilities, Senate Armed Services Committee (November 2001); cf. also Richard Pearlstein, *The Mind of the Political Terrorist* (Wilmington: Scholarly Resources, 1991).

⁷⁹¹ Cf. Donatella della Porta, *Social Movements, Political Violence, and the State* (Cambridge: Cambridge University Press, 1995); Donatella della Porta, ed., *Social Movements and Violence: Participation in Underground Organizations* (Greenwich, CT: Jai

more broadly conceived the paradigm of the Terrorist as madman, so salient in the discourse of power, would not disappear, finding a forceful new expression within the concept of new terrorism in which the Terrorist Subject would be rendered as a religious fanatic (see below).

Grids of Specifications: False Duality Continued

The typologies (grids of specification) encountered in the science of terrorism have continued to include the duality of subversive and repressive terrorism. So has continued, however, the general lack of interest in state terrorism as compared to nonstate terrorism (Jackson 2009) conditioned on the pro-state bias of terrorism science. More generally, the multitude of typologies that variously focus on *actors; victims; causes* (political, including ideological, religious, nationalist or single issue terrorism; organized criminal or causeless terrorism, perpetrated by madmen); *environments* (domestic, international, transnational or global with unclear boundaries among these categories); *means*; or *purposes* (such as building of morale / group cohesiveness, advertisement of cause, undermining order, elimination of forces, provocation of countermeasures)⁷⁹² has been telling of the multitude of disparate phenomena that could be, as in the discourse of power, stuffed into the terrorism box.

Theoretical Concepts: New Terrorism and Old Orientalism

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

Press); Jeffrey Ian Ross, „The Psychological Causes of Oppositional Political Terrorism: Toward an Integration of Findings,“ *International Journal of Group Tensions*, vol. 24, no. 2 (1994): 157-185; Jeffrey Ian Ross, „A Model of the Psychological Causes of Oppositional Political Terrorism,“ *Peace and Conflict: Journal of Peace Psychology*, vol. 2, no. 2 (1996): 129-141; cf. also Reich, op.cit.

⁷⁹² For an overview of those typologies cf. Schmid and Jongman (2006, 39-59).

producing own statements. Most extremely this has been the case of „terrorism experts“ who have made a living of reproducing truth claims released to them by governments.

But the continuing absence of a normal science of terrorism has not meant that the field has been devoid of concepts. The concept of *terrorism as theater* has continued to thrive, particularly among those scholars inclined to rational interpretations of terrorism and not succumbing to the idea that Terrorists want a lot of people dead (however even some of those have paradoxically not been prevented by their axiomatic assumptions from producing statements about the apocalyptic threat of terrorism employing weapons of mass destruction). Yet the most salient concept in the field today, genealogically related to the concept of terrorism as a new mode of warfare, which it has extended to the extreme, has been that of *new terrorism*.⁷⁹³ It is also most interesting insofar as it sustains the construct of global terrorism with unprecedented lethality and capacity to undermine *our way of life*, and by extension legitimizes extraordinary (governmental) responses.⁷⁹⁴ Unproblematically incorporating new methods of violence (such as suicide bombings) under the heading of terrorism, or endlessly debating the never realized threat of nuclear terrorism,⁷⁹⁵ the discourse of new terrorism which seems to have evolved around the end of the Cold War could facilitate and sustain the later excess of response to terrorism after the 9/11. It had reified this terrorism as more lethal than any previous form of subversive violence, absolutely indiscriminate, aiming at pure destruction, potentially omnipresent and limitless (and hence uncontrollable under *normal* circumstances), and totalitarian, undermining the basic values of (fictional) world democratic

⁷⁹³ Cf. Bruce Hoffman, „The Contrasting Ethical Foundations of Terrorism in the 1980s,“ *Terrorism and Political Violence*, vol. 1, no. 3 (1989): 361-377; Bruce Hoffman, *Terrorism and Weapons of Mass Destruction: An Analysis of Trends and Motivations* (Santa Monica, CA: RAND, 1999); Charles Kegley, ed., *The New Global Terrorism: Characteristics, Causes, Controls* (New Jersey: Prentice Hall, 2003); Hoffman, 2006, op.cit.; Walter Laqueur, „Postmodern Terrorism,“ *Foreign Affairs*, vol. 75, no. 5 (1996): 24-37; Walter Laqueur, *The New Terrorism: Fanaticism and the Arms of Mass Destruction* (Oxford: Oxford University Press, 1998); Ashton Carter, John Deutsch and Philip Zelikow, „Catastrophic Terrorism: Tackling the New Danger,“ *Foreign Affairs*, vol. 77, no. 6 (1998): 80-94; Xavier Raufer, „New World Disorder, New Terrorism: New Threats for Europe and the Western World,“ *Terrorism and Political Violence*, vol. 11, no. 4 (1999): 30-51; David Rapoport, „Terrorism and Weapons of the Apocalypse,“ *National Security Studies Quarterly*, vol. 5, no. 3 (1999): 49-67; Steven Simon and Daniel Benjamin, „America and the New Terrorism,“ *Survival*, 42, no. 1 (2000): 59-75; David Tucker, „What’s New about the New Terrorism and How Dangerous is It?“ *Terrorism and Political Violence*, vol. 13, no. 1 (2001): 1-14; Sageman, op.cit.; Stern, 2001; Paul Beuman, *Terror and Liberalism* (New York: W.W. Norton, 2003); Ulrich Beck, „The Terrorist Threat: World Risk Society Revisited,“ *Theory, Culture and Society*, vol. 19, no. 4 (2002): 39-55; Brian Jenkins, *The New Age of Terrorism* (Santa Monica, CA: RAND, 2006).

⁷⁹⁴ See above, and also for example Robert Litwak, „The New Calculus of Pre-Emption,“ *Survival*, vol. 44, no. 4 (2002): 53-80.

⁷⁹⁵ The focus on the threat of nuclear terrorism, conditioned on the emphasis of *opportunities* over *motives* (which presumably could not be subjected to any rational analysis) has actually increased after the 9/11 that could be interpreted as a monstrous failure of this venue of research’s predictions (cf. Cameron 2004; Silke 2009).

society.⁷⁹⁶ Terrorism has turned from *theater* to *slaughter*, still rehearsed in front of the cameras but without any script, the only apparent intent of the actors being to spread fear, chaos and destruction. The new Terrorists want a total war, „unfettered by laws, norms, regulations and conventions. In the terrorist conception of warfare, there is no room for the Red Cross.“⁷⁹⁷ Needless to say, this all has placed them *hors humanité* in much the same way as that encountered in the discourse of terrorism among States.⁷⁹⁸

Here, as in the States' discourse, the Terrorist makes use of globalization, conceived as *progress*, for the sake of undermining it.⁷⁹⁹ Terrorism is a true *anti*-globalization: the absolute antithesis of the (supposedly) positive processes that globalization entails. Rarely is globalization used to explain terrorism, except as a revolt of those whose time has passed and who are, as the revisionists in the States's discourse of terrorism in the 1930s, imprisoned in the past.⁸⁰⁰ More often, it is employed to sustain the construct of *omnipresent* terrorism; of terrorism which is a true *anti*-governance, since its global network structure⁸⁰¹ seems specifically intended to undermine the existing international political order of States that is not to be modified by the positive globalization,

⁷⁹⁶ The concept of new terrorism, it should be noted, has been subjected to some criticism in the field. Cf. Isabelle Duyvesteyn, „How New is the New Terrorism,“ *Studies in Conflict and Terrorism*, vol. 27, no. 5 (2004): 439-454; Alexander Spencer, „Questioning the Concept of ‚New Terrorism‘,“ *Peace, Conflict and Development*, vol. 8, no. 8 (2006): 1-33; Albert Bergsen and Omar Lizardo, „International Terrorism and the World System,“ *Sociological Theory*, vol. 22, no. 1 (2004): 38-52.

⁷⁹⁷ Walter Laqueur, „The Terrorism to Come,“ *Policy Review* 126 (2004) 59-60. For the concept of new terrorism as a total war see also Hoffman, 1989.

⁷⁹⁸ The dehumanization of the Terrorist, involving also the use of medical discourse (the concept of *terrorism as cancer*) has some precedent in the 1980s, e.g. in a notorious edited volume Benjamin Netanyahu, ed., *Terrorism: How the West Can Win* (New York: Farrar, Straus and Giroux, 1986).

⁷⁹⁹ Gray, op.cit.; Stanley Hoffman, „Clash of Globalizations,“ *Foreign Affairs*, vol. 81, no. 4 (2002): 104-115; Daniel Byman, „Al-Qaeda as an Adversary: Do We Understand our Enemy?“ *World Politics*, vol. 56, no. 1 (2003): 139-163; Audrey Cronin, „Behind the Curve: Globalization and International Terrorism,“ *International Security*, vol. 27, no. 3 (2002): 30-58. For a critical review of those narratives cf. James Gelvin, „Al-Qaeda and Anarchism: A Historian's Reply to Terrorology,“ *Terrorism and Political Violence*, vol. 20, no. 4 (2008): 563-581.

⁸⁰⁰ For the understanding of globalization as engendering a need for expressive violence by the powerless in face of the normalization of the world order cf. Christopher Coker, *Globalization and Insecurity in the 21st Century: NATO and the Management of Risk*, Adelphi Paper no. 345 (Oxford: Oxford University Press, 2002).

⁸⁰¹ Cf. Sageman, op.cit.; John Arquilla and David Ronfeldt, eds., *In Athena's Camp: Preparing for Conflict in the Information Age* (Santa Monica: RAND, 1997); or the notorious Rohan Gunaratna, *Inside Al-Qaeda: Global Network of Terror* (New York: Columbia University Press, 2002), the author of which has been demasked as one of the mock experts on terrorism and „probably the least reliable expert on Al-Qaeda“ (Observer, May 11, 2003; cf. also Ranstorp 2009, 28-29). For criticism of the use of the network concept by governments, see Cynthia Stohl and Michael Stohl, „Networks of Terror: Theoretical Assumptions and Pragmatic Consequences,“ *Communication Theory*, vol. 17, no. 2 (2007): 93-124. To reiterate, the concept of terrorism as network itself dates back to the 1980s.

and of terrorism „inextricably linked“ to another global network, organized crime in the *crime-terror* nexus facilitating the former’s depolitization.⁸⁰²

In the heart of the concept of new terrorism however lies another nexus, the nexus of terrorism and religion.⁸⁰³ Religion and terror had been related in the past,⁸⁰⁴ but now the nexus is used as the most important explanation for the total enmity and the indiscriminate slaughter which characterize new terrorism. The fanatic adherence to the inherently *transcendental* values of religion is the true source of *madness*, manifested e.g. in suicide bombings seemingly incomprehensible to the rational mind.⁸⁰⁵ Religion is what makes new terrorism ultimately possible down on the Earth. Needless to say, in this constructed causality, religion stands above all for Islam (cf. Jackson 2007).

A powerful concept that has underlied this development, one not emerging in the field of terrorism science but political science (despite its dubious soundness from the viewpoint of normal social science), has been Samuel Huntington’s *clash of civilizations*: „Nation states will remain the most powerful actors in world affairs, but the principal conflicts of global politics will occur between nations and groups of different civilizations.“⁸⁰⁶ Because of Huntington’s identification of civilization and religion, his essentially belligerent posture in theorizing patterns of interaction between civilizations, and because of the use of terms such as „bloody borders of Islam“ what was intended as an alternative blueprint for understanding international relations after the Cold War (one among

⁸⁰² Louise I. Shelley and John T. Picarelli, „Methods not Motives: Implications of the Convergence of International Organized Crime and Terrorism,“ *Police Practice and Research*, vol. 3, no. 4 (2002) 306; cf. also Tamara Makarenko, „The Crime-Terror Continuum: Tracing the Interplay between Transnational Organised Crime and Terrorism,“ *Global Crime*, vol. 6, no. 1 (2004): 129-145.

⁸⁰³ Cf. Bruce Hoffman, *„Holy Terror‘: The Implications of Terrorism motivated by a Religious Imperative* (Santa Monica, CA: RAND, 1993); Mark Jurgensmeyer, *Terror in the Mind of God: The Global Rise of Religious Violence* (Berkeley: Berkeley University Press, 2000); Mark Jurgensmeyer, *Global Rebellion: Religious Challenges to the Secular State* (Berkeley: Berkeley University Press, 2008); Jessica Stern, *Terror in the Name of God: Why Religious Militants Kill* (New York: HarperCollins, 2003).

⁸⁰⁴ Cf. Bernard Lewis, *The Assassins* (New York: Basic Books, 1968); Walter Laqueur, *A History of Terrorism* (New Brunswick: Transaction Publishers, 2001 [1977]); David Rapoport, „The Politics of Atrocity,“ in Yonah Alexander and S.M. Finger, eds., *Terrorism: Interdisciplinary Perspectives* (New York: John Jay, 1977); David Rapoport, „Introduction: Religious Terror,“ in David Rapoport and Yonah Alexander, eds., *The Morality of Terrorism: Religious and Secular Justifications* (New York: Pergamon, 1982); David Rapoport, „Fear and Trembling: Terrorism in Three Religious Traditions,“ *American Political Science Review*, vol. 78, no. 3 (1984): 658-677.

⁸⁰⁵ The causal relationship between religious fanaticism and suicide bombings has been criticized e.g. by Robert Pape, who has argued that in majority of cases suicide campaigns have been intended to compel a (democratic) government to withdraw from a disputed territory. Pape, 2003; cf. Robert Pape, *Dying to Win: The Strategic Logic of Suicide Terrorism* (New York: Random House, 2005). Secular orientation of the groups practising terrorism in the Middle East was also pointed e.g. in Ariel Merari, „The Readiness to Kill and Die: Suicidal Terrorism in the Middle East,“ in Walter Reich, ed., *Origins of Terrorism* (Cambridge: Cambridge University Press, 1990).

⁸⁰⁶ Samuel Huntington, „The Clash of Civilizations?“ *Foreign Affairs*, vol. 72, no. 3 (1993) 22; cf. Samuel Huntington, *The Clash of Civilizations and the Remaking of World Order* (London: Simon and Schuster, 1997).

many) became a powerful vehicle of association of Islam and terrorism.⁸⁰⁷ The binary and *par excellence* Orientalist dichotomy between Islam and the West⁸⁰⁸ which Huntington drew under the influence of Bernard Lewis, one of the foremost Western scholars of Islam (who himself had written earlier that „it is appropriate to use Islam as a term of definition and classification in discussing present-day terrorism“⁸⁰⁹), too readily offered itself as an explanation of the world after the 9/11. And while resisted in States' discourse, where the clash of civilizations had to be averted by a unity of the civilized mankind, the concept could effectively be used to legitimize the hegemonic policy of global war on terror in the discourse of terrorism knowledge. Because of its emphasis of patterns of conflict over cooperation and exchange it presented what could be termed a distinct post-nationalist version of offensive realism (emphasizing conflict, rather than cooperation and exchange).⁸¹⁰

Discursive Strategies: Still Solving

Regarding discursive strategies, most of what has been suggested in the last chapter seems to hold also for the state of the field in the 2000s. Positivism, objectivism and *problem-solving* bias have generally continued to dominate the terrorism science. The field of terrorism knowledge, with some obvious exceptions, such as Critical Terrorism Studies, seems to embrace policy relevance as the only relevance it should aspire to. In articulating statements about terrorism (in contrast to *counter-terrorism*) it remains dependent on the dissemination of truth claims by governments which are essentially unfalsifiable by standard methods of scientific inquiry to which terrorism science claims to adhere. Yet it is this very *scientific* posture, or alternatively, which seems even worse, „expertise“ which arises from the think tank senior fellow's proximity to the government's structures

⁸⁰⁷ Cf. Laqueur, 2003; Gilles Kepel, *The War for Muslim Minds: Islam and the West* (Cambridge: Belknap Press, 2004); Quintan Wiktorowitz, *Islamic Activism: A Social Movement Approach* (Bloomington: Indiana University Press, 2004); Quintan Wiktorowitz, „A Genealogy of Radical Islam,“ *Studies in Conflict and Terrorism*, vol. 28, no. 2 (2005): 75-97; John Esposito, *The Islamic Threat: Myth or Reality?* (Oxford: Oxford University Press, 1992). The last book would be complained about by Sudan during a session of the Sixth Committee, see Doc. A/C.6/48/SR.12 (1993).

⁸⁰⁸ Because of its implicit Orientalism Huntington's clash of civilizations would soon become subject of criticism by Edward Said himself, cf. his „The Clash of Ignorance,“ *The Nation*, Oct. 22, 2001; and more generally, Edward Said, *Orientalism* (London: Penguin, 2003 [1978]); and Edward Said, *Covering Islam: How the Media and the Experts Determine How We See the Rest of the World* (New York: Vintage, 1997) 75-88.

⁸⁰⁹ Bernard Lewis, „Islamic Terrorism,“ in Benjamin Netanyahu, ed., *Terrorism: How the West Can Win* (New York: Farrar, Straus and Giroux, 1986); see also Bernard Lewis, „The Roots of Muslim Rage,“ *The Atlantic* (September 1990).

⁸¹⁰ For an explicit formulation of the concern that „Hobbesian anarchy“ associated with resurgence of religion in international politics cf. John Gray, *Al-Qaeda and What It Means to Be Modern* (New York: Faber and Faber, 2003).

that is used to authorize those truth claims in the process which effectively legitimizes continuing existence of this field of knowledge in absence of a clearly defined object and theory. On the other hand, as there is nothing inherently *anti-utopian* in Positivism, the admittedly limited liberal critique of current *counter-terrorist* policies or actual threat perceptions has not been incompatible with its discursive strategies: in other words, while the mainstream terrorist science continues to lack reflectivity related to its object of inquiry, concepts etc., it is important to stress that critical projects in the field of security practices, including counter-terrorism, have certainly not been the domain of Critical Science.

Conclusion

The two most important characteristics of the discourse of terrorism among States after the collapse of the provisional nomos of the Cold War, and after the 9/11 tragedy in particular, have been *enclosure* and *excess*. After the intense political character observed in the 1970s, when a duality of distinct discursive orders could be identified, in the 2000s discursive series there is once again a single order which betrays several distinct similarities with the discursive order derived from the multitude of statements articulated in the 1930s. Terrorism (*global terror network*) is once again constructed in a way that unites the adversary (“thousands of dangerous killers, schooled in the methods of murder...” who spread like “ticking time bombs, set to go off without warning”⁸¹¹) and with whom various local actors including “separatists” and “extremists” can be associated on the basis of often superficial or suspect evidence (there seems to exist considerable tolerance among great powers in this respect). So can be the the *pariah* States of the hegemonic international order. Furthermore, as in the 1930s, this construct is opposed to yet another construct of the civilized mankind united in effort to eradicate the universal scourge of terrorism forever. The latter serves as a means of hegemony, but more generally also as a means of managing global disorder by State

⁸¹¹ George W. Bush, „State of the Union Address,“ 29 Jan. 2002. The Conradian imagery seems unmistakable in this characterization of the global terrorist, a point made also by Ward (2009, 27).

actors (including the now much better socialized Third World States) disciplining the domestic order. Thus the discourse of terrorism functions, as a part of the more comprehensive *dispositif*, at once as a means of sustaining policing and normalization of the international order by the hegemonic power and a means of disciplining domestic disorders by other State actors.

Unlike in the 1930s, in contrast, the Terrorist does not depend on a State anymore. No longer does he realize a (renegade) State policy. Instead, he can thrive without the the link to the regular. To the global terrorist network, “outlaw regimes” such as those constituting “the axis of evil”⁸¹² can easily be attached, yet they are not necessary to its function.⁸¹³

But the most striking difference from both previous discursive series has been the excessive construct of the reality of terrorism constituted in the States’ discourse to make sense of the current historical events. This excess, manifested in extreme alienation, depoliticization and dehumanization of the chosen Terrorist Other has had a fundamental transformative effect on the current modalities of international politics, in particular those related to the control of State violence in international order (GWOT). In what was declared a world without rules, a deformed version of Hobbes’ state of nature, the only constraint imposed on States’ behaviour towards both other States and individual human bodies is the perceived amount of power they wield. In the global civil war, the real war as a continuation of policy by other means turns to the social pest control to remove the disease of international order by eliminating the cancer cells (*rogue states*) and healing the incapacitated sick (*failed states*).

The single discursive order has been characterized by fundamental depoliticization of terrorism through focus on *means*, rather than *ends* (much like in the First World’s discursive order of the 1970s), construction of global terrorism in the familiar *discourse of alarm* (for the third time, terrorism emerged as an unprecedented threat) or unity of the collective international Self in the

⁸¹² Ibid. „*Alliances* [emphasis added] with terrorists would allow the Iraq regime to attack America without leaving any fingerprints.“ George W. Bush, a speech in Cincinnati, 8 Oct. 2002.

⁸¹³ In the case of Iran, however, it seems that a terrorist organization is necessary for the function of the (rogue) State – Iran’s Revolutionary Guard, a military and law enforcement unit, is considered a terrorist organization by the United States’s government under President’s Executive Order 13224 (2001).

discourse of action (mobilization against the common threat to survival). In contrast, the law of rarity has nearly silenced statements about state terrorism or national liberation within the general discourse of terrorism, suppressed statements once articulated under the *second logic of exception* which legitimized subversive terrorism, and transformed the *discourse of root causes*, once a discourse of resistance, into a depoliticized universal discourse of development as a promise of a solution to the world's conflict. Regarding basic discourses, a considerable continuity with previous series has been observed with recurrence of the discourses of *order / chaos, civilization / barbarism* and the now discrete *humanity / inhumanity*, subjoined by a new moralist discourse of *good / evil*.

The construct of global terrorism, unprecedented in its omnipresence and potential lethality, has undoubtedly been to some extent constituted and sustained by discursive practices in the field of terrorism knowledge. The concept of *new terrorism* which has become popular in the 1990s has had a prominent role in this respect. More generally, the field, now vastly expanded, including by „terrorism experts“ with authority dependent on their proximity to incumbent structures of power, has contributed to acceptance and legitimization of the discourse of power by repetition and authorization of truth claims released by governments, on whose processing it has in general been relying for its *raison d'être*. The undisciplinary character of terrorism science has however also been conducive to establishment of the research program of Critical Terrorism Studies.

Conclusion: Break on Through?

The central problem this dissertation aims at tackling is legitimate violence in international order. Since much of the State violence in this order is discursively legitimized by *othering* its Subject as the Terrorist, it inquires into those discursive practices that presently make it possible, and which, on the assumption that identity is relational, are also constitutive of the dominant disciplining constructions of the (positive) Selves in this order as rational, normal etc. To bring to the fore the invisible practices of power and knowledge that make the object of terrorism a reified reality and normalize a certain subjectification of the Terrorist, it has employed a so far underdeveloped method of critical inquiry: Foucauldian *genealogy*.

Genealogy as a peculiar historical method („history of the present“) does not inquire into the beginning of things to establish their unity and *telos*, but to disturb and undermine that which is taken for granted. It does not leave the grounds of reason; but it carefully scrutinizes them. Nietzsche's genealogy is one of norms of good and evil; Foucault's is of constitution of subjectivity through power relations, and it is the latter, conceptually following his analysis of discourse focused not on semiotic exegesis, but on conditions for statements' enunciation, which is taken for a blueprint here. By *historizing* truth statements about the Terrorist Subject this dissertation attempts to show contingency and accidentality of the discourse of terrorism and hence the subjectification of the Terrorist, revealing a *void* where essence is unproblematically assumed. *Terrorism has not been here forever*. At the same time, it points to continuities of conditions for (re)emergence of the discourse of terrorism among States, and of some elements of its law of rarity (internal conditions for statements' enunciation), to disturb the certainty contained, for example, in the claim that *ours are exceptional times, and exceptional responses are warranted*. Thrice, it demonstrates, has the history of terrorism presented here seen an emergence of a discourse of terrorism surrounding a great mobilization face

to face with a terrible scourge that put the survival of international law, reason and political order at stake.

After the word „terrorism“ entered vocabulary, as the second chapter concludes, it stood for a variety of both political and nonpolitical, individual and structural violence. Only gradually the concept was reified in a certain (accidental) form in hegemonic discourses of power and knowledge, in which a retrospect linear tradition of terrorism *from antiquity to al-Qaeda* could be constructed. In other words, it is only through those hegemonic discourses that Zealots' violent actions in Palestine, Bantayon Plot, Marseilles attentat, air piracy or Al-Qaeda's campaigns in the „landscapes of jihad“ can now unproblematically be connected and the immutable essence of terrorism asserted, including in standard histories of terrorism which ironically, but predictably – given their locus in the discipline's mainstream – do more to reify this essence than historicize it.

Having asserted the multiplicity of meaning of terrorism in the general discourse before the 1930s, the two following historical chapters trace 1) the conditions of (re)emergence of the discourse of terrorism among States in the 1930s and the 1970s, and 2) the internal and external conditions for enunciation of statements in those discourses. In both cases, emergence of the discourse of terrorism was conditioned by the perceived crisis of international order. In a conservative, *status quo* reaction to what was seen as impending implosion of the established regime of legitimate violence linked to *state* interests, the discourse of terrorism emerged as a disciplinary device uniting the (fictional) international civilized community in a coalition against a new and ever unprecedented threat to its continued survival and hence requiring universal and exceptional response. In the 1930s, as Schmitt's original *nomos of jus publicum Europeaum* decayed, the hegemonical power was able to impose one discursive order, even as nondiscursive disciplining practices that would make it possible to speak about *dispositif* in Foucault's sense were generally not yet developed. Characteristic of this discursive order, as the discourse analysis focused on law of rarity and basic discourses (internal conditions for statements' enunciation determining what is said in contrast to that which is not) demonstrated, was an accidental unity of the concept of terrorism, encompassing political assassination and mass explosion; „international relations“, i.e. the hegemonic *status quo*, as the

referent of security; the paradoxical but necessary link between the *irregular* Terrorist aiming at undermining the entire social order and the *regular* State on which it depended but from which it at the same time had to be discursively alienated if the virtual community of States were to be asserted; and the basic discourses of *civilization / barbarism, order / chaos* and *political / criminal* in which the Terrorist was depoliticized and dehumanized, i.e. reduced to a common criminal while at the same time awarded the status of *hostis humani generis*. In terms of the productive nexus between power and knowledge the abstract paradigm of sovereign reason and the *epistémé* of legal positivism with its project of „progressive codification of international law“ as a means of achieving perpetual peace were identified as particularly reinforcing the first discourse of terrorism among States.

The 1970s witnessed a resurgence of the discourse of terrorism among States in terms of dramatically increased intensity of statements' articulation. But since the power constellation was different (due to the provisional and limited restitution of the *nomos* in the Cold War, which rationalized interactions and effectively bracketed war between First and Second World while making the Third World a space of great power competition and a total colonial war in which its autonomizing part was emancipating itself), so was the order of discourse. Instead of a single hegemonic order there soon emerged a *duality* of orders, together delimiting the boundaries of the enunciative field, since the autonomizing Third World challenged the discursive hegemony of the First World and turned the discourse about terrorism with its affirmative power over the object and hence constitutive of modalities of legitimate violence in the international order into a real battlefield. (Importantly, there emerged no discrete discursive order including statements articulated by the Second World States who, constrained by the existing *nomos* the continued existence of which they favoured, generally tended to issue conservative statements in favour of the *status quo*.) The basic division turned around two ideological poles of conceptualizing terrorist violence as *nonstate revolutionary / state systemic*. But as it emerged from the analysis, the Third World's States, while proposing an alternative subjectification of the Terrorist Subject in the First World's discourse as a *national liberation* actor under what has been termed the *first logic of exception*, under the *second logic of exception* they not only consented to his substantive character,

but rendered his „terrorist activity“ legitimate because essential reactive in nature. This made it logically possible to enunciate statements on nonstate terrorism by Third World's States in the particular subdiscourse of *underlying causes*. More importantly, despite the familiar conviction in the discipline that States never found terrorism legitimate in their statements, a number of them was discovered which suggests a contrary conclusion. The most important interdiscursive relationship was with the discourse of international humanitarian law, argued to represent another specific response to the perceived crisis. Both discursive orders relied on *epistémés* originating in the First World, where the discipline of Terrorism Studies was founded, reflecting and at the same time sustaining practices of the incumbent State power.

The conclusions reiterated to this point are essentially products of a *static*, archæological inquiry into the past discursive series and theorization of the external conditions for their emergence and order(s). They may have a historical value in their own right insofar as they uncover and interpret buried Foucault's discursive „monuments“, or challenge the standard historical narratives. However, the historical analysis in this thesis aim further: the historical chapters form necessary components of the *dynamic* genealogical project historicizing the present in order to forget the reified object of terrorism in the discursive practices of both power and knowledge. Therefore, besides demonstrating the accidental unity of the concept of terrorism in the discourse among States upon its first emergence in the 1930s, moulded from the (almost) shapeless matter of meaning, in those chapters continuities and discontinuities across the successive discursive series are traced which ultimately extend to the present States' discourse, pointing to its historically contingent nature that, in definite absence of *nomos* and as a manifestation of the global civil war, reaches its monumental *excess*.

Enclosed in a single hegemonic order after a duality that characterized the 1970s series, the discourse of terrorism among States now, as in the 1930s, features an accidental unity of the object that enables subjectification of a wide array of actors as Terrorists, despite their disparate locations, agendas and strategies, and in fact as a part of one „global terror network“ with which „rogue states“, *pariahs* of the idealized order of „civilized mankind“ can also be unproblematically associated. Even if

the Terrorist does not anymore need to rely on the link to the *regular* to thrive as he did in the previous discursive series. With statements once formulated in the Third World's discursive order about state terrorism, or those under the the *second logic of exception* legitimizing subversive terrorism now all but gone and the *discourse of root causes* depoliticized into a discourse of development as a promise of perpetual peace, global (nonstate) terrorism has once again – for the third time – been objectified in a *discourse of alarm* as an exceptional threat that calls for exceptional responses. The dehumanization and depoliticization of the Terrorist has reached a new extreme in statements articulated in the discourses of *order / chaos* and *civilization / barbarism* familiar from the 1930s and the 1970s series, and now reinforced also in new discrete discourses of *humanity / inhumanity* and the moralist *good / evil* in which the respective properties are attached to the idealized international community and the demonized Terrorist located outside its pale. As in the 1930s, the Terrorist prays upon and abuses human *progress*, making use of the latest technological advances while his mind is confined to the *past*, or alternatively (which is far from being a contradiction) to the realm of the *irrational*. The concept of *terrorism as madness* finds its roots in the exclusionary paradigm of sovereign reason encountered in the 1930s series and developed in the 1970s discourse of *terrorism as (contagious) disease*, from which not only the Terrorist, but the international order as such suffers (and may indeed succumb to it). In a practice that also has its roots in the 1970s discourse, the Terrorist is depoliticized by an exclusive focus on (inhumane) *means* he employs, rather than on any possible *ends* he may (violently) pursue. Finally, the construction of the Terrorist as a potentially omnipresent madman threatening to incur apocalyptic damage to the humankind could rely on the discursive practices in the field of knowledge, particularly the concept of „new terrorism“ (the fatality of which is imagined in ways not dissimilar to the nuclear holocaust during the Cold War) counterposed to the *amnesic* construct of the less lethal and more tolerable terrorism of the past.

The Terrorist Subject thus constructed makes possible a new *discourse of action* – a war against terrorism. The roots of the concept of *counter-terrorism as war* may be located in the linkage between the accidental unity of terrorism in the general discourse of power with the narrow borders

in which international humanitarian law referred to it (i.e. in the limited context of armed conflict) in the 1970s series, manifest e.g. in the normalization in the discourse of both power and knowledge of the concept of victims of terrorist violence as *civilians*. But the present war against terrorism is far from any traditional war. The enemy has been dehumanized, depoliticized and reduced to a disease of the international body politic which in order to be cured requires a surgical eradication of the cancer cells (*rogue states*), healing the incapacitated sick (*failed states*) and immunization of all others to prevent the disease from ever recurring. The discourse of action envisions a global civil war – not a continuation of policy by other means, but a social pest control.

In contrast to the 1930s, this discourse of action has been linked to a set of disciplinary nondiscursive practices. Therefore, it is possible to speak of terrorism as a true *dispositif* of global politics in Foucault's sense, fundamentally determining the modalities of contemporary international politics. Due to the current constellation of power and withering away of the provisional nomos of the Cold War, the discourse of terrorism serves as a means of America's hegemony in the space that transcends the *inside/outside* boundary, but also more generally of management of global disorder by other States disciplining their *inside* domestic realms.

There is an inherent tension in this *dispositif* between the practices of the hegemonical power and the other State actors as the *inside* is simultaneously negated and protected. Moreover, in what is declared a world without rules, a deformed version of Hobbes' international state of nature, the only real constraint on States' violence towards each other (as much as individual human bodies) is the power they wield, and therefore with its changing constellation that many predict or even claim to observe the present *dispositif*, including the discourse of terrorism among States, may be thought to be ever more susceptible to change. It is even possible to see America's formal resignation of the war on terror rhetoric as a first wind of such change. But while this dissertation as a *historicization* project should be least inclined to æternalize the present state, some caution is at place. The rhetoric of war against terrorism has indeed been substituted by that of a „long war“ in America's discourse. But the Terrorist continues to represent the (total) enemy in this still endless and boundless war, and the general *dispositif* remains intact, including the nondiscursive practices

from normalization and disciplinatioin of the international body politic (sustained also by another *dispositif*, the discursive and nondiscursive practices of human rights) to distributing drone justice or subjection of individuals to bare power in all the world's Guantánamos. Since terrorism is currently a useful power management apparatus for States, unless there is a fundamental change in the *Weltkonjunktur* in terms of collapse of the international order based on States it is likely to remain in place for a foreseeable future.

This is why the critique of the discourse of terrorism continues to matter. Besides presenting an unorthodox history of terrorism, and proposing a detailed research design for a genealogical discourse analysis operationalizing Foucault's fundamental assumptions and conceptual categories into an analytical framework focused on *law of rarity* determining the boundaries of the discursive field, *basic discourses* as specific instances of the discourse's internal rules related to how the Subject is constituted, *interdiscursive relations* and the *nexi of the power and knowledge practices*, by employing the genealogical method of inquiry my aim is to contribute to this critical project. *What are the practical prospects of such critique?* In the first chapter Foucault's two critical projects were presented which may be taken as his own imagined replies to this question – one emancipatory, disassembling the „sovereignty of the signifier“ and thus opening the closed structure and creating possibilities for alternative subjectivations; the other more modest and limited to the continuous liberating practice of resistance against existing hegemonies which bind one in simultaneous processes of individualization and totalization.

The latter project gives birth to Foucault's vision of the new intellectual who problematizes and disturbs that which seems certain, thus preserving and extending the possibility of reconfiguration. For some, the romantic figure of a nomadic founder of *WikiLeaks* may embody best the character of such new intellectual, one constantly on the move searching for the Achilles' heels of the deceitful and conspiring governments (while others, not necessarily from within the *status quo* positions, would argue that Assange is more of an old partisan). Here, I wish to make case for a particular kind of Foucault's new intellectual: a *critical scholar*. His specific contribution lies in the continuous expanding of the space of accepted dissent within the dominant structures of knowledge

and thus, in a never ending process, shaping the productive possibilities of power (assuming the mutual constitutive relationship of the two). The contribution is one of *metacritique*: not firing shots at particular disciplinary practices, but inquiring into the enabling discursive structures that ultimately make them possible.

The genealogy of terrorism presented here is an attempt at such metacritique. Making the facile gestures embodied in discursive practices in the field of power and knowledge difficult by a historicizing inquiry into their conditions, it does not seek to substitute the closed dichotomical structures of identity and difference with an open structure of multiple differences. Instead, it aims at forgetting the present object (terrorism) to make visible the invisible power relations behind it and thus contribute to widening the thinking space or, in Roland Bleiker's words, „theorizing world politics without being constrained by the agendas, issues, and terminologies that are preset by orthodox debates“ (1997, 58). While cautious of the pitfalls of Romanticism hidden in Bleiker's call for „poetic rethinking of world politics“, the critical project that eventually materialized in this dissertation started from the belief that such forgetting is not only possible, but also that it carries a potential of making the world a somewhat better place. Indeed, even if this genealogy has succeeded in establishing the accidentality, contingency and basic uncertainty in the heart of the unproblematic essence of terrorism, this essence is bound to remain deeply rooted in the field of terrorism knowledge because of the disciplinary power with its elaborate hegemonic procedures for reproducing normalized truth claims and facilitating their cyclical, mutually assertive dissemination. Further action *is* required. And the critical scholar's credo is not *The Doors'* „break on through the other side,“ but rather continuous *breaking* on through the other side, never content with the pleasures and treasures found on this one.

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A/56/PV.22 (2001)	A/64/PV.64 (2009)	A/C.3/56/SR.53 (2001)
A/57/37 (2002)	A/65/37 (2010)	A/C.6.SR.1359 (1972)
A/57/PV.3 (2002)	A/8018 (1970)	A/C.6/31/L.11 (1976)
A/57/PV.4 (2002)	A/8719 (1972)	A/C.6/34/SR.6 (1979)
A/5746 (1964)	A/9028 (1973)	A/C.6/34/SR.7 (1979)
A/58/37 (2003)	A/9150 (1973)	A/C.6/34/SR.10 (1979)
A/58/PV.12 (2003)	A/AC.119/L.7 (1964)	A/C.6/34/SR.59 (1979)
A/59/37 (2004)	A/AC.119/L.24 (1964)	A/C.6/418 (1972)
A/59/565 (2005)	A/AC.119/L.27 (1964)	A/C.6/48/SR.11 (1993)
A/59/PV.4 (2004)	A/AC.134/L.12 (1972)	A/C.6/48/SR.13 (1993)
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A/59/PV.5 (2004)	A/AC.138/L.22 (1978)	A/C.6/56/L.9 (2001)
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A/61/37 (2006)	A/AC.160/INF.1 (1972)	A/C.6/60/L.6 (2005)
A/61/PV.10 (2006)	A/AC.160/L.3 (1973)	A/C.6/61/SR.21 (2006)
A/61/PV.24 (2006)	A/AC.160/L.3/Add.2 (1973)	A/C.6/63/SR.14 (2008)
A/62/37 (2007)	A/AC.160/SR.5 (1977)	A/C.6/64/SR.2 (2009)
A/62/PV.18 (2007)	A/AC.160/SR.6 (1977)	A/C.6/64/SR.4 (2009)
A/62/PV.20 (2007)	A/AC.160/SR.7 (1977)	A/C.6/64/SR.5 (2009)

A/C.6/64/SR.9 (2009)	A/CN.4/466 (1995)	A/RES/42/159 (1987)
A/C.6/L.418 (1972)	A/CN.4/SER.A/1951	A/RES/44/29 (1989)
A/C.6/L.850 (1972)	A/Conf.183/10 (1998)	A/RES/46/51 (1991)
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Summary

The central problem this dissertation aims at addressing is legitimate violence in international order. Starting from the assumption that discourse carries a tremendous creative power and that much of State violence in this order is discursively legitimized by *othering* its Subject as „Terrorist“, to bring to fore the invisible practices of power and knowledge that reify the object of terrorism in discourse it employs a hitherto underdeveloped method of critical inquiry, Foucault's *genealogy*, to the discourse of terrorism among States.

It is a critical project insofar as it does not aim at formulating a new theory of the Terrorist. Instead, to use Michel Foucault's words, it strives to make facile gestures difficult, by challenging the dominant narratives in the field of terrorism knowledge, insensitized and insensitizing at the same time to the fake realism of the object and to the practices of power that make it possible, thus reproducing societal narcosis toward those practices of government(ality). As a particular kind of history, a history of the present, it uncovers reifying practices of terrorism by proper *historicization* of the discourse which enables the object's forgetting and by extension preserving and furthering (assuming the constitutive relationship between power and knowledge) the possibilities of political reconfiguration. Therefore, unlike standard histories of terrorism, it does not look for an immutable essence of terrorism or depict its linear evolution from the origin (Nietzsche's *Ursprung*) to the present state. On the contrary, it concludes that there is no such origin of terrorism. Having demonstrated its origin in the discourse of States as accidental and contingent on present power constellation (*Weltkonjunktur*) conceptualized by using Carl Schmitt's theoretical framework it traces later continuities and discontinuities in States's discourses of terrorism and internal and external conditions of their order to historicize the present discursive formations.

In the first chapter (*Concerning Method*), theoretical and methodological assumptions are articulated and key concepts such as, among other, Foucault's concepts of *discourse*, *power* and *genealogy* (the last inspired by Nietzsche) and Schmitt's concepts of the *nomos* and *global civil war* are established. A detailed research design drawing upon those assumptions is constructed. It delimits the scope of the discourse in terms of *loci* (international fora of League of Nations and the United Nations) and time (three discursive series: 1930s, the 1970s and the 2000s). It also defines the technique of „reading of terrorism“, concentrating on *law of rarity* and basic discourses of Self/Other as internal discursive conditions for articulation of statements; links to other discourses of power; and finally the nexus of power and knowledge, the archaeology of which, focused on object, enunciative modalities, concepts and discursive strategies, is performed for each discursive series. An overview of Poststructuralist literature in International Relations, including the heretofore use of genealogy as a method of critical inquiry is also provided.

The second chapter (*Overture: Against Ursprung*) demonstrates multiplicity of meaning of terrorism in the general discourse of the period preceding the 1930s. It is done at once to undermine the *Ursprung*-based standard histories of terrorism and to prepare ground for the conclusion that when terrorism emerged in the discourse among States in the 1930s, the unity of the concept (embracing assassination of protected persons and mass explosion) was purely accidental when contrasted to the variety of violence (both political and nonpolitical, or individual and structural) with which it had once been associated.

The two following chapters, *Emergence/y (1930s)* and *Division (1970s)* inquire into the conditions of (re)emergence of the discourse of terrorism among States in the 1930s and the 1970s, and into the internal and external rules for enunciation of statements in those discursive series. In both cases it is concluded that the emergence was a *status quo* reaction to what was seen as impending implosion of the established order and regime of legitimate violence linked to state interests. The discourse of terrorism was a disciplinary device uniting the (fictional) international community in a coalition against a new and unprecedented threat to its continued survival, hence requiring an exceptional response. Since the constellation of power differed in each case, however (due to the provisional restoration of Schmitt's *nomos* during the Cold War), in the latter period there finally obtained not a single, but dual order of discourse featuring two sets of rules for statements' articulation. These are identified as First World's discursive order and (autonomizing) Third World's discursive order. The Second World States did not shy away from the battle about terrorism which broke out due to the autonomizing Third World's resistance and which turned around the poles of *nonstate revolutionary* and *state systemic* violence. Yet no discrete discursive order could be analytically derived from the multiplicity of their statements, and they tended to borrow from both of the above, but – betraying a conservative preference for the new provisional *nomos* – more from the First World's discourse (that despite the Third World's *epistémé* underlying its statements being fundamentally the same as that of the official Second World's propaganda).

While presenting historically relevant conclusions in their own right (e.g. about the legitimization by States of violence that they themselves considered „terrorist“ in the 1970s Third World's discursive order), the historical chapters' key role lies in historicization of the present discourse put forward in the last chapter, *Enclosure (2000s)*. In definite absence of *nomos* and as a manifestation of the global civil war, the present, historically contingent discourse of terrorism reaches its monumental excess. It features, similarly to the discourse of the 1930s, an accidental unity of the object that enables subjectification of a wide array of actors as Terrorists – their disparate and disconnected locations, agendas and strategies notwithstanding –

forming one *global terror network* with which *rogues states*, outcasts of the *civilized mankind*, can also be unproblematically associated. Once more, terrorism is conceived as an unprecedented threat with possibly apocalyptic consequence. Dehumanization and depoliticization of the Terrorist, present in the previous series, has reached its extreme in statements articulated in the historically familiar basic discourses of *order / chaos* and *civilization / barbarism* of the 1930s and the 1970s and new discrete discourses of *humanity / inhumanity* and *good / evil*. Depoliticization is carried through also by rendering terrorism a disease, a discursive practice which finds its roots generally in the paradigm of sovereign (and excluding) reason, and more specifically in the discourse of disease encountered in the 1970s series; or by an exclusive focus, the roots of which too are found in the 1970s, on (inhumane) *means* the Terrorist employs rather than any possible (legitimate or not) *ends* he may pursue. The construction of Terrorists as thousands of potentially omnipresent madmen, Conradesque „ticking time bombs“ has finally been sustained by the dominant practices in the field of knowledge, particularly by those related to the concept of *new terrorism*.

The Terrorist Subject thus constructed conditions a new *discourse of action* – one dominated by the image of war. The roots of this image may be located in the linkage between the general discourse of terrorism among States in the 1970s and the discourse of international humanitarian law (yet another conservative attempt at preservation of the existing limits of legitimate violence in the international order), where terrorism was conceived only within the narrowly defined borders of armed conflict. Henceforward, for example, in the discourse of both power and knowledge the concept of victims of terrorist violence as *civilians* would be normalized. But the present war against terrorism is far from any traditional war: depoliticized, dehumanized and reduced to a disease of the international body politic, the Terrorist comes to represent a total enemy against whom and his associates, including rogue states, a (surgical) social pest control is performed. In contrast to the 1930s, the discourse of terrorism is linked to a set of disciplinary and normalizing nondiscursive practices. Thus it forms a part of a true *dispositif* or power management apparatus of global politics, which serves at once as a means of America's hegemony and more generally of management of global disorder by other States disciplining their domestic realms.

Since „terrorism“ is a useful power management apparatus for States, unless there comes a fundamental change in terms of collapse of States's international order it is likely to remain in place for a foreseeable future. Therefore, it is concluded, the critique of the discourse of terrorism as part of the *dispositif* continues to matter. This dissertation's main contribution to this project lies in employing genealogy as a promising but so far underdeveloped method of critical inquiry, the conclusions of which are reached using a potentially reproducible research design constructed with the aim of providing for a transparent and intellectually disciplined Poststructuralist discourse analysis, and are sustained by extensive mass of archival material and literature.

Shrnutí

Ústřední problematikou, ke které se tato disertační práce vztahuje, je legitimita násilí v mezinárodním řádu. Vychází z předpokladů, že v diskursu se skrývá obrovská tvořivá moc nad věcmi a zároveň značná část státního násilí v tomto mezinárodním řádu je diskursivně legitimizována odcizením svého objektu coby „teroristy“. Za účelem zpřítomnění neviditelných praktik moci a vědění zvětčujících terorismus v diskursu a na základě těchto východisek uplatňuje na diskursu terorismu mezi státy dosud plně nerozvinutou metodu kritické vědy: foucaultovskou *genealogii*.

Protože se jedná o projekt kritický, hlavním záměrem práce není zformulovat novou teorii teroristy, ale – slovy Michela Foucaulta – činit snadná gesta složitými. Činí tak vymezením se proti dominantním narativům na poli vědění o terorismu, znečitlivělých a zároveň *znečitlivujících* vůči falešnému realismu objektu a mocenským praktikám, jež ho umožňují, a tak reprodukcijících stav společenské narkózy ve vztahu k těmto praktikám vládnutí (*governmentality*). Coby zvláštní druh historie, „historie přítomnosti“, odhaluje genealogie zvětčující praktiky terorismu metodou důkladné historizace diskursu, která umožňuje zapomenutí zvěčněného objektu a v důsledku toho (na základě předpokladu, že mezi mocí a věděním existuje konstitutivní vztah) zachování a rozšíření možností politické rekonfigurace. Narozdíl od standardních historií terorismu proto nehledá jeho neměnnou podstatu a nezachycuje jeho lineární vývoj od počátku (pojímaného v duchu Nietzscheova *Ursprung*) k současnosti. Naopak tvrdí, že terorismus žádný takový počátek neměl. Ukazuje, že v diskursu států byl nahodilý a podmíněný dobovou mocenskou konstelací (*Weltkonjunktur*), která je konceptualizována s pomocí schmittovského teoretického rámce, a sleduje pozdější kontinuitu a diskontinuitu tohoto diskursu a vnitřní a vnější podmínky jeho řádu za účelem historizace diskursivních formací současnosti.

V první kapitole (*Concerning Method*) jsou ustaveny teoretické a metodologické předpoklady analýzy a definovány klíčové foucaultovské a schmittovské koncepty jako *diskurs*, *moc*, *genealogie* (inspirována ve Foucaultově pojetí Nietzsche), *nomos* a *globální občanská válka*. Na těchto předpokladech je následně vystavěn podrobný výzkumný plán. Stanovuje rámec zkoumaného diskursu jak z hlediska jeho lokace (mezinárodní fóra Společnosti národů a Organizace spojených národů) a časových sérií (třicátá léta a sedmdesátá léta 20. století a první desetiletí 21. století). Definiuje rovněž techniku „čtení“ terorismu, které se zaměřuje na pravidla vylučnosti (*law of rarity*) a základní diskursy (*basic discourses*) Sebe/Cizího jako vnitřní podmínky pro artikulaci vyjádření (*statements*); vazby na jiné diskursy moci; a nakonec na propojení moci a vědění, jehož archeologie zaměřená na objekt, modalitu vyjadřování, koncepty a diskursivní strategie je následně provedena v každé sérii. Představena je rovněž poststrukturalistická literatura v mezinárodních vztazích, včetně dosavadních pokusů o genealogii jako uplatnění zvláštní metody kritické vědy.

V druhé kapitole (*Overture: Against Ursprung*) je doložena významová mnohoznačnost „terorismu“ v obecném diskursu doby předcházející 30. léta 20. století. Jsou tak zpochybněny standardní historie terorismu a položeny základy argumentu, že když se terorismus výrazně vynořil v 30. letech 20. století v diskursu mezi státy, jednota tohoto konceptu (který v sobě pojímal *vraždu zvlášť chráněných osob* a *obecný výbuch*) byla zcela nahodilá. Terorismus býval spojován s nejrůznějšími druhy násilí – politickým i nepolitickým, individuálním i strukturálním.

Dvě následující kapitoly, *Emergence/y (1930s)* a *Division (1970s)* se táží po podmínkách (znovu)vynoření diskursu terorismu mezi státy v 30. a 70. letech 20. století a po vnitřních a vnějších podmínkách tvorby vyjádření v těchto diskursivních sériích. V obou případech bylo vynoření konzervativní reakcí na vnímaný proces hroucení zavedeného řádu a režimu legitimního násilí spojeného se státními zájmy. Diskurs terorismu byl nástrojem disciplinace sjednocujícím (fiktivní) mezinárodní společenství v koalici proti nové a bezprecedentní hrozbě jeho další existenci, která si v odpovědi žádala nasazení výjimečných prostředků. Nicméně protože mocenská konstelace se v obou případech vzhledem k provizornímu obnovení schmittovského nomu během studené války lišila, v druhém zmiňovaném období byly ve výsledku ustaveny dva řády diskursu se dvěma soubory pravidel pro tvorbu vyjádření – řád diskursu prvního světa a řád diskursu (autonomizovaného) třetího světa. Státy druhého světa nezůstávaly bitvě o diskurs, která se rozpoutala v důsledku odporu autonomizovaného třetího světa a která byla organizována póly *nestátního revolučního* a *státního systémového* násilí stranou, přesto ze souboru jejich vyjádření není možno analyticky odvodit svébytný řád. Namísto toho se tato vyjádření řídila pravidly vypůjčenými z obou výše zmíněných řádů, avšak více z řádu prvního světa (navzdory tomu, že *epistémé* podmiňující vyjádření třetího světa byla v zásadě totožné s oficiální propadandou světa druhého). Státy druhého světa se tak zdály vyjadřovat konzervativní preferenci zachování nového provizorního nomu.

Přestože historické kapitoly přinášejí relevantní poznatky samy o sobě (například o zaznamenané legitimizaci násilí státy, které samy zároveň nazývaly teroristickým v řádu diskursu třetího světa v 70. letech), jejich hlavní úloha spočívá v historizaci současného diskursu, který je představen v kapitole poslední, *Enclosure (2000s)*. V konečně zmizelém nomu a jako manifestace globální občanské války dosahuje současný, historicky podmíněný diskurs terorismu svého monumentálního excessu. Podobně jako v diskursu 30. let je v něm přítomna nahodilá jednota objektu, která umožňuje subjektifikaci škály aktérů coby *teroristů* navzdory jejich prostorovému rozptýlení a nespojitosti cílů a strategií jejich dosahování – jsou totiž vtěleni do jedné *globální teroristické sítě*, se kterou mohou být neproblematicky spojeni též *zlotřilé státy*, další vydědění *civilizovaného lidstva*. Terorismus je opět pojímán jako bezprecedentní hrozba s možnými apokalyptickými důsledky. Dehumanizace a depolitizace teroristy, která byla přítomna v minulých diskursivních sériích, dosahuje extrému ve vyjádřeních formulovaných ať už v

základních diskurzech *řádu / chaosu a civilizace / barbarství* odhalených již ve 30. a 70. letech, nebo nových svébytných diskurzech *humánnosti / nehumánnosti a dobra / zla*. Depolitizace je navíc dosahováno také pojmem terorismu jako nemoci (tato praktika nalézá své kořeny obecně v paradigmatu suverénního vylučujícího rozumu, konkrétněji v diskursu nemoci zachyceného v diskursivní sérii 70. let); nebo výlučným zaměřením (také s kořeny objevenými v 70. letech) na – nelidské – *prostředky*, k jejichž užití se terorista uchyluje na úkor jakýchkoliv – legitimních či nelegitimních – *cílů*, které může sledovat. Konstrukt teroristů jako tisíců potenciálně všudypřítomných šlenců, conradovských „tikajících časovaných náloží“ je nakonec zároveň utvářena dominantními praktikami na poli vědění, zvláště těch, které jsou spojeny s konceptem *nového terorismu*.

Takto konstruovaný subjekt teroristy podmiňuje nový *diskurs akce*, kterému dominuje obraz války. Jeho kořeny lze hledat v propojení obecného diskursu terorismu mezi státy v 70. letech a diskursu mezinárodního humanitárního práva (dalšího konzervativního pokusu o zachování existujících mezí legitimního násilí v mezinárodním řádu), ve kterém byl terorismus chápán pouze v úzce vymezeném kontextu ozbrojeného konfliktu. Díky tomuto propojení byl například v diskursu moci i vědění následně normalizován koncept obětí teroristického násilí jako *civilistů*. Nicméně současná válka proti terorismu je na míle vzdálena jakémukoliv konceptu války tradiční. Terorista – depolitizovaný, dehumanizovaný a redukovaný v chorobu mezinárodního politického těla – se stává totálním nepřítelem, proti němuž a jeho společníkům, včetně zlotřilých států, je uplatňována metoda (chirurgicky prováděného) potírání sociální havěti (*social pest control*). Narozdíl od 30. let 20. století je nyní diskurs terorismu spojen se sadou disciplinujících a normalizujících nediskursivních praktik. Stává se tak součástí skutečného *dispositivu* globální politiky, který slouží zároveň jako nástroj americké hegemonie a obecněji k zvládnutí globálního chaosu ostatními státy disciplinujícími svůj vnitřní, domácí prostor.

„Terorismus“ je pro státy užitečným mocenským aparátem kontroly. Nedojde-li proto ke kolapsu mezinárodního řádu států, zůstane v dohledné budoucnosti tento *dispositif* zachován. Kritika diskursu terorismu, jak je argumentováno v závěru, si proto udržuje svou relevanci. Hlavní přínos předkládané disertační práce k tomuto projektu spočívá v uplatnění genealogie jako slibné, avšak dosud plně nerozvinuté metody kritické vědy, jejíž závěry stojí na výzkumném plánu, který byl navržen tak, aby umožnil transparentní a intelektuálně disciplinovanou poststrukturalistickou analýzu diskursu (a je potenciálně replikovatelný), a zároveň na obsáhlém souboru archivních materiálů a dalších zdrojů.