PROCEEDINGS
of the
COMPLEX TERRAIN LABORATORY
("CTLab")

Compiled 22 October 2016

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Table of Contents

SOCIAL SCIENCE IN WAR: DEFENDING HAMDAN 3

22 Sep - 5 Oct 2008

CITIES AND THE SCIENTIFIC WAR OF WARFARE 70

5 - 9 December 2008

URBICIDE: THE POLITICS OF URBAN DESCRUCTION 114

10 - 15 March 2009

WIRED FOR WAR: ROBOTICS & 21st CENTURY CONFLICT 186

22 Mar - 6 Apr 2009

BACK PAGE 245

DRAFT

SOCIAL SCIENCE IN WAR: DEFENDING HAMDAN

22 Sep - 5 Oct 2008

AUTHOR: Brian Glyn Williams

TITLE: Defending Hamdan: The Capture and Defense of Bin Laden's Driver

STATUS: Publish

ALLOW COMMENTS: 0

CATEGORY: Social Science in War: Defending Hamdan

DATE: 09/22/2008 05:00:00 AM

BODY:

Defending Bin Laden’s Driver at Guantanamo: An Expert Witness Account of the First Military Tribunal Since World War II.

The Editor writes: CTlab is privileged to present a personal account of one of the most important legal cases of the ‘War on Terror’. CTlab associate Professor Brian Glyn Williams of the University of Massachusetts at Dartmouth acted as expert witness for the defence of Salim Ahmed Hamdan, “Bin Laden’s Driver”, in the first US military tribunal since World War II, which concluded last month.

In this five-part series, running each day this week, Brian Williams describes how he became involved in Hamdan’s legal defence. This was a journey of discovery and revelation for Williams, and one in which he came to understand America’s critical responsibility for upholding the values for which the ‘War on Terror’ purports to be fought. Crucially, this case underscores the important role that social science serves in establishing truth and justice in war. All images courtesy of Brian Williams.

Part One: The prosecution assembles its case, and Hamdan is assigned idiosyncratic counsel

The Prosecution was confident that the charges of conspiracy and material support for terrorism against Bin Laden’s driver,

Guantanamo Bay, Cuba. Image Courtesy of Brian Williams.Salim Hamdan, would stick. He had been as near to Bin Laden as any of the prisoners at Guantanamo Bay had been. For seven years Hamdan had driven Al Qaeda’s chief around and had even been caught red handed on an Al Qaeda film carrying an AK-47 as bodyguard for Bin Laden.

<p>If this were not enough, the Prosecution had other ‘smoking gun’ evidence that would later emerge later. They were sure the evidence would place the final nail in the coffin and convict this high profile Al Qaeda operative. His conviction and sentencing in the first Guantanamo Bay court case would be a historic litmus test of the whole system.

Everyone knew that the President himself was following the first Military Tribunal since the Nuremburg and Japanese Tribunals after World War II. Bush himself was clearly expecting a conviction on all counts. For its part, the Prosecution was confident it could give the president what he wanted, followed by a sentence of from 30 years to life.

But when the jury made of six members from four braches of the military service (hardly an unbiased panel in the eyes of many critics) issued its verdict and sentence in early August, it was a crushing defeat for a prosecution team that had seemingly been handed a ‘slam dunk.’ The jury rejected the Prosecution’s contention that Hamdan had been involved in the conspiracy to carry out the 9/11 attacks and dismissed the most serious charge of conspiracy against him. If this were not enough, the jury also dismissed several of the specifics of the lesser charge, i.e. the charge of providing material support for terrorism. In addition to being cleared on the more serious charge of conspiracy, Hamdan was ultimately convicted on just five counts of the lesser charge (these were mainly to do with driving and providing bodyguard services to Bin Laden).

There was more bad news to come for the Prosecution. In a final blow, the jury recommended a ‘light’ sentence of just five and a half years for Hamdan. But it got worse. As it transpired, the presiding judge in the case, Keith Allred, had already agreed to credit Hamdan with time served, which meant he could potentially be freed in as little as five months – a far cry from the 30 years-plus demanded by the Prosecution. The stunning verdict and sentence in this showcase trial left both critics and supporters of the Guantanamo Bay Tribunals alike wondering what had gone wrong with the prosecution, and what had gone right with the defense?

An Improbable Defense

From the time he was captured in Afghanistan in November 2001 until the time he had his day in court in August of 2008, it was obvious that Salim Hamdan was no typical Al Qaeda prisoner. He readily admitted to being one of Bin Laden’s seven drivers and even showed his US Special Force captors where Bin Laden’s various hideout and escape routes were located. Clearly he was a ‘big fish’ and as such was transported from the deserts of Afghanistan to the green hills of the ‘Pearl of the Antilles’: Guantanamo Bay, Cuba.

Once in Gitmo, the 37 year old Yemeni father of two girls was given a military lawyer known as a JAG (Judge Advocate General) named Charlie Swift. Lieutenant Commander Swift, a former frigate commander, had been given a bad case and everyone knew it. In the post-9/11 environment anyone even remotely associate with the killing of almost 3,000 people on September 11th (and some who were not even remotely tied to 9/11, such as Saddam Hussein) were seen as terrorists. Hamdan’s sheer proximity to Bin Laden alone was enough to make him a lightning rod for those wanting retribution. Most critics of Guantanamo Bay felt there was very little chance of him receiving a fair trial, much less beating the charges of conspiracy and material support for terrorism.

But Swift did something no one expected. He began to believe in his client’s innocence of involvement in Al Qaeda’s terrorism. When Swift heard that Hamdan had freely divulged information without coercion (when other skilled Al Qaeda captives had kept silent throughout various ‘enhanced interrogations’), Swift grew intrigued. It turned out that Hamdan would gladly share information if he was given such small favors as the chance to talk to his wife on the phone or given access to car and mechanic magazines. This affable driver did not seem to have the modus operandi

of a hard core Al Qaeda operative.

As Hamdan shared his story with Swift, it became increasingly obvious that he was not the brightest of terrorists. With only a fourth grade education and an aptitude for driving that came from his experience as a cab driver in his native Yemen, he didn’t seem to have much to offer an organization like Al Qaeda. When Swift heard that Hamdan had joined Bin Laden after being offered a job as a driver for $200 a month, he became convinced his client was a scapegoat for the real Al Qaeda terrorists.

If Hamdan had been a terrorist mastermind, Bin Laden would never have abandoned him along with his other flunkies and low-level employees when he fled over the mountains into Pakistan. Was it fair to blame the driver for Bin Laden’s attacks? Had Hitler’s chauffer been tried at Nuremburg?

And with that the battle began that would eventually see Swift’s marriage crumble and himself denied promotion by the US military (tantamount to being fired). Far from offering up a pro forma ‘defense’ of the sort many at Gitmo expected from the various defense lawyers, Swift promised Hamdan that he would fight his case to the president himself. When a skeptical Hamdan asked him if his uphill defense would make him rich, Swift replied, “no, but it just might make me famous.”

Tomorrow, Part Two: Defense lawyer Swift starts to make waves in the establishment, and begins his search for an expert witness.

EXCERPT:

There was more bad news to come for the Prosecution. In a final blow, the jury recommended a ‘light’ sentence of just five and a half years for Hamdan. But it got worse. As it transpired, the presiding judge in the case, Keith Allred, had already agreed to credit Hamdan with time served, which meant he could potentially be freed in as little as five months – a far cry from the 30 years-plus demanded by the Prosecution. The stunning verdict and sentence in this showcase trial left both critics and supporters of the Guantanamo Bay Tribunals alike wondering what had gone wrong with the prosecution, and what had gone right with the defense?

AUTHOR: Brian Glyn Williams

TITLE: Defending Hamdan: On Ruffling Establishment Feathers

STATUS: Publish

ALLOW COMMENTS: 0

CATEGORY: Social Science in War: Defending Hamdan

DATE: 09/23/2008 05:00:00 AM

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BODY:

Part Two: Defense lawyer Swift starts to make waves in the establishment, and begins his search for an expert witness

Defense lawyer Charlie Swift was described to me by one of the members of his defense team as “the only bull in the world who brings his own china shop with him” and he proved true to his word in fighting the charges. He was soon making waves that eventually reached the White House. As he began a tenacious battle to systematically undermine the charges against his client, he decided to take on Guantanamo Bay itself.

Swift increasingly came to see Gitmo as an offshore ‘Alcatraz’ designed to circumvent the US Constitution, New Prisoner Facilities at Guantamamo Bay. Image courtesy of Brian Williams
not to mention

America’s legal system (including the right to Habeas Corpus), and other foundations of American democracy and legality. As such, he began a lone battle against the legality of the Military Commissions that eventually made its way to the Supreme Court. There Swift achieved a stunning victory in 2006’s Hamdan vs. Rumsfeld, which overturned the Military Commissions set up by President Bush. It declared them to be in contravention of the Geneva Conventions which offer protections to captured prisoners of war.

Judge Keith Allred, presiding in the case, subsequently congratulated a stunned Hamdan on beating the U.S. President in one of the most important decisions curtailing US presidential power ever. However, Congress soon restored the Military Commissions and Hamdan and his team of lawyers prepared again to challenge a system stacked against them. In Gitmo, a place neither fully American nor Cuban, evidence that would never have been allowed in a US court could be used against prisoners living in physical and legal limbo. In Hamdan’s case this included secret evidence kept hidden from the defense until the last moment, and which had been obtained by sleep deprivation (known as Operation Sandman) and threats. Also admitted was material that would be considered hearsay on the American mainland.

To make matters worse, the Prosecution had ‘smoking gun’ evidence undermining Swift’s defense that Hamdan was just a driver. As it transpired, when Hamdan was captured in November 2001 he was driving towards an area where US Special Forces were engaged in combat with the Taliban and their Al Qaeda allies. When he was stopped and apprehended, a terrified Hamdan had two SA-7 surface-to-air missiles in his car. Hardly the usual accoutrement for an innocent chauffeur!

The Prosecution was sure this evidence would help them convict Hamdan on the charges of both conspiracy to commit terrorism and material support for terrorism. Simply put, surface-to-air missiles equaled terrorism.

The Defense had to acknowledge that the evidence was damning. But Charlie Swift and his team, which included Brian Mizer, Andrea Prasow, Joe McMillan and Harry Schneider, had not fought the case this far to have it sabotaged by a pair of missiles. There had to be some other explanation for the SA-7s in Hamdan’s vehicle.

The Search for an Expert Witness

As Hamdan’s December 2007 pre-trial hearing approached, Charlie Swift sent out feelers to members of the CIA who had experience with Al Qaeda to see if they could help shed light on Hamdan’s role in the organization,

and on his reasons for possessing SA-7s. Swift’s inquiries led him to a CIA field operative called Marc Sageman. Sageman had worked with the famous Charlie Wilson to arm and equip the mujahideen freedom fighters with Stinger ground-to-air missiles in the anti-Soviet Afghan jihad of the 1980s. As someone who had spent years in Pakistan working with Islamic militants and shoulder-fired missiles, he would be an invaluable consultant to the defense team.

Sageman would also be able to supply insight into the internal workings of the Al Qaeda organization. After retiring from the CIA, Sageman had gone on to earn a PhD in Criminal Psychology and had written perhaps the most important book on profiling Al Qaeda operatives, Understanding Terrorist Networks (University of Pennsylvania Press 2004). If there was anyone who could put Hamdan’s activities in their proper context it was Sageman.

Swift was not disappointed. When Sageman compared Hamdan’s profile with that of the Al Qaeda operatives he had tracked across the globe, he found that he did not match the usual criteria. Sageman’s work showed that Al Qaeda terrorists were not poor, brainwashed, uneducated dupes that many had once thought them to be.

On the contrary, they were multi-lingual, well educated, wealthy, self-aware and highly motivated actors. They were men like 9/11 hijack team commander Muhammad Atta who spoke German and English in addition to his native Arabic and had a Masters degree in architecture from an elite German university. Atta was able to freely live and operate in the West. Men like Bin Laden, a Saudi millionaire, and Ayman al Zawaheri, Al Qaeda’s number two who had a medical doctorate, were the elite of global terrorism; they were not like impoverished, uneducated Palestinian suicide bombers. When Khaled Sheikh Muhammad planned and executed the attacks of 9/11, he did so based on years of having infiltrated America as a university student. Like Atta, he exploited his knowledge of our society and used it against us.

Hamdan hardly seemed to fit what became known as the ‘Sageman profile’. He was an orphan, had dropped out of school in fourth grade, and had lived on the streets in his native Yemen before landing a job as a taxi driver. Hamdan had no real talents to offer the Al Qaeda leadership in carrying out global terrorist operations like the 9/11 attacks or the simultaneous strikes on US embassies in Kenya and Tanzania in 1998. While he might have been an Al Qaeda flunky, he had never waged jihad, nor had he been linked by the US intelligence community to any terrorist operations.

With no first hand knowledge of the West, mastery of English, or skills needed to fly a plane, Hamdan would have been incapable of joining an elite sleeper cell like the Hamburg team that infiltrated the US and hijacked our planes on 9/11. Nor was he a weapons or explosive expert, internet guru, Islamic scholar, or recruiter. In Sageman’s opinion he was probably what he appeared to be, a lowly mechanic and a driver, not a globe-trotting super-terrorist.

Swift and his team were thrilled with Sageman’s findings and were eager to have him testify as an expert witness. But here they ran into a hurdle. Sageman was employed as the New York Police Department’s in-house expert on terrorism. His employers felt that his testimony might send the wrong signal and Sageman declined to participate in the Gitmo hearing.

But Sageman offered someone else who had both carried out research on the ground in Afghanistan for the CIA and was an analyst on the Taliban and Al Qaeda’s order of battle for West Point’s Combating Terrorism Center: myself.

Tomorrow, Part Three: Brian Williams considers the evidence and the bigger picture, and reaches his own conclusions about Salim Hamdan</p>

EXCERPT:

Defense lawyer Charlie Swift was described to me by one of the members of his defense team as “the only bull in the world who brings his own china shop with him” and he proved true to his word in fighting the charges. He was soon making waves that eventually reached the White House. As he began a tenacious battle to systematically undermine the charges against his client, he decided to take on Guantanamo Bay itself.

AUTHOR: Brian Glyn Williams

TITLE: Defending Hamdan: Letter and Spirit of the Law

STATUS: Publish

ALLOW COMMENTS: 0

CATEGORY: Social Science in War: Defending Hamdan

DATE: 09/24/2008 05:00:00 AM

BODY:

Three: Brian Williams considers the evidence and the bigger picture, and reaches his own conclusions about Salim Hamdan

In October of 2007, I received a phone call from Charlie Swift. Sunrise over the Hindu Kush Mountains on journey through the Salang pass to Mazar-i Sharif. Image courtesy of Brian Williams.He introduced himself and asked me if I was familiar with the

Hamdan case. When I replied that I had followed it from afar, he asked me what I thought about Sageman’s findings on Hamdan. Did they dovetail with my own work on Al Qaeda sleeper cells in Turkey and jihadi fighting forces in Afghanistan, Bosnia, Kosovo, Chechnya, Kashmir and elsewhere?

I was not sure where Swift was going but told him I would need to have access to more of his information in order to make a judgment. As much as I respected Sageman, with whom I had worked over the years at the US military’s Joint Information Operations Warfare Center, I was not sure if I wanted to offer my support unless I knew all the facts.

Swift was, however, confident I would come around to Sageman’s perspective if I was given access to the same information with which he had been provided. Would I be interested in flying down to Washington DC to meet with his team and see the files on Hamdan? Intrigued by Swift’s enthusiasm and interested in meeting the tenacious JAG who had been such a thorn in the side of the Bush administration, I took him up on his offer.

In November of 2007 I flew down to DC to meet with Sageman, Swift, and another old CIA legend, Milt Bearden, to discuss

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the case. As Swift and his team walked me through the circumstances of Hamdan’s capture, showed me photographs of his car and weapons, and used maps and declassified information to bring to life his movements in November of 2001, I began to see him in a new light.

It became increasingly obvious that I might have information that could be crucial in providing the context to Hamdan’s activities in Afghanistan prior to his capture. From a purely legalistic perspective I was sure this information would help the defense beat the ‘smoking gun’ charge of carrying SA-7s to engage in terrorism. In essence, my own research in Afghanistan gave me an explanation for the missiles and led me to the conclusion that Hamdan was not an ‘illegal combatant’: he was a legal combatant and worthy of Geneva Convention protections.

Expert Witness Testimony

As I mulled the case over, I decided to do what Swift had suggested and try to see it not in the immediate context of the post-9/11 rules for the war on terror, but to look at the big picture. Swift wanted me to see Hamdan’s case in the context of over two hundred years of jurisprudence and democracy that had made America a model for other nations. As a historian I decided I would try to consider how we would be judged by future generations for having created ad hoc rules in a time of crisis that might permanently undermine our democracy.

Why not try ‘unlawful combat detainees’ in a regular court of law like the one that convicted Johnny Walker Lindh, the “American Taliban”? Didn’t we have enough faith in our own legal system? Were we not undermining the Geneva Conventions with our actions? What would I have done during the internment of the American Japanese during World War II on blanket charges of ‘treason’ or other abuses of American and international law? As I listened to Swift’s passionate critiques of Gitmo’s damaging impact on our democracy, I also asked myself where I would have stood in an earlier era when Senator Joe McCarthy ran roughshod over US laws in a time of crisis to arrest Americans for being suspected Communists?

As someone studying declining perceptions of the US in the Middle East and Europe, I also asked myself how the world would perceive us if we continued to run what most foreigners saw as an off shore “gulag” to avoid our own laws? What about the “universal truths” that we felt applied to all men, including those who had been charged, but not convinced, of terrorism?

I had to agree with Swift. For all his obvious involvement with Bin Laden, Hamdan deserved a fair trial. This was what America was about. This principle was bigger even than the war on terror. Hamdan deserved to be tried for the specific crimes he had allegedly committed, nothing more.

This was the key to my decision to act as an expert witness in the case. In my professional judgment, Sageman, Swift and his team were right: Salim Hamdan was not a member of the Al Qaeda terrorist elite. Having carried out my own research on an Al Qaeda sleeper cell that struck Istanbul in 2003, I realized Hamdan did not fit my profile of an Al Qaeda terrorist either. In my judgment his crime was not planning or participating in 9/11, it was something that I as an Afghan specialist understood all too well. I understood that Hamdan was providing logistic support for a little known Al Qaeda group known as the Ansars.

Tomorrow, Part Four: Brian Williams put the Ansars in context and tries to convince the court of his convictions at Salim Hamdan’s pre-trial hearing.
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In November of 2007 I flew down to DC to meet with Sageman, Swift, and another old CIA legend, Milt Bearden, to discuss the case. As Swift and his team walked me through the circumstances of Hamdan’s capture, showed me photographs of his car and weapons, and used maps and declassified information to bring to life his movements in November of 2001, I began to see him in a new light.

AUTHOR: Brian Glyn Williams

TITLE: Defending Hamdan: Digging Deeper for the Defense

STATUS: Publish

ALLOW COMMENTS: 0

CATEGORY: Social Science in War: Defending Hamdan

DATE: 09/25/2008 05:00:00 AM

BODY:

 Part Four: Brian Williams put the Ansars in context and tries to convince the court of his convictions at Salim Hamdan’s pre-trial hearing

I had concluded that Salim Hamdan, Bin Laden’s driver, was providing Brian Glyn Williams with Commander Charlie Swift, the J.A.G. (Judge Advocate General) who was defending Salim Hamdan. Image courtesy of Brian Williams.support for an
Al Qaeda field army known as the Ansars (Supporters). They had generally been overlooked by most outsiders focusing on Al Qaeda’s terrorist cells. During my interviews with Taliban prisoners held in a medieval castle-prison in the deserts of northern Afghanistan by a Uzbek warlord named Dostum, I had collected many stories of Arab jihadi volunteer fighters. These fighters formed an elite Al Qaeda support army for the Taliban known as the 055 Brigade, or more colloquially as the Ansars. This unit had thousands of Egyptians, Yemenis, Uzbeks, Uighurs, Saudis, Algerians, Sudanese, and even one American named Johnny Walker Lindh (the so-called “American Taliban”) in its ranks.

The 055 Brigade was deployed primarily against Northern Alliance opposition in north-eastern Afghanistan. There its soldiers fought under a black banner known as the rayah. They were armed with light artillery, outdated Soviet T-62 tanks, multiple rocket launcher systems, and light infantry weapons (AK-47s and -74s, PK machine guns, RPG-7s etc). The Taliban prisoners told me that the foreign fighters had better weapons, better training and discipline (many had served

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in the armies of the home countries), and even uniforms (of a sort, this was Afghanistan after all). Their uniforms consisted of black turbans or Arab keffiyeh headscarves, camouflage jackets and pants, and Western style boots or sneakers (a rarity in Afghanistan where men wore robe-like shalwar kameez and sandals). They also had a well organized command structure.

The 055 fighters were in a class of their own in Afghanistan and were known as the cutting edge of the Taliban sword. My Uzbek Northern Alliance hosts told me of numerous occasions when the Ansars stormed their positions as shock troops for the Taliban. When the US invaded, these foreign foot-soldiers were deployed against Coalition forces. As the Taliban melted away into the countryside by late November 2001, the Arabs fought on in places like Kandahar, southern Afghanistan.

And it was in Kandahar that Hamdan was captured transporting out-dated SA-7s, which were probably for use in trying to shoot down US helicopters. In other words, Hamdan’s possession of these heat seeking missiles did not constitute terrorism. He was simply transporting weapons for an Al Qaeda field force that was the most organized enemy fighting unit in Afghanistan. As a fighting force with a command structure, recognized insignia and uniform, involved in frontal combat, the Ansars were not terrorists or ‘unlawful combatants’, they were legal combatants. As such they were covered by the Geneva Conventions on handling prisoners of war, even though they were the enemy.

Clearly, low-level paid employees like Hamdan and the Ansar rank-and-file soldiers were not involved in the 9/11 attacks (which actually caught many of the Al Qaeda elite by surprise, not to mention the cannon-fodder in the trenches). Had all of these armed soldiers been involved in the 9/11 plot carried out by Khaled Sheikh Mohammed (KSM), Ramzi Binalshibh, Bin Laden, and the 19 hijackers, it wouldn’t have remained secret for long! In fact my research showed me that many Al Qaeda members subsequently came out against the so-called ‘Holy Tuesday’ attack. Some low level employees, including Bin Laden’s former pilot, Esam al Riddi, had even offered their services to the FBI due to their distaste for terrorism.

Goldern arches, christmas lights, and roadway aesthetics at Gitmo. Image courtesy of Brian WIlliams.In other words, I argued that there were many people engaged in military activities or support services for combat operations in Afghanistan (such as Hamdan) who were not necessarily terrorists linked to 9/11. To support my contention that there was an Al Qaeda frontal fighting force operating in the Afghan theater of operations, I referenced a Department of Defense statement from October 2001 which declared, “The Afghan Arabs are more motivated. They've had recent training. They consider themselves professional, not just part-time. So that’s a big difference.”

In preparing my testimony I also found articles in the mainstream media which spoke of Arabs in uniforms with field weapons. Among others I referenced one eye-witness account in the Christian Science Monitor which spoke of seeing “Arab fighters in fresh, new uniforms scramble through the doors of civilian homes and small shops of Kabul as US jets scream overhead.” BBC also had some wonderful pictures of Arab fighters in camouflage uniforms and I shared many of my own stories of Arab frontal fighting forces in Afghanistan. Clearly men in Afghanistan in uniforms, with guns in their hands were not members of sleeper-infiltration cells in the USA, they were legal combatants. While they may have been as fanatical as the Japanese at Iwo Jima (who were similarly

dehumanized by their American enemies at the time), they were enemy soldiers not terrorists.

Swift and his team decided to use my testimony to help shed light on Hamdan not as a terrorist, but as someone providing logistic support for a Geneva-Convention-worthy fighting force. As for the charges of driving Bin Laden around and protecting him, the Defense chose not to contest these charges. Clearly he was guilty on that count and had freely admitted to having done so all along.

In December 2007 I flew from Andrews Air Base down to Guantanamo Bay with Swift and the team to testify before Judge Keith Allred in the pre-trial hearing. The whole case had been rather abstract thus far, but when Hamdan, a small man wearing an Arab headscarf, robe and Western style jacket, came into the court in shackles our eyes met and it became real. At that moment I understood that my testimony could play a key role in deciding whether or not this man spent his life in Guantanamo Bay or returned to his homeland and his wife and daughters. I was not the only one to reach this conclusion: the Prosecution was clearly not happy with my efforts to provide an in-depth analysis of the Al Qaeda battle order and fighting formations. This was not the terrorist side of the organization they were exclusively focusing on.

After the initial Hamdan hearing, standing in front of the building used for the Military Commissions at Gitmo. Image courtesy of Brian Williams.

While the Prosecution tried to undermine my nuanced argument, the slides I presented of Al Qaeda foot soldiers, destroyed enemy tanks, flags, and stories of this fighting unit’s actions in combat, were admitted into the final trial which was scheduled to be held in the summer. During my time on the stand, I noticed that Hamdan (who was listening to my testimony via Arabic translation ear phones) would occasionally nod in agreement. I must say I felt only a small sense of identification with him, but was proud that I was helping him get a fair trial.

And to be honest, the more I heard about him from Brian Mizer and Andrea Prasow, the more convinced I was of the correctness of my decision to support his defense. This diminutive father-of-two, whose greatest dream was returning to his wife, definitely deserved jail time for aiding Bin Laden. But I did not think he deserved life in prison. This was the sentence we gave to those who were convicted of murder on the U.S. mainland and not even the Prosecution was trying to convict him for murder.

Tomorrow, Part Five: Salim Hamdan gets his day in court, in the first US military tribunal since World War II.

EXCERPT:

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AUTHOR: Brian Glyn Williams

TITLE: Defending Hamdan: Trial and Verdict

STATUS: Publish

ALLOW COMMENTS: 0

CATEGORY: Social Science in War: Defending Hamdan

DATE: 09/26/2008 05:00:00 AM

BODY:

 Part Five: Salim Hamdan gets his day in court, in the first US military tribunal since World War II

While Hamdan’s court date was initially set for May, it eventually took place in August. As I was doing field work in Turkey at the time, I was unable to fly in person to Guantanamo Bay to testify. Instead I testified by video conference from Incrilik Air Base in south-eastern Turkey. Joe McMillan, an incredibly gifted lawyer working with Swift’s team, walked me through my testimony on the 055 Brigade for the six member military jury.

Once again I painted a picture of an altogether different Al Qaeda than the one most Americans think about when they envision the 9/11 Hamburg Cell. And once again the Prosecution vigorously sought to undermine me. Interestingly, they did not, however, attempt to refute my main contention (i.e. that there was a bona fide Al Qaeda field army in Afghanistan). The evidence I gave for the existence of a large military wing for Al Qaeda was irrefutable and the jury clearly saw this.

Instead of attacking my findings, the Prosecution waged a series of distracting attacks that were meant to divert attention from my main argument. The Prosecution beat the drum of 9/11 in an effort to get the jury to think solely with their hearts, not their minds. Having hired an expert witness of their own who created a documentary featuring a barrage of images of the burning World Trade Centers, the Prosecution was tapping into a visceral instinct that all Americans (including myself) could relate to: revenge. Hamdan and anyone even remotely related to Bin Laden, from the simple Al Qaeda foot soldiers in the trenches to paid employees, was part of a vast conspiracy to attack the US on 9/11. As such, Hamdan was a terrorist with blood on his hands.

Would the military jury buy into this emotive argument, or my more nuanced approach based on years of studying Afghanistan’s fighting formations and Al Qaeda sleeper cells? After testifying, I flew back to western Turkey and eagerly awaited the news from Gitmo.

Finally, after two days of jury deliberation, I received a phone call from Joe McMillan at Guantanamo Bay and held my breath as he broke the news. Joe informed me that the jury had met and had found Hamdan innocent of involvement in conspiring to commit terrorism, but had found him guilty on five of the eight lesser charges of providing material support. He explained that my expert witness testimony had played a valuable role in refuting the

Prosecution’s vast conspiracy charge and had helped explain the existence of missiles in Hamdan’s car. The jury had clearly rejected the Prosecution’s contention that Hamdan was a terrorist mastermind and had even come to accept the fact that there was another explanation for possession of the missiles than terrorism.

The verdict was all the Defense could have asked for and now they were nervously awaiting the sentencing. How many years would the jury give Hamdan for the lesser crimes of driving and protecting Bin Laden?

When the sentence came it was five and half years. When I heard the sentence I was stunned. Swift’s team – which had tried unsuccessfully to get a plea bargain of ten years – was of course thrilled. An ecstatic Swift raised in his fist in the air in triumph while a bewildered Hamdan tried to control his tears as he sought to understand what had just happened. While President Bush subsequently declared himself ‘satisfied’ with the results, a sentence of what amounted to five more months (after time served) was hardly a victory for those who had established the Guantanamo Bay Military Commissions precisely to lock men like Hamdan up for life.

For me it was a vindication of the US military and rebuttal for all those who felt that an all-military jury could not be impartial. And it was perhaps a signal that now, seven years after 9/11, we as a nation were finally able to take a step back and look at the war on terror and that sad day in 2001 with more clarity than we did in the immediate aftermath. I believe that the verdict and sentence also vindicated the US judicial system.

The verdict will doubtless begin the process of rebuilding America’s reputation which has been damaged abroad by those who focus only on our faults and mistakes. While Guantanamo Bay remains a bone of contention even with close allies like the British, I believe that the Hamdan verdict will begin the process of reminding the world of what America stood for before it became defined by such terms as Abu Ghraib, Haditha, rendition, and most infamous of all, Gitmo.

Postscript

Hamdan remains in Guantanamo Bay and the Pentagon has declared it has the right to keep him and all other prisoners there indefinitely, despite the sensational verdict. It will, however, be harder to keep this high profile prisoner in Gitmo after his remarkable victory. Human rights groups and foreign governments applauded the verdict even as they deplored the continued existence of the Guantanamo Bay system. The actor George Clooney recently purchased the rights to do a movie on the case with himself possibly playing the role of Charlie Swift. Both McCain and Obama have criticized the Guantanamo Bay prison and it faces an uncertain future under both candidates.

Brian Glyn Williams
August 2008

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AUTHOR: Tim Stevens

TITLE: Out Here On The Perimeter

STATUS: Publish

ALLOW COMMENTS: 0

CATEGORY: Social Science in War: Defending Hamdan

DATE: 09/26/2008 11:15:00 PM

BODY:

The outgoing U.S. administration has not had a smooth ride in 2008. In June, the Boumediene v. Bush decision restored the constitutional right of habeas corpus to detainees at Guantanamo Bay . It also challenged the constitutionality of the Military Commissions Act (2006), the first example of which – the trial of Salim Ahmed Hamdan – ended with only partial victory for the administration. It also called into question both the status of the commissions and of 'unlawful combatants'. More damagingly, perhaps, it exposed the motives of an administration hell-bent on convicting a man of war crimes never before covered by that term.

We have read Brian Glyn William's insightful and moving account of the Hamdan trial. Hamdan has been all over the traditional media for years but what has the rest of the blogosphere been making of the events of August 2008 that resulted in the man characterised as "Bin Laden's Driver" effectively receiving a sentence of less than six months?

Brian William's fellow expert witness for the defense, Geoffrey S. Corn, suggests at The Jurist that the ethical professionalism of the participants in this case cannot, despite the verdict, mitigate for the shortcomings of the commission process in general. In his view, Hamdan was convicted of a war crime, "not because his conduct fell into a well established category of conduct prohibited by international law during armed conflict, but simply because Congress took a crime never before considered a war crime and gave it that title."

Kevin Jon Heller concurs, and explains why the court's judgement that material support for terrorism constitutes a war crime was inconsistent with both national and international law and convention. Marty Lederman at Balkinization has a great breakdown of what Hamdan was actually found guilty of, cutting through some of the murk surrounding this case.

Patrick Lang at Sic Semper Tyrannis <a href="http://turcopolier.typepad.com/sic_semper_tyrannis/2008/08/hamdan-will-

go.html">agrees that justice was done in spite of the system rather than because of it:

<blockquote>The prosecution sought to use this military commission to communicate a message to the world. This message was to be that any association with any group the United States chooses to call "terrorist" will lead, at the least, to a long, long prison sentence.

The prosecution's, and presumably the Bush Administration's, desire to send that message was thwarted by six officers who preferred justice.</blockquote>

In response to those suggesting that the eventual outcome was shaped by the administration rather than by the discretion of the military jurors, Patrick has one word: "Rubbish." (This word might also apply to one of the less predictable spin-offs from the Hamdan case. Williams alluded to it, but according to PurpleSlog, George Clooney is all over this like a rash.)

On a more critical note, Andy Worthington, whilst describing Judge Keith Allred as "a principled man in an unenviable position", summed up the trial as:

<blockquote>...a litany of dubious practices masquerading as justice, including the disgraceful use of propaganda, misplaced prosecutorial zeal, the shameful employment of hearsay as evidence, abuse of the Fifth Amendment protection against self-incrimination, and woefully blurred distinctions between valid testimony and coerced testimony.</blockquote>

What of the future of the military commissions, now that the first has been partly ‘successful’ whilst at the same time its very existence has been called into question? Well, it won't be the last. At the Long War Journal, for example, Thomas Joscelyne reminds us that Hamdan's colleague Said Boujaadia, also captured in Afghanistan in 2001, was a real threat to security in a way that the affable Hamdan was not. His case is unlikely to come to court any time soon but when it does will a military court be afforded the same autonomy under a new administration? The Huffington Post 's Mike Melia thinks not. For him, the Hamdan trial,

<blockquote>provides an indication of what to expect as dozens more Guantanamo prisoners go to court: shifting charges, secret testimony - and quick verdicts.</blockquote>

And what of the future of Hamdan himself? Not good, according to the folks at Opinio Juris. "Don’t be fooled by the patina of fairness evinced by the split verdict, this system is irretrievably broken", writes Deborah Pearlstein. Hamdan's lawyers will doubtless appeal his conviction for 'providing material support for terrorism', but will a federal judge be able to resist the 'atmospherics' of this case?   "It’s the perception challenge that will be among Hamdan’s greatest on appeal", states Pearlstein.

The government already looks unlikely to release him whatever happens in court – after all, he’s ‘won’ twice – and Dave Glazier concludes that "there does seem to be sufficient information in the public record to justify his indefinite detention".

The end of the trial, but not the end of the story for either the system or Hamdan. Keep watching the blogosphere!

EXCERPT:

The outgoing U.S. administration has not had a smooth ride in 2008. In June, the Boumediene v. Bush decision restored the constitutional right of habeas corpus to detainees at Guantanamo Bay . It also challenged the constitutionality of the Military Commissions Act (2006), the first example of which – the trial of Salim Ahmed Hamdan – ended with only partial victory for the administration. It also called into question both the status of the commissions and of 'unlawful combatants'. More damagingly, perhaps, it exposed the motives of an administration hell-bent on convicting a man of war crimes never before covered by that term.

AUTHOR: Brian Glyn Williams

TITLE: An Expert Witness Account of the First Military Tribunal Since World War II - Full Text

STATUS: Publish

ALLOW COMMENTS: 0

CATEGORY: Social Science in War: Defending Hamdan

DATE: 09/22/2008 04:00:00 AM

BODY:

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Part One: The prosecution assembles its case, and Hamdan is assigned idiosyncratic counsel.

 The Prosecution was confident that the charges of conspiracy and material support for terrorism against Bin Laden’s driver, Salim Hamdan, would stick. He had been as near to Bin Laden as any of the prisoners at Guantanamo Bay had been. For seven years Hamdan had driven Al Qaeda’s chief around and had even been caught red handed on an Al Qaeda film carrying an AK-47 as bodyguard for Bin Laden.

 If this were not enough, the Prosecution had other ‘smoking gun’ evidence that would later emerge. They were sure the evidence would place the final nail in the coffin and convict this high profile Al Qaeda operative. His conviction and sentencing in the first Guantanamo Bay court case would be a historic litmus test of the whole system.

 Everyone knew that the President himself was following the first Military Tribunal since the Nuremburg and Japanese Tribunals after World War II. Bush himself was clearly expecting a conviction on all counts. For its part, the Prosecution was confident it could give the President what he wanted, followed by a sentence of from 30 years to life.

 But when the jury made of six members from four braches of the military service (hardly an unbiased panel in the eyes of many critics) issued its verdict and sentence in early August, it was a crushing defeat for a prosecution team that had seemingly been handed a ‘slam dunk.’ The jury rejected the Prosecution’s contention that Hamdan had been involved in the conspiracy to carry out the 9/11 attacks and dismissed the most serious charge of conspiracy against him. If this were not enough, the jury also dismissed several of the specifics of the lesser charge, i.e. the charge of providing material support for terrorism. In addition to being cleared on the more serious charge of conspiracy, Hamdan was ultimately convicted on just five counts of the lesser charge (these were mainly to do with driving and providing bodyguard services to Bin Laden).

 There was more bad news to come for the Prosecution. In a final blow, the jury recommended a ‘light’ sentence of just five and a half years for Hamdan. It got worse. As events transpired, the presiding judge in the case, Keith Allred, had already agreed to credit Hamdan with time served, which meant he could potentially be freed in as little as five months – a far cry from the 30 years-plus demanded by the Prosecution. The stunning verdict and sentence in this showcase trial left both critics and supporters of the Guantanamo Bay Tribunals alike wondering: what had gone wrong with the prosecution, and what had gone right with the defense?

  An Improbable Defense

 From the time he was captured in Afghanistan in November 2001 until the time he had his day in court in August of 2008, it was obvious that Salim Hamdan was no typical Al Qaeda prisoner. He readily admitted to being one of Bin Laden’s seven drivers and even showed his US Special Forces captors where Bin Laden’s various hideout and escape routes were located. Clearly he was a ‘big fish’ and as such was transported from the deserts of Afghanistan to the green hills of the ‘Pearl of the Antilles’: Guantanamo Bay, Cuba.

 Once in Gitmo, the 37 year old Yemeni father of two girls was given a military lawyer known as a JAG (Judge Advocate General) named Charlie Swift. Lieutenant Commander Swift, a former frigate commander, had been given a bad case and everyone knew it. In the post-9/11 environment anyone even remotely associate with the killing of almost 3,000 people on September 11th (and some who were not even remotely tied to 9/11, such as Saddam Hussein) were seen as terrorists. Hamdan’s sheer proximity to Bin Laden alone was enough to make him a lightning rod for those wanting retribution. Most critics of Guantanamo Bay felt there was very little chance of him receiving a fair trial, much less beating the charges of conspiracy and material support for terrorism.

 But

Swift did something no one expected. He began to believe in his client’s innocence of involvement in Al Qaeda’s terrorism. When Swift heard that Hamdan had freely divulged information without coercion (when other skilled Al Qaeda captives had kept silent throughout various ‘enhanced interrogations’), Swift grew intrigued. It turned out that Hamdan would gladly share information if he was given such small favors as the chance to talk to his wife on the phone or given access to car and mechanic magazines. This affable driver did not seem to have the modus operandi of a hard core Al Qaeda operative.

 As Hamdan shared his story with Swift, it became increasingly obvious that he was not the brightest of terrorists. With only a fourth grade education and an aptitude for driving that came from his experience as a cab driver in his native Yemen, he didn’t seem to have much to offer an organization like Al Qaeda. When Swift heard that Hamdan had joined Bin Laden after being offered a job as a driver for $200 a month, he became convinced his client was a scapegoat for the real Al Qaeda terrorists.

 If Hamdan had been a terrorist mastermind, Bin Laden would never have abandoned him along with his other flunkies and low-level employees when he fled over the mountains into Pakistan. Was it fair to blame the driver for Bin Laden’s attacks? Had Hitler’s chauffer been tried at Nuremburg?

 And with that the battle began that would eventually see Swift’s marriage crumble and himself denied promotion by the US military (tantamount to being fired). Far from offering up a pro forma ‘defense’ of the sort many at Gitmo expected from the various defense lawyers, Swift promised Hamdan that he would fight his case to the president himself. When a skeptical Hamdan asked him if his uphill defense would make him rich, Swift replied, “no, but it just might make me famous.”

 Part Two: Defense lawyer Swift begins to make waves in the establishment, and begins his search for an expert witness.

 Defense lawyer Charlie Swift was described to me by one of the members of his defense team as “the only bull in the world who brings his own china shop with him” and he proved true to his word in fighting the charges. He was soon making waves that eventually reached the White House. As he began a tenacious battle to systematically undermine the charges against his client, he decided to take on Guantanamo Bay itself.

 Swift increasingly came to see Gitmo as an offshore ‘Alcatraz’ designed to circumvent the US Constitution, not to mention America’s legal system (including the right to Habeas Corpus), and other foundations of American democracy and legality. As such, he began a lone battle against the legality of the Military Commissions that eventually made its way to the Supreme Court. There Swift achieved a stunning victory in 2006’s Hamdan vs. Rumsfeld , which overturned the Military Commissions set up by President Bush. It declared them to be in contravention of the Geneva Conventions which offer protections to captured prisoners of war.

 Judge Keith Allred, presiding over the case, subsequently congratulated a stunned Hamdan on beating the U.S. President in one of the most important decisions curtailing US presidential power ever. However, Congress soon restored the Military Commissions and Hamdan and his team of lawyers prepared again to challenge a system stacked against them. In Gitmo, a place neither fully American nor Cuban, evidence that would never have been allowed in a US court could be used against prisoners living in physical and legal limbo. In Hamdan’s case this included secret evidence kept hidden from the defense until the last moment, and which had been obtained by sleep deprivation (known as Operation Sandman) and threats. Also admitted was material that would be considered hearsay on the American mainland.

 To make matters worse, the Prosecution had ‘smoking gun’ evidence undermining Swift’s defense that Hamdan was just a driver. As it transpired, when Hamdan was captured in November

2001 he was driving towards an area where US Special Forces were engaged in combat with the Taliban and their Al Qaeda allies. When he was stopped and apprehended, a terrified Hamdan had two SA-7 surface-to-air missiles in his car. Hardly the usual accoutrement for an innocent chauffeur!

 The Prosecution was sure this evidence would help them convict Hamdan on the charges of both conspiracy to commit terrorism and material support for terrorism. Simply put, surface-to-air missiles equalled terrorism.

 The Defense had to acknowledge that the evidence was damning. But Charlie Swift and his team, which included Brian Mizer, Andrea Prasow, Joe McMillan and Harry Schneider, had not fought the case this far to have it sabotaged by a pair of missiles. There had to be some other explanation for the SA-7s in Hamdan’s vehicle.

  The Search for an Expert Witness

 As Hamdan’s December 2007 pre-trial hearing approached, Charlie Swift sent out feelers to members of the CIA who had experience with Al Qaeda to see if they could help shed light on Hamdan’s role in the organization, and on his reasons for possessing SA-7s. Swift’s inquiries led him to a former CIA field operative called Marc Sageman. Sageman had worked with the famous Charlie Wilson to arm and equip the mujahideen freedom fighters with Stinger ground-to-air missiles in the anti-Soviet Afghan jihad of the 1980s. As someone who had spent years in Pakistan working with Islamic militants and shoulder-fired missiles, he would be an invaluable consultant to the defense team.

 Sageman would also be able to supply insight into the internal workings of the Al Qaeda organization. After retiring from the CIA, Sageman had gone on to earn a PhD in Criminal Psychology and had written perhaps the most important book on profiling Al Qaeda operatives, Understanding Terrorist Networks (University of Pennsylvania Press 2004). If there was anyone who could put Hamdan’s activities in their proper context, it was Sageman.

 Swift was not disappointed. When Sageman compared Hamdan’s profile with that of the Al Qaeda operatives he had tracked across the globe, he found that he did not match the usual criteria. Sageman’s work showed that Al Qaeda terrorists were not poor, brainwashed, uneducated dupes that many had once thought them to be.

 On the contrary, they were multi-lingual, well educated, wealthy, self-aware and highly motivated actors. They were men like 9/11 hijack team commander Muhammad Atta who spoke German and English in addition to his native Arabic and had a Masters degree in architecture from an elite German university. Atta was able to freely live and operate in the West. Men like Bin Laden, a Saudi millionaire, and Ayman al Zawaheri, Al Qaeda’s number two who had a medical doctorate, were the elite of global terrorism; they were not like impoverished, uneducated Palestinian suicide bombers. When Khaled Sheikh Muhammad planned and executed the attacks of 9/11, he did so based on years of having infiltrated America as a university student. Like Atta, he exploited his knowledge of our society and used it against us.

 Hamdan hardly seemed to fit what became known as the ‘Sageman profile.’ He had been an orphan, had dropped out of school in fourth grade, and had lived on the streets in his native Yemen before landing a job as a taxi driver. Hamdan had no real talents to offer the Al Qaeda leadership in carrying out global terrorist operations like the 9/11 attacks or the simultaneous strikes on US embassies in Kenya and Tanzania in 1998. While he might have been an Al Qaeda flunky, he had never waged jihad, nor had he been linked by the US intelligence community to any terrorist operations.

 With no first hand knowledge of the West, mastery of English, or skills needed to fly a plane, Hamdan would have been incapable of joining an elite sleeper cell like the Hamburg team that infiltrated the US and hijacked our planes on 9/11. Nor was he a weapons or explosive expert, internet guru, Islamic scholar, or recruiter. In Sageman’s opinion he was probably what he appeared to be, a lowly mechanic and a

driver, not a globe-trotting super-terrorist.

 Swift and his team were thrilled with Sageman’s findings and were eager to have him testify as an expert witness. But here they ran into a hurdle. Sageman was employed as the New York Police Department’s in-house expert on terrorism. His employers felt that his testimony might send the wrong signal and Sageman declined to participate in the Gitmo hearing.

 But Sageman offered someone else who had both carried out research on the ground in Afghanistan for the CIA and was an analyst on the Taliban and Al Qaeda’s order of battle for West Point’s Combating Terrorism Center: myself.

 Part Three: Brian Williams considers the evidence and the bigger picture, and reaches his own conclusions about Salim Hamdan
 In October of 2007, I received a phone call from Charlie Swift. He introduced himself and asked me if I was familiar with the Hamdan case. When I replied that I had followed it from afar, he asked me what I thought about Sageman’s findings on Hamdan. Did they dovetail with my own work on Al Qaeda sleeper cells in Turkey and jihadi fighting forces in Afghanistan, Bosnia, Kosovo, Chechnya, Kashmir and elsewhere?

 I was not sure where Swift was going but told him I would need to have access to more of his information in order to make a judgment. As much as I respected Sageman, with whom I had worked over the years at the US military’s Joint Information Operations Warfare Center, I was not sure if I wanted to offer my support unless I knew all the facts.

 Swift was, however, confident I would come around to Sageman’s perspective if I was given access to the same information with which he had been provided. Would I be interested in flying down to Washington DC to meet with his team and see the files on Hamdan? Intrigued by Swift’s enthusiasm and interested in meeting the tenacious JAG who had been such a thorn in the side of the Bush administration, I took him up on his offer.

 In November of 2007 I flew down to DC to meet with Sageman, Swift, and another old CIA legend, Milt Bearden, to discuss the case. As Swift and his team walked me through the circumstances of Hamdan’s capture, showed me photographs of his car and weapons, and used maps and declassified information to bring to life his movements in November of 2001, I began to see him in a new light.

 It became increasingly obvious that I might have information that could be crucial in providing the context to Hamdan’s activities in Afghanistan prior to his capture. From a purely legalistic perspective I was sure this information would help the defense beat the ‘smoking gun’ charge of carrying SA-7s to engage in terrorism. In essence, my own research in Afghanistan gave me an explanation for the missiles and led me to the conclusion that Hamdan was not an ‘illegal combatant’: he was a legal combatant and worthy of Geneva Convention protections.

  Expert Witness Testimony

 As I mulled the case over, I decided to do what Swift had suggested and try to see it not in the immediate context of the post-9/11 rules for the war on terror, but to look at the big picture. Swift wanted me to see Hamdan’s case in the context of over two hundred years of jurisprudence and democracy that had made America a model for other nations. As a historian I decided I would try to consider how we would be judged by future generations for having created ad hoc rules in a time of crisis that might permanently undermine our democracy.

 Why not try ‘unlawful combat detainees’ in a regular court of law like the one that convicted Johnny Walker Lindh, the “American Taliban”? Didn’t we have enough faith in our own legal system? Were we not undermining the Geneva Conventions with our actions? What would I have done during the internment of the American Japanese during World War II on blanket charges of ‘treason’ or other abuses of American and international law? As I listened to Swift’s passionate critiques of Gitmo’s damaging impact on our democracy, I also asked myself where I would have stood in an earlier era when

Senator Joe McCarthy ran roughshod over US laws in a time of crisis to arrest Americans for being suspected Communists?

 As someone studying declining perceptions of the US in the Middle East and Europe, I also asked myself how the world would perceive us if we continued to run what most foreigners saw as an off shore “gulag” to avoid our own laws? What about the “universal truths” that we felt applied to all men, including those who had been charged, but not convinced, of terrorism?

 I had to agree with Swift. For all his obvious involvement with Bin Laden, Hamdan deserved a fair trial. This was what America was about. This principle was bigger even than the war on terror. Hamdan deserved to be tried for the specific crimes he had allegedly committed, nothing more.

 This was the key to my decision to act as an expert witness in the case. In my professional judgment, Sageman, Swift and his team were right: Salim Hamdan was not a member of the Al Qaeda terrorist elite. Having carried out my own research on an Al Qaeda sleeper cell that struck Istanbul in 2003, I realized Hamdan did not fit my profile of an Al Qaeda terrorist either. In my judgment his crime was not planning or participating in 9/11, it was something that I as an Afghan specialist understood all too well. I understood that Hamdan was providing logistic support for a little known Al Qaeda group known as the Ansars .

 Part Four: Brian Williams put the Ansars in context and tries to convince the court of his convictions at Salim Hamdan’s pre-trial hearing.

 I had concluded that Salim Hamdan, Bin Laden’s driver, was providing support for an Al Qaeda field army known as the Ansars (Supporters). They had generally been overlooked by most outsiders focusing on Al Qaeda’s terrorist cells. During my interviews with Taliban prisoners held in a medieval castle-prison in the deserts of northern Afghanistan by a Uzbek warlord named Dostum, I had collected many stories of Arab jihadi volunteer fighters. These fighters formed an elite Al Qaeda support army for the Taliban known as the 055 Brigade, or more colloquially as the Ansars. This unit had thousands of Egyptians, Yemenis, Uzbeks, Uighurs, Saudis, Algerians, Sudanese, and even one American named Johnny Walker Lindh (the so-called “American Taliban”) in its ranks.

 The 055 Brigade was deployed primarily against Northern Alliance opposition in north-eastern Afghanistan. There its soldiers fought under a black banner known as the rayah. They were armed with light artillery, outdated Soviet T-62 tanks, multiple rocket launcher systems, and light infantry weapons (AK-47s and -74s, PK machine guns, RPG-7s etc). The Taliban prisoners told me that the foreign fighters had better weapons, better training and discipline (many had served in the armies of the home countries), and even uniforms (of a sort, this was Afghanistan after all). Their uniforms consisted of black turbans or Arab keffiyeh headscarves, camouflage jackets and pants, and Western style boots or sneakers (a rarity in Afghanistan where men wore robe-like shalwar kameez and sandals). They also had a well organized command structure.

 The 055 fighters were in a class of their own in Afghanistan and were known as the cutting edge of the Taliban sword. My Uzbek Northern Alliance hosts told me of numerous occasions when the Ansars stormed their positions as shock troops for the Taliban. When the US invaded, these foreign foot-soldiers were deployed against Coalition forces. As the Taliban melted away into the countryside by late November 2001, the Arabs fought on in places like Kandahar, southern Afghanistan.

 And it was in Kandahar that Hamdan was captured transporting out-dated SA-7s, which were probably for use in trying to shoot down US helicopters. In other words, Hamdan’s possession of these heat seeking missiles did not constitute terrorism. He was simply transporting weapons for an Al Qaeda field force that was the most organized enemy fighting unit in Afghanistan. As a fighting force with a command structure, recognized insignia and uniform, involved in frontal combat, the Ansars were not terrorists or ‘unlawful combatants’, they were legal combatants. As

such they were covered by the Geneva Conventions on handling prisoners of war, even though they were the enemy.

 Clearly, low-level paid employees like Hamdan and the Ansar rank-and-file soldiers were not involved in the 9/11 attacks (which actually caught many of the Al Qaeda elite by surprise, not to mention the cannon-fodder in the trenches). Had all of these armed soldiers been involved in the 9/11 plot carried out by Khaled Sheikh Mohammed (KSM), Ramzi Binalshibh, Bin Laden, and the 19 hijackers, it wouldn’t have remained secret for long! In fact my research showed me that many Al Qaeda members subsequently came out against the so-called ‘Holy Tuesday’ attack. Some low level employees, including Bin Laden’s former pilot, Esam al Riddi, had even offered their services to the FBI due to their distaste for terrorism.

 In other words, I argued that there were many people engaged in military activities or support services for combat operations in Afghanistan (such as Hamdan) who were not necessarily terrorists linked to 9/11 . To support my contention that there was an Al Qaeda frontal fighting force operating in the Afghan theater of operations, I referenced a Department of Defense statement from October 2001 which declared, “The Afghan Arabs are more motivated. They've had recent training. They consider themselves professional, not just part-time. So that’s a big difference.”

 In preparing my testimony I also found articles in the mainstream media which spoke of Arabs in uniforms with field weapons. Among others I referenced one eye-witness account in the Christian Science Monitor which spoke of seeing “Arab fighters in fresh, new uniforms scramble through the doors of civilian homes and small shops of Kabul as US jets scream overhead.” BBC also had some wonderful pictures of Arab fighters in camouflage uniforms and I shared many of my own stories of Arab frontal fighting forces in Afghanistan. Clearly men in Afghanistan in uniforms, with guns in their hands were not members of sleeper-infiltration cells in the USA, they were legal combatants. While they may have been as fanatical as the Japanese at Iwo Jima (who were similarly dehumanized by their American enemies at the time), they were enemy soldiers not terrorists.

 Swift and his team decided to use my testimony to help shed light on Hamdan not as a terrorist, but as someone providing logistic support for a Geneva-Convention-worthy fighting force. As for the charges of driving Bin Laden around and protecting him, the Defense chose not to contest these charges. Clearly he was guilty on that count and had freely admitted to having done so all along.

 In December 2007 I flew from Andrews Air Base down to Guantanamo Bay with Swift and the team to testify before Judge Keith Allred in the pre-trial hearing. The whole case had been rather abstract thus far, but when Hamdan, a small man wearing an Arab headscarf, robe and Western style jacket, came into the court in shackles our eyes met and it became real. At that moment I understood that my testimony could play a key role in deciding whether or not this man spent his life in Guantanamo Bay or returned to his homeland to be with his wife and daughters. I was not the only one to reach this conclusion: the Prosecution was clearly not happy with my efforts to provide an in-depth analysis of the Al Qaeda battle order and fighting formations. This was not the terrorist side of the organization they were exclusively focusing on.

 While the Prosecution tried to undermine my nuanced argument, the slides I presented of Al Qaeda foot soldiers, destroyed enemy tanks, flags, and stories of this fighting unit’s actions in combat, were admitted into the final trial which was scheduled to be held in the summer. During my time on the stand, I noticed that Hamdan (who was listening to my testimony via Arabic translation ear phones) would occasionally nod in agreement. I must say I felt only a small sense of identification with him, but was proud that I was helping him get a fair trial.

 And to be honest, the more I heard about him from Brian Mizer and Andrea Prasow, the more convinced I was of the correctness of my decision to support his defense. This diminutive father-of-two, whose greatest dream was returning to his wife, definitely deserved

jail time for aiding Bin Laden. But I did not think he deserved life in prison. This was the sentence we gave to those who were convicted of murder on the U.S. mainland and not even the Prosecution was trying to convict him for murder.

 Part Five: Salim Hamdan gets his day in court, in the first US military tribunal since World War II.

 While Hamdan’s court date was initially set for May, it eventually took place in August. As I was doing field work in Turkey at the time, I was unable to fly in person to Guantanamo Bay to testify. Instead I testified by video conference from Incrilik Air Base in south-eastern Turkey. Joe McMillan, an incredibly gifted lawyer working with Swift’s team, walked me through my testimony on the 055 Brigade for the six member military jury.

 Once again I painted a picture of an altogether different Al Qaeda than the one most Americans think about when they envision the 9/11 Hamburg Cell. And once again the Prosecution vigorously sought to undermine me. Interestingly, they did not, however, attempt to refute my main contention (i.e. that there was a bona fide Al Qaeda field army in Afghanistan). The evidence I gave for the existence of a large military wing for Al Qaeda was irrefutable and the jury clearly saw this.

 Instead of attacking my findings, the Prosecution waged a series of distracting attacks that were meant to divert attention from my main argument. The Prosecution beat the drum of 9/11 in an effort to get the jury to think solely with their hearts, not their minds. Having hired an expert witness of their own who created a documentary featuring a barrage of images of the burning World Trade Centers, the Prosecution was tapping into a visceral instinct that all Americans (including myself) could relate to: revenge. Hamdan and anyone even remotely related to Bin Laden, from the simple Al Qaeda foot soldiers in the trenches to paid employees, was part of a vast conspiracy to attack the US on 9/11. As such, Hamdan was a terrorist with blood on his hands.

 Would the military jury buy into this emotive argument, or my more nuanced approach based on years of studying Afghanistan’s fighting formations and Al Qaeda sleeper cells? After testifying, I flew back to western Turkey and eagerly awaited the news from Gitmo.

 Finally, after two days of jury deliberation, I received a phone call from Joe McMillan at Guantanamo Bay and held my breath as he broke the news. Joe informed me that the jury had met and had found Hamdan innocent of involvement in conspiring to commit terrorism, but had found him guilty on five of the eight lesser charges of providing material support. He explained that my expert witness testimony had played a valuable role in refuting the Prosecution’s vast conspiracy charge and had helped explain the existence of missiles in Hamdan’s car. The jury had clearly rejected the Prosecution’s contention that Hamdan was a terrorist mastermind and had even come to accept the fact that there was another explanation for possession of the missiles than terrorism.

 The verdict was all the Defense could have asked for and now they were nervously awaiting the sentencing. How many years would the jury give Hamdan for the lesser crimes of driving and protecting Bin Laden?

 When the sentence came it was five and half years. When I heard the sentence I was stunned. Swift’s team – which had tried unsuccessfully to get a plea bargain of ten years – was of course thrilled. An ecstatic Swift raised in his fist in the air in triumph while a bewildered Hamdan tried to control his tears as he sought to understand what had just happened. While President Bush subsequently declared himself ‘satisfied’ with the results, a sentence of what amounted to five more months (after time served) was hardly a victory for those who had established the Guantanamo Bay Military Commissions precisely to lock men like Hamdan up for life.

 For me it was a vindication of the US military and rebuttal for all those who felt that an all-military jury could not be impartial. And it was perhaps a signal that now, seven years after 9/11, we as a nation were finally able to take a step back and look at the war on terror and that sad day in 2001 with more clarity than we

did in the immediate aftermath. I believe that the verdict and sentence also vindicated the US judicial system.

 The verdict will doubtless begin the process of rebuilding America’s reputation which has been damaged abroad by those who focus only on our faults and mistakes. While Guantanamo Bay remains a bone of contention even with close allies like the British, I believe that the Hamdan verdict will begin the process of reminding the world of what America stood for before it became defined by such terms as Abu Ghraib, Haditha, rendition, and most infamous of all, Gitmo.

  Postscript

 Hamdan remains in Guantanamo Bay and the Pentagon has declared it has the right to keep him and all other prisoners there indefinitely, despite the sensational verdict. It will, however, be harder to keep this high profile prisoner in Gitmo after his remarkable victory. Human rights groups and foreign governments applauded the verdict even as they deplored the continued existence of the Guantanamo Bay system. The actor George Clooney recently purchased the rights to do a movie on the case with himself possibly playing the role of Charlie Swift. Both McCain and Obama have criticized the Guantanamo Bay prison and it faces an uncertain future under both candidates.

  Brian Glyn Williams
  August 2008

EXCERPT:

The Prosecution was confident that the charges of conspiracy and material support for terrorism against Bin Laden’s driver, Salim Hamdan, would stick. He had been as near to Bin Laden as any of the prisoners at Guantanamo Bay had been. For seven years Hamdan had driven Al Qaeda’s chief around and had even been caught red handed on an Al Qaeda film carrying an AK-47 as bodyguard for Bin Laden.

AUTHOR: Mike Innes

TITLE: Defending Hamdan: Opening Remarks

STATUS: Publish

ALLOW COMMENTS: 0

CATEGORY: Social Science in War: Defending Hamdan

DATE: 09/26/2008 08:48:06 PM

BODY:

I first came across Brian Williams - or rather, his work - a few years ago when I was starting to research sanctuary concepts and practices in the war on terror. Plumbing the depths of the International Studies Association's online paper archive, I stumbled across one that was unforgettably titled "<a

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href="http://www.allacademic.com/meta/p_mla_apa_research_citation/0/7/1/0/3/p71031_index.html" target="_blank">Operation Enduring Freedom, 2001-2005. Waging Counter-Jihad in Central Eurasia." It was an anomaly among IR papers, written by an historian, offering a deep contemporary narrative of Al Qaeda - and a page turner, written with great style.

Since then, I've had the great privilege to work with Brian on several occasions, including his work in two books that I've edited, with a third forthcoming. He was one of the first scholars I contacted when I was thinking about putting together CTlab. He is, perhaps, the most generous scholar with whom I've ever dealt. It was thus no great surprise, when I asked him if he'd consider drafting a blog post about his recent field research in Turkey, Afghanistan, and Pakistan, that he instead provided a detailed, 5000 word account of his role in the Hamdan trial.

What to do with it? Too long for a blog post, and too important to be abbreviated. The narrative touches on many of the issues and themes that concern the CTlab project. These are, it barely needs mentioning, immensely topical. Debates on the nature and health of the Al Qaeda threat have preoccupied such luminaries as Bruce Hoffman and Marc Sageman. So have contentions over the relationship between academia, the military, and government, a particularly pressing issue in these troubled times. Questions about the role of law, the character of justice, and the conduct of war have been hotly debated - indeed, have been emblematic of the post- 9/11 era - and continue to preoccupy.

Much of this has been mired in misunderstanding, hysterics and partisan politics. It made sense to leverage from Brian's generosity a unique opportunity to engage with these problems in an open, informal forum. We also wanted to explore the enabling potential of digital spaces in CTlab's development and offerings. About a month ago we starting polling potential participants, and here we are today.

Our multidisciplinary cohort of invited scholars, including representatives from across the disciplines - history, political science, psychology, sociology, anthropology, law - is truly global, based in the US, Canada, the UK, Australia, and New Zealand. They've published extensively and widely, and a fair number of them are inveterate bloggers. With that, I'd like to welcome our participants, as I cede the ether to them:

Panel:

John Matthew Barlow (History, Concordia University)

Christian Bleuer (Political Science, Australian National University)

Craig Hayden (Int'l Communications, American University)

Kevin Jon Heller (Law, University of Auckland/University of Melbourne)

Thomas Johnson (Cultural Studies, Naval Postgraduate School)

Jason Ralph (Politics & International Studies, University of Leeds)

William Snyder (Law, University of Syracuse/Maxwell School)

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Marc Tyrrell (Anthropology, Carleton University)

Tony Waters (Sociology, California State University, Chico)

L.L. Wynn (Anthropology, Macquarie University)

Blogs Represented:

Opinio Juris (Kevin Jon Heller)

Intermap (Craig Hayden)

In Harmonium (Marc Tyrrell)

Ethnography.com (Tony Waters)

Culture Matters/ Khaldoun   (Lisa Wynn)

Ghosts of Alexander /The Afghanistan Analyst (Christian Bleuer)

EXCERPT:

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DRAFT

AUTHOR: Tony Waters

TITLE: Lipstick on a Pig?

STATUS: Publish

ALLOW COMMENTS: 1

CATEGORY: Social Science in War: Defending Hamdan

DATE: 09/26/2008 11:21:42 PM

BODY:

Hi Brian:

Thanks for writing an engaging and interesting account of your involvement in the Hamdan trial. I too was pleased, and surprised about the verdict. I also agree that it provides some indication that at least the US officer corps can maintain a level of impartiality despite the interest of the civilians in the Defense Department for manipulating the process. The verdict has caused me to wonder even more about the views of the officer corps regarding Iraq, the War on Terror, and the longer term implications these views will have for military morale. In this respect, I agree with you that the verdict is a vindication of sorts for the officers concerned. But for the military justice system in general? I think just the opposite.

To borrow a recent metaphor, the Hamdan verdict is like putting lipstick on a pig. A pig is still a pig, and the military courts established in Guantanamo are still illegitimate in the eyes of the world, and ineffectual in both vindicating the innocent, and identifying the guilty for punishment. In this context, I doubt that the Hamdan verdict will by itself begin the process of rebuilding America’s reputation as a protector of human rights, or the principles of equality before the law.

The broader actions of maintaining Guantanamo system speak louder than the one odd verdict. Hundreds of others are still in Guantanamo and other secret prisons, and the United States is still not extending basic protections under the US Constitution, Geneva Conventions, or even natural law. The bottom line in this case of course is Hamdan himself. Hamdan himself, as you note is still in prison with no release date.

In short, the Hamdan verdict may well be a vindication of the officers on the jury. But vindication for the US military justice system in general? Or Hamdan? I think not. The stain in the case of Hamdan is made even deeper by the fact that ultimately, the verdict is irrelevant to Hamdan himself who remains in prison without hope of release. A court which cannot protect those it judges is no court at all.

Tony Waters

Professor of Sociology

California State University, Chico

DRAFT

EXCERPT:

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AUTHOR: L.L. Wynn

TITLE: A Minute Focus on Uniforms

STATUS: Publish

ALLOW COMMENTS: 1

CATEGORY: Social Science in War: Defending Hamdan

DATE: 09/26/2008 11:31:03 PM

BODY:

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It has been fascinating reading Brian William's brief account of this trial. I am writing from Cairo where I'm in the middle of a quick stint of anthropological fieldwork, and as I hoof about this hot and smoggy but cheerful city chatting with people, I'm reminded daily of the truth of what Brian writes about when he says that one of the major issues at stake in trials that test the legality of Guantanamo is the international image of the U.S. Not a day goes by when I'm asked where I'm from, and I confess that I'm an American, and the response I get is, “we love Americans but we hate America.”

I've only spent time in the Middle East for about 15 years so I don't have enough historical perspective to say if America ever was the symbol of freedom and democracy for Egyptians that we Americans like(d) to imagine we are. But what I can say definitively is that what we “currently” stand for in the opinion of most of the Egyptians I come across is war, imperial aggression, and hypocritical support for oppressive regimes when it suits our political leaders.

Brian writes that “For me it was a vindication of the US military and rebuttal for all those who felt that an all-military jury could not be impartial.... I believe that the verdict and sentence also vindicated the US judicial system,” and that may be true. But when he writes, “The verdict will doubtless begin the process of rebuilding America’s

reputation... I believe that the Hamdan verdict will begin the process of reminding the world of what America stood for before it became defined by such terms as Abu Ghraib, Haditha, rendition, and most infamous of all, Gitmo,” I couldn't disagree more in light of his postscript telling us that “Hamdan remains in Guantanamo Bay and the Pentagon has declared it has the right to keep him and all other prisoners there indefinitely.” The U.S. image continues to be defined by Abu Ghraib and Gitmo, and dismayingly enough, the Bush regime seems determined to keep it that way.

But what also struck me reading Brian's account was all the things that we now take for granted thanks to the efforts of the Bush regime. There are a lot of absurdities that we don't blink an eye at. For example, consider his minute focus on whether members of al-Qaeda wear uniforms or not. Really? Is that really what should make a difference in whether we give someone a fair trial or not? Is that really what defines someone as a terrorist or not? By current U.S. legal standards it may be, and certainly it was necessary for the success of this trial, but I think the real challenge is to try to develop a broader vision.

I am reminded of the late Eqbal Ahmed's classic essay “Terrorism: Theirs and Ours,” in which he challenged the definition of terrorism and reminded us of the way that deploying the word “terrorism” strategically deflects attention away from the vastly greater amount of violence that is legally committed by nation-states. The revised essay was published as a little booklet and the poignant picture on the cover, of Ronald Reagan sitting in the White House with Afghani mujahideen, makes Ahmed's point that “The terrorist of yesterday is the hero of today, and the hero of yesterday becomes the terrorist of today.”

To apply Ahmed's argument to the current political situation, let us consider how many people have been killed as a result of the American invasion of Iraq (considered by many, including Kofi Annan, to be an illegal war, further pressing us to think about contested definitions of the legitimacy of violence), and compare that with the number of people who were killed by al-Qaeda operatives on 9/11. Of course, the figures are highly contentious, but most would agree that the number of Americans killed in Iraq exceeds the number killed in 9/11, while the number of Iraqis killed is somewhere between 30 and 200 times the number of people killed in 9/11.

What Ahmed's argument presses us to think about is how debates over whether a person or group of people are "terrorists" or not -- based on whether they wear uniforms or have a centralized command structure or whether they're on our side -- distracts attention away from "terror."

L.L. Wynn is an Associate Lecturer in the Department of Anthropology, Macquarie University, Australia, and the author of Pyramids and

Nightclubs (University of Texas Press, 2007).

EXCERPT:

It has been fascinating reading Brian William's brief account of this trial. I am writing from Cairo where I'm in the middle of a quick stint of anthropological fieldwork, and as I hoof about this hot and smoggy but cheerful city chatting with people, I'm reminded daily of the truth of what Brian writes about when he says that one of the major issues at stake in trials that test the legality of Guantanamo is the international image of the U.S. Not a day goes by when I'm asked where I'm from, and I confess that I'm an American, and the response I get is, “we love Americans but we hate America.”

AUTHOR: William C. Snyder

TITLE: The Flexibility of the Military Commissions

STATUS: Publish

ALLOW COMMENTS: 1

CATEGORY: Social Science in War: Defending Hamdan

DATE: 09/28/2008 06:52:12 PM

BODY:

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The military commissions now operating at Guantanamo Bay are more flexible than the federal civilian courts established pursuant to Article III of the Constitution. This flexibility affected Mr. Hamdan’s defense, especially the trial strategy that he could adopt and the sentence he ultimately received. Some of this flexibility is built into the military commissions system. For example, although the military commissions’ rules largely incorporate the military, federal and common law rules of evidence, they nevertheless do not exclude evidence “on the grounds that the evidence was not seized pursuant to a search warrant or authorization.” In addition, they attempt to apply the rule that “[e]vidence shall be admissible if … [it] would have probative value to a reasonable person.”

Some of this flexibility is de facto, rather than de jure, simply because there exists no large body of legal holdings on the procedures of the Military Commissions Act to impose precedent limiting the discretion of these new commissions. That legal clean slate might have been intentional. Perhaps the administration wanted to try the persons at Guantanamo apart from the thousands of criminal procedure opinions on the

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books written by Article III judges. Or, perhaps, the clean slate is simply a necessary ancillary to trying a new solution.

The most significant effect of the flexibility in the military commissions system, however, is freedom from the sentencing guidelines created by Congress and the Sentencing Commission. Had the Hamdan defense been operating under a regime governed by the Sentencing Guidelines, I believe that his strategy would have needed to be different. Also, in the event of a conviction, his sentence likely would have been far longer.

Professor Williams reported that: “As for the charges of driving Bin Laden around and protecting him, the Defense chose not to contest these charges. Clearly he was guilty on that count and freely admitted to having done so all along.” That admission would have been very costly under the Sentencing Guidelines, even though the Guidelines are not mandatory.

Just one of the five specifications of which the jury found Mr. Hamdan guilty was Charge II, Specification 2, which reads in part: “Hamdan, in context of or associated with an armed conflict and with knowledge that al Qaeda has engaged in or engages in terrorism, did provide material support or resources, to wit: personnel, himself … by .. [s]erv[ing] as Usama bin Laden’s armed body guard … [and] transport[ing] weapons or weapon systems.” That makes out all the elements of the civilian crime of Providing Material Support to Terrorists in violation of Title 18, United States Code, Section 2339A as well as of Providing Material Support or Resources to Designated Foreign Terrorist Organizations in violation of Section 2339B.

The applicable sentencing guideline for Section 2339B is §2M5.3. Even assuming that a sentencing judge does not find that Mr. Hamdan’s actions resulted in death or were “tantamount to attempted murder” (a reasonable assumption because the jury acquitted Mr. Hamdan on the conspiracy charge), the base offense level is 26 plus two additional levels for involvement of a firearm or dangerous weapon. Sentencing Guideline §3A1.4 states that “[i]f the offense is a felony that involved, or was intended to promote, a federal crime of terrorism, increase by 12 levels” and “[i]n each such case, the defendant’s criminal history category … shall be Category VI.” So, his base offense level just for that one admitted charged specification would be 40 (26 + 2 +12). That with a Category VI criminal history generates a guidelines sentencing range of 360 months (30 years) to life.

The civilian material support statutes cap the sentence of imprisonment at fifteen years, “unless the death of any person results.” It is not yet clear how attenuated a resulting death may be in order to lift the maximum sentence from fifteen years to life or death. Even though, the sentencing guidelines are not mandatory, it stills seems highly likely that a conviction under 2339B for even just the admitted conduct would generate a sentence greatly in excess of what Mr. Hamdan received.

The sentencing guideline for 2339A, the other material support statute, is the same one for aiding and abetting. It says: “The offense level is the same as that for the underlying offense.” The application note states that “‘underlying offense’ means the offense the defendant is convicted of having materially supported.” What would that underlying offense be? Could a judge have identified an underlying offense committed by Osama Bin Laden and supported by Mr. Hamdan that did not result in death? If not, then the Sentencing Guidelines range again would have been life imprisonment.

The Guidelines generate these ranges even in the face of the acquittal for conspiracy. Conspiracy requires an agreement and at least two aspects of knowledge: knowing participation or membership in a scheme and some knowledge of the unlawful aims and objectives of the scheme. See, United States v. Lanza, 790 F.2d 1015 (2d Cir. 1986). That, it seems, is where the military jury found the government’s evidence insufficient on Charge I. Material support does not require a single scheme and knowledge of its aims and objectives. The language in Charge II (uncontested according to Professor Williams) admits the mental state required by the civilian material support statute. Also, federal criminal law provides that: “Whoever commits an offense against the United States or aids [or] abets its commission, is punishable as a principle.” “Materially supporting” and “aiding and abetting” are closely related concepts. An admission to providing material support might well legally provide the factual basis for other criminal statutory offenses that would require lengthy mandatory minimum sentences -- quite possibly a mandatory life sentence.

In short, had Mr. Hamdan been charged in our “regular” courts, his defense likely would have needed to choose a different trial strategy, or else his sentence would almost certainly have been much longer. Was he fortunate to have been tried by a military commission?

William C. Snyder is Visiting Assistant Professor of Law, Institute for National Security and Counter-Terrorism, Syracuse University College of Law.

EXCERPT:

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AUTHOR: Jason Ralph

TITLE: Combatant Status of the Ansars

STATUS: Publish

ALLOW COMMENTS: 1

DRAFT

CATEGORY: Social Science in War: Defending Hamdan

DATE: 09/29/2008 02:06:00 AM

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Firstly, I’d like to thank Brian for his willingness to share his experiences in what was an extremely interesting write-up of the Hamdan trial. For my part, I want to focus on the distinction between lawful and unlawful combatancy, which was at the core of Hamdan’s defence strategy. I want also to say something about the significance of this trial by placing it in a wider normative context and conclude by posing some questions.

As we heard, the defence team argued that the SA7 missiles found in Hamdan’s car could not prove he was a terrorist because it was likely that they were to be used by the “Ansars” against American forces. Because the Ansars had a chain of command and wore a kind of uniform it was possible that they could be considered lawful combatants. Under the laws of war, therefore, Hamdan was not doing anything unlawful by helping to resist the US occupation of Afghanistan. This argument, it appears, helped persuade the jury to reject the charge of conspiracy to commit terrorism.

It’s worth pausing here to remind ourselves of the normative purpose behind the idea of ‘lawful’ and ‘unlawful combatancy’, which was not, despite the popular impression, a distinction that was invented by the Bush Administration. One purpose is to help stop unnecessary civilian deaths by enforcing the principle of distinction. Combatants should not target civilians and they should also distinguish themselves from civilians by wearing uniforms. Likewise, civilians cannot abuse their privileged position by suddenly deciding to become combatants. Should they decide to do this, then they can be charged with ‘unlawful combatancy’.

Another purpose is to make sure that the right to use organized violence (i.e. lawful combatancy) rests exclusively in the hands of the state and to make sure that international order is based on the idea of a society of states. The principle of ‘unlawful combatancy’, in other words, is a way of reaffirming the idea that the state has a monopoly on violence. From this perspective, the violence of a non-state actor is by definition unlawful and its perpetrators can be prosecuted. It is, therefore, a political move of some significance to define non-state actors as enemy combatants rather than criminals (in peacetime) or unlawful combatants (in wartime). At one level it undermines state sovereignty because individuals can be granted immunity from prosecution if they are recognized as enemy combatants. Furthermore, it potentially bestows legitimacy on the group that is aiming to become a state.

This concern was partly why the Reagan administration refused to ratify Protocol I additional to the Geneva Convention. Policymakers like Douglas Feith (who later served in the Bush Administration) were particularly concerned that the Protocol made it easier for national liberation movements to be defined as lawful combatants and that it would bestow credibility on the PLO. As long as the state’s exclusive right to violence is ceded only to state-like actors, however, the international significance of such a move is somewhat absorbed.

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In other words, to bestow a right of lawful combatancy on “national liberation movements” is not a threat to international order because such movements want to be recognised as states. It is, however, a radically different prospect to bestow the right of lawful combatancy on transnational non-state actors because such entities do not even aspire to join the society of states. In fact, such a move would imply that the laws of war are helping to constitute a very different kind of (post-Westphalian) international society, one where the right to violence no longer rests in the hand of state or state-like actors.

Now, although the Bush Administration risked this implication by calling the Al Qaeda network enemy combatants (as opposed to common criminals), it also avoided it by arguing that Al Qaeda operatives were in fact unlawful combatants. This was because, the administration explained, the detainees were fighting on behalf of a transnational network that had not (and indeed could not) sign the Geneva Conventions. This was clearly a self-serving (and ultimately incorrect) interpretation of the GCs, one that sought to release US officials from their obligations to, for example, convene a competent tribunal and to treat detainees humanely. But the Administration’s classification of Al Qaeda as unlawful combatants did reaffirm the principle that transnational non-state actors could not claim those rights (e.g. immunity from prosecution) that the lawful enemy combatants of state and state-like actors can claim.

This brings me to the question that has been raised by Brian’s account of the Hamdan trial. Certainly it was a defeat for the Bush Administration and a victory for those who believed the Geneva Conventions should not have been discarded in the ‘war on terror’. But what is the implication of saying that the Ansars, a wing of Al Qaida, are lawful combatants? Of course, it makes sense if we limit the ‘war on terror’ to US action in Afghanistan. We might be able to accept that these fighters had a right (if not a reasonable justification) to defend Afghani sovereignty. But can we be sure that we have not set a precedent whereby the Ansars will be able to claim the rights of lawful combatants when they act on the transnational battlefield?

Any attack against civilians will of course be illegal and should be prosecuted. But will the Ansar’s status as lawful combatants now mean it has to be prosecuted as a ‘war crime’ rather than a criminal act in peacetime? And what if the Ansars observe the principle of distinction and attack military targets in western countries such as the Pentagon? Will their status as ‘lawful combatants’ mean they can only be detained as prisoners of war with immunity from prosecution? Of course, these questions would not be asked if the US dropped the idea of a “transnational battlefield” and adopted the practice of other liberal democracies, which is to see terrorists as “criminals” rather than “combatants” and to deal with them through the normal criminal justice process.

Jason Ralph is Senior Lecturer in International Relations and School Director of Research, School of Politics and International Studies (POLIS), University of Leeds. He is the author of Defending the Society of States: Why America opposes the International Criminal Court and its Vision of World Society (Oxford University Press, 2007).

EXCERPT:

Firstly, I'd like to thank Brian for his willingness to share his experiences in what was an extremely interesting write-up of the Hamdan trial. For my part, I want to focus on the distinction between lawful and unlawful combatancy, which was at the core of Hamdan's defence strategy. I want also to say something about the significance of this trial by placing it in a wider normative context and conclude by posing some questions.

COMMENT:

AUTHOR: Howard Gilbert

DATE: 09/30/2008 03:15:46 PM

Jane's article 08 Oct 2001 (3 days before the "planes operation" and therefore at a more objective moment in time):
<blockquote>
Infantry: Of the 45,000 men available to the Taliban, Pakistani and Arab religious volunteers have played an increasingly important military role. The Arabs, deployed mostly on front lines north of Kabul, number an estimated 500 to 600 and form part of Osama bin Laden's `055 Brigade'.
</blockquote>
The Afghan army was not modeled on any Western military force. It tried to duplicate the decentralized guerrilla force that defeated the USSR in the '80s. Al Qaeda was not a separate transnational terrorist organization, but rather was a component of the Afghan government and army just as Arab volunteers had been integrated into the fight against the Soviets. Captured enemy soldiers tell of being recruited and trained by al Qaeda and then attached to Taliban military units and command. Integration was limited, however because as Jane's notes later: "These different backgrounds have inevitably resulted in some friction. To minimise this, Taliban troops are kept in separate units based on nationality and, in some cases, region, district, or tribe." Afghanistan was a real country. The Taliban were a real government, though not organized according to Western principles. An army of 45,000 is larger than the standing armies of half the nations in the UN. The Ansars were a unit of that army. The government was subsequently expelled from the internationally recognized boundaries of Afghanistan, but remain within the traditional ethnic tribal areas in the region and the army crosses the border regularly and engages NATO soldiers. It is true that al Qaeda has "transnational" aspirations, but how does that differ from the USSR while it was in existence?

AUTHOR: Marc Tyrrell

TITLE: A "Society of States"?

STATUS: Publish

ALLOW COMMENTS: 1

CATEGORY: Social Science in War: Defending Hamdan

DATE: 09/29/2008 10:46:52 PM

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BODY:

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First of all, I would like to thank Brian Williams for his insightful account of the Hamdan trial. As I read it, I found myself having several reactions which made me want to examine some of the presuppositions behind the entire military tribunal system and, especially, as it applies to those being held in Guantanamo Bay. Several of these presuppositions, especially those concerned with the idealization that states hold or should hold a monopoly on “organized violence”, have been covered well in Jason Ralph’s post on the Combatant Status of the Ansars. I feel that it is best if I put my reactions and observations in the form of three questions.

My first question, then, would be “when does a non-state actor become a state”? Or, to phrase it subtly differently, when does world opinion hold that the use of violence by a specific, identifiable group, shift to the point that the rules applied to its use of violence are those of “international relations” (e.g. “lawful combatants”) rather than those of a single, sovereign, legal system (e.g. “unlawful combatants”)? This question is extremely important and particularly poignant when applied to actions taken by the United States, a nation founded by an insurgency led by non-state actors that did not fully become recognized by the international system as a sovereign state until the Treaty of Ghent nearly forty years after the signing of the Declaration of Independence.

If addressed, this question tends to be placed within the framework of the post-Westphalian state system and the rules and “laws” that derive from it. It is, however, crucial to note that nowhere in the Peace of Westphalia is there a process whereby a “non-state” group becomes recognized as a “state” unless that group manages to achieve the active support of an already sovereign state or it achieves sufficient military power to stand against anyone who says it is not a state (and usually both). In part, this problematic has been worked around by the limited acceptance of “state-like” actors once they achieve the pragmatic pseudo-recognition inherent in the Peace of Westphalia. But, as Ralph notes,

<blockquote>It is, however, a radically different prospect to bestow the right of lawful combatancy on transnational non-state actors because such entities do not even aspire to join the society of states. In fact, such a move would imply that the laws of war are helping to constitute a very different kind of (post-Westphalian) international society, one where the right to violence no longer rests in the hand of state or state-like actors.</blockquote>

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To my mind, Ralph’s argument is both absolutely correct and, at the same time, hopelessly anachronistic, which brings me to my second question: why should any group accept the state-based conceptualization of international relations?

This question is especially important when one considers that the post-Westphalian concept of a “society of states” is based on a radically different religious, historical and cultural view of “reality” from that of much of the world today. And, possibly more importantly, when the force a transnational non-state actor can now apply is much greater than at any other time in our species history thanks to the growth of global integration in economics and communications and the increased development of diaspora communities?

Indeed, the use of “force”, if not overt, “organized violence”, by transnational non-state actors is already sanctioned and accepted by the “society of states” and by many individual states in the form of transnational corporations and other transnational economic actors such as the World Bank and the IMF. Even the use of “organized violence” by transnational non-state actors is recognized by some states, including the United States, as “legitimate” under certain conditions (e.g. the role played by Executive Outcomes in Sierra Leone or, more currently, by Blackwater in Iraq).

My point behind this observation is that the Peace of Westphalia, upon which our current concept of the “society of states” rests, was based on the social, political and religious perceptions of Europe after over 100 years of unrest, and a vicious thirty years war that devastated the Germanies. And, as with all socio-cultural formal conventions, it was grounded in the socio-cultural “realities” of the time; “realities” that have become decreasingly important over the centuries.

The final question I wish to raise stems from a comment made by Williams in his final post, and noted by L.L. Wynn as a key observation; to whit

<blockquote>For me it was a vindication of the US military and rebuttal for all those who felt that an all-military jury could not be impartial…. I believe that the verdict and sentence also vindicated the US judicial system.
</blockquote>

My question is this: what possible interpretation of international law allows the military of one sovereign nation to detain the citizens of another sovereign nation and charge them under a national, as opposed to an international, legal system? Indeed, this very practice was one of the proximate causes of the United States declaration of war on Britain in 1812. Under the applicable international codes, Hamdan’s exact status should have been decided within a timely manner which, surely, would have been less than seven years.

I certainly agree with Williams that the verdict of the trial is a vindication of the US military’s ability to remain impartial within the system they were operating under. But that it is also a vindication of the US judicial system remains to be seen. That “[t]he verdict will doubtless begin the process of rebuilding America’s reputation” is, in my opinion, extremely optimistic since the Pentagon has, as Williams notes, “declared it has the right to keep him and all other prisoners there indefinitely, despite the sensational verdict”. If I were an Al Qaeda strategist, I could not in my wildest dreams hope for a better situation than

having the “Pentagon” declare that the US judicial system and international law are both irrelevant.

Marc Tyrrell is a Symbolic Anthropologist who teaches at the Institute of Interdisciplinary Studies at Carleton University in Ottawa, Canada. He is also a member of the Canadian Centre for Intelligence and Security Studies, Anthropologist in Residence with Insignia Research, blogs at In Harmonium and is active at the Small Wars Council.

EXCERPT:

I found myself having several reactions which made me want to examine some of the pre-suppositions behind the entire military tribunal system and, especially, as it applies to those being held in Guantanamo Bay. Several of these pre-suppositions, especially those concerned with the idealization that States hold or should hold a monopoly on “organized violence”, have been covered well in Jason Ralph’s post on the Combatant Status of the Ansars. I feel that it is best if I put my reactions and observations in the form of three questions.

AUTHOR: Tony Waters

TITLE: Trials as Ritual Mechanisms

STATUS: Publish

ALLOW COMMENTS: 1

CATEGORY: Social Science in War: Defending Hamdan

DATE: 09/30/2008 02:36:00 AM

BODY:

 Trials themselves are ritual mechanisms through which governments demonstrate the legitimacy of their power (what Max Weber called the “monopoly of the legitimate use of physical force in a given territory”). The advantage of jury trials, including that of Hamdan, is - as de Tocqueville wrote - that they tell everyone who's in charge, since "He who punishes the criminal is therefore the real master of society." In a slow but imperfect fashion, the Hamdan trial may be signaling that the executive branch of government is no longer the unquestionable master of society, at least when it comes to the War on Terror. Independent judicial review may be returning.

DRAFT

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AUTHOR: Thomas H. Johnson

TITLE: The Consequences of Siege Mentality

STATUS: Publish

ALLOW COMMENTS: 1

CATEGORY: Social Science in War: Defending Hamdan

DATE: 09/30/2008 09:00:09 PM

BODY:

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I would like to thank Mike Innes and the CTLab for publishing Brian William's fascinating account of the Guantanamo Bay trial of Salim Hamdan. It is quite clear to me from this account that the prosecution did not properly vet the Hamdan case. He clearly was not a member of the Al Qaeda terrorist elite. Nor did he fit the profile of an al Qaeda terrorist elite. Brian’s account implicitly highlights a variety of societal ills that have accompanied the metaphorical War on Terrorism.

I believe one of the most underappreciated results of the tragic events of 11 September 2001 has been the very significant onset of a siege mentality that has ultimately impacted on nearly all aspects of social, political, military, psychological, and legal life in the United States.

DRAFT

Consider for a moment, Daniel Bar-Tar’s suggestions as to the consequences of a siege mentality:

 Threats are defined in fairly simple and “manageable” terms and threatened societies have a tendency to develop negative feelings towards the unexpected and foreign as xenophobia and chauvinism become entrenched throughout society (e.g., terrorist threat color codes; you are either “with us or against us”; “coalition of the willing”).

 Societies develop the lack of trust of others and become “extremely sensitive to any information and cues transmitted by other societies that may indicate negative intentions” (e.g., Iraqi WMD; the Patriot Act).

 Societies react to cues and peruse course of actions without consideration of international behavioural codes. The ends can justify the means when dealing with an adversary (e.g., Abu Ghraib, renditions, secret prisons and torture).

This siege mentality was implicitly highlighted by the Hamdan case. I do not think I am overstepping bounds when I say that even fairness and legitimacy in our justice system has become clouded by fear.

The fear of attack that accompanies such a siege mentality is especially problematic in that it blurs the differences between insurgents and the civilian population where insurgents reside. This has become a truism in parts of Afghanistan, especially in the South. “Force protection” takes on a life of its own and people scurry to avoid convoys that are viewed in threatening ways by one and all. Embassies become fortresses. Soldiers become prisoners of their Forward Operating Bases and all people can become labelled potential enemy combatants. No one can be trusted.

Thus the very thing we are trying to win from the population, trust and confidence, is left behind and replaced by scepticism and fear. I saw this dynamic every where I went during a recent seven week research trip to Afghanistan.

Since 9-11, the convenience of lumping all enemies together into one group called “terrorists” has been counterproductive and produced tunnel vision in our analysis. There are obviously many people engaged in military activities or support services for combat operations in Afghanistan (such as Hamdan) that are not necessarily terrorists and clearly linked in no way to 9/11. Our inability to recognize deeper structures of Al Qaeda and Taliban has led to problems we have today such as a misunderstanding of the nature of the conflict in Afghanistan. At times fighting a counter-terrorism battle when we should be fighting a counterinsurgency is at the crux of our problems. Not recognizing the symbiotic relationship between Taliban, Al Qaeda, and rural civilians has led to a failed counterinsurgency strategy.

In Afghanistan we have seen a deployment of violence for political ends, in ways that include (but which are not neatly contained by the term) terrorism; the Taliban have long practiced violence which has straddled the division between terrorism and insurgency with the extraordinary power of religiously-informed ethnic identity. And, despite an understandable tendency for western governments to highlight the terrorist complexion of their enemies’ campaigns, this combination of different forms of violence is very

commonly what we actually face when dealing with terrorism across much of the world. An effective response to this challenge requires honest recognition of such a reality. The Taliban exemplify the way in which ethno-religious nationalism can intersect with violent struggle and points to the political importance of historic tensions between nation and state, and the significance of fierce opposition towards foreign rule.

Thomas H. Johnson is Research Professor and Director of the Program for Culture and Conflict Studies, Dept. of National Security Affairs, at the Naval Postgraduate School in Monterey, California.

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In Afghanistan we have seen a deployment of violence for political ends, in ways that include (but which are not neatly contained by the term) terrorism; the Taliban have long practiced violence which has straddled the division between terrorism and insurgency with the extraordinary power of religiously-informed ethnic identity. And, despite an understandable tendency for western governments to highlight the terrorist complexion of their enemies' campaigns, this combination of different forms of violence is very commonly what we actually face when dealing with terrorism across much of the world. An effective response to this challenge requires honest recognition of such a reality. The Taliban exemplify the way in which ethno-religious nationalism can intersect with violent struggle and points to the political importance of historic tensions between nation and state, and the significance of fierce opposition towards foreign rule.

DRAFT

AUTHOR: Christian Bleuer

TITLE: Dismissing Academics

STATUS: Publish

ALLOW COMMENTS: 0

CATEGORY: Social Science in War: Defending Hamdan

DATE: 10/01/2008 03:15:48 AM

BODY:

What much of the public and the government want from academics, PhDs and experts is a source of legitimation for their predetermined beliefs when it comes to contentious issues. There are relatively few who are willing to be persuaded in one direction or the other within a limited time frame. Professor Williams' testimony for the defense in this case is one of those instances where the audience is very open to varied interpretations and analyses. The audience in this case, a jury of US military officers, is not the audience most experts deal

with. Often the audience can be considered "hostile." They will only internalize what they want to hear and the rest will be disregarded by whatever means necessary.

Both sides of the political spectrum (even those in the middle) can be guilty of this at times. For example, an academic gives his opinion on some current event/controversy and some of those who disagree (and are unable to independently access contradictory analysis) resort to street tactics: "Must be some Marxist self-loathing Ivory Tower professor," "Probably a neo-con," "I wonder who funds his studies?" "Is that name Jewish?" "I bet he works for or wants to work for the government," "He clearly hates America," "Neo-colonial academic imperialist." etc... As ridiculous as some of these accusations seem, they might actually apply. An academic might just be a Marxist, or Jewish, or a conservative who votes Republican. Pointing that out doesn't disprove their argument, but it sure takes a lot less effort.

In regards to professor Williams' role in the defense of Hamdan, the prosecution did not go after Williams in a way that one who wasted years of their undergrad studies on Law & Order reruns might expect. And in the "court of public opinion" Williams has not, that I have noticed, faced any attacks on his motivations. This is likely because the Hamdan case, while very important in many regards, did not register much in the mainstream media. If the case was of a higher profile in the eyes of the public, might the expert witness have faced some attacks?

And that points to the dilemma that many academics face: what opinions does one want to publicly express? From my limited experience as a postgrad student I have noticed that some friends and students from other departments with whom I am acquainted have the habit of forgetting the 75% of the comments I make that criticize government policy, while remembering the 25% of the comments made in which I'm in basic agreement with the government. And what is being said behind one's back? I overheard a conversation in the US where one PhD student's qualified support for continued troop presence in Afghanistan was dismissed by several other PhD students as the opinions of a "fascist." Later that year another student's opinion were dismissed with the comment that she was a "communist." So I guess everyone on campus can be reduced to being fascist or communist when one needs to dismiss their opinions.

That is the context for experts-in-training who are very far removed from public discourse. Now the extreme opposite are those well known academics who make significant contributions to the public discourse with their opinions. Good examples would be Juan Cole and Bernard Lewis, who are frequently subjected to attacks from right and left, respectively. This episode, in regards to perception of expert opinion, has played out as well as possible: an expert witness whose background made it impossible to disregard his testimony as the biased rantings of an "anti-American professor." Nonetheless, I expect the general trend in public discourse, especially online, will be true to cliche, of attacking the messenger rather than seriously attempting to deconstruct the analysis.

Christian Bleuer is a PhD student at the Australian National University and writes at Ghosts of Alexander, a popular blog on Afghanistan issues.

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AUTHOR: Brian Glyn Williams

TITLE: Absurdities, Ironies, and Other Observations

STATUS: Publish

ALLOW COMMENTS: 1

CATEGORY: Social Science in War: Defending Hamdan

DATE: 10/01/2008 04:50:39 AM

BODY:

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First of all many thanks to Michael Innes for inviting me to share my account of my role in the Hamdan trial in this CTLab symposium. It has been a privilege to work with Michael over the last few years on his numerous cutting edge projects, and I truly feel as if he has pushed me into new and exciting directions. And many thanks to those of you who took the time to read and comment on my article.

I really enjoyed Tim Stevens' edgy piece on the significance of the Hamdan Trial and thank him for placing it in its wider context. As someone working in the 'forest' of the case, it was often difficult to see the 'trees' around me with the same clarity he has. As an historian I was also overwhelmed by the combination of militarese and legalese the Defense Team used on the case. Rather than try to penetrate their 'guild' languages, I simply tried to bring my field work to bear on the case and belatedly tried to understand its wider ramifications.

For this reason Stevens' comments, especially those relating to the ad hoc nature of the 'war crimes' that Hamdan was charged with, are illuminating. While Hamdan was charged with providing driving and bodyguard services for Bin Laden from 1996 to 2001, was there an actual war during this time period? And even if there was an actual war (which is debatable), does serving as a driver/bodyguard constitute an internationally recognized war crime (i.e. did he violate the laws of war)? If not, then Stevens' assertion that Congress created a whole new slate of "war crimes" for Al Qaeda prisoners (that can seemingly be retroactively applied over time and space) would seem to further invalidate the Gitmo legal system.

DRAFT

Tony Waters, like myself, was pleased by the jury's verdict (although I always had a hard time using the word 'jury' for six members of the military who were hand-picked to try the case!). And I could not agree more with Waters' comment that "the stain in the case of Hamdan is made even deeper by the fact that ultimately, the verdict is irrelevant to Hamdan himself who remains in prison without hope of release. A court which cannot protect those it judges is no court at all." While the jury may have vindicated itself, the US military will not have done so until it complies with the Hamdan sentence and releases him according to his sentencing.

LL. Wynn writes of the dichotomy she has encountered in Egyptians' views of America. While they tell her they love Americans, they state that they hate America for its aggression, hypocritical support for local dictators etc. I too have encountered this dichotomy in my travels in the post-9/11 Middle East and increasingly see the 'absurdities' that we in the US have come to accept as par for the course in the war on terror through the eyes of Middle Easterners. Never was the clearer for me than when I watched Turkey's highest grossing film of all time, Valley of the Wolves Iraq (a movie about a Turkish Rambo who goes to Iraq to fight Americans alongside the insurgents). As I watched the reenacted scenes of Abu Ghraib or Muslim captives in orange jump suits being sent to Gitmo, I cringed at the way they were being perceived by the Turks in the cinema around me. The fact that the Defense in the Hamdan case had to focus on whether or not Hamdan wore a uniform in order to prove him worthy of a fair trial is perhaps the most significant absurdity of the case. Clearly he deserved his day in court regardless of whether he was an Ansar fighter or not. Sadly there are some truths to the stereotypical images of American justice portrayed in Valley of the Wolves Iraq.

William Snyder points out the greatest irony of the case: namely, that Hamdan might have gotten a longer sentence had he been tried in civilian court for the crime of Material Support to an FTO (Foreign Terrorist Organization). Johnny Walker Lindh, the "American Taliban," was sentenced to twenty years in prison by a civilian court for his role as Ansar. In this sense the off-shore judicial system at Guantanamo Bay did not serve one of its main purposes, namely to avoid the sort of jury deliberations that might lessen sentences due to inadmissible evidence etc.

I found Jason Ralph's comments on states' reluctance to recognize non-state actors as legitimate to be applicable to my own work on Chechen fighters from the "Chechen Army of the Republic of Ichkeria." Like the Ansars, the Chechen rebels were rarely given POW status by the Russian Federal troops. On the contrary, the Chechens were usually defined as 'terrorists', 'bandformirovanny' (bandit formations), 'illegal secessionists' etc. and not given POW status (many of them were killed in extra-judicial executions). While the former Chechen President, Aslan Mashkadov, insisted that his troops fought in uniform and followed the Geneva Conventions, the Russian state refused to recognize them as legitimate enemies.

The Ansars who fought as a unit in the Taliban Command Structure were similarly denied Geneva Conventions by the US even when they fought frontally, wearing uniforms. Clearly the nomenclature is key in allowing US troops to circumvent the same laws the Russians sought to bypass in Chechnya. While I understand that it is impossible for US troops to treat POWs as criminals (this would involve reading them their rights in combat, among other things), enemy soldiers fighting in uniforms with small arms and anti-aircraft guns are hardly 'unlawful combatants.' The fact that the Taliban, which controlled over 90% of Afghanistan, was not recognized as the government of Afghanistan by the US might however make the enemy 'non-state actors.'

As to Marc Tyrell's question of "when does a non-state actor become a state," in the case of Al Qaeda in Afghanistan, it had become a state-within-a-state by about 1998. Bin Laden and his commanders sat in on Taliban shuras (councils), helped formulate foreign and domestic policies, and may have made up as much as 20% of the Taliban fighting force in many campaigns. The Taliban were not a state sponsor of terrorism, but a state sponsored by terrorism in this sense (although I would argue that the vast majority of Arabs in Afghanistan were not involved in terrorist operations, they were involved in military operations. It was these same non-state actors who were defined as unlawful combatants or terrorists after 9/11).

EXCERPT:

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AUTHOR: Craig Hayden

TITLE: The Trial and U.S. Public Diplomacy

STATUS: Publish

ALLOW COMMENTS: 1

CATEGORY: Social Science in War: Defending Hamdan

DATE: 10/01/2008 10:00:00 AM

BODY:

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<!--[endif]-->How has the Hamdan case played out in foreign media audiences? Tony Waters has suggested in this forum that whatever the outcome, the Hamdan case is still "lipstick on a pig" – the product of an illegitimate legal forum to the eyes of the world. But – how could the Hamdan case function as a positive element for U.S. public diplomacy?

Extensive coverage in international broadcasting (VOA, Al-Hurra, etc.) that captures the trial narrative might be productive. Indeed, Brian Glyn Williams' account made for compelling reading. This kind of story, properly elaborated, could serve to demystify for foreign audiences the domestic controversy over Guantanamo, and complicate monolithic depictions of the US government's stance towards the facility and the tribunal system. Why do I say this? I believe Marc Lynch has suggested that we should play CSPAN to the rest of the world – to illustrate the workings of democracy at its most basic (and perhaps dull) level. Perhaps a similar expose could lay bare the competing interests, actors, and values at work in the process of Hamdan's "vindication." The Hamdan case is as much a testimony to the skill of the defense team as it is to the capacity of U.S. institutions to acknowledge mistakes.

Would factual representations and transcripts be a good way to demonstrate that the American system as (at least partially) self-correcting; that the rule of law ultimately trumps demagoguery and the politics of fear? As Edward R Murrow suggested, international broadcasting needs to show the United States "warts and all." Hamdan, indeed, reveals some glaring warts. Williams' recounting of the emotionally charged prosecution strategy, pandering to the emotional trauma of 9/11 to construct a substantive case against Hamdan, is particularly troubling. It's not that emotional narratives and appeals are not potentially winning legal strategies. Rather, this was the strategy of first resort for the prosecution. In fact, I was amazed that the prosecution did little to dispute William's depiction of the Al Qaida army in Afghanistan, which complicated Hamdan's role in supporting a global terrorist conspiracy. It's as if the facts themselves were irrelevant. How would that alone "speak" for the values and intentions of the U.S. government?

But public diplomacy is not just about international broadcasting. It might also attempt to proactively incorporate the Hamdan case into a media advocacy campaign, into speaking engagements, and other official outlets for the government's perspective. In other words, the USFG could (and really should) publicly own the entirety of the Hamdan story. Welcome back to reality – I don't think that's a serious option under the current administration. However, there may be some material in the Hamdan case for the State Department's Digital Outreach teams, the bloggers who lurk on the frontlines of online discussion forums to present the US perspective in a theoretically open and transparent manner. The moral stain of Guantanamo Bay remains a fungible resource for anti-American sentiment. A clear-eyed embrace of this episode in American legal and foreign policy is not only needed, but could signal a willingness to speak on equal terms with audiences skeptical of platitudes about the moral strengths of American democracy.

DRAFT

Ultimately, I think a comprehensive review of press coverage and editorials about the Hamdan verdict could shed some light on the utility of Hamdan's tale for public diplomacy. Also, I think it is crucial to see just how much coverage actually took place – and if it lingered very long in the news cycle. Finally, analysis of current anti-American discourse in international media should attend to how the Hamdan case has been used for subsequent arguments (or neglected). U.S. open source analysts may have already addressed this task, and there is much to learn here. Reaction to Hamdan could provide a clear picture of the fault-lines in narratives about the U.S. that continue to circulate across global media outlets; the enduring hurdles to an effective or at least responsible public diplomacy.

Craig Hayden, Ph.D., is Assistant Professor of International Communications at the School of International Service, American University, in Washington, D.C. He is part of the International Media Argument Project (Intermap), where he also blogs.

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AUTHOR: Mike Innes

TITLE: Historical Context & Legitimacy Thresholds

STATUS: Publish

ALLOW COMMENTS: 1

CATEGORY: Social Science in War: Defending Hamdan

DATE: 10/01/2008 06:37:07 PM

BODY:

In keeping with E.H. Carr's admonition to "listen for the buzzing" when reading a work of history, I thought I'd take the opportunity, at this juncture, to step in with a few thoughts on historical context and legitimacy thresholds. Bill Snyder writes that Military Commissions are more flexible than domestic courts, and wonders whether, as consequence, Hamdan was lucky to not have received a harsher sentence than he did. Brian Williams, post-narrative, raises an interesting point through reference to John Walker Lindh, who received a much harsher sentence than did Hamdan for his activities. There are of course differences between the two cases, but the one that strikes me as most relevant - or at least instructive - is the timing of their respective trials (rather than which set of laws can or should be applied).

Lindh, an American citizen, was captured soon after 9/11, with the hint of treason about his case that couldn't be reasonably pursued, given the context within which his circumstances came to light. His fate, one might plausibly argue, had much to do with the fact that the post-911 fires of revenge still burned strongly in the bellies of all concerned. Hamdan was not American, but this isn't really my point; he was tried and sentenced at a time when the Bush Adminstration had largely sated such passions and exhausted whatever reservoirs of political capital claimed so brashly in the wake of the 2004 Presidential elections.

It surely is no great revelation to suggest that law is political or its application politicized. In this, it seems to me that historical context is entirely germane, and though such a short period offers only a microhistorical glimpse of change, differences of approach at beginning and end of the Bush Administration speak volumes to the politicization of law - not to mention to how such things will or can survive the quills of future historians. The immediacy and currency of these issues, unfortunately, drive the expedient measures from whence politics erupt and perceptions are skewered. Can their effects be palliated?

Craig Hayden recommends transparency as the best medicine, but observations made by Tony Waters, Lisa Wynn and Brian Williams suggest generational outcomes that may not be so easily overcome. Tom Johnson, likewise, notes the disastrous effects of bunkered nationalisms and blinkered threat perceptions to our own societies, as well as to those that host experiments in internationalism. Legitimacy thresholds, of course, are central to any discussions of violent non-state actors. Misapplication and abuses of legal process, political engagement with terrorist organizations, the prerogatives of sovereign states, the entitlements of sovereign actors - all are shaped and decided through a lens of perception. So too, as Marc Tyrrell suggests, are the incentives and buy-in necessary for non-state actors to participate meaningfully in state-sponsored processes such as the Laws of Armed Conflict.

This, it seems to me, is critical to the debate - indeed, it was a central question of the New Battlefields, Old Laws project. <!--[if gte mso 9]><xml> <w:WordDocument> <w:View>Normal</w:View> <w:Zoom>0</w:Zoom> <w:PunctuationKerning /> <w:ValidateAgainstSchemas /> <w:SaveIfXMLInvalid>false</w:SaveIfXMLInvalid>

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What I am arguing, consistent with points raised by both Marc Tyrrell and Jason Ralph, is that we are parts of much broader processes in which legitimacy markers and thresholds are deeply embedded. In this, the opening of negotations begins when the first shots are fired across the media bow, continues though no sign until the burst of fire, and ends, perhaps anticlimactically, with both sides setting aside rhetoric and acknowledging their more or less equal footing. Not a heroic conclusion, certainly, to an epic fight. But perhaps a more reasonable one.

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AUTHOR: Marc Tyrrell

TITLE: Legitimacy as a Battlespace

STATUS: Publish

ALLOW COMMENTS: 1

CATEGORY: Social Science in War: Defending Hamdan

DATE: 10/01/2008 10:55:23 PM

BODY:

Mike Innes is quite correct in identifying many of my concerns surrounding the Hamdan trial with the concept of "legitimacy". I would like to note that the questions I asked in my last post were partially designed to elicit an emotional response from people, rather than a reasoned one. I was specifically looking at a current disconnect between actual legal theory (which I am not an expert in), general perceptions of the limits of a legal system and, most importantly, the use of any disconnects as an active battlespace. As a note, I should point towards an absolutely excellent answer to my final question was recently posted at the Small Wars Council (thread; post) by JMM99, who is following the CT Lab symposium (and enjoying "educating" me).

For most people, I suspect that the idea that a person can be taken from their home in one country and charged by another nation under its domestic laws (and without their same protection) is terrifying. Not only is it terrifying, it will, inevitably, undermine the perception of a rule of law, especially if the "law" can be changed and those changes aplied retroactively. This strikes at the heart of the perception of a legal system as "legitimate", by attacking people's perceptions regardless of the actual legality of the action.

In effect, that which is outside of our perceptions is "dangerous" and by being forcibly made aware of a previously hidden danger (even though it may have always existed), our perceptions of "reality" are breached, creating a cascade of uncertainty relating to all of our perceptions of reality; a "reality shock" to use Burkart Holner's term (Reality Construction in Society, Schenkman Pub. Co., 1972). People react differently to reality shocks, but one of the reactions is to make some people susceptible to accepting a "new" interpretive schema for reality - in effect, a new schema for defining what is and is not "legitimate" (I've blogged a bit on this here).

Taking off my hat as someone who poses question to evoke an emotional response, let me just ask, now, in whose best interests is it for the general population of the world (not the politicians or lawyers or academics ;)) to increasingly view the operation of the US justice system as, to butcher Gramsci, "taking off the velvet glove"?

DRAFT

EXCERPT:

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Hamdan trial with the concept of "legitimacy". I would like to note

that the questions I asked in my last post were partially designed to

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towards an absolutely excellent answer to my final question was

recently posted at the Small Wars Council (thread; post) by JMM99, who is following the CT Lab symposium (and enjoying "educating" me).

AUTHOR: Kevin Jon Heller

TITLE: Privileged and Unprivileged Belligerency

STATUS: Publish

ALLOW COMMENTS: 1

CATEGORY: Social Science in War: Defending Hamdan

DATE: 10/02/2008 05:28:49 AM

BODY:

<!--[if !mso]><object classid="clsid:38481807-CA0E-42D2-BF39-B33AF135CC4D" id=ieooui></object> <![endif]--><!--[if gte mso 10]> <![endif]-->

I’ve been lurking on the sidelines, greatly enjoying this symposium and wondering what I could add that hasn’t already been discussed. A few things occur to me, but I thought I might start by venturing an answer to the question <a href="http://www.terraplexic.org/review/2008/10/1/absurdities-ironies-and-other-

DRAFT

observations.html">Brian posed yesterday: “even if there was an actual war (which is debatable), does serving as a driver/bodyguard constitute an internationally recognized war crime (i.e. did he violate the laws of war)? “ At least in Hamdan’s case, it clearly does not, for reasons that Gabor Rona of Human Rights First has explained far better than I ever could:

<blockquote>As for civilians who take up arms, participation in hostilities absent a privilege to do so is not, in itself, a violation of the laws of war (war crime). It is merely a disqualifier for PoW status. A civilian who attacks an enemy combatant may be violating domestic criminal law (assault, murder, etc.) but does not thereby violate IHL. It is absolutely true that civilians who take part in hostilities are not protected in the sense of being immune from targeting. Indeed, they may be targeted so long as they are taking direct part in hostilities. They do not, however, forfeit civilian status, although their mere participation in hostilities might be a crime under domestic law, or if, for example, they are targeting civilians, which is a war crime.</blockquote>

Under International Humanitarian Law (IHL), in other words, an unprivileged belligerent can only be prosecuted for a war crime if his act would have been illegal even for a privileged belligerent – killing a civilian, for example. He cannot be prosecuted for a “war crime” whose underlying act would not have been a war crime if committed by a privileged combatant, such as attacking an enemy soldier. A privileged combatant would not violate the laws of war by helping transport weaponry to attack US forces in Afghanistan; Hamdan thus did not commit a war crime by driving the car that carried the surface-to-air missiles.

This does not mean, of course, that Hamdan cannot be prosecuted for serving as bin Laden’s driver. What it means is that he can only be prosecuted for his actions in a domestic court for domestic crimes. If the surface-to-air missiles he helped transport were used to kill US soldiers, for example, Hamdan could potentially be guilty of aiding-and-abetting murder.

Unfortunately, the nuances of privileged and unprivileged belligerency are lost on the Bush Administration. Hence the prosecution’s insistence in Hamdan’s case that any attempt by an “unlawful enemy combatant” to kill a soldier is a war crime. That claim is simply incorrect, for all the reasons just mentioned – and as Judge Allred recognized when he refused to give the prosecution’s requested instruction to the jury.

But that isn’t even the worst of it. One often hears – particularly in the US, with its Alice-in-Wonderland approach to IHL – that a civilian commits a war crime simply by participating in hostilities. Indeed, I fear (and hope that he will correct me if I’m wrong) that Jason Ralph argued precisely that on Monday when he wrote, “civilians cannot abuse their privileged position by suddenly deciding to become combatants. Should they decide to do this, then they can be charged with ‘unlawful combatancy’.” That position is mistaken: although “unprivileged combatancy” can lead to the commission of war crimes – namely, when the civilian who is directly participating in the hostilities commits an act that a privileged belligerent could not commit – “unprivileged combatancy” is not

itself a war crime. Differently put, there is no “status” war crime of unprivileged combatancy.

Once again, however, things are different at the domestic level. As Dapo Akande (Oxford) has pointed out, states can, if they so choose, create a domestic “status” crime of unprivileged combatancy:

<blockquote>Now, if a State were to make it an offence for a person to fight without fulfilling the conditions for lawful combatancy international law does not prohibit that. However, that would not be a violation of the laws and customs of war. It is a domestic crime but one that international law allows prosecution of.</blockquote>

No such crime exists in US domestic law, of course, which is why the military commissions have been given jurisdiction over non-existent war crimes like “murder in violation of the law of war,” “conspiracy,” and “material support for terrorism.” We can only hope that all of the military commissions are presided over by Judge Allreds – alas, prosecutors have indicated that they intend to pursue their mistaken legal theories in at least 80 other cases.

Kevin Jon Heller is Senior Lecturer at the University of Auckland Faculty of Law in New Zealand, writes at Opinio Juris, and is the author of the forthcoming book The Nuremberg Military Tribunals and the Origins of International Criminal Law (Oxford University Press, 2010).<small><small> </small></small>

EXCERPT:

I've been lurking on the sidelines, greatly enjoying this symposium and wondering what I could add that hasn't already been discussed. A few things occur to me, but I thought I might start by venturing an answer to the question Brian posed yesterday: "even if there was an actual war (which is debatable), does serving as a driver/bodyguard constitute an internationally recognized war crime (i.e. did he violate the laws of war)? " At least in Hamdan's case, it clearly does not, for reasons that Gabor Rona of Human Rights First has explained far better than I ever could:

AUTHOR: Jason Ralph

TITLE: War & the Transnational Battlefield

STATUS: Publish

ALLOW COMMENTS: 1

CATEGORY: Social Science in War: Defending Hamdan

DATE: 10/02/2008 01:11:07 PM

BODY:

<!--[if !mso]><object classid="clsid:38481807-CA0E-42D2-BF39-B33AF135CC4D" id=ieooui></object> <![endif]--><!--[if gte mso 10]> <![endif]-->

Thanks to Marc Tyrrell and Kevin Jon Heller for responding to my initial post on the combatant status of the Ansars. I would first respond to Tyrrell’s comment that my “argument is both absolutely correct and, at the same time, hopelessly anachronistic”. To be clear, I was not making a normative argument in that post. I intended merely to point out that historically the laws of war have recognised the right of certain groups – state and state-like actors – to wage war. Limiting that right to these groups is one way the laws of war help to constitute global politics in the form of a Westphalian society of states.

Now, I agree that this view of the laws of war is culturally contingent. It did of course emerge out of 17th century Europe. But it has more or less been globalised along with the globalisation of the Westphalian state system. I also accept Marc’s point that this view is anachronistic in light of the increased power of transnational actors. From the Bush administration’s perspective, however, it was a rather useful anachronism. The administration in effect applied the Westphalian (statist) model of rights in war to a transnational reality. Where the model did not fit the reality there was ‘a legal black hole’. Lord Steyn’s description of Guantanamo as ‘a legal black hole’ was of course a criticism of the Bush administration. In the post-Westphalian world, human rights had globalised to make sure there were no black holes. But in the post-9/11 world, the Bush Administration tried to construct a black hole that was legal. In other words, it tried to legally construct a space where human rights did not apply and it found a Westphalian (statist) interpretation of the laws of war to be very useful (i.e. Al Qaeda is not a state but it is an enemy and it has not, indeed cannot, consent to GC, so GC protections do not apply).

The Bush Administration argued it was adopting rules suitable to ‘a new kind of war’, but in fact, it reflects a very old way of thinking. Before the globalisation of the state system, the laws and practice of warfare reflected a discourse of ‘civilisation’. Wars between ‘civilised’ states were to be restrained and combatants in these wars were to respect the principles of jus in bello. Whereas wars between ‘civilised’ states and ‘uncivilised savages’ (i.e. combatants not constituted as states) need not be restrained. In these wars, the just cause of the state (i.e. spreading civilisation) supposedly released states from the restraints of jus in bello.

I’d submit that we see this kind of thinking in the rhetoric but, more worryingly, in the legal arguments that tried to justify the Guantanamo regime. The Bush Administration essentially argued that Al Qaeda was not a state and could not consent to the Geneva Conventions so the laws and normative restraints that otherwise governed relations between states did not apply. This brings me back to the Hamdan case and the defence’s

argument, which was that the laws of war did apply because the Ansars were in effect a field army that met GC conditions for lawful combatancy. I have no argument against this and the idea that detainees would benefit from the humanitarian protections that follow from this argument is normatively much more preferable to the idea of a ‘black hole’ that the Bush Administration tried to construct.

The point I was trying to make in my initial post, however, was that we associate Al Qaeda with a transnational network and if we apply IHL to those fighting on behalf of these kinds entities (either to prosecute them or to protect them) then we are helping to change the character of war as a social institution. Indeed one could make the same argument, as Tyrell seemingly does, if one recognised private military companies as lawful combatants. It’s all part of the question of power shifting away from the state and whether law should follow to legitimise that.

On Kevin Jon Heller’s comment about my point on civilians being charged with unlawful combatancy I should clarify my position. I agree with him that ‘unlawful’ or ‘unprivileged combatancy’ is not an international crime that carries universal jurisdiction. As Richard Baxter tells us (The British Yearbook of International Law, 28, 1951) such acts were considered by the drafters of GC as unlawful (i.e. crimes in war) but they were to be prosecuted under national legislation. The fact that so many states had in their past called upon their citizens to resist an occupying enemy is one reason why international society was at the time reluctant to make such an offence a criminal act that carried universal jurisdiction. Heller then informs us that ‘no such law exists in US domestic law’ and the ‘military commissions have been given jurisdiction over non-existent war crimes’.

This, I think, reinforces the point I made toward the end of my initial post, which was to point out the error of the Bush administration when adopting a war-based response to 9/11; and when it talks about a new transnational battlefield and a new war against terrorism. The Administration tries to claim that unlawful belligerency (and the other acts Heller lists) are war crimes in this new post-9/11 world. But gradually the courts, including these tribunals, are beginning to see through that. The use of force in Afghanistan was obviously a war (or armed conflict) for legal purposes and to the extent that the Ansars met the criteria outlined by Brian Glyn Williams, then they should be treated as POWs and protected under the third GC. But to be clear, this is not a war against a terrorist network fighting on a transnational battlefield. It is a war against a field army fighting in Afghanistan and that’s the only reason the laws of war apply. The laws of war do not apply to the fight against terrorism in most liberal democracies. As the Director of Public Prosecutions in the UK put it after the 7/7 bombings “London is not a battlefield”, and this is something the new UK National Security Strategy reaffirmed when it insisted the UK would continue to prosecute terrorist suspects using criminal justice systems (and all the rights they afford) rather than treat them as ‘enemy combatants’.

EXCERPT:

Thanks to Marc Tyrrell and Kevin Jon Heller for responding to my initial post on the combatant status of the Ansars. I would first respond to Tyrrell’s comment that my “argument

is both absolutely correct and, at the same time, hopelessly anachronistic". To be clear, I was not making a normative argument in that post. I intended merely to point out that historically the laws of war have recognised the right of certain groups – state and state-like actors – to wage war. Limiting that right to these groups is one way the laws of war help to constitute global politics in the form of a Westphalian society of states.

COMMENT:

AUTHOR: Howard Gilbert

DATE: 10/02/2008 05:41:57 PM

We have done this before. After WWII there was a lot of talk about a transnational movement we called the "International Communist Conspiracy" and a Cold War that wasn't a real War. There was also an area that like Afghanistan had traditionally be recognized as a country called Korea. There was no internationally accepted government in Korea, but rather a division between two occupying powers and two governments in the North and South that both claimed to be the legitimate government of the entire peninsula but were neither generally recognized. This was complicated by a large neighbor in a country traditionally called "Chine" that had an internationally recognized government (by the US and UN) that only actually controlled a large island in the Pacific. The actual government running China was regarded by the US as a rebel force and, what was worse, part of the International Communist Conspiracy (ICC from now on) along with the government in the North part of Korea. So then there was a war. Initially the enemy was the unrecognized government in the North, but when it collapsed after Inchon a new enemy entered the war consisting of what were nominally "volunteers" from the supposedly ungoverned mainland of China but were actually units of the illegal Peoples Liberation Army (PLA) of the so called government which was part of the transnational ICC. Neither the so called government of so called North Korea (DPRK) nor the so called Communist government of China (PRC) was any more legitimate than the Taliban government of Afghanistan, nor were their international aims of World Communism any less transnational than the Caliphate aspirations of al Qaeda, the Taliban, and other islamists. Yet we fought a war against these people, took POWs, and negotiated an eventual cease fire without creating a new theory of War or damaging the US constitution. We even successfully separated the unconstitutional abuses of our criminal justice system (McCarthy, HUAC) in pursuit of domestic terrorists and spies from any actual military action overseas against real soldiers in the real armies (even if we didn't recognized their governments). The inability of the current administration to understand anything should not be confused with the actual legal status of things. For example, the current President declared that members of al Qaeda and the Taliban are not entitled to the status of POWs protected by the Third Geneva Convention. That may be an initial position, but the actual legal status of these detainees would only be determined if one of them gave something equivalent to name, rank, and serial number and then demanded to be recognized under the Geneva conventions. So far, not one of them has done so. Even when prompted to do so, they have refused to take that step. Until one does, nobody will be referred to the US version of the tribunal describe in Article 5 of GC III (an "Article 5 Tribunal") and so the administration's original classification goes legally unchallenged. Salim Hamdan did ask for status under the GC III, but not as a POW. Rather, he argued that he was in one of the few categories of civilians accompanying the army that are protected under Article 4. His commission rejected this claim since his assigned duties had nothing to do with any of the Article 4 civilian categories. Since he was

not asserting status as a lawful combatant, and since no other detainee has asserted such status, most of the interesting questions remain legally untested.

COMMENT:

AUTHOR: Diodotus

DATE: 10/04/2008 01:08:03 AM

I have to agree with Howard. If the Bush Administration's goal was to claim this was a war and treat al-Qaeda as an enemy, while claiming the GC don't apply because they don't bind al-Qaeda, I think it only says something about the Administration and those who buy the "legal black hole" argument, and says nothing about the rules. The logically consistent implication of Bush's rhetorical strategy is to follow the Geneva Conventions ourselves, but not hold al-Qaeda accountable to them. The GC binds states parties, not transnational actors; so it's professional soldiers of a state like the US who can be tried for "war crimes." That is, if this is a war and not transnational crime, which Bush claims it is. But the White House first claims this is a war (which should mean the conventions apply) and then that the US (a signatory) doesn't have to follow them while members of al-Qaeda (who never signed) should or will be tried for war crimes... We can chalk all this up to a brilliant strategy to confuse the public and legitimze illegitimate policies in any way possible. Only if we accept the logic, however, are we buying into the reconstitution of the rules themselves. I for one don't.

AUTHOR: Marc Tyrrell

TITLE: Musings on "Conventions" and "State-Like"

STATUS: Publish

ALLOW COMMENTS: 1

CATEGORY: Social Science in War: Defending Hamdan

DATE: 10/02/2008 11:05:00 PM

BODY:

Thanks to Jason Ralph for his clarification and, let me note, that I did assume that his first post was positioned to discuss the historical development of the laws of war rather than holding them as normative. This is one of the interesting, and fun, things when we talk across disciplines. I'd like to expand on the idea of the laws of war as being culturally contingent, and expand that observation beyond the discussion of the Peace of Westphalia.

First of all, I think it is useful to introduce a concept from Anthropology to the discussion: a "culture area". A culture area is a geographic region that contains a number of different societies. They are organized along roughly similar

cultural institutions, have roughly similar technology, and share a similar economic base. The concept appears, on the surface, to be similar to that of a "Civilization", but it is actually quite different and may well include multiple "Civilizations". An historical example of this would be the five Empires period in the ancient Near East (ca. 1400 bce) which formed a "culture area" despite including such diverse civilizations as Mari, Babylon, the Hittite Empire, Egypt and the Minoan "Empire". Another example of a culture area would be Europe in the 17th century.

I would suggest that what might be called "conventions of competition" appear within each culture area as a way to regulate the destructive effects posed by competition. Now, I'm using the term "competition" rather than "war" for the simple reason that I would ague that "war" is a sub-set of competition - extrapolating from Clausewitz, war is an extension of politics, politics is an extension of competition, and both are culturally constructed perceptions held by populations that are subject to change over time and in response to intrusions from outside of the culture area (as a note, Keith Gomes' article "An Intellectual Genealogy of the Just War" tracks these changes in one such "convention").

Jason's point - "if we apply IHL to those fighting on behalf of these kinds entities [trans-national non-state actors] (either to prosecute them or to protect them) then we are helping to change the character of war as a social institution" - is quite correct, although I would have phrased it as "both as a social perception and as a social institution". I would suggest that, at the perceptual level, understandings of "war" have already shifted in part as a result of the increasing looseness of the term's application (e.g. War on Crime, War on Drugs, War on Poverty, War on Terror, etc.).

I would also suggest that there has also been a de facto acceptance of trans-national non-state actors as "state-like", as shown by the PLO, the ANC and other "national liberation" groups. I characterize them as "trans-national" because, while they were focused on achieving statehood in a given territory, their actions were not limited to those territories. I would also note that this is exactly what Al Qeada is doing - it is focused on achieving "statehood" over a given territory (the old Caliphate and whatever else it can grab) while operating outside that territory.

If the perceptions are shifting, is it not also appropriate to shift the formalization of those perceptions?

EXCERPT:

Thanks to Jason Ralph

for his clarification and, let me note, that I did assume that his

first post was positioned to discuss the historical development of the

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contingent, and expand that observation beyond the discussion of the

Peace of Westphalia.

DRAFT

AUTHOR: John Matthew Barlow

TITLE: Researcher, Analyst, Advocate

STATUS: Publish

ALLOW COMMENTS: 1

CATEGORY: Social Science in War: Defending Hamdan

DATE: 10/03/2008 01:36:00 AM

BODY:

Reading Brian Williams’ account of his involvement with the defence of Salim Ahmed Hamdan at Gitmo, and all of the responses to it on CTlab in recent days, has been fascinating. There are so many points to respond to, but I want to take up the theme that Christian Bleuer addresses in his post, as I think the question of the “expert” is one that we all need to give some thought to in light of what Williams has to say.

Of late, I have found myself called upon numerous times as an “expert” on various local issues here in Montreal of which I have expertise. Prior to my academic career, I spent a good seven years working as a research analyst in Ottawa. There, the firm I worked for was hired for its expertise in historical research. We were used by lawyers as expert witnesses, or at least as experts in our fields to be used in negotiations. My combined experience, plus reading of Williams’ experience with Hamdan’s case, plus Bleuer’s response, brings several things to mind.

I'm currently teaching a course on qualitative research methods in the social sciences, and this has me thinking about why it is I get called upon for my expert opinion lately on urban planning and the urban landscape in Montreal. I was recently teaching my students about the concept of the expert, of the reason why they need to find scholarly sources to write their papers. One student asked why, and I responded that it was because sociologists or historians are experts, have spent years training, learning their discipline, practicing their methodology, so when it comes time to publish their work, they are experts, they have a deep understanding of the subject.

A journalist, on the other hand, is working to a much tighter deadline and needs to finish her story, and since the readership for her story is going to be the general public, it need not be as in-depth. But that kind of approach is not good enough for research in the social science and the humanities (and my discipline, History, falls within the humanities, not social sciences).

So what? We all know this, but we don’t all know this. For me, it was the experience of breaking this down in the classroom for a bunch of first and second year undergrads that made me realize what is happening here, to critically reflect on my experience as a research analyst and as an historian, and how my opinion is used and has been used in such diverse situations as legal cases, newspaper stories, media interviews, and urban planning pow-wows with various levels of government.

DRAFT

Many times, it has been as Bleuer notes, that “[w]at much of the public and the government wants from academics, PhDs and experts is a source of legitimation for their predetermined beliefs.” And this is where we have the potential to get into trouble. For example, a former colleague of mine in Ottawa, a well-respected analyst in our field, got very frustrated at one point with the glacial speed of negotiations and lawsuits. So he became less an analyst and researcher and more of an advocate. This was a choice I understood then and still sympathise with now. He saw injustice and he thought he could fight it better as an advocate than an analyst. In the short term, it worked well for him and for his cause. He was hired as an expert, he made numerous appearances in the courtroom, his words carried weight in negotiations for settlements. But, in the long-term, he hurt himself and his cause, because the lawyers and politicians, on both sides of the debate, began to realize that he was not providing a relatively unbiased opinion, but a polemic for one particular point-of-view.

So this brings me to Williams. As Bleuer notes, Williams’ testimony before the Hamdan “jury” was one of those instances where the audience had an open mind vis-à-vis the expert opinion. I think there are several reasons for this. Most notably, Williams did not appear as a zealous advocate of Hamdan. His reservations about the case come out clearly in his account at CTlab. His response, his work for Hamdan’s defence, was reasoned, dispassionate, and grounded. In short, his credibility could not be impugned. This makes him the exception, or at least it seems that way.

Court cases across North America involve experts in all matters of all things. And this, in many ways, discredits the expert. For example, there is here in Canada currently a furore over a pathologist who specialized in the deaths of infants, and whose work, which turns out to have been deeply flawed, led to legal proceedings against many innocent parents already grieving over their babies' deaths. This pathologist shows the exact problem with the “expert”. Rather than providing a relatively objective point-of-view, or at least one that arises from the supposedly objective place we’re supposed to start from as social scientists, the “expert” too often plays the role of crusader.

While I can understand why, I believe that we can do more as “experts” by standing on our credibility as experts. We can still be passionate believers in our causes, we can still stand on the side of right against wrong, as Williams has done. Indeed, Williams was contacted by Hamdan’s defence team because he had done research that confirmed the view of the defence. He was not hired for an objective point-of-view. But because he had credibility in front of the “jury” in Hamdan’s case, he was able to play such a central role in the acquittal of the most serious charges against the defendant.

EXCERPT:

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AUTHOR: Craig Hayden

TITLE: Cynicism and Legitimacy

STATUS: Publish

ALLOW COMMENTS: 1

CATEGORY: Social Science in War: Defending Hamdan

DATE: 10/03/2008 02:28:13 PM

BODY:

<!--[if !mso]><object classid="clsid:38481807-CA0E-42D2-BF39-B33AF135CC4D" id=ieooui></object> <![endif]--><!--[if gte mso 10]> <![endif]-->

I think it's important to clarify that my previous post on the possibilities of the Hamdan trial for U.S. public diplomacy does not suggest it as an exercise in legitimation for the U.S. The Bush Administration's public argument typically attempts to legitimize decisions and actions in such a way as to reaffirm the commonsensical – the U.S. system works, and this was a product of the values represented in the institution and leadership. The froth of emotive U.S. policy rhetoric, from the prosecutors' case to the invocation of crisis from the Bush Administration since 9/11, is not a public argument strategy for the rest of the world. The Hamdan trial is not an example to be mined for global media-based advocacy, it's a starting point for sober reflection and transparent disclosure.

Put another way, the U.S. can't talk about Hamdan in the way its leaders speak to domestic audiences about the successes and failures of U.S. foreign policy. U.S. foreign policy rhetoric over the past 7 years has been a steady diet of epideictic masked as deliberative discourse: honoring victims, exhorting and respecting the decisions of the stewards of U.S. policy, and proclaiming the strengths of the American system to confront an existential threat. This kind of discourse does little to invite actual public interrogation of claims. That's fine for the politicized realm of contemporary U.S. foreign policy speech – but probably oddly out of synch with a global audience searching for answers.

Global audiences, ambivalent, hostile, or otherwise, expect something less cynical – which does not have to elevate the actions of violent non-state actors in the process. But getting past its obviously hypocritical aspects, the case must appear curious. Why would the U.S., which vaunts its legal system and values, allow for such an episode? Hamdan is hardly a "diplomacy of deeds," no matter what the outcome. In some sense, I think the prosecution strategy is suggestive of the larger discursive impact of the Bush Administration's public argument strategy, but I won't belabor that point here. Suffice to say that the Hamdan case is not a venue for demonstrating the legitimacy of the tribunal system as concocted for this war. But does the trial itself constitute some kind of symbolic reconstruction of the enemy actors?

DRAFT

Turning to what Innes and Tyrell have said about legitimacy. I wonder if the trial, or indeed the outcome of the trial, represents some sort of legitimacy move that encompasses these violent non-state actors? Certainly, the Guantanamo "system" has been an ever-burning fuel for the extremist narratives to reach new audiences – but that is useful for propaganda machine to sustain the actor's identity project. The distinction revealed in the trail of the "Ansars" and Hamdan's material support for a "regular" army also starts to reveal aspects of the extremist movement has having "legitimate" contours. But does any accrual of legitimacy defuse the ambitions of these violent non-state actors?

I know I'm restating Innes's question in some sense. But I see no significant evidence to believe that the trial, which recognizes some arguably non-terrorist aspects of the Al-Qaida organization in Afghanistan, constitutes some sort of transition to a more legitimate political process. The way the trial has played out in American media is a drama of competing political interests vested in differing outcomes. Not much of a forensic dissection of the trial, or of the people that make up Al-Qaida itself. On the other side, I don't see how this trial could signal some sense of integration or legitimacy amongst the group's leaders or media planners. To be fair, I'm not an expert on non-violent state actors, so I don't know how the episode may have affected the movement's self –perception. Given the short news attention cycle within the United States, I'm not sure it impacted perception of the group's legitimacy in the U.S., and I'm suspicious of any transformative affect on the social imagination behind Al-Qaida.

EXCERPT:

I think it's important to clarify that my previous post on the possibilities of the Hamdan trial for U.S. public diplomacy does not suggest it as an exercise in legitimation for the U.S. The Bush Administration's public argument typically attempts to legitimize decisions and actions in such a way as to reaffirm the commonsensical – the U.S. system works, and this was a product of the values represented in the institution and leadership. The froth of emotive U.S. policy rhetoric, from the prosecutors' case to the invocation of crisis from the Bush Administration since 9/11, is not a public argument strategy for the rest of the world. The Hamdan trial is not an example to be mined for global media-based advocacy, it's a starting point for sober reflection and transparent disclosure.

AUTHOR: John Matthew Barlow

TITLE: Star Chamber Redux

STATUS: Publish

ALLOW COMMENTS: 1

CATEGORY: Social Science in War: Defending Hamdan

DATE: 10/03/2008 03:09:26 PM

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BODY:

<!--[if gte mso 10]> <![endif]-->

In my post yesterday, I addressed the idea of the “expert” in legal and journalistic settings. As I noted then, there were other things in Williams’ original account and the various responses to it that also tweaked my attention, and I’d now like to take the time to address some of those briefly. The first is a contention made by Williams in his original entry, as I am slightly confused. In his account of his role in Hamdan’s defence, he notes that no one tried to put Adolph Hitler’s driver on trial at Nuremberg.

And yet, here we have Bin Laden’s driver on trial at Gitmo, and Williams is adamant that he was guilty of a crime in this, in aiding Bin Laden. I am merely curious: is this because Hamdan was arrested whilst transporting weapons, or is it simply because of his job as Bin Laden’s driver? Geoffrey S. Corn suggests that Hamdan was convicted “not because his conduct fell into a well established category of conduct prohibited by international law during armed conflict, but simple because Congress took a crime never before considered a crime and gave it that title.” (Thanks to Tim Stevens for this).

But this is a minor point.

Williams takes the optimistic point that Hamdan’s trial is going to help to rehabilitate the stature of the United States in the world, as it shows that someone in Gitmo can indeed be given a fair trial. Others, most notably Stevens, have been more cynical. I tend to agree with the cynical side. I point to the example of the Canadian national, Omar Khadr, who was arrested by American forces in Afghanistan in July 2002, and charged with providing support for terrorism and murder of an American soldier, amongst other things. Time and again, the military tribunal has ruled in his favour, but the Bush Administration has refused to release him (many Canadians, short of our government, have demanded he be transferred back to Canada). It has instead continued to hold him at Guantanamo, and think up new charges and more creative ways to try him.

What this shows is that à la Hamdan, it is possible to get a fair trial, or at least fair treatment at Guantanamo -if one can get past the torture used on the detainees. But that the Bush Administration is not interested in justice at this point, it continues to hold detainees there against the advice of American courts, and even, occasionally, the military tribunals. This does not inspire confidence of any sort.

Taken together, what this shows is something akin to the Star Chamber of medieval England. If the constitution or legal system gets in the way of the Administration’s goals, well, never mind, other, more creative ways can be used to get around such niceties. This does not inspire any confidence in the policies of the American state, it does not help to restore the image of the United States in the world. What would inspire confidence is if the Administration accepted the rule of law in the first place, something which Guantanamo was conceived of to avoid. Fortunately, both candidates for President believe that Guantanamo should be closed down.

William C. Snyder writes of the flexibility of military commissions at Guantanamo, and the possible rationale behind their creation, suggesting that perhaps Hamdan was lucky to have been tried there and not in a regular court of law in the USA. And while he brings up some interesting points, I would like to point out that it is unlikely, at least from what I read in Williams’ post and in the various news articles on Hamdan’s trial, that it would have unfolded the way it did if it were held in a regular court of law. For one, the prosecution cannot hide information from the defence in a court of law. Disclosure must be made. For another, the burden of proof, at least it seems to me, is generally higher for the prosecution in a court of law.

EXCERPT:

In my post yesterday, I addressed the idea of the “expert” in legal and journalistic settings. As I noted then, there were other things in Williams’ original account and the various responses to it that also tweaked my attention, and I’d now like to take the time to address some of those briefly. The first is a contention made by Williams in his original entry, as I am slightly confused. In his account of his role in Hamdan’s defence, he notes that no one tried to put Adolph Hitler’s driver on trial at Nuremberg.

AUTHOR: Mike Innes

TITLE: Experts and Witnesses

STATUS: Publish

ALLOW COMMENTS: 1

CATEGORY: Social Science in War: Defending Hamdan

DATE: 10/04/2008 12:44:00 AM

BODY:

Just a quick and dirty intervention here. Matt, I have to take exception with a couple of your points. First, on whether history is or isn't a social science - that's a matter of perspective, as much a function of whether one believes scholarly output should be readable literature with some sort of narrative backbone, rather than esoteric code generated for a select few initiates. Your assertion ducks important philosophical discussion of rigorous application of method, objectivity in scholarship, and epistemological assumptions about the nature of empirical research - discussions that apply equally well across disciplines.

On to subjects more central to our discussion. In explaining to your students the nature of the "expert", you cite two types: the scholar and the journalist, and impute depth and leisure as the mark of one, and superficiality and time constraints as the mark of the other. Again, unfair. We've all heard of scholars who endlessly circulate retitled papers to pad their

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CVs, or who take shortcuts to increase measurable publication output. These, too, result from professional pressures. Likewise with journalism, which really depends on the type of journalism we're referring to. Feature journalists, for example, are expected to go deep on their subjects as a matter of course.

This, though, brings me to an important point that I think is relevant to Brian Williams role in the Hamdan case: the distinction between expert and witness, and in particular, the role of the latter in knowledge formation, creating perceptions of practice, and ethical conduct. I was struck by the fact that Brian, serving as an expert witness, then turned around and acted as a witness to the entire process by drafting his account of it all. This dual track narrative potential had me wondering about the implications of an an expert called upon to bear witness within the legal process, based on a lifetime of witnessing - through long, meticulous study of a subject - that becomes a resource for legal processes and informs its subsequent public narrative.

If witnessing is part and parcel of how experts develop their expertise, then one wonders at the professional academic, for example, who calls two weeks each summer "field work", while the journalist lives and breathes the daily experiences whereof he speaks. Lived experience isn't the only form of witnessing, of course. There's a plausible argument to be made that witnessing and observing are distinct acts with distinct consequences and outcomes (which in turn touches on potentially thorny moral questions surrounding bystanders and participants). Witnessing certainly isn't the only path to expertise. But it's an important one. There's been some interesting literature in recent years, for example, that touches on the varying narrative potential of international criminal court proceedings, in historical and legal terms.

What do the disciplines have to say about this? A question for another debate, perhaps.

EXCERPT:

Just a quick and dirty intervention here. Matt, I have to take exception with a couple of your points. First, on whether history is or isn't a social science - that's a matter of perspective, as much a function of whether one believes scholarly output should be readable literature with some sort of narrative backbone, rather than esoteric code generated for a select few initiates. Your assertion ducks important philosophical discussion of rigorous application of method, objectivity in scholarship, and epistemological assumptions about the nature of empirical research - discussions that apply equally well across disciplines.

AUTHOR: Mike Innes

TITLE: Closing Remarks

STATUS: Publish

ALLOW COMMENTS: 1

CATEGORY: Social Science in War: Defending Hamdan

DATE: 10/04/2008 03:32:00 AM

BODY:

I'd like to thank all who participated in Social Sciences In War: Defending Hamdan - for taking the time to read and consider Brian Williams' account of his experiences, and for bringing their considerable expertise to the table. The conversation wouldn't have been the same otherwise. This first CTlab symposium has also been an experiment in possibilities, and we'll be taking careful note of lessons learned as we plan future events. For anyone interested in thumbing through the various contributions, they'll remain part of this blog's archive, but we'll also be assembling the symposium proceedings into a single PDF file for ease of access and reference - watch this space.

This symposium is now closed.

EXCERPT:

I'd like to thank all who participated in Social Sciences In War: Defending Hamdan - for taking the time to read and consider Brian Williams' account of his experiences, and for bringing their considerable expertise to the table. The conversation wouldn't have been the same otherwise. This first CTlab symposium has also been an experiment in possibilities, and we'll be taking careful note of lessons learned as we plan future events. For anyone interested in thumbing through the various contributions, they'll remain part of this blog's archive, but we'll also be assembling the symposium proceedings into a single PDF file for ease of access and reference - watch this space.

AUTHOR: John Matthew Barlow

TITLE: Objectivity and Revisionist Historiography

STATUS: Publish

ALLOW COMMENTS: 1

CATEGORY: Social Science in War: Defending Hamdan

DATE: 10/05/2008 09:35:00 PM

BODY:

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I think, Mike, that you are misreading my points on one level, and on another, this goes back to a debate we’ve been having off and on for most of the decade. Objectivity is indeed something we should strive for, but I think it’s a fallacy to believe that we are objective in our approaches, that we are free of bias and so on.

You misread my argument when you suggest that the debate about whether history is an humanity or a social science is about perspective “as much [as it is] a function of whether one believes scholarly output should be readable literature with some sort of narrative backbone, rather than esoteric code generated for a select few initiates.” You are asserting that history as humanity is therefore this obscurantist second option and I think that this is a rather strange contention.

I’ll give you the example of a very contentious historiographic tradition, that of Ireland. The “value-free” school of history there was created in the 1930s there by British-trained historians as a means of professionalising the field. It was also created around the birth of the Irish Republic, barely a decade after the creation of the Irish Free State, giving Ireland its independence from Britain. Thus, a new version of Irish history emerged, one that re-examined the role of the British in Ireland. But the goal was also to normalise the Irish nation in Western Europe, as a modern, industrialised nation (even if it was not, at least at that time).

Allow me to use another Irish example, from our own era. Roy Foster is the dean of Irish History these days, and the leading revisionist of our age. Foster likes to keep the story out of the Irish story, he thinks that the historian is merely an observer and a recorder. But, yet, he offers his own insight into why he is both an Irish historian and a revisionist in his excellent book The Irish Story: Telling Tales and Making It Up in Ireland. In the Introduction, Foster speaks to his training as an historian in the late 60s, just as the Troubles were exploding in Northern Ireland. The idea is that Foster’s revisionist stance as an historian is clearly grounded in the trauma of the late 60s, the civil rights movement in the USA, and the explosion of the Troubles in Derry and the rest of the North of Ireland. Thus, in order to normalise the history of Ireland, Foster and his ilk are less interested in these extraordinary moments in the history of the nation than in looking at a narrative that establishes Ireland as a Western European nation in the mainstream - one that experienced modernisation, industrialisation, and all of the other movements that England, France, Germany, the United States, and so on, experienced. A similar thing has occurred in the historiography of Québec, where a revisionist school of thought has created this normalised version of Québec history that allows it to step into place with all of the other modern nations (Québec as a nation “ comme les autres”).

As the American historian Peter Novick notes, the idea of objectivity in history is about progress, moving towards some objective truth about the past. But this is not possible to find, there are always multiple stories of any one event. Facts do not speak for themselves, they require interpretation, and the interpretation we give to facts depends on our take on them. Hence the role of deconstruction, as we look at the stories we tell and why we tell those stories to ourselves. Why do we perpetuate myths as a culture? And so on.

History is classified as a social science in many parts of the world, including where you and I, Mike, have done our training, in Québec. But given these sorts of questions, I hesitate to so easily classify history in the social scientific strain.

EXCERPT:

I think, Mike, that you are misreading my points on one level, and on another, this goes back to a debate we've been having off and on for most of the decade. Objectivity is indeed something we should strive for, but I think it's a fallacy to believe that we are objective in our approaches, that we are free of bias and so on.   You misread my argument when you suggest that the debate about whether history is an humanity or a social science is

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CITIES AND THE SCIENTIFIC WAR OF WARFARE
5-9 Dec 2008

AUTHOR: Antoine Bousquet

TITLE: The Scientific Way of Warfare: Some Opening Considerations

STATUS: Publish

ALLOW COMMENTS: 1

CATEGORY: Cities and the Scientific Way of Warfare

DATE: 12/05/2008 02:16:14 AM

BODY:

I would first of all like to thank all the contributors for their participation as well as CTlab for making this online symposium possible. After the lengthy solitary process of reading and writing, it constitutes a much appreciated opportunity for feedback and the various unexpected and salutary connections and lines of flight which fresh perspectives bring. Having already imposed a large manuscript on the participants, I will strive for brevity in my opening statement and limit myself to three observations on the book’s central claim, its guiding methodology, and one of the main findings to be drawn from it.

The broad area of interest which oriented my research was the question of the relationship between science, technology and war, all of which have decisively shaped the modern societies we live in. The notion that modern industrial warfare is highly dependent on technology is so widely accepted as to be utterly banal, although there is a marked tendency in popular accounts to focus on weapon systems over the less ‘glamorous’ technologies that support them. Less common are enquiries into the application of scientific method to the practice of warfare itself (rather than to the development of new weapons), even if a number of scholars have profitably analysed the major role the RAND Corporation and the wider fraternity of operations researchers and system analysts played during the Cold War. In The Scientific Way of Warfare, I sought to consider together the influence of scientific ideas and technological artefacts on war by considering the combined material and ideational ramifications of certain key technologies (the clock, engine, computer, and network). In this way, I aimed to show how in distinct historical periods certain dominant scientific conceptual frameworks, along with their associated practices and articulated around those aforementioned technologies, are reflected in the theories and practices of warfare that are contemporaneous to them. Each of the ‘regimes’ I thereby distinguished is characterised by a specific understanding of the nature of reality and the laws governing the diverse bodies that inhabit it, and by extension of the nature of war and the forms of military organisation most likely to wage it successfully.

Arguing the above did raise a number of important methodological points that I believe are of potentially wider relevance to the way in which we practice social science. From the very start, I was keen to consider both the ideational and material aspects of my designated area of research without ever reducing one to the other. Neither did I want to imply that scientific discourse (understood as practices as well as linguistic statements) was a master discourse that shaped all others. I consciously decided to seek out what Foucault referred to as ‘polymorphous correlations’ between the different areas I was looking at, over and above any consistent causal account which would locate the origin of change in any particular domain or strata of social reality. In this way I aimed to show how the organisation of ideas, bodies, and machines combine to work together and act upon the world. The notion of assemblage which I drew from Deleuze and Guattari soon appeared as a helpful manner of talking about social organisation within the flat ontology I wanted to adhere to. The notions of metaphor, abstract machine, diagram, or discursive resonance I alternatingly call upon were all further ways of talking about the same reality accordingly. One comes up against intrinsic difficulties in upholding this methodology, the reasons for which have to do above all with the inherently sequential nature of exposition and the very grammar of language which both so easily reduce to linear causal chains what are actually co-constitutive and mutually supportive relations between elements. It is therefore perhaps inevitable that at times my prose might seem to imply a more definite causal flow than I myself intended despite my efforts to avert this as much as possible. While

some might bemoan the loss of an unambiguous causal account and legitimately raise the difficulties it poses for determining action within the world, I see this approach’s value in preventing the foreclosure of certain connective lines of thought through a prior commitment to a definite ontological hierarchy.

Finally, I would like to briefly comment on what progressively emerged from my study as a central dynamic at the heart of both military practice and scientific theory and did eventually structure much of my thinking: the relationship between order and chaos. The human psyche, the organisation of human society, and the production of knowledge all strive for order and regularity and to keep at bay what threatens to bring disruption and meaninglessness into them. However, not only does chaos inevitably resurface with the capacity to upset the most stable and established of arrangements but it seems to be in fact a necessary condition of creativity and even order itself. Science has recurrently needed to concede to chaos and indeterminacy to permit the development of its understanding of the natural world, notably through the introduction of probabilities or non-linear dynamics. Throughout the development of the sciences I have charted, this tension between their drive for predictability and the limits they consistently encounter has been a perennial constant, even if the ways in which these tensions are navigated are never quite the same. What one might characterise as an on-going dialectic between chaos and order (I tend to privilege Edgar Morin’s notion of dialogic understood as the simultaneous competition, antagonism and complementarity of distinct logics and for which there exists no possible higher synthesis that might resolve this tension) is echoed in the forms taken by the organisation of military force. Indeed, all attempts to bring complete control and predictability prove to be inherently self-defeating while a tolerance for (and capacity to profit from) chaos and contingency seems an enduring necessity.

AUTHOR: Marc Tyrrell

TITLE: Will Chaoplexy Dissolve the Cartesian split?

STATUS: Publish

ALLOW COMMENTS: 1

CATEGORY: Cities and the Scientific Way of Warfare

DATE: 12/05/2008 02:19:18 AM

BODY:

Let me start my comments by saying that I found Antoine Bousquet's The Scientific Way of Warfare to be one of the most brilliant works it has been my pleasure to read over the past decade. While covering nearly half a millennium of history, philosophy, science and warfare, it dances through complex ideas in a manner that

is most unlike the more common, turgid plodding that one finds in academic work. It is unfortunate that I will be incommunicado for most of the online discussions (I will be in Mexico on a concert tour when this is published).

“Its central claim”, Bousquet notes on page 3, “is that throughout the modern era the dominant corpus of scientific ideas has been reflected in the contemporary theories and practices of warfare in the Western world.” A simple idea that, as with all fractal thoughts, can be expanded upon infinitely and yet still maintain a pattern.

For Bousquet (page 4), “The scientific way of warfare therefore refers to an array of scientific rationalities, techniques, frameworks of interpretation, and intellectual dispositions which have characterised the approach to the application of socially organised violence in the modern era.” This is an intriguing cluster that spans multiple disciplinary thought patterns, and it is certainly borne out in the rest of the book. As I read the book, I was struck by the successive “peeling away” of components of nature and how these components were confused for “absolute reality”; a confusion beautifully documented and described in the work.

First, in the mechanistic conceptualization, “time” is separated from nature; not only by being measurement independent but, more importantly, by shifting the locus of perception of time from a “natural” cycle (day/night) to a mechanical, human conceived and constructed cycle. The realization was stunning – if humans can control time, what else can “we” wrest from Nature (or God)?

The second, thermo-dynamic phase, separates “energy” from nature in several senses. First, “energy” is no longer directly dependent upon natural, temporally immediate, sources (wind, water, muscle power, etc), it can be turned on or off at will. In a more subtle effect, “energy” is now subject to the Will of Man rather than the Will of God. Indeed, one can almost see the recapitulation of Aquinas' City of God in material form in the writings of Frederick Winslow Taylor, with echoes of Plato's cackles heard in the background.

The third cybernetic phase abstracts information from “meaning” and, at the same time, the system/carrier of information/meaning from nature. In many ways, cybernetics, at least as Bousquet presents it (and it is certainly a valid presentation) is, in many ways, the final materialization of a Platonic Ideal into the material world. Information may, as Bateson noted, be a difference that makes a difference”, but Bateson later realized that neither “information” nor “meaning” was the sine qua non of emergent cybernetic systems; it was relationships (cf Angels Fear, Bantam, 1988).

This brings me to the brink of the fourth phase Bousquet identifies but, before going on, I would like to make an observation. The first three phases all focus on the increasing materialization of parts of “reality”, their subsequent control with social and material consequences (including those in warfare) and, perhaps most importantly, their use as dominant metaphors for the perceptual organization of “reality”. At the same time, each of these phasic metaphors (dominant paradigms, universal narratives, what have you) is yoked with a singular form of

social relationship; what Alan Page Fiske calls “Authority Ranking”.

Authority Ranking (AR) systems all derive their legitimacy and authority (as do all relational systems) from lived experience. But the touchstone of the system is in the mutual obligations and responsibilities between the ranks - the “relationship” - and when this crumbles, so does the legitimacy of the system. AR systems, at least in their fully functional, institutionalized forms, are quite recent in our evolutionary history; a mere 10-12,000 years old. And when they crumble, which they always have being perceptually closed systems, people “revert” back to older systems, usually reciprocity based (Equality Matching in Fiske's terminology). This happened with jobs and employment in the late 1960's through to the mid 1980's, and it should be no surprise when this happens with the social organization of warfare.

As Bousquet notes, the phase change has not fully happened in the prosecution of warfare, although the distributed networks of terrorists and insurgents appear to be further along than most conventional forces. One page 238, he notes that “One way of understanding these developments is as a process of evolution in the forms of control adopted for the purpose of handling the uncertainty inherent in the practice of warfare.” As a contrary (complimentary?) alternative, I would suggest, that another way to understand these developments is as a social homeostatic faculty that shifts dominant social relationships with techno-environmental necessities.

One of the reasons, I would suggest, why the vision of network warfare as instant command and control is so fatally flawed is that very notion of a human exterior locus of control – an Authority Ranking system attempting to mascarade as an Equality Matching one. Al Qaida did not fall into that trap - since they perceive of their external locus of control as “God”, a role arrogated to systems controllers in network centric warfare.

Let me return to the title of these comments: Will Chaoplexy dissolve the Cartesian split? This was an issue that Bateson wrestled with until his death. If the Clockwork world spawned the Cartesian split (e.g. Mind-Body dualism and the hubristic notion that all that is not mind can be controlled), will the Chaoplexic world reunite them? This was where Bateson was moving in his last work, and it is something that I have observed in my own research on job search. We can also see it dissolving, or at least minimizing, in some of the current discussions about creating an Advisors Corp.

So, I will leave this with a question: Antoine, do you think that we will see control returning to individuals and small operational groups – networks and project groups – in the near future?

Marc Tyrrell is a Symbolic Anthropologist who teaches at the Institute of Interdisciplinary Studies at Carleton University in Ottawa, Canada. He is also a member of the Canadian Centre for Intelligence and Security Studies, Anthropologist in Residence with Insignia Research, blogs at In Harmonium and is active at the Small Wars Council.

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AUTHOR: Tony Waters

TITLE: Universal Paradoxes?

STATUS: Publish

ALLOW COMMENTS: 1

CATEGORY: Cities and the Scientific Way of Warfare

DATE: 12/05/2008 02:23:57 AM

BODY:

Hi Antoine. I read your interview, and the introduction and conclusions to your book. Congratulations on completing an interesting and engaging book which analyzes the changes warfare has undergone in recent centuries. As a sociologist, I find myself wondering about the contrast between Max Weber's descriptions of the hyper-rationalized world which as you point out, is at the heart of war and science, as well as modern life in general. Weber is no fan of the human qualities of such organizational structures, but does go on to note that nevertheless, they are the best way known to organize complex tasks, including the military. As you said, this creates a paradox for planners who always seek to control, and the inherently unpredictable nature of the battlefield, modern or otherwise.

Two questions come to mind. First, I'm wondering about how much this paradox is all that unique to the conduct of war. Isn't it really part and parcel of the modern condition? This was the conclusion of Weber, and in a slightly different fashion that of political scientist James Scott in his book Seeing Like a State. I think that the problem might be that no matter how diffuse or networked authority may be in a military operation, it is still part of the rationalized bureaucratic structures which organize modern government everywhere. The impulse is, as a result, always to centralize more authority higher up the line of command in order to avoid the free-lancing (and corruption) that occurs when such controls are relaxed; indeed this is why audits are so important in big organizations, especially states.

A second related question is about the nature of modern insurgency. Modern insurgency does require some level of command and control. 9/11 may have been cheap compared to what the American military costs, but coordination across the world was still needed to make sure that (at a minimum) nineteen men all got on the right planes at the right time. But I wonder if there is something fundamentally different in the type of command and control developed by a diffuse non-state organization like Al Qaeda, which makes modern bureaucratically organized societies peculiarly vulnerable to this type of insurgency? As you write, one potential response is to adapt the insurgency technique, and delegate the capacity to negotiate with tribal leaders to officers and soldiers ever lower on the organizational chart. I can see Al Qaeda doing this

because fairly small amounts of money are involved, and while I am sure that they have corruption, too, they are not as vulnerable as a large modern bureaucracy. Anyway, these are just musings, and I look forward to your comments.

Tony Waters is Associate Professor of Sociology at California State University, Chico, and the author of When Killing is a Crime (2007) and Bureaucratizing the Good Samaritan: The Limitations of Humanitarian Relief Operations (2001). He blogs at Ethnography.com.

AUTHOR: Martin Senn

TITLE: Chaoplexity, Escalation, and Entanglement

STATUS: Publish

ALLOW COMMENTS: 1

CATEGORY: Cities and the Scientific Way of Warfare

DATE: 12/05/2008 02:28:08 PM

BODY:

Reading through Antoine Bousquet’s article in International Affairs, I asked myself whether chaoplexity as a creative way of accepting and coming to terms with the chaos of the battlefield would actually entail a higher likelihood for (unwanted) escalation. This mode of swarming troops “free to act on their own initiative” (p. 927) seems to match with missions pursuing absolute goals (e.g. a regime change operation or the destruction of a terrorist enemy) or what Schelling once labeled “brute force”. But what if the political goal is coercive? Does the concept of swarms pose a risk to the political objectives of (limited) war? A brief footnote on the notion of fighting a network with a network can be read here.

A second point that I am curious to hear more about is your argument about the “misguided faith in the powers of technoscience” (p. 925) leading to a rash resort to military force. It seems to me that same danger is also inherent in chaoplexic warfare. Maybe this danger of appearing as a tempting panacea is inherent in any technological advance. So my second question: Would the presumable faith in the ability to

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“fight a network with a network” not induce decision-makers to resort to force more easily?

My last point is on the “rogue city” category that was presented by Geoff Manaugh [Ed's Note: at the 26 Nov public lecture on "Feral Cities and the Scientific Way of Warfare", at University College London]. Given Iran’s lack of conventional military capability, its regular armed forces and militias seem to focus on entangling attacking forces in a war of attrition. Do we know whether combat in city regions plays a role/is included in a (in)formal military doctrine of Iran (or any other case)?

Martin Senn is a Teaching Fellow in International Security at the School of Public Policy, University College London. His research and writing focuses on nuclear (non-)proliferation and counter-proliferation, arms control and in particular on ballistic missile defense.

AUTHOR: Rex Brynen

TITLE: A Chaoplexic Divine Victory? Not Entirely.

STATUS: Publish

ALLOW COMMENTS: 1

CATEGORY: Cities and the Scientific Way of Warfare

DATE: 12/05/2008 06:19:11 PM

BODY:

At the suggestion of Tim Stevens and Mike Innes, I'm reposting for the symposia comments that I first made in response to the earlier CTlab interview with Antoine Bousquet. I'm also expanding on them a little too, to address the excellent point that Martin Senn has made on decentralized warfare and escalation.

My reflections originate from a passing comment on insurgency, chaoplexic operations, and the 2006 war in Lebanon that Antoine made in his interview:

<blockquote>

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Any smart opponent of hi-tech militaries such as the U.S. or Israel will seek to operate in urban terrain where it can easily conceal itself and strike using swarming tactics (as have done Iraqi insurgents and Hezbollah in Lebanon). There is an obvious match between urban battlespaces and the decentralised networked approach of chaoplexic warfare and in all likelihood they are fuelling one another.

</blockquote>

Hizbullah's self-proclaimed "Divine Victory" in 2006 has certainly attracted considerable attention from analysts of insurgency, COIN, and asymmetric warfare. However, I think we have to be rather careful here about what Hizbullah did - and didn't do - in the war, since it has fairly significant consequences for any analysis of either insurgent operations or the balance between cybernetic and chaoplexic management of military forces and their battlespace.

Hizbullah typically did not seek to lure the Israel Defense Forces into urban areas, and transform these into ambushes with the use of swarming tactics in which attackers would mass, strike, and dissipate. Such an approach would have been a poor use of Hizbullah's relatively small number of relatively well-trained fighters, its intimate familiarity with the terrain, and its access to long-range precision-guided weapons (Anti-Tank Guided Missiles). Instead, the majority of kills against the IDF were in hilly and broken but relatively open terrain, in which ATGMs could be fired from prepared and concealed positions into often pre-established kill-zones, sometimes in conjunction with IED attacks, closer-range RPG ambushes, or covering fire from small arms or even the odd mortar or two. In this sense, battles were often surprisingly scripted in their operational design, even if decentralized at a tactical level.

Certainly, IDF intelligence collection was degraded by placing some assets (weapons caches, prepared defensive positions, some Multiple Rocket Launchers) in urban areas to confound electronic sensors . Such placements also complicated targeting, both physically and politically. However, many (and possibly most) key Hizbullah assets were deployed outside build-up areas, both because they provided broader fields of fire and observation, and because the need for operational security (such sites being easier to protect and secure against Israeli HUMINT collection). Thus, an awful lot was simply concealed in rural areas with traditional CCD (camouflage/concealment/deception) techniques - techniques that differed little from those used in the World Wars. In some ways what was new about this was how very old it was.

Hizbullah's battle management could be considered chaoplexic in that many Hizbullah battles with the IDF were fought by small units operating together yet semi-autonomously, with fallback and shelter positions identified to allow a relatively fluid use of the battlespace. Considerable authority for tactical operations was devolved to local commanders. Doing this required a quality of, and confidence in, lower-level cadres and Hizbullah "NCOs" that is rare for insurgent groups, and indeed for most non-Western militaries. It also required that Hizbullah solve the inherent morale and motivation problems that arise when soldiers fight in relatively small and dispersed groups. Religious-nationalist ideology played a role in offsetting these problems, suggesting that there may be interesting things to be studied in how ideational factors (and not simply networked communications) may be central to chaoplexic operations. So too did the quality of training (Hizbullah being, in many ways, the only meritocracy in Lebanon).

What was not very chaoplexic about this was the high degree of reliance on fixed positions and prepared fortifications, and the tight fire discipline exerted by the senior

leadership over units with "strategic" implications (heavier and longer-ranged surface-to-surface missiles in particular). This was for precisely the reasons that Martin Senn raises: if local commanders were allowed excessive leeway over rocket attacks against Israel, it could lead to either escalatory targeting (for example, attacks against Tel Aviv or the chemical facilities at Haifa), or timings and volumes and timings of fire that were out of tempo with Hizbullah's political requirements. Also, Hizbullah (via its al-Manar television station) proved adept at marrying certain types of military action with its information operations (most notably evident in its successful naval SSM attack against the Israeli frigate INS Hanit) - all of which required centralized command and control.

Indeed, in many ways Hizbullah is a very Leninist organization in its politico-military hierarchy - much, much more so than (say) any of the Iraqi insurgent groups. This degree of control allowed Hizbullah to choreograph the IO and diplomatic battlespace in ways that would have not have been possible were combat operations fully decentralized.

Of course, it should also be said that Hizbullah's successes, as in any war, were also a function of their relationship to IDF campaign strategy. As well as it all worked out for Nasrallah in 2006, a different IDF response (either more limited, or involving major ground operations from the outset à la 1982) could have had markedly different political and military outcomes - with the cybernetic and chaoplexic elements of Hizbullah military action being either a boon or a liability to the group depending on the precise context. As Antoine so rightly notes in his comments on my original comments, "the effectiveness of any strategy or tactics is always a function of those employed by the opposition. This inherently relational and contextual nature of armed conflict is what to my mind precludes the elaboration of a set of technological or organisational systems that can deliver victory everywhere and at all times."

Rex Brynen is Professor of Political Science at McGill University. An acknowledged expert in the politics and conflicts of the Middle East, he is the author of many books, the most recent being Palestinian Refugees: Challenges of Repatriation and Development (2007, with Roula el Rifai).

AUTHOR: John Matthew Barlow

TITLE: Discipline and the Mechanical Man

STATUS: Publish

ALLOW COMMENTS: 1

CATEGORY: Cities and the Scientific Way of Warfare

DATE: 12/05/2008 07:54:23 PM

DRAFT

BODY:

I would like to bring the city into focus here, and perhaps offer up another direction of thought provoked by Antoine Bousquet in his intriguing The Scientific Way of Warfare. Bousquet spends a lot of time developing the intellectual antecedents of various dominant forms of warfare over the past several centuries. Most strikingly, he reminds us of the march of science in Western culture, and in this sense, I am most interested, at least right now, in his explorations of the regulation of time, and the mechanisation of human life.

In his second chapter, Bousquet talks about the “clockwork universe”, which led to the rise of mechanistic warfare, most clearly demonstrated through Frederick Wilhelm I and Frederick II The Great of Prussia and their innovations in the training and development of the Prussian Army in the 18th century. Indeed, Bousquet ties this to Enlightenment theory and thought; the clockwork universe is the rationalisation of time. Time then becomes a form of discipline, which can be tied to Foucauldian notions of discourse and power.

Indeed, this is a point made by my favourite historian, E.P. Thompson, in an article initially published in 1967. Thompson notes the rise of the clock, the discipline of time, and its role in mechanisation and the development of the urban industrial working classes during the industrial revolution in England.

The industrial revolution is, of course, what brought the metaphor of the machine to life in Western Europe and is the basis of military discipline and the technological advancements on the battlefield, especially as noted by Bousquet in his third chapter, “Thermodynamic Warfare and the Science of Energy.” Certainly, the industrial and technological developments of this era were predicated upon the epistemological and intellectual developments of the Scientific Revolution, but the metaphors of machine, and indeed, of man as machine, were based firmly in the development of industry in the late 18th century, primarily in England.

At the same time that Frederick Wilhelm and his son were drilling discipline into their army in Prussia, the English were developing industry in their burgeoning cities. One of the reasons why Prussian ideals of martial time, discipline, and mechanisation were so successful, I would suggest, is who came to fill the ranks of the armies of Europe in the late 18th and early 19th centuries: the sons of the working classes. These were lads born and raised in the discipline of time. Their entire lives were regulated by the clock: time spent in school, at work, in church, asleep; the hands of the clock carefully regimented their days.

To a great degree, the success of military discipline and the rise of mechanised warfare over that period can be attributable to the new way of thinking that arose amongst the working classes of the urban centres of Europe in the industrial revolution. These men were accustomed to the discipline of time and were fully embedded in the metaphor of the machine, given that most of them worked with, repaired, or built machines at work. Thus, the discipline of the army in times of war, or

as conscripts, was not a foreign concept to these men. Rather, it was a simple extension of the régime under which they lived.

AUTHOR: Antoine Bousquet

TITLE: Response to John Barlow - On Discipline in the Factory and the Barracks

STATUS: Draft

ALLOW COMMENTS: 1

CATEGORY: Cities and the Scientific Way of Warfare

DATE: 12/06/2008 10:57:00 AM

BODY:

Thank you for underlining with such clarity the role of industrial development in disciplining bodies in the context of mechanistic warfare. I see this point as complementary to my own account but I would resist making it the central causal factor, important as it was. Indeed, how could we then explain that it is in Prussia that mechanistic warfare was perfected instead of the more highly industrialised England where these techniques seem to have played much less of a role in military affairs? My hypothesis would be that the respective political cultures were an important element (among others), with an absolutist Prussia seeing its values particularly resonate with the clockwork model and embodied in slavish military discipline and a more liberal England more recalcitrant to this suppression of individuality.

The broader point I want to make here is that I don’t think it is helpful to impute (and here I am not claiming this was your intention but rather taking the opportunity to sharpen this particular theoretical point) the origins of modern discipline to either the factory or the barracks with the other simply importing it into its own domain. Techniques of subjectification or modes of social organisation never appear fully formed ex nihilo in one place; they emerge, develop and are fine-tuned over long periods during which they naturally circulate through the different sites of social activity, imperceptibly being modified as they are put to different tasks and within different contexts. Therefore to my mind the search for a clear unambiguous origin is something of a red herring that detracts from the multi-faceted processes that permit the extension and proliferation of such techniques and organisational forms.

AUTHOR: Antoine Bousquet

TITLE: Response to Marc Tyrrell - The Cartesian Split and the limits of Futurology

STATUS: Publish

ALLOW COMMENTS: 1

CATEGORY: Cities and the Scientific Way of Warfare

DATE: 12/06/2008 12:04:20 AM

BODY:

Thank you for your wonderful take on the scientific periodisation I employed, which has made me think about it in a new and most stimulating light. Your point about ‘authority ranking’ is very interesting – I am not sure whether I can add anything to it right now but it does raise the intriguing question of the social process by which one particular mode of understanding and engaging in the world weakens and is replaced by another within human groupings.

In terms of the Cartesian split, I do think chaoplexity represents a very important juncture in scientific thought. Although it does bring a newfound predictability to areas which had previously none (fluid dynamics, swarm behaviour, etc.), it is a rather more qualitative (and qualified) form of prediction than we have been used to in the past. Furthermore, in recognising the difficulty of distinguishing the boundaries between a system and its environment (and thus the arbitrariness of any particular delineation for the purpose of analysis) and identifying the multiple feedback loops between systems, their constitutive elements, and their environment, chaoplexity does indeed problematise the modern chasm between subject and object and the Cartesian split with it. It offers the opportunity of a more humble form of science, aware of its limitations and its inherent perspectivism (something that was already present in the late reflexive turn of cybernetics). This also suggest different ways of acting in the world through pragmatic experimentation with the properties and transformational potential of existing systems rather than in renewed efforts to acquire absolute control over a recalcitrant reality we seek to dominate.

Your final question about the future of networks takes me dangerously close to the realm of futurology, which has rarely been kind to academic speculation. With this precautionary statement out of the way, I would hazard to guess we will see more of these forms of social organisation in the future, indeed we already are. The proliferation of information and telecommunication technologies, the weakening in some respects of hierarchical structures such as the nation-state, and the general cultural zeitgeist all point to it. However, if one thing is clear it is that it is always extremely difficult to think beyond the immediate parameters of our times. If the broader social trend of which chaoplexity is a part is now so clearly visible to us, then perhaps the owl of Minerva is airborne and there presently are imperceptible processes and transformations which are already taking us away from it.

AUTHOR: Antoine Bousquet

TITLE: Response to Tony Waters - Bureaucracies and Networks

STATUS: Publish

ALLOW COMMENTS: 1

DRAFT

CATEGORY: Cities and the Scientific Way of Warfare

DATE: 12/06/2008 12:09:43 AM

BODY:

In a sense your two questions about rationalisation and command and control are related and I will try to answer them together. You are correct in pointing to a connection between my analysis and that of Weber’s – although I did not consciously apply a Weberian approach, it struck me subsequently that some of my conclusions did echo much of what he had written about the rationalisation of modern life.

However, where I would differ is in arguing for the fundamentally different nature of the bureaucracy and the network. The former corresponds to a formalised hierarchical structure in which individual roles are defined in advance in relation to each other (indeed Weber insists this differentiation between an office and its holder is characteristic of it). The latter on the other hand refers to an open structure which does not have any clear hierarchical line of communication and in which roles and the individuals fulfilling them are not clear distinguished (effectively any entry or exit from the network potentially changes its characteristics).

Now of course these pure forms (Weber might call them ideal-types) rarely, if ever, really exist anywhere. All networks have their more or less formalised hierarchies (such as can be found within tightly knit terrorist cells) while even the most rigid bureaucracies will see networks sprout from them (arising from the political or personal relations which individuals will strike up). So organisational reality fluctuates between these two different poles of organisation with Western states closer to one end and the Jihadist movement at the other, to take only those examples. The same is true in the realm of military operations where mixed forms of organisation will be found everywhere with the respective benefits and drawbacks they may present. What state militaries, and particularly the U.S., seem to doing right now is seeking to recruit the virtues of the network form of organisation while still remaining within the broader hierarchical structure of the state, an inherent source of tension which makes such a move all the more challenging.

AUTHOR: Antoine Bousquet

TITLE: Response to Martin Senn - On Escalation and Chaoplexicity as a New Panacea

STATUS: Publish

ALLOW COMMENTS: 1

CATEGORY: Cities and the Scientific Way of Warfare

DATE: 12/06/2008 12:16:24 AM

DRAFT

BODY:

With regard to your first point about the risk of escalation, first a disclaimer. The purpose of my research has been to look at the exercise of military force as an instrument through which states or other political entities seek to achieve certain goals ('the extension of policy by other means' as Clausewitz would have it). I do not prejudge of whether the attainment of such goals is either desirable or ethical ('what if the political goal is coercive?') and while this is of course an important question in its own right, I do not think it directly impacts on my argument. What I sought to explore were the different means that have been deployed in order to make military force as predictable and effective an arm of political will as possible.

Where your point is immediately relevant to my argument is in the tension you highlight between the decentralising impulses of chaoplexic warfare (and the associated risks for unauthorised escalation) and the necessity for the state to maintain military action as a docile instrument of his broader and necessarily limited objectives. If we are to believe chaoplexity, there are significant benefits to decentralising the military even within the above constraints, although in some areas it will obviously never make sense to do so – I can't think of any circumstances in which the decentralisation of the authority to launch nuclear weapons would be desirable! Hence states by their very hierarchical nature will never be able to decentralise the exercise of military forces in the way in which guerrillas or terrorist organisations can (conversely the latter cannot rule in the way they have fought – all such organisations go through significant transformations if they ever find themselves in the position of running a state). Perhaps the most effective way in which decentralisation will be possible without a loss of the necessary political control and accountability will be through superior training of recruits so that they use wisely and appropriately the greater degree of autonomy granted to them.

Your second point about chaoplexic warfare potentially becoming a new panacea and falling prey to the same technological hubris as previous approaches is a legitimate concern but a problem that hinges on how seriously we actually take the lessons of chaoplexity. In my view, chaoplexity provides a scientific framework for what Clausewitz had already formulated in early nineteenth century: that war is inherently plagued by friction and fog that can only be managed but never eliminated. If this insight is embraced by policy-makers and military leaders, one could hope that with it will come a greater degree of caution in the application of military force and less frequent reduction of complex strategic challenges to simple military problems. Admittedly, the deeply engrained technophilia of modern militaries (chief among them that of the United States) and the desire for absolute certainty manifested by their political masters may prevent these lessons from being absorbed. Indeed, this is the essence of my reproaches to network-centric warfare, namely that it has largely repackaged chaoplexic ideas to fit the cybernetic certainties of the previous RMA debates and has yet to engage fully with their implications.

AUTHOR: Martin Coward

TITLE: Four Questions

STATUS: Publish

ALLOW COMMENTS: 1

CATEGORY: Cities and the Scientific Way of Warfare

DATE: 12/06/2008 12:27:23 AM

BODY:

Antoine, first my thanks for inviting me to participate in such an interesting symposium. Your ideas (and the responses it is provoking in the course of this event) are both sophisticated and stimulating. At this stage I have to confess to being – for reasons too boring to enter into at length – only part of the way through The Scientific Way of War, though I read your IA piece and take this as an overview of sorts. I note this by way of apology for any errors that may appear in what follows. I also note it as a way of indicating that I am sure that my comments will develop over the next few days as I read further.

That said, at this initial stage I have four questions I would like to pose:

1. You note in your first post today that methodologically “[f]rom the very start, [you were] keen to consider both the ideational and material aspects of [your] designated area of research without ever reducing one to the other. Neither did [you] want to imply that scientific discourse (understood as practices as well as linguistic statements) was a master discourse that shaped all others.” And yet there is in your thesis, it seems to me, an assumption of the primacy of reason over the material. It seems to me that scientific discourses might be said to be elements of wider material assemblages. Scientific reason is thus only part of a story that is wider than these discourses suggest. Thus, for example the clock could be said to be part of a wider social assemblage in which regular division is a necessity (specifically the assemblage associated with the industrial revolution in Britain) . This might lead us to ask whether it is this desire for regularity, rather than the scientific discourse of mechanics, that influences military thinking. I think my question thus is whether it is the explicit narratives of specific scientific theories that produce the doctrinal formations you are describing, or whether these scientific discourses are prominent extrusions of deeper social assemblages.

2. Your choices of scientific discourses come from what might be called theoretical physics. Ultimately these are all mathematisations of material processes. Why did you choose these discourses rather than other prominent ones in the sciences- e.g., the life sciences' recent transformation by the mapping of the genome. I am aware that the military has in a way chosen these examples for you by the way that they have appeared in doctrinal documents. But is this not to take the military narrative at face value? Might the biopolitics that have emerged in the era of genome science have had invisible and yet important consequences for military doctrine not reflected in actual military documents?

3. Like Martin Senn I am concerned about the consequences of chaoplexic war. The devolution of capabilities to local levels may in some cases give us negotiation with tribal elders. But it also gives us Fallujah – under the rubric that individual teams of infantry/marines can take the initiative (which usually involves deploying massive firepower) to fulfill overall goals. In this sense chaoplexic war seems to embrace the

chaos of war in way that runs counter to the emancipator ideal that we might find ways to legally tame the beast of war such that its effects might be reduced if not eliminated.

4. I would also like to bring the city back into focus as John Matthew Barlow puts it. More specifically – and I will post on this again in the next few days – I would like to suggest that we need to ask about the specificity of the city. There is an assumption that the city will be an arena for future chaoplexic war. But this is not just a simple matter of probability. The metropolis of the era of global urbanization comprises a very distinct milieu and will inflect war in distinctive ways. In this sense we might come back to my first question and ask whether the next regime of war will not be one modeled on scientific discourse, but rather one that is shaped by what we understand to be the specific characteristics of the city in the present period. This begs the question of what we think is specific to contemporary urbanity. I would be interested in your comments on this.

<ol type="1">

Martin Coward is Lecturer in International Relations at the University of Sussex, UK. His research focuses on post-structuralist theory and political violence. He is author of Urbicide: The Politics of Urban Destruction (Routledge, 2008).

AUTHOR: Kenneth Anderson

TITLE: Clausewitz and Friction

STATUS: Publish

ALLOW COMMENTS: 1

CATEGORY: Cities and the Scientific Way of Warfare

DATE: 12/06/2008 12:38:58 AM

BODY:

My congratulations to Dr. Bousquet for a highly insightful and readable book that engaged me with a historically shifting body of metaphors for war and conflict. I want to focus briefly on one subchapter, the end of chapter three, devoted to Clausewitz and the metaphors of thermodynamics. I was much taken, and am generally strongly in agreement with, both your intellectual history of Clausewitz's thought and its rootedness in a certain scientific world view as well as your reading of the famous "friction" metaphor. I wonder if the the friction metaphor might not be broken out still further, in four ways.

DRAFT

First, the famous Clausewitzian undermining of the army-as-clockwork mechanism, undermined by the friction of the clash of two armies. Second, the concept of friction as expressed in the technologies of thermodynamic weapons and war - explosions and counter-explosions. Third, Clausewitz's also famous dictum of friction as created by the accumulation of errors in the system of war, located in failures of communication, delivery, and execution that accumulate, again to undermine the army-as-clock from within.

Fourth, what I suppose we might call the friction created by the 'ghost in the machine of war': friction that arises not from a clash of two armies, nor from errors internally accumulating, nor from explosions meeting explosions, but instead from the clash of two fundamentally different conceptions of conflict, the inherent clash between, on the one hand, the mechanism that enables a vast array of people and things to act with a single will, deterministic and mechanistic and, on the other, the animal passions that are both unleashed but relied upon particularly in battle. It is not precisely that the mechanism tames the beast; it is, rather, a dialectic in which the machine needs the animal spirits and the animal spirits need the discipline of the machine.

Anyway, for what it's worth, it seems to me that those are all separable as readings of 'friction' in Clausewitz and beyond, and that some parts of those distinctions are picked up later in your discussion.

But I was also struck by your reading of Clausewitz in this way - correctly focused on friction as the central concept rather than the 'other means' trope - in part because of work currently on my own desk on a reading of the moral psychology of Lincoln's Second Inaugural. One or two phrases in that address express a profoundly Clausewitzian sentiment: "Neither party expected for the war the magnitude or the duration which it has already attained. Neither anticipated that the cause of the conflict might cease with or even before the conflict itself should cease. Each looked for an easier triumph , and a result less fundamental and astounding."

This passage is sometimes read as a sort of Clausewitzian sentiment about war as politics by other means. I have not thought that the best reading, and your chapter in this regard gives me stronger reasons for thinking so: it seems more emphatically, on the contrary, an expression that war, as its own social life, and driven by its own frictional forces, frictional forces that are internal to war itself, can independently lead politics rather than necessarily the other way around.

Kenneth Anderson is Professor of Law at American University in Washington, D.C., and a Research Fellow at the Hoover Institution on War, Revolution, and Peace at Stanford University. He has published extensively, and writes at Opinio Juris.

AUTHOR: Antoine Bousquet

TITLE: Response to Rex Brynen - On Lebanon

STATUS: Publish

ALLOW COMMENTS: 1

CATEGORY: Cities and the Scientific Way of Warfare

DATE: 12/06/2008 12:20:00 AM

BODY:

Thanks for these valuble insights, Rex. For the record, I'm posting below my original response to your comment on the interview. I don't have much to add to it and I think I addressed some of your points in my response to Martin Senn.

I confess I have not studied in great depth the recent Lebanon war and should perhaps have spoken more carefully. Your post adds a lot of nuanced empirical context to relate to my broader theoretical arguments. There is indeed a whole spectrum of more or less decentralised approaches to warfare with all real warfighting forces constituting their own specific combination of these approaches. A fully chaoplexic force could hardly be reconciled with definite political goals in the absence of a chain of command and an ability to convert military successes on the ground into political when time for negotiation comes. I see the different regimes of warfare I distinguish as different poles of attraction for military organisation rather than descriptions of actually existing entities.

Finally, you raise the important point that the effectiveness of any strategy or tactics is always a function of those employed by the opposition. This inherently relational and contextual nature of armed conflict is what to my mind precludes the elaboration of a set of technological or organisational systems that can deliver victory everywhere and at all times.

AUTHOR: Antoine Bousquet

TITLE: Response to Kenneth Anderson - Lessons from Clausewitz

STATUS: Publish

ALLOW COMMENTS: 1

CATEGORY: Cities and the Scientific Way of Warfare

DATE: 12/06/2008 11:21:38 AM

BODY:

I am continuously amazed by the richness of Clausewitz’s writings and my own book is indebted to some of his key insights. While some aspects of On War may not be as relevant to us today as they were when he wrote it (notably the importance attached to the decisive battle), we can still learn much from Clausewitz’s emphasis on the historically and socially determined character of war as well as the fog and friction that appear inherent to all its manifestations. As you so eloquently put it, I think it is a mistake to read Clausewitz as arguing that war is just another adjunct of policy which can be switched on and off at will. In reality there is an inherent tension between the energies and passions liberated by war and the rational goals of policy that Clausewitz fully recognised. It is probably above all this profoundly dynamic character to his thought that makes this nineteenth century Prussian officer such an enduring resource to draw upon in our reflections on war.

AUTHOR: Antoine Bousquet

TITLE: Response to Martin Coward - Assemblages, Natural Sciences and Urban Battlespaces

STATUS: Publish

ALLOW COMMENTS: 1

CATEGORY: Cities and the Scientific Way of Warfare

DATE: 12/06/2008 12:30:56 PM

BODY:

Martin, thanks for your insightful and challenging set of questions that I’ll endeavour to answer to the best of my ability.

Fully defending my methodological and theoretical outlook would probably take us into deep philosophical waters for which this forum is perhaps not the proper place. I have attempted to formulate my framework as clearly as possible in the first chapter of the book although I recognise it is still imperfect in many ways and only an arrested stage in my continuing thinking on those matters. And no doubt, for reasons I evoked in my opening statement, my analysis at times may seem to fall short of upholding this framework, although I hope the book as a whole is at least moderately successful in doing so.

I will nonetheless try to respond to your question about whether scientific discourses are merely surface effects of deeper assemblages by referring back to Deleuze and Guattari’s definition of assemblage in A Thousand Plateaus:

<blockquote>

“An assemblage has neither base not superstructure, neither deep structure nor superficial structure; it flattens all of its dimensions onto a single plane of consistency upon which reciprocal presuppositions and mutual insertions play themselves out.”

DRAFT

</blockquote>

<p>It is on the basis of such an understanding of assemblage that I have explored the complex mesh of relationships which bind together the state, capitalist production, technoscientific development and war in the modern period (one might add other categories of analysis but these are perhaps the main stalwarts of social theory) without seeking to reduce one to another. Now, even within the framework of the flat ontology such an understanding entails, any coherent study will naturally require some choices in the relations that will be privileged and, in containing what is already a very broad study (some might say already too broad), I chose to privilege the relationship of technoscience and war even if at the different times I do make references to the role of economic production and state structures. I made this particular commitment partly out of personal interest but also because it seemed to be an area that had been relatively unexplored (particularly in terms of the ideational aspects of technology which may account for the greater emphasis put on it in the study over and above its material effects) and that offered the opportunity to develop a number of interesting problematiques. My final thesis is therefore not intended as a grand narrative to trump all others but as a partial perspective aiming to shine some hopefully insightful light on some of the processes which have shaped the modern world and some of the issues that still face us today. Whether it succeeds in doing so is something I leave to others to decide.

You are correct to point out that I made a conscious decision to focus on the physical sciences in my account. This was largely conditioned by the desire to associate specific bodies of scientific theory and practice to respective paradigmatic technologies, precisely in order to chart both the material and ideational effects of technoscience (and crucially the co-constitutive dynamics of those two aspects). So whereas there were obvious technological pairings for the periodisation of the physical sciences I offered, no such articulation would have been possible with the life sciences. This is not to downplay the importance of those natural sciences but to attempt to place them in the context of these larger epistemic structures (notably by showing how technological metaphors are at work in thinking on biological bodies).

It does however strike me that in our more recent times, the life sciences are weighing more heavily on the scientific way of warfare, perhaps as these sciences have matured and as the cutting edge of theoretical physics (string theory, quantum theory) have become ever more counter-intuitive and difficult to relate to common experience and the social world. Complexity science, in particular, is above all concerned with living systems and the figure of the network is already a more abstract and less tangible one than were the computer or the engine as the boundaries between technology and biology are being eroded. I have no doubt that there are profound ramifications of the development of genetics for the military and indeed advanced research is being pursued in those areas by DARPA and others. However, that is a topic of enquiry for another project. I would nonetheless, and by way of concluding on this point, note that the main conceptual currency of the genetic sciences remains information, a concept inherited from the physical sciences.

Your echo of Martin Senn’s concerns I have hopefully addressed in my own response to Martin.

On the question of the city and urbanism, I am a lot more recalcitrant to make strong statements as it is not an area I have studied particularly closely or that was a central focus of my book. You and others are no doubt in a much better position to comment in detail on this question. What I will say is that I see the different regimes of the scientific way of warfare as being contextual and therefore one of the drivers of their development is the perception of the main strategic and military challenges in the period of their emergence. Cybernetic warfare was formed in the context of the hi-tech industrial warfare, notably nuclear, which was expected to unfold if

World War III broke out. When these techniques and military assemblages were deployed to fight a counter-insurgency war in the jungles and marshes of Vietnam, they proved patently unsuited to the task. With the end of the Cold War, military and strategic threats have come to be widely seen (at least from the West’s perspective) as being more diffuse with conflict against networks or in urban terrain being a much greater likelihood. So the character of the urban battlespace definitely matters in defining the types of challenges posed to military planners but how these are resolved remains contingent on the wider cultural and social resources of our times.

EXCERPT:

“An assemblage has neither base not superstructure, neither deep structure nor superficial structure; it flattens all of its dimensions onto a single plane of consistency upon which reciprocal presuppositions and mutual insertions play themselves out.”

AUTHOR: Josef Ansorge

TITLE: Scientific Narratives and Regime Changes

STATUS: Publish

ALLOW COMMENTS: 0

CATEGORY: Cities and the Scientific Way of Warfare

DATE: 12/06/2008 05:59:06 PM

BODY:

I greatly enjoyed reading The Scientific Way of Warfare. Bousquet has done a stellar job of crossing large and varied terrains of history as well as plumbing the depths of some fascinating detail, all the while remaining on a sure theoretical footing. I will be certain to draw on it in my own writing. What follows are a few disjointed observations and reactions I had to reading this text and the burgeoning discussion taking place at CTlab.

In Bousquet’s military history, the message is the predominant tool of the day: scientific practices, distilled into the heuristic devices / technological artefacts of clock, engine, computer, and network, become metaphors and foundations for theories of warfare. This tendency of humans to speak about war as analogous to their most sophisticated technologies is also found in historical ideas about the brain (i.e. described as a catapult by the ancient Greeks, a hydraulic or electromagnetic system by Freud and, as Bousquet shows, a computer or a cybernetic process by von Neuman and Wiener (pp.112-115). What all of this demonstrates is the plasticity of the

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human and war. But how do these stages relate to each other? What causes the switch from one ‘regime of the scientific way of warfare’ to another?

I think it is important to note that the application of scientific practices to warfare also exists as a highly profitable industry and a rhetorical space. In this regard, it fulfils a significant economic function that helps drive it, as well as an ideological role (motivating cadres) which stabilizes it. I agree with Tony Waters that Bousquet seems to be in the excellent company of Weber here. One of his lines of thought I appreciate the most is that rationalisation is a belief and a fundamental attitude to the world. For our case, this would mean that the use of scientific methods in warfare does not automatically translate into dominance on the battlefield, but rather into a belief of that dominance. When this dominance is not forthcoming (Prussia after Napoleon, US after Korea, US after Vietnam, after Iraq?) this encounter with the real spawns a renewed, radicalized turn to scientific practices. Hence, a principle at the heart of the repeated importation of scientific ideas into warfare is the disappointment of earlier scientific ideas and while, as Bousquet so elegantly shows, the new practices informing warfare are chaoplexic, I believe that this fundamental attitude and expectation remains. In our strategic discourses today, the ‘network’ functions as both epistemology and ontology and is expected to deliver military dominance. When this is not achieved the explanation offered is that one is not sufficiently networked. Once this argument is exhausted, there will be a push for a new regime.

Rex Brynen makes an excellent point when he writes of Hizbullah’s actions in Lebanon that "In some ways what was new about this was how very old it was." As in any periodization which weds warfare to scientific progress, persistent (old) forms of warfare can easily be overlooked. While it is a fantastic device to view military ages through subsequent regimes, as Bousquet himself writes, elements of past regimes remain (p.238). To understand contemporary warfare, we either need to place these regimes into a sequence of evolution (which would firmly situate us in a bio-scientific regime), read them all in conjunction, or view them as a conceptual toolbox for understanding conflict today. Either way, focussing on only one regime for one period makes it difficult to observe some unexpected phenomena, such as that the Wehrmacht (that symbol of mechanized force) was greatly reliant on horses in WW2 (it assembled 625,000 for the invasion of the Soviet Union)[1], or that the most effective strategy can be a very old one (van Ripper at Millennium Challenge 2002). These are points at which hegemonic ‘scientific regimes of warfare’ break down and can lead to historical oversight or exploitation.

As we know from Eyal Weizman, amongst others, the discourse and practice of swarming has been innovated and employed rigorously by the IDF in urban environments. In what is more than ironic, Deleuze and Guattari aren’t just a theoretical springboard for Bousquet’s fascinating book, but are also referenced by some of the very strategists (Brigadier General Aviv Kochavi and Shimon Naveh) who have designed some of these modern practices of urban warfare (i.e. ‘walking through walls’)[2]. In what another regime might term a ‘feedback loop’, modern intellectual trends (be they scientific or Deleuzian) aren’t just part of our ‘regimes’ of warfare, but also part of our very efforts at comprehending them

Draft

Josef Ansorge is the Editor-in-Chief of the Cambridge Review of International Affairs and a PhD student at the Centre of International Studies at the University of Cambridge.

[1] David Edgerton, The Shock of the Old: Technology and Global History since 1900 (London: Profile Books, 2008), p.35.

[2] Eyal Weizman, Hollow Land: Israel's Architecture of Occupation (London & New York: Verso, 2007), pp.187-201.

AUTHOR: Craig Hayden

TITLE: A Rhetoric of Chaoplexity

STATUS: Publish

ALLOW COMMENTS: 1

CATEGORY: Cities and the Scientific Way of Warfare

DATE: 12/06/2008 09:48:06 PM

BODY:

I would like to thank the CTIab for allowing me to contribute to this forum to discuss what I believe is an insightful interrogation of the discursive evolution in strategic military formulations. I have a few initial comments.

First, I think the linkages (or assemblages) between material and discursive influences on doctrinal phases in military strategy is a productive engagement at the interstices of technology and the rhetorics of both science and power. I don’t mean to needlessly repeat Bousquet, I think his work acknowledges the genetic linkages, as each strategic phase bears the traces and the ideological imprints of previous thinking. Also, Bousquet’s final judgment of Net Centric Warfare (NCW) reflected something that concerned me while reading his work: it seemed that the unsettled/unresolved presence of cybernetic imperatives have yet to be reconciled with contemporary recognition of the chaoplexic milieu for military operations. The faith in technologies of control and surveillance may indeed be misplaced – and could lead to unrealistic expectations of military capability. While it may be fashionable to liken soldiers and military units to social agents, endowed with ‘decision rules’ that enable reactive flexibility and produce ‘emergent’ solutions – I think many here in this forum have recognized that chaoplexity is not a mutually exclusive insight, but an additive property. Chaoplexity reflects both the deepening complexity of factors in modern warfare, as much as our

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epistemic capacities to recognize, predict, and perhaps understand the limitations of information in warfighting.

Nevertheless, I think the basic insight of linking material and discursive texts speaks strongly about the constructed domain of military strategy. I am forced to wonder whether manifestations of network war are as much a production of the world tightly envisioned in the doctrinal expositions of chaoplexic warfare. Scholars in the social construction of technology tradition, from Ithiel de Sola Pool onward, have reminded us that we cannot disentangle the politics from the technology, and by extension, the pervasive influence of discourse to constrain our attitudes towards the relation of our technological prowess to the perceived strategic environment.

Which is to say that we must not forget the capacity of such terminology to construct the world we operate within. To borrow from a much-used resource in rhetorical scholarship, Kenneth Burke, it seems evident that the terms, tropes, and imagery of chaoplexic strategy are as much reflections of observed and emergent phenomenon as they are deflective of elements of military action that inhere from the past. Burke’s concept – terministic screens – reminds us of the limitations that our rhetorics provide in the imagination of policies and their alternatives. The fetishization of chaoplexic warfare and technologies of networking seems to be a risky fixation. I wonder at its advocates' sometimes seamless moves between biological and technological metaphors and descriptions of actual behavior and environments. Warfighting is a “rugged landscape” – but so is Afghanistan.

I think most of us could agree that there are dangers in an unproblematic embrace of chaoplexic warfare as a necessary, definitive statement on contemporary strategy. And I think we’ve heard some interesting critiques thus far in this forum. But at the risk of making chaoplexity a tautology, perhaps its unsettled nature is itself a positive quality. Oddly enough, it would seem that any controversy over the probative and strategic value of chaoplexity would be a destabilized, productive locus for emergent thinking. As military strategists, planners, and academics ponder the applications of complexity theory more generally, the process of debate and adaptation to the realm of military practice would seem ripe for “emergent” conceptual innovation.

I’d like to conclude by way of example. The proliferation of chaoplexic formulations into the ranks of military planners; the transformation of the strategic lexicon and by that, the imagining of the individual warfighter; and flexible networks of the asymmetric enemies, does much, I think, to add mystery to process of strategy. What I mean by this is that the general recognition of chaoplexity and the ambiguity the notion carries with it gives rhetorical tools to those who would capitalize on our latent uneasiness over the uncertain, the chaotic, and the unpredictable. If chaoplexity finally empties the power of cybernetic thinking to determine the outcomes of war, then war becomes a kind of alchemy. Not literally, of course. But take the public statements of Paul Wolfowitz as an example. Prior to the events of September 11, 2001, his comments were oddly prescient of a world that the rhetoric of the Bush administration would characterize relentlessly thereafter...

Speaking to the graduation of West Point in 2001, Wolfowitz said: "Military history is full of surprises, even if few are as dramatic or memorable as Pearl Harbor. Surprises happen so often, that it is surprising that we're still surprised by it."

Wolfowitz was making the argument that the unknowability of the threat environment, and implicitly, the unreliability of intelligence estimates, would require a kind of preemptive stance towards national security strategy. You could call this a reaction against chaoplexity

– where chaoplexity becomes the argumentative grounds for more command and control at the level of grand strategy. The often opaque, indeterminate implications of chaoplexy provides easy justifications for a public rhetoric of threat and crisis promotion – as chaoplexity offers little in the way of a predictable calculus of threat and power. Yet we all know that Iraq has proven to be a damning referendum on this kind of neo-conservative logic – quelling for now a populist resistance to chaoplexity as grand strategy. I suppose this delinks the realm of national security strategy from more theater-specific formulations. The strategic discourse of chaoplexity is technocratic and, at times, recursive in its own right. As a compass for military planners, its dangers lie in trying to retain the ambitions of cybernetic agency within a recognized chaoplexic context. Above this level of discourse, chaoplexity is “strategy without guarantees,” and likely of minimal elaborative use to the elected stewards of national security.

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AUTHOR: Kenneth Anderson

TITLE: Tangents and Extensions

STATUS: Publish

ALLOW COMMENTS: 0

CATEGORY: Cities and the Scientific Way of Warfare

DATE: 12/07/2008 09:53:24 AM

BODY:

I have been following the exchanges with much interest, although many of them are outside of my primary area of work in the laws and ethics of war. I want to offer four very different thoughts - they are not so much things from the book itself as tangents that the book caused me to think about, and I share them on that basis. Dr. Bousquet should not feel obliged to figure out some way to respond to them; they really are more tangents.

1. City and urban (1). The renderings of the city and urban landscapes of conflict and war offer a certain geography of spaces, walls, barriers, confusion, hiding, chaos, complexity, disorganization, friction - but a tangible and less tangible sense of space. Law and ethics, the rules of war that I study, seek to create a certain order out of the chaos, and impose senses of limits and to invent walls, barriers, and define spaces within the chaos through normativity. These are targets; these are not targets. But the creation of this normed space requires a shared norm, and the nature of the urban warscapes that Dr. Bousquet describes is not one of shared norms. There is no sense of reciprocity in the norms, and given that the organized side, the sovereign side, has decided

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affirmatively not to use reprisal to enforce reciprocity, that concept is fundamentally gone. It seems to me to account for a great deal of the chaos on today’s urban battlefield. What, for example, the human rights monitors propose instead as the basis for normativity is the post hoc international tribunal - but it assumes the hegemony of the norm giver, and that is far from given.

2. City and urban (2). City and urban warfare was traditionally about siege. It was traditionally about bringing down the walls of Jericho. The chaos in that operation came at the very end, in the final sack of the city. It was not traditionally about the fighting in the city as the fighting space, except at the end; otherwise it was, if anything, a less chaotic and more tightly organized battlespace on both sides. The final sack was authorized, according to the traditional rules, more or less as a reprisal against the city for its failure to surrender and, in any case, the whole of siege warfare, and the special rules applicable to siege, represented a complete reversal of the traditional notions of combatants and noncombatants. But it is also one of the oldest forms of warfare, from the moment when war took on the characteristic of the raiders against the citadel, and urban living as a form of protection. Siege of course was one of the great historical drivers of technology in war; and in that sense, the city arose as a form of defensive technology in war that happens to function in times of peace.

3. Financial modeling. Several of the commentators have inquired why the reach to the physical sciences and physics in particular as the historical model, rather than, say, biology. My day job, as it happens, is finance professor, and at risk of partisanship to my areas, I wondered whether the complexity theory, chaos theory, and network theories might not be modeled as well on the process of financial modelng - complex risk systems and network and gaming theories. But what I am actually suggesting here is not the theories themselves - but the fact that historically they have failed over and over again, being intimately intertwined with all the major market crises of the last few decades since computerization - the 1987 program trading crash (computer driven selling created a positve feedback cycle downwards since each company’s program worked on the assumption that it was alone); the 1998 Long Term Capital Management crisis (even though anyone who dealt with Russia would have said that political risk was paramount, it was treated as outside the model for financial purposes); and today’s crisis involving quant strategies (that assume that the model’s financial equivalents are in fact legal and contractual equivalents, whereas in crisis mode a whole series of non-normal contract provisions kick in but are not accounted for in the model, eg, mark to market accounting in a thin or nonexistent market). The failures in financial modeling might point to ways of understanding chaos in war and vice versa.

4. Ghost in the machine. Two books come to mind reading Dr. Bousquet’s book, Junger’s chilling On Pain, out with a new translation and penetrating introduction from my long-time friends at Telos. And Daniel Pick, The Rationalisation of Slaughter. Each of these goes deep into the disciplinary aesthetic of modern war, I think.

Kenneth Anderson is Professor of Law

at American University in Washington, D.C., and a Research Fellow at the Hoover Institution on War, Revolution, and Peace at Stanford University. He has published extensively, and writes at Opinio Juris.

AUTHOR: Martin Coward

TITLE: Ethico-Political Entailments of the Scientific Way of Warfare

STATUS: Publish

ALLOW COMMENTS: 1

CATEGORY: Cities and the Scientific Way of Warfare

DATE: 12/07/2008 08:20:25 PM

BODY:

Antoine, just a quick reflection on your response to Martin Senn (which is also relevant to a question I asked). You note the following:

The purpose of my research has been to look at the exercise of military force as an instrument through which states or other political entities seek to achieve certain goals ('the extension of policy by other means' as Clausewitz would have it). I do not prejudge [...] whether the attainment of such goals is either desirable or ethical ('what if the political goal is coercive?') and while this is of course an important question in its own right, I do not think it directly impacts on my argument.

I would like to push you a bit on this on two fronts. Firstly, as an astute reader of Foucault, you know that scholarship and political gestures are indivisible. Secondly, for the majority of war studies scholars the fascination with the generative powers of organised violence is tempered by a very real commitment to examining ways that destructive force might be minimised and/or controlled.

I would thus want to know a bit more about the ethico-political entailments of your project that might otherwise be hidden by your response to Martin.

Martin Coward is Lecturer in International Relations at the University of Sussex, UK. His research focuses on post-structuralist theory and political violence. He is author of Urbicide: The Politics of Urban Destruction (Routledge, 2008).

AUTHOR: Martin Coward

TITLE: Rephrasing the Question: the Affect Underlying the Metaphor

STATUS: Publish

ALLOW COMMENTS: 1

CATEGORY: Cities and the Scientific Way of Warfare

DATE: 12/07/2008 08:45:28 PM

BODY:

Antoine, with regard to your response to my question, you are of course right that I implied a base-superstructure model in my original post. And you are right in general that flat ontologies are necessary to escape the deeper problems of reduction that base-superstructure models imply. That said, as I continue to read your excellent book I think that the concern elaborated in the first of my four questions still remains – though I would like to rephrase it to see if this elicits a deferent response.

In general the thing I am most interested in is the way that you treat the adoption of scientific metaphors by military planners as the adoption of models of reason intended to dispel chaos. This is what I meant when I said that you seem to privilege reason. You seem to imply therefore, that both chaos and order exist as empirical states of affairs and the route from latter to former is via reason. But there may be another way to see this:

1. As David Campbell has noted in Writing Security, security discourses arise out of a profound anxiety generated by ambiguity and lack of certainty. He shows how first religion and then medical science provide schemas for reducing the anxiety by imposing schemas of interpretation that allow us to domesticate the seemingly wild and unpredictable world. Might we not also see the adoption of scientific metaphors by the military in this light?

2. Moreover, if we have regard to the problem of the disenchantment of warfare we also see that war needs rationalising in the modern world. War is a brutal and animal event. It relies on people doing terrible things to each other. It might be seen as no surprise then that scientific metaphor is adopted in order to represent (literally re-present) this activity. Science has the veneer of distance and respectability. It gives the impression that killing is merely an organisational problem. The same can be seen in the scientific discourses of the death camps and in the various debates concerning

humane forms of execution (where the veneer of science has been employed to give the impression of legitimacy).

Thus my question becomes this: in addition to the use of scientific metaphor by military planners as if they offer rational insight into technical problems, is there also an affective reason for the emergence of such discursive tropes? That is to say are not the scientific metaphors adopted not because they speak to technical problems, but rather because they satisfy a need to obscure our anxieties and potential revulsion? If this is the case, might we not need an ontology that does not simply treat the assemblage as the connection of regimes of science, technology and force, but also understands the manner in which reason is always supplemented by affect?

Martin Coward is Lecturer in International Relations at the University of Sussex, UK. His research focuses on post-structuralist theory and political violence. He is author of Urbicide: The Politics of Urban Destruction (Routledge, 2008).

AUTHOR: Antoine Bousquet

TITLE: Chaoplexic Urbanism, The Laws of War, and the Rhetoric of Science

STATUS: Publish

ALLOW COMMENTS: 1

CATEGORY: Cities and the Scientific Way of Warfare

DATE: 12/07/2008 09:12:32 PM

BODY:

I have been reading the contributions of all the participants with great interest and have endeavoured to respond to the different questions and issues as best I could. However, I would for now like to turn the tables a little and throw out some questions/prompts of my own, picking up some of the existing threads as well as hopefully further broadening the debate.

Since the symposium is also explicitly concerned with cities, I think we should bring the urban question back to the fore. In my answer to Martin Coward, I somewhat shied away from the topic but would now like to offer some tentative thoughts that I hope might provide a springboard for further discussion. Martin rightly noted that the nature of the urban battlespace is itself playing a role in shaping contemporary forms of warfare.

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What I would like to add to that is that chaoplexity is also increasingly manifest in the development of architectural theory and practice as well as the way in which we think of urban spaces and dynamics in general. The totalising modernist conceptions of architecture of a Le Corbusier or Mies van der Rohe have given way to more organic and localised projects concerned with the various feedback dynamics with the existing human or natural environment. Geographers and urban planners are increasingly focusing on the self-organising dynamics of cities (such as in this recent book by Stephen Marshall) rather than advocating utopian top-down reorganisation of urban environments. This recently posted item on CTlab is further evidence of this evolution. Simultaneously (and perhaps not coincidentally) we seem to be seeing major cities gaining growing autonomy from the states which have dominated them in the past few centuries - notably in the way some cities conduct forms of direct diplomacy with other cities, and more generally the increasing density and intensity of links between world cities that bypass the state. I would be curious to hear the views of participants on this and more broadly the relevance of the urban environment to the direction armed conflict is taking.

The legal aspect of the emerging modalities of war is one that I have not really considered but which in all likelihood will be of great importance in shaping them, all the more in the case of a particularly legalistic culture such as that of the United States. Typically law is that of states and yet we are talking about a growing involvement of non-state actors that, furthermore, frequently don’t adhere to the existing conventions. What does this mean for the future of laws of war that I understand have been to a large extent founded on notions of reciprocity? I would also be interested in hearing about whether the decentralisation of the chain of command which chaoplexic warfare advocates poses any problems for the present laws of war and the procedures for their enforcement - and if so, how these might be resolved.

Finally a point prompted by Craig Hayden’s thoughtful contribution and that I raise as a potential objection against my own thesis. How seriously should we take the rhetoric of complexity or of science more generally, at least within the military? While there is no doubt that a core of military theoreticians believe quite sincerely in the application of scientific ideas to war, does any of their substantive content survive the politics and doublespeak of the military bureaucracy? In my chapter on cybernetic warfare, I do note that the language of systems analysis was often used to merely validate decisions that had been taken on other grounds (internal politics, industrial interests), thus potentially reducing it to a mere scientific veneer. The way in which network-centric warfare has half-heartedly adopted chaoplexity in such a way that it remains compatible with the habit for large procurement budgets and many existing entrenched interests is more grist to that particular mill. While conceding some genuine validity to this point, I would still argue that these practices nonetheless testify to the very prestige accorded to scientific method and discourse, a prestige and dominance over other discourses that could not be such if these did not have some real past and present effects on perceived military effectiveness (all the more with their close association to technology). Nevertheless I think it is a point worth raising and which others may want to run with.

AUTHOR: Tony Waters

TITLE: Chaoplexic Approaches and Urban Street Gangs

STATUS: Publish

ALLOW COMMENTS: 1

CATEGORY: Cities and the Scientific Way of Warfare

DATE: 12/07/2008 11:15:50 PM

BODY:

Hi Antoine. Thanks for the response to my first questions about bureaucracy, rationalization, and Weber, which were helpful. But I have a follow-up musing which goes off in another tangent.

Some years ago, I studied street gangs. Street gangs emerge among disaffected youth in impoverished neighborhoods, often those of immigrant communities, or racially subordinated minorities. Males hanging out on street corner create their own groups of disaffected youth, who become oppositional groups associated with assaults, fighting, drug use, stealing, and occasionally murder. Fights occur, often with lethal weapons, and crimes are committed. And as a measure of status, such groups often take on the names of other street gangs with whom they want to identify. Thus in the 1990s, in a number of cities there emerged gangs calling themselves Crips or Bloods who created a lot of trouble for their neighborhoods and the police. Such gangs often created an ideology of "in for life" and identified a charismatic leader whose influence could occasionally glow brightly, but also often faded. Researchers like Malcolm Klein who studied the street gangs found that this was nothing more than an ideology, and that in fact gang members who were not killed or arrested often eventually "aged out." Klein argued that such street gangs were not "franchises" seeking to expand like McDonald’s (as some law enforcement argued), but were in fact organizations that "proliferate" in particular socio-ecological conditions. He noted that the leadership was often ephemeral, and was not in fact in a strong position to command and control members of the street gangs as in an army, or even a McDonald’s. Street gangs could be extraordinarily dangerous, but this was a product of the chaos they created as much as a master plan.

The police who were called on to oppose the proliferation of street gangs are of course a classic command and control bureaucracy. In my view, this created a problem. One result was that they began to frame the gang problem as being one of "ring-leaders," "franchisees" and "shot-callers." Individual members became "soldiers." John DiIulio predicted in 1995 that gangs "will unleash an army of young male predatory street criminals who will make even the leaders of the Bloods and Crips...look tame by comparison..." This rhetoric in turn coincided with the militarization of police forces in Los Angeles, and elsewhere, as they sought to challenge a foe rationalized as being an opposing army (i.e. a term they could recognize easily), rather than the disaffected, violent, and chaotic youth that they often were. The former policies resulted in the militarization of the Los Angeles Police Department and

an emphasis on solving big crimes, and arresting big criminals, often at the expense of "the little stuff." A number of scandals emphasizing the excessive use of force emerged. A new police chief was eventually hired who in turn implemented "Broken Windows" policies emphasizing the importance of neighborhood cohesion, and responding to “small crimes” which damaged that cohesion. This resulted in police officers engaging more with the community—or in affect becoming social workers (ok, that is an exaggeration, but it makes my point). Crime rates declined in the early 2000s, and the army of super-predatory Crips franchises somehow never emerged.

It has always seemed to me that the enemy that the United States is opposing in the "War on Terror" whether it is framed as Al Qaeda, radical Islam, or terrorism in general is more like the diffuse chaotic gangs that Klein described, and not the "army of super-predators" for whom policing policies were developed in the late 1990s, and current military doctrine seems focused. Certainly, some groups with a command and control capability like Al Qaeda have occasionally emerged. But, it seems to me that adapting the military to a more "chaoplexic" approach focused on radical Islam as a "networked social movement" rather than a conventional army is an admission similar to that which the LAPD made when they shifted to the Broken Windows policy. Radical Islam seems to be as much the consequence of "proliferation" of an ideology of religion and violence, as "franchising" of Al Qaeda, or other jihadists groups. Developing a chaoplexic response seems to be an implicit acknowledgment of this change.

But this leads to another question, because developing a chaoplexic capability sounds much more like shifting the overall purpose of the military into something that does not involve the primary mission of the military, but more towards the type of police and social work which emphasizes the importance of social cohesion. My question would then be, if this is the case, at what point does the "fight" against Al Qaeda and other similar products of the proliferation of radical Islam be a policing or social work problem, rather than a military one?

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AUTHOR: Antoine Bousquet

TITLE: Response to Martin Coward - Ethico-Political Considerations

STATUS: Publish

ALLOW COMMENTS: 1

CATEGORY: Cities and the Scientific Way of Warfare

DATE: 12/07/2008 11:15:00 PM

BODY:

Desirable as it may be, I do not foresee an end to war any time soon (this is one piece of futurology I am fairly confident about). It has been a persistent feature of human societies almost as far back as we can trace them and there is little sign

that the political animal that is man is ready to permanently renounce violence as one of the means available to attain certain wants or needs (and perhaps even more disturbingly to satisfy certain drives). Morally satisfying and ethically justified as might be a wholesale condemnation of war and of the very existence of an institution dedicated to its pursuit, it is a stance I find of limited political purchase if not followed up by a more pragmatic assessment of the amelioration possible in the present circumstances.

Where there is such potential for amelioration is in the reduction of the frequency and intensity with which wars are waged and of the willingness of political actors to resort to this particular means of achieving their objectives. I see my own work’s modest attempt at contributing to this effort in offering a critique of the hubris which has accompanied most of the applications of technoscience to war. Where military leaders and policy-makers become persuaded that they have at their disposal an omnipotent military machine, the resort to war becomes all the more attractive. With it comes also a tendency to reduce complex strategic problems to ones liable to be resolved by military force to the detriment of diplomacy and negotiation. As the saying goes, “when the only tool you have is a hammer, everything looks like a nail.” Catastrophic decisions for all concerned can be taken on the basis of such delusions. I would argue this is what happened in Vietnam and Iraq and I particularly take to task cybernetic conceptions of war for producing such disasters.

To my mind chaoplexity teaches us that omniscience and omnipotence on the battlefield are chimera, that war is irreducibly chaotic and unpredictable. Thus the decision to employ armed force is one that should never be taken lightly and only as a last resort. One might object that there is nothing particularly original about that statement and they would of course be right. Yet unfortunately it seems to be a lesson military and civilian leaders have to keep learning over and over, periodically convinced that with the latest technology and doctrinal pronouncements past limitations to the exercise of their will have been finally overcome. I see the real value added of my approach in arguing against this hubris from the vantage point of the very scientific discourses which have so often acted as irresistible sirens to these leaders (the average soldier on the ground rarely shares such delusions for long) and therefore cannot be so easily dismissed as outdated and irrelevant by military technophiles.</p>

AUTHOR: Antoine Bousquet

TITLE: Response to Tony Waters - al-Qaeda and the 'War on Terror'

STATUS: Publish

ALLOW COMMENTS: 1

CATEGORY: Cities and the Scientific Way of Warfare

DATE: 12/08/2008 12:34:47 AM

BODY:

DRAFT

Tony, thank you for your insightful account of L.A. gangs which absolutely confirms my own sense of the dynamics of such groups. I couldn’t agree more with the parallel you draw with al-Qaeda. In fact, I have written a yet unpublished paper on jihadist networks where I expand on the brief analysis I afford to this question in the book. I make precisely the point that the picture of al-Qaeda which has circulated since September 11 in both media and policy circles is fundamentally flawed and that we are in fact dealing with a much more diffuse movement of Islamist militancy composed of overlapping networks which have very little of the command and control structures one finds in state militaries or even in guerrilla groups of the Marxist-Leninist mould. Two authors have particularly persuaded me of this: Jason Burke and Marc Sageman with his Understanding Terror Networks and Leaderless Jihad. I have attempted to combine their insights with those of chaoplexity to contribute to a richer understanding of the emergence and operation of those networks.

Your question about the purpose of the military given the above is a very important one. Of course, many people objected from the start to the response to 9/11 being framed in terms of war, arguing it required something much more akin to policing. Having said that, what in fact strikes me about the ‘War on Terror’ is the extent to which the lines between war and policing have been blurred and with it any clear idea of what would constitute an end to it. For sure this is not an entirely new phenomena with the Cold War a lengthy period in which peace and war were difficult to distinguish but the central role attributed to transnational networks of non-state actors has further increased its salience. I must admit the conceptual framework of chaoplexity further contributes to this indiscernibility. There are major political and ethical considerations here with at least two possible outcomes I can think of: a more optimistic one which would see this at the opportunity for the military to acquire greater sensitivity to social context and policing (something it is having to do in Iraq and Afghanistan but which it is typically loathe to do) and a more pessimistic one which would point to an insidious and pervasive securitisation of civil society.

AUTHOR: Kenneth Anderson

TITLE: Soldiers, Warriors and Strategy

STATUS: Publish

ALLOW COMMENTS: 1

CATEGORY: Cities and the Scientific Way of Warfare

DATE: 12/08/2008 05:44:11 AM

DRAFT

BODY:

The comments have raised the question as to the actual disposition of military thinking, actual thinking among the officer corps today: to what extent does it in fact exhibit the scientific world view as developed in Dr. Bousquet's book? I have two responses, at least with respect to US military officers and their thinking, among whom I spend a fair amount of time. Take it for what it's worth; this is all just my anecdotal sense of US military officers and their thinking.

First, my sense of the US officer corps is that it has a deliberately inculcated duality that mirrors some of the dualities in this discussion. It is, on the one hand, a cultivated self-image as "warriors." It has been an evolution beyond self-identification as "soldiers," and on the handful of occasions where I have asked what the difference is supposed to be, what I've been told is that - to the extent it signals a difference - soldier identifies an important set of virtues and duties, based around honor and obedience and discipline within an ordered structure. The concept of warrior is intended to include those, but to go beyond them to suggest a broader sense of "self-starting," entrepreneurial - very much the sense that is associated with the "captains' war" in Iraq - a great deal of responsibility and initiative devolved upon the junior officers and below. There was a sense that the sole virtue of being a soldier was simply standing around waiting for orders, rather than figuring out what needed to be done and doing it.

I don't know how extensive that understanding is but that's how I've had it explained to me. Obviously there is a certain amount of tension between that entrepreneurial understanding of being a warrior and conforming to the discipline that comes from the top down - and, interestingly, and possibly simply because I'm a lawyer, I've had it suggested to me that the thing resolving the tension between those is an overall obligation of everyone top down, bottom up, to conform to a set of legal rules and obligations that override everything else. The idea being that the tension is resolved in a sort of universal law that, regardless of one's place in the hierarchy, oone must conform to and obey. That special notion of law – not simply a command backed by a threat, but something legitimately accepted by all the 'warriors' - in turn ties warriors to law, and law to honor, and honor to a professional and personal identity. This was one lunchtime conversation; how widely shared any of that is, I don't know. Although clearly someone has thought hard about why to use so extensively the language of warrior rather than merely soldier.

On the other hand, the warrior-soldiers also have enormous faith in the power of technology. They believe deeply in capital intensive war, even while thinking of themselves as warriors. It feels in spirit less like the idea of the soldier as technician tending to the infernal machines in a kind of neutral way, and much, much more like the sense of gamers whose gaming technologies have been made real – they can act as individuals with great powers in their hands. So when I say faith in technology, I mean technology as a way of magnifying personal projection of power as much as anything else. Obviously that is not especially so when one considers air power, sea power, all of these standoff technologies in which one really is a technician tending the machines. But even the development of robotics that Charli Carpenter and I have discussed some at CTLab - even the Predator - involves a sense of individual projection of power, a hand at the controls even if one is not present. Or the battlefield robotic vehicle guided by the hand with the joystick, who is a soldier directly in the field, on that same battlefield. It is a sense much closer to that of the gamer for whom technology is very personal rather than the impersonal machines of high modernism. Much of it, in other words, is technology in the

service of the warrior, not technology that merely converts soldier to minder of machines.

In conversations I've had with, as it happens, wounded soldiers, their descriptions of what combat should be like is that it should be upclose, because that is how, at least in today's environment, you make it discriminating. There is no desire for or sympathy with the soldiers of the Great War or the Second World War, cannon fodder in the true sense. Their self-sense is that of commandos, never a mass as such. And fighting in the urban setting, as one recuperating (he was going to be fine) junior officer told me, requires that one fight house to house because otherwise you could never root out the enemy while sparing the innocent. He thought of it as a bit like police work, which I thought was a big stretch, but I did understand his sense that it had to be close in to make it discriminating. At some point, technology will reverse that, I imagine - robotics might well alter the way in which urban fighting is made discriminating, by detection technologies that allow much more standoff fighting with greater precision.

Second, however, in speaking with US officers at a more senior level, as well as civilian and military planners, I would say that the movement intellectually is not especially toward the "scientific" world view - that feels actually a little passe. Of course it is scientific, in the sense of applied science to bring on better technology. What is newer and more cutting edge is the growth of world view of cost-benefit analysis. This might seem odd to say - after all, when has war fighting not been about cost benefit analysis at some level? But I mean by this the application - and more profoundly the intellectual mind set - of opportunity cost, discounted probability theory, the whole array of tools taken from contemporary risk analysis in finance and the social sciences. The approach reminds me more than anything of Cass Sunstein, in something like Worst Case Scenarios, applied to military thinking. The language of present value, discounting and a whole range of metaphors drawn from modern financial theory.

In one sense, it has always been there. How could military thinking not be about cost benefit analysis - when it has always been built around military necessity? But there are differences and, peculiarly, one of the differences seems to me something that drops out - something that has always been better articulated in military ways of thought than anywhere else, but which tends to drop out in the new social-sciencey thinking. That is - don't look so surprised, please! – the distinction between strategy and tactics. But you can see the problem. If you are adopting wholesale the language, analytics, metaphors of game theory, especially - well, game theory doesn't really have a distinction as such between strategy and tactics. It is not a feature of games as such; it is a way of playing certain games. Philip Bobbitt discusses this somewhat in his Terror and Consent; I discuss it in passing in a TLS review of that book. The difficulty of letting go of the strategy-tactics distinction is that you are reduced to discounted probability analysis and opportunity cost analysis of what quickly - not necessarily inevitably, but certainly a tendency - reduces to dealing with risks on a seriatim basis, "event-specific catastrophism," I think I called it in my Bobbitt review. That's essentially what happens in Worst Case Scenarios, and it forms the basis for much of the "sophisticated" critique of the war on terror; proper discounting of risk, it says, will tell you that we are overinvested in trying to prevent terrorism.

But if you try that as a general case, you won't have much of a basis for strategy in that or any other instance, because strategy seeks to move above the "seriatim risk" analysis.

Especially there will be no room to consider gambits. Gambits, after all, by definition go outside the serial risk scenarios; that is the point. In that sense - not intended this way, but it arguably has emerged this way – the Iraq war turned out post hoc to be a strategic gambit that invited a loose affiliation of Islamist jihadists to make their stand in Iraq. They took the (unintended) gambit, thinking they would win, which they might have, but it does not seem to be playing out that way. Whether you think that analysis correct or not is not actually my point. It is, rather, that it is a whole way of thinking that doesn't have purchase within the new social science of risk and game theory, any more than particular strategies in chess are foundational to general game theory. And yet the actual fighting of wars is far more like playing a game of chess (or any other particular game) than it is thinking through the abstract categories common to all games. And the general theory of risk analysis, precisely because it applies to, well, everything - discount the probabilities and compare courses of action – is of far more limited assistance in actually playing an actual game of war than it might appear.

So I find it puzzling, and a little alarming, that there seems to be a fashion these days within the US military, at least among some of the intellectuals and planners who keep a finger on the pulse of larger intellectual movements, to adopt forms of thinking that seem to me to give up, without good reason, some of the most original contributions of military thinking to general intellectual thought.

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AUTHOR: Martin Coward

TITLE: Urbanity and War

STATUS: Publish

ALLOW COMMENTS: 1

CATEGORY: Cities and the Scientific Way of Warfare

DATE: 12/08/2008 12:00:30 PM

BODY:

My thanks for an invitation to participate in what has been a fascinating event – both in terms of the source material and the resulting comments. I have learnt much and it has sparked some interesting lateral associations. I would like to add a final comment on cities and war in the contemporary era.

In this forum the contemporary city has been described as ‘feral’. I have no doubt that this is how it is seen in the warfighting laboratories of the advanced industrial world. This is a figuration of the city as a wild entity that poses the problem of domestication. The city thus becomes figured as a dangerous place that must be ordered by military force. This is, of course, not a new trope in the city’s relation with war: Haussmann’s boulevards exemplify this logic; Hitler hesitated at the edge of Stalingrad; even siege warfare treated entering the city with extreme caution.

The problem I see here is the way that the city is seen as a zone of plurality hostile to the ordering regimes that would try and control its multiplicity. This is a common trope in the history of the city. If you forgive me quoting my recent book, Urbicide (shameless, I know):

In Being Singular Plural Jean-Luc Nancy notes that ‘as long as philosophy is an appeal to the origin, the city, far from being philosophy’s subject or space, is its problem’ (Nancy 2000, 23). Nancy’s comment elegantly captures the stakes of urbicide. The ‘philosophy’ that Nancy is referring to – that philosophy that seeks to ground ontology on an essential foundation – is shorthand for the conceptual imaginary that underlies exclusionary political forces such as ethnic nationalism. According to such conceptual imaginaries, Being is founded on a particular principle and thus predicated on a notion of homogeneity and purity. All that cannot be attributed to such a foundational principle cannot be seen as proper Being and, hence, must be excluded [and, I would add destroyed].

The issue here is the way that regimes of reason treat the multiplicity of the city as a problem that is amenable to their regimes of order. In treating the problem of the city as one of order advanced industrial militaries will repeat this cycle.

Moreover, it seems to me that his will miss the real issue at stake in the metropolitanisation characteristic of contemporary urbanisation: namely the way that it is networked and thus contains within itself the potentialities of precisely the same violence as the warfare that regards it (from outside the city limits) as an object for potential ‘ordering’. That is to say, just as the US Army or IDF look at the city with chaoplexic vision in the hope that techniques of swarming might order its unruly spaces, the networked city is already providing the technological and discursive resources for the swarms of insurgents that course through (and frequently attack) its infrastructure pathways. The figuring of the city and war as separate zones/forces is thus comprehensively problematised.

We may thus see militaries eschewing metaphors of ordering. It strikes me that this is what the IDF are doing when they look to notions from Deleuze and Guattari for inspiration. Is the next phase of Antoine’s story thus one in which the metaphor of the rhizome and its cellular recombination becomes the guiding trope for military organisation. If so, what kinds of technologies and strategies will it entail (apologies for asking another futurology question)?

Martin Coward is Lecturer in International Relations at the University of Sussex, UK. His research focuses on post-structuralist theory and political violence. He is author of <a

href="http://www.routledgepolitics.com/books/Urbicide-isbn9780415461313">Urbicide: The Politics of Urban Destruction (Routledge, 2008).

AUTHOR: Antoine Bousquet

TITLE: Response to Martin Coward - (a)Rationality and the Instrumentalisation of War

STATUS: Publish

ALLOW COMMENTS: 1

CATEGORY: Cities and the Scientific Way of Warfare

DATE: 12/08/2008 12:20:17 PM

BODY:

Martin, thank you for these provocative points on the respective roles of reason and affect. I absolutely do not contest that the drive for order also corresponds to a profound mental and psychic urge that has little to do with rationality (I briefly refer to Freud in the book to that effect – p.12-13). Nor do I see order and chaos as inherently empirical facts, they can be just as well seen as cognitive categories, although distinguishing too sharply between these two modalities risks reopening the Cartesian split. Here I agree very much with your presentation of David Campbell and the notion of schema of interpretation as addressing a persistent anxiety about a recalcitrant and perplexing reality. Scientific and military metaphors certainly have this effect although I would be careful to insist one does not reduce them to mere ideological window-dressing since they have real impact on organisational and operational reality.

Science is only one of the ways by which societies and individuals can produce ordered worldviews but which in the modern era has increasingly taken precedence over other forms such as religion or philosophy. That is not to say that we should take science’s self-proclaimed superior rationality at face value since not only does it fulfil needs which are properly pre-rational but it necessarily founds itself in arational presumptions about itself and its method and further articulates itself in manners which are culturally contingent (notably via discursive resonance - p.23-24).

If I have privileged a mode of engagement with warfare that is nonetheless primarily rational and calculating, it is because I am essentially talking about the instrumental dimension of war, that is the way in which political actors seek to employ war as a means to an end and thus rationally. While you are correct to point out that this is no way captures the full experience of war, for better or for worse it is the modality which has become increasingly dominant in the West in the modern era. Simultaneously, non-instrumental modes of engagement with war have been increasingly marginalised in the West’s understanding of war so that not only the brutality and death of war have to be ever more concealed but society at large is no longer willing to countenance what in the past it celebrated, namely that some individuals find the activity of fighting and killing people a fulfilling one. The instrumentalisation of war is

therefore a double-edged sword, partly neutering opposition and revulsion to war by framing it as a regrettable necessary means to an end and primarily a technical problem to be solved rationally, while simultaneously making war an ever-more detached experience from the general public, draining it of the wider meaning attributed to its pursuit in the past, and thus undermining the original basis for much of its support.

AUTHOR: Charles Jones

TITLE: An Historian's Concerns

STATUS: Publish

ALLOW COMMENTS: 1

CATEGORY: Cities and the Scientific Way of Warfare

DATE: 12/08/2008 03:24:00 PM

BODY:

I finally got to Antoine’s paper last night. Once I’d read it, it was evident that the important chapter to read in the book must be chapter 7, and that had to wait till this morning. What I’d like to have done, after the reading, was to have sent a naïve comment and then read the rest of the tariff before responding more fully. Instead, time constraints mean that it will probably be just the first of these: meetings loom all afternoon.

A number of things struck me.

One was how very anglospheric this debate seems to be. There are others who have pondered the interactions of technology and military affairs, not least Paul Virilio. This might be forgiven on the ground that only the US really matters; but the burden of the argument is that this may not remain true for long unless they abandon their attempts to harness decentralization, networked warfare, etc. to an all-powerful and all-seeing high command.

Secondly, Antoine shows historical sensitivity as he lays out the basic taxonomy: clock, engine, etc. This is also evident in his reading of Clausewitz. Yet to be reminded of the pendulum between three magnets is to be made aware that the essence of the problem addressed here has long been intuited, and I’m not sure that those using analogies and terminology drawn from those working with chaos and complexity in the natural world gets us very much further. None of us can do the maths. In any case Antoine makes it very clear that he is not interested in the direct applications of complexity (e.g. to weapons systems) but to the absorption of these ideas – imperfectly as it turns out – into US doctrine. This reaction is, of course, that of a historian, mouthing one of the historians’ mantras: nothing new under the sun. And I accept that Antoine does make the case that there is something new here, namely the temptation to combine increased

channels of information and information-processing capacity with operational (or do I mean tactical) decentralization (p. 233).

Still, here’s another historian’s gripe. Antoine’s main worry is that US military folk think they are learning the lessons of the chaoplexic era but are in fact holding tight to the Cold War desire for total oversight (topsight!). I suspect he’s right. But a tactic that might have been used to good effect here is to have exposed the extremely brief time during which centralized control was ever thought possible and to associate it more firmly with modernity in general (not only with technology). Here part of the story of the inception of control-fantasy is to be sought in the later nineteenth century, in the expectations aroused by telegraphy and the ensuing disappointments. Corelli Barnett (1970, 330) thought that the telegraph put an end to the operational autonomy of field commanders but von Moltke (after the 1866 campaign) realized that the telegraph was not much use for controlling commanders, but could be used effectively to monitor developments, press home advantages or compensate for weaknesses that resulted from unprecedentedly independent tactical initiatives (Van Creveld 1985, 145-6). It was only later that the German Chief of Staff were seduced by the mirage of total control and surveillance into a disastrous attempt to direct operations from Luxembourg, far to the rear of their lines (Van Creveld 1985, 153-5). In short, the German army had form on this one before the US army was much more than embryonic.

More down-to-earth and present-day: there is a fixation here with land power to the neglect of naval and air warfare. Is that the pattern of US military thinking, Antoine’s selectivity, or my misreading, I wonder?

Another thing: where does all this leave those responsible for procurement. I’m told the Eurofighter will have to last into the forties of the present century. Hm! And isn’t the whole argument too concerned, perhaps, with battlefield tactics rather than grand strategy?

Stray thoughts, all.

If the next meeting is shorter than I fear, I’ll be back to read the traffic that’s built up over the weekend. If not, further apologies and congratulations on a stimulating text and an interesting way of launching it.

Charles Jones is Reader in International Relations at the Centre of International Studies, Cambridge University, and the author of several books, including The Logic of Anarchy (1993, with Barry Buzan and Richard Little), E.H Carr and International Relations (1998), and American Civilization (2007).

AUTHOR: Antoine Bousquet

TITLE: Closing Remarks

STATUS: Publish

ALLOW COMMENTS: 1

CATEGORY: Cities and the Scientific Way of Warfare

DATE: 12/09/2008 10:06:47 AM

BODY:

I would like to thank all the symposium participants for their insightful and challenging contributions as well as for taking the time off their no doubt busy schedules to engage with my work. It has been a very rewarding experience for me, throwing up many new possible lines of enquiry and forcing me to re-examine and explicate many of my claims and the assumptions underpinning them. I hope I’ll have the opportunity to meet some of you in person in the future and perhaps continue some of the discussions we have begun here. I am also grateful to all at CTlab, and particularly Mike Innes, for making this event possible. This type of virtual space for debate and exchange seems to me to offer great promise in harnessing new technologies for the production, critical examination and dissemination of ideas we are all engaged in.

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URBICIDE: THE POLITICS OF URBAN DESCRUCTION

10 - 15 March 2009

AUTHOR: Martin Coward

TITLE: Opening Remarks

STATUS: Publish

ALLOW COMMENTS: 1

DATE: 03/10/2009 10:50:00 PM

BODY:

First, my thanks to those who have agreed to be part of this discussion as well as to Michael at CTlab for setting the forum up. In the wake of the publication of Urbicide: The Politics of Urban Destruction I am in the process of formulating future projects. Critical commentary on the argument I have advanced will be essential to shaping those projects. I’m grateful, therefore, for the opportunity to discuss urbicide and the questions it raises and look forward to your thoughts over the next few days.

I’d like to take the opportunity afforded by these opening remarks to do the following:

Provide some background about the initial provocation that led to my deployment of the concept of urbicide.

Sketch out the central conceptual dynamics of the book’s argument

Outline the key conceptual and political consequences of the argument

Comments on how I will develop the argument in the future.

Apologies for the length of these comments but I thought it important to outline a few points at the outset. Apologies also for the schematic and technical nature of the comments

at times –hopefully there will be a chance to illuminate some of the jargon over the next few days.

Origins

The origins of this project lie in two events that were central to the 1992-95 Bosnian war: the destruction of the Old Bridge in Mostar and the siege of Sarajevo. The destruction of the Old Bridge was elevated to iconic status. This iconic status risked implying that only cultural heritage was under attack in the Bosnian war. However, the siege of Sarajevo showed that this was not the case. The siege was notable for its widespread destruction of the urban environment beyond those buildings that could be construed as cultural heritage. This widespread destruction was not confined to Sarajevo, but common throughout the Bosnian war. As I started to think about what such destruction entailed it became clear that there were other cases of widespread destruction of the urban environment: the Israel/Palestine conflict and Chechnya to name two.

There are, of course extant accounts of the destruction of built environments in war: e.g., military necessity/collateral damage; destruction of cultural heritage. These accounts are all flawed, however, when it comes to accounting for the widespread destruction of the built environment: the military necessity argument by the deliberate, non-proportional widespread nature of targeting of the built environment; collateral damage by the intentional targeting of buildings; cultural destruction by the way in which it was not only outstanding items of culture that were destroyed.

This raised the question of how to understand this widespread destruction of buildings. I found an intriguing initial interpretation in an article written by the Croatian writer Slavenka Drakulic. In an elegy for the Old Bridge in New Republic Drakulic reflected on the impact of two separate photographs: one of a woman who has had her throat cut in an massacre in a Bosnian village and one in which the banks of the river Neretva are exposed in the wake of the destruction of the Old Bridge. Looking at these two photographs, Drakulic asks ‘why do I feel more pain looking at the image of the destroyed bridge than the image of the woman?’. She goes on to reply:

<blockquote>

Perhaps it is because I see my own mortality in the collapse of the bridge, not in the death of the woman. We expect people to die. We count on our own lives to end. The destruction of a...[bridge]...is something else. The bridge...was built to outlive us…Because it was the product of both individual creativity and collective experience, it transcended our individual destiny. A dead woman is one of us - but the bridge is all of us.[i]

</blockquote>

For Drakulic the Stari Most must be understood as something which is experienced collectively. That which is experienced collectively offers the collective the possibility of duration as a community: in short, both a future and a past. Drakulic’s remarks require an inversion of that understanding of the world which portrays subjects living out their lives centre-stage against an ephemeral background. Instead, Drakulic is suggesting that it is ‘life’ which is ephemeral and that the ‘world’ must be understood as being constituted by that which was previously thought to be the mere background for activity: buildings.

Drakulic’s 'Elegy' thus offers a provocative understanding of the destruction of the built environment. Central to it are two themes that are constitutive of my argument concerning urbicide: firstly the idea that the destruction of buildings is important as a form of violence in its own right not simply as an adjunct to the destruction of human life; secondly that buildings are constitutive of some form of common experience.

Urbicide: Key Dynamics

In order to outline a satisfactory account of widespread urban destruction I turned my attention to the concept of urbicide: literally the killing of cities. This is a concept with a origins in discussions of urban planning (e.g., Huxtable, Berman[ii]), but increasingly applied to the destruction of built environments in various conflicts (e.g., Graham). What is urbicide?

Urbicide comprises the killing of cities. Lexically it draws on a close kinship with genocide. Insofar as it shares the ‘-cide’ or killing element of genocide we might argue that both urbicide and genocide comprise a similar logics of destruction. However, insofar as urbs is substituted for genos we might say that urbicide and genocide refer to common logics of destruction aimed at very different targets.

Genocide is an annihilatory logic that seeks to destroy a wider existential quality rather than simply a certain number of individuals. Urbicide shares this annihilatory logic. In urbicide buildings are not destroyed because of what they represent in themselves, but because they are each constitutive of a wider existential quality: urbanity.

They question is thus, what does this urbanity that urbicide seeks to eradicate comprise and what would its loss entail? Here I turn to Louis Wirth’s argument that heterogeneity comprises the defining characteristic of urbanity. Urbicide is thus the destruction of buildings insofar as they are constitutive of heterogeneity.

This, however, raises two further questions:

How are buildings constitutive of heterogeneity? Here I draw on Martin Heidegger’s understanding of the spatiality of being developed in Being and Time. Essentially for Heidegger, our existences in the world are a matter of interaction with objects. Objects tell us what we are doing and where we are., As built objects, buildings thus orient and constitute existences. The building, for example has a certain relation to another building and thus positions its inhabitant or observer as being here not there, and so on. In this sense I read Heidegger’s work as implying a form of materialist phenomenology in which objects are precisely that through which our experience of the world unfolds (in this respect I realise that there is much to be gained from Latour’s reading of the role of the object in assemblages). Two consequences follow from Heidegger’s argument: firstly, existence is not an intentional act of cognition, but unfolds in and through material assemblages; secondly, things/buildings are fundamentally public and thus always imply the possibility of the existence of others. It is in this second sense that buildings are constitutive of heterogeneity.

Each time I encounter a building its publicness informs me that I am not alone, that this object that makes my world in a particular way does a similar thing for others (and thus implies the presence of those others). This is consistent with Heidegger’s account of Mitsein in Being and Time in which being-with is implied by things (clothes, boats, fields).

What is the nature of this heterogeneity? Heidegger, notoriously, failed to elaborate his understanding of heterogeneity/Mitsein/Being-with preferring, rather, to privilege being over difference. In Urbicide, therefore, I turn to Jean-Luc Nancy’s post-Heideggerian account of community in order to elaborate on the nature of heterogeneity. Nancy notes that ‘being-with’ derives from an irreducible relationality. Relationality entails all identity being derived in relation to some form of otherness. Nancy captures the essence of this idea in his contention that even being alone must be understood as a form of relationality defined by the absence of others. It is thus only because of others that aloneness has any content. This relational understanding of being leads Nancy to portray the world as being composed of what he calls a ‘reticulated multiplicity’. In other words a series of lines at which the relation between self and other is constituted. The world is thus a very complicated set of borders between self and other. It is important to note here that, contrary to the classical vision of global politics put forward in the discipline of International Relations, these borders are not conceived of as empty spaces between fully formed selves and others. Rather they are conceived of as lines at which a self runs out and becomes an other. Being thus unfolds not from its centre, but from the lines where it encounters (and constitutes) its other. I interpret the being-with that emerges from Nancy’s account as what Foucault and Connolly have referred to as ‘agonistic’. Being-with is a continual process of the negotiation of borders at which our identities are constituted in relation to others – a continual negotiation of the line where self runs out and other begins. Agonism is a dynamic process, a process of struggle – sometimes violent, sometimes forceful, sometimes constructive. It is a ceaseless movement of negotiation with, and provocation by, difference.

Political Consequences

Urbicide comprises a response, by regimes predicated on homogeneity, to the ceaseless provocation by difference that is characteristic of agonistic being-with. Urbicide thus comprises the destruction of the public objects that are constitutive of a public urban spatial realm which always admits of the presence of otherness. Urbicide tries negate the ceaseless provocation of agonism by translating it into territorial antagonism though destruction. Destruction creates dead zones between enclaves of homogeneity. It thus tries to minimise the possibility for agonistic provocation by trying to erase the reminders of the possible presence of others in the built environment. It thus takes agonistic being-with and translates it into antagonistic being-separate. Obviously, if left uncontested, or enshrined in a document such as the Dayton Accords, such a process can give the appearance of normalising homogeneity.

 …and conceptual consequences

At the core of Urbicide is an argument that the material environment is a constitutive element of being. Such an argument stands against two forms of what I call "anthropocentrism":

1. The anthropocentrism of ‘humanist’ arguments. Put briefly, the majority of accounts of political violence are focused on violence(s) done to the human body (individual and collective). The destruction of things is only important in a secondary way as a means to the ends of destroying the human body. This argument contests such an understanding of violence. In so doing it follows Heidegger’s argument in The Question Concerning Technology about the enframing of nature as a realm of objects, fundamentally different to, and of secondary philosophical concern for, human beings.

2. The anthropocentrism of the individual. A large amount of political theory is predicated on the figure of the individual understood in terms of the human body. The individual is taken to be conterminous with the skin of the individual. And yet this account of urbicide argues that senses of individuality are only worked out in relation to others and through built things. The idea of the individual as the basis for political theory thus needs to be seen – like the idea of distance as a fundamental determinant of space – as an abstract reflection on the more fundamental experience of being-with-others via things. This would then call for a more imaginative political theory.

Directions For Future Travel

Having finished this book, where would I take the argument next? Here I would make three points:

1. Urbanisation of security: urbicide is, to my mind part of a wider array of violences that are focussed on, and defined by, their urban characteristics. Given that we are, as UNHABITAT has remarked, now in an urban millennium, this proliferation of violences in and against the urban is only to be expected. However, I detect a reciprocal dynamic in which urbanisation inflects violence and violence subsequently inflects the urban. I refer to this dynamic as the urbanisation of security – both the inflection of security technologies and discourses by urbanity and the diffusion of technologies of security in and through the urban environment. The task is thus to extend upon the urbicide analysis to examine this wider historically specific phenomenon of the urbanisation of security. I should stress that I do not think urbicide will be an appropriate concept to address this wider urbanisation of security (it is not, after all a universal concept to catch all forms of violence against the built environment). Urbicide is a specific concept designed for understanding specific instances of violence. But some of the basic theoretical impulses behind the urbicide analysis will be helpful in navigating the wider question of the urbanisation of security. In particular the non-anthropocentric materialism identified in my analysis of urbicide will be central to an account of the urbanisation of security.

2. Critical infrastructure and anthropocentrism: I have started to move this analysis forward by examining the targeting of so-called ‘critical infrastructure’ by two forms of organised violence: the shock and awe warfare practiced by advanced industrial states and so-called al-Qaeda terrorism. My argument here is that we will need to understand the technological materiality of critical infrastructure as constitutive of a certain kind of subjectivity. I have referred to this as a ‘complex ecology of subjectivity’ in which the subject is a cyborg hybrid of human and machine. Attacking technological systems cannot be seen as a means to an end of attacking the human (as anthropocentrism would) but rather must be seen as a distinct form of political violence in its own right that assaults the complex ecology of metropolitan subjectivity in a distinctive manner.

3. The urbanisation of global politics: Much has been made of the erosion of the state by globalisation, but the global urbanisation referred to by UNHABITAT seems to me to pose a very important conceptual challenge: namely how might urbanisation transform the conceptual frameworks currently employed to understand global politics.

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[i]Drakulic, S. (1993) ‘Falling Down: A Mostar Bridge Elegy’, The New Republic, 13 December, pp.14-15

[ii] Berman, M. (1996) ‘Falling Towers: City Life After Urbicide’, in Crow, D. (ed) Geography and Identity: Living and Exploring Geopolitics of Identity, Washington DC: Maisonneuve Press, pp.172-192

EXCERPT:

First, my thanks to those who have agreed to be part of this discussion as well as to Michael at CTlab for setting the forum up. In the wake of the publication of Urbicide: The Politics of Urban Destruction I am in the process of formulating future projects. Critical commentary on the argument I have advanced will be essential to shaping those projects. I’m grateful, therefore, for the opportunity to discuss urbicide and the questions it raises and look forward to your thoughts over the next few days.

AUTHOR: Antoine Bousquet

TITLE: Assembling the Social and Urban Heterogeneity

STATUS: Publish

ALLOW COMMENTS: 1

DATE: 03/11/2009 01:45:01 PM

BODY:

I would first like to congratulate Martin on his stimulating book and thank CTlab for the organisation of what promises to be another fascinating online symposium. Martin, I read Urbicide: The Politics of Urban Destruction with great interest. If I read you properly, your main thesis can be encapsulated in the following sentence: “urbicide is the deliberate destruction of buildings qua the conditions of possibility of a specific ‘urban’ existential quality: heterogeneity” (p.53). I would like to interrogate two of the fundamental building blocks of your argument: the focus on the

destruction of buildings and the relationship between the urban and heterogeneity.

I was glad to see you mention Bruno Latour briefly in your opening post as his work came to my mind as I was reading through your book. Indeed, Latour has insisted that society only endures through its continuous reassembly, that is the painstaking renewal of the relations between the individuals that make it up. In spite of a durability that seems to exceed that of their constituent members, social collectivities are never a given and the bonds that tie them together have to be maintained and repaired every day. Latour has notably pointed to the lengthy daily sessions of collective grooming necessary within baboon troops in order to maintain the cohesion of these social groups. What distinguishes human societies from those of primates, and thereby accounts for their greater extension and complexity, is their ability to rely on material structures and technologies that grant greater permanence and stability to social bonds by orienting our relations in multiple ways. Thus we do not have to rebuild society from scratch every day since so much of it is embodied in the buildings we inhabit, the tools we use and the objects that surround us.

I find Latour’s arguments very persuasive and illuminating in light of your own work. If the social is so dependent on the constructed environment it which it is set, it does suggest certain forms of collective existence are being targeted through their destruction, a conclusion you have come to via your reading of Heidegger (it seems the starting points of Latour and Heidegger are quite different but perhaps there are some similarities in their approaches that lead to the same place?). This does however raise the question for me of why you chose to focus on ‘buildings’ over the broader gamut of man-made structures, tools, objects and their various concatenations. Is the privileging of architecture, important as it is, not needlessly restrictive? Why limit oneself to the destruction of buildings and not that of the wider technological basis of human relations? Perhaps you are already moving to addressing this with your latest work on the targeting of critical infrastructure.

One of the most interesting elements of your argument is the connection you make between heterogeneity and the urban (indeed, in your understanding the latter becomes primarily that which constitutes the former over and above more conventional geographic notions of urbanism) but it is also the claim I have most reservations about (although perhaps this is through an incomplete reading or understanding on my behalf).

Following on from the above Latourian perspective, I have no difficulty in seeing the built environment as being a constitutive element of a pluralist heterogeneous collectivity. However it seems plausible to me that buildings equally can be used to homogenise, exclude and deny plurality. What should we make of the Berlin Wall or the deployment of architecture to bolster Israeli occupation in Palestinian territories (see Eyal Weizman)? Or of the totalising dreams of modernist architecture and the disastrous housing projects it produced?

I see you have been very careful to define urbanity in such way as to avoid excluding what is commonly understood as rural life so that the urban should be primarily grasped as an existential quality permitted by buildings (and not something we find only in cities). However where does that leave nomadic societies? Are we to conclude that they are denied the potential for heterogeneity afforded by the buildings of sedentary societies? Is there not here an assumption that territoriality is the basis of plurality? Deleuze and Guattari famously see territorialisation as totalising and nomadism as the vector of lines of flight permitting the expression of difference and creation of new values.

Finally, the notion of urbicide as destruction of heterogeneity seems very applicable to civil wars and ‘ethnic’ conflicts in which violence results in the breakdown of a sphere of civility and plurality in the name of virulent forms of nationalism. But I’m not so clear how this applies to classic inter-state wars. Were the strategic bombings of Germany or Japan attacks on heterogeneity when both states were governed by authoritarian regimes with designs of empire and racial supremacy?</p>

EXCERPT:

I would first like to congratulate Martin on his stimulating book and thank CTlab for the organisation of what promises to be another fascinating online symposium. Martin, I read Urbicide: The Politics of Urban Destruction with great interest. If I read you properly, your main thesis can be encapsulated in the following sentence: “urbicide is the deliberate destruction of buildings qua the conditions of possibility of a specific ‘urban’ existential quality: heterogeneity” (p.53). I would like to interrogate two of the fundamental building blocks of your argument: the focus on the destruction of buildings and the relationship between the urban and heterogeneity.

AUTHOR: Martin Senn

TITLE: Delimiting Urbicide

STATUS: Publish

ALLOW COMMENTS: 1

DATE: 03/11/2009 01:50:03 PM

BODY:

I would first like to thank Mike for inviting me again me to a CTlab Symposium! I am looking forward to an interesting discussion of Dr. Coward’s texts. My first point refers to the delimitation of urbicide from other concepts/reasons of violence against urban areas. Or to formulate it as a question: How do I know a case of urbicide when I see one? Dr. Coward’s argument is based on the observation of certain actions or outcomes (“non-proportional widespread nature of targeting of the built environment” or raids against the depopulated city of Grozny) as indicators for urbicide. What seems to be lacking, however, is the consideration of motives of involved actors. How can I make sure that the large-scale destruction of a certain urban area, which appears to be non-proportional, does not serve a controlling, coercive, or other purpose? To stick to the quoted example of Grozny: Was the large-scale destruction of the city not intended to decrease Russian casualties by destroying urban environments that could have been used to entangle Russian forces in house-to-house fighting and provided cover for snipers as well as by “clearing” areas contaminated with explosives?

Hence, my argument would be that the identification of a case of urbicide would presuppose the exclusion and therefore investigation of other motives for the destruction of an urban area. Maybe this point has already been addressed in Dr. Coward’s book. If that is the case, I apologize for the redundancy.

EXCERPT:

My first point refers to the delimitation of urbicide from other concepts/reasons of violence against urban areas. Or to formulate it as a question: How do I know a case of urbicide when I see one? Dr. Coward’s argument is based on the observation of certain actions or outcomes (“non-proportional widespread nature of targeting of the built environment” or raids against the depopulated city of Grozny) as indicators for urbicide. What seems to be lacking, however, is the consideration of motives of involved actors.

COMMENT:

AUTHOR: Dr. Terry Tucker

EMAIL: terry.tucker@hughes.net

IP: 81.85.255.219

URL:

DATE: 04/02/2009 02:24:55 AM

Excellent point; these "other" purposes, such as "rubbling" of urban area's is old doctrine which is a product of a commanders percieved "center of gravity". Grozny and asymmetrical warfare has reinvented the old.

AUTHOR: Martin Coward

TITLE: Reply to Bousquet

STATUS: Publish

ALLOW COMMENTS: 1

DATE: 03/11/2009 04:31:21 PM

BODY:

Thanks to Antoine for some interesting questions. Of course, I have to a certain extent elided objects and buildings through the use of the phrase 'built objects'. It is only right to ask whether I'm somehow inconsistent to suggest that there's something special about buildings that make them different from objects more generally. I think I'd be happy to concede that in the book I equivocate on this slightly. In the conclusion of the book, I speak a little to this question (p.129) and note that there might be two reasons to think of buildings being different from objects more generally.

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DRAFT

On the one hand it's difficult to think of cases where annihilatory violence has been focused on objects more generally. Iconoclasm might be a case (as might burning books) but such a case can be understood under the rubric of the destruction of cultural heritage anyway. So, buildings seem to be a significant class of objects insofar as they have the dubious distinction of being the object against which it is easiest to see annihilatory violence being directed.

On the other hand, and more importantly, I would say that objects are not all ontologically identical – that is, different types of object do different things in the world. At the risk of simplifying things too much, buildings are different from hammers. Why are they different? Here I would argue that buildings have the characteristic of providing a point from which we can understand our location in the world. That is to say, if I pick up a hammer I can understand that I am about to take up a particular position vis a vis a piece of wood or a picture hook. But if I stand in front of a building (or indeed, inside) I understand something different, namely where I am in a terrain and, more importantly, that this terrain is, in principle, home to others. I think this is the reason why I see buildings as different to objects.

With regard to the heterogeneity of the urban/architectural form, I would want to point out the amount of work that is done in modernity by those who seek to exclude certain classes of subject from their buildings. Whether it is carving impressive columns, erecting steel gates, making benches hostile to rough-sleepers or disguising residential properties in up-scale neighbourhoods, what is most noticeable about these attempts to reserve architecture for a homogeneous class of subjects is the sheer amount of work they have to put in to achieve this. I have always interpreted this as a tacit acknowledgement that buildings are first and foremost public objects, and thus always already admit of the possibility of heterogeneity. It's against this prior heterogeneity that architects try to work (mostly unsuccessfully) to effect forms of exclusion.

Now, with regard to nomad societies: I’m afraid I will dodge the question by saying something else, which I nonetheless think is relevant. Urbicide is not meant to be a trans-historical and universal account of all forms of violence against objects and/or buildings. On one level that is obvious, but on another I realise the close kinship of urbicide and genocide means I run the risk that all genocide scholars must confront of the indefinite stretching of their conceptual lexicon. Just as every victim seemingly wants to claim that the violence he or she has suffered is a case of genocide, I am aware that there may be attempts to try to stretch urbicide to cover a multitude of events. I have to say that urbicide may well not cover violences encountered by nomads. I don’t know if that diminishes its conceptual and political force. I’d be interested in hearing your thoughts on this.

You're right that this is a concept built out of the analysis of ethnic-nationalist violence. It thus works well in cases where evidently plural societies are faced with a form of violence predicated on homogenisation directed from within that society, not from outside. It is easy to understand that self-consuming logic of destruction that urbicide comprises, in cases where one element of a given social constellation is trying to deny its connection to other elements of that social constellation. On first glance that might seem to rule out inter-state conflicts as offering instances of urbicide. But I would argue (as I do in my account of Chechnya) that this is a matter of scale. Insofar as Allied air power projected itself as having global reach, we might regard Japanese or Axis cities as presenting a principle of difference within a world–wide social constellation - and thus we might include the bombing of Dresden

or Tokyo in the rubric of urbicide. That said, I also note in the book that urbicide does not replace genocide (indeed both may occur simultaneously) and I might prefer – as others have done – to see both of these latter cases as instances of genocidal, or degenerate, warfare.

EXCERPT:

Thanks to Antoine for some interesting questions. Of course, I have to a certain extent elided objects and buildings through the use of the phrase 'built objects'. It is only right to ask whether I'm somehow inconsistent to suggest that there's something special about buildings that make them different from objects more generally. I think I'd be happy to concede that in the book I equivocate on this slightly. In the conclusion of the book, I speak a little to this question (p.129) and note that there might be two reasons to think of buildings being different from objects more generally.

AUTHOR: Martin Coward

TITLE: Motives, Intentions...

STATUS: Publish

ALLOW COMMENTS: 1

DATE: 03/11/2009 04:35:50 PM

BODY:

Martin, a very good question that I hope we can continue into a wider discussion. I agree that we need to think about the delimitation of urbicide. Indeed, I note in my recent reply to Antoine that this concept must have limits. Perhaps this forum will help illuminate exactly where those limits are.

The problem you raise is the thorny issue of intent. Intent has haunted genocide scholars for a long time. The biggest problem is how can we know intent, or indeed relate it to the event. So many questions open up here, but two are worthy of noting straight away:

How can we actually know what intent is – can we infer it? Can it be taken from interviews (i.e., is the subject a reliable informant?)

What if intent and effect do not match? For example, what if the genocidaire’s intent was to make a better society for his/her children, to cleanse humanity of an element regarded as weakening it?

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DRAFT

More importantly, I take seriously Helen Fein’s argument that intent must not be confused with motive. Intent refers to an action being done deliberately (e.g., turning guns on the quotidian constituents of the city to ensure widespread destruction). Motive is a legal category that we must infer from human informants (i.e., targeting urban fabric to destroy others who are different to me). Motive, intent and effect are different and need not coincide. But I suppose the question would be how do we treat them as different in our social theories. For my part I have largely discarded motive since I am more concerned to bring out patterns of violence that may have been overlooked in extant accounts (in other words to satisfy a nagging feeling that more was going on that was being explained). But perhaps there is more for us to discuss here.

I'd also note that I do not think there is an either/or logic at work in explanation of cases such as Grozny. The Russians may have deployed disproportional force as a tactical tool, but that tactical operation may be seen as also part of a pattern of violence in which heterogeneity was disavowed. The two logics may coexist, in other words. I am open to seeing cases in which there is only one explanation for a particular violence, but I am also keen to note that finding one explanation need not exclude others from also being applicable. I have to also say that I would be very cautious about accepting Russian tactics as simply an instrumental means to 'clarify' fields of fire and so on. This would seem to leave a form of annihilatory violence that appears to be embedded in a complex identity dynamic unaccounted for. I’d also say that the concern over whether such tactics violate extant laws of war suggests that others don't see this violence as simply instrumental. I'd be interested in your thoughts on this.

EXCERPT:

Martin, a very good question that I hope we can continue into a wider discussion. I agree that we need to think about the delimitation of urbicide. Indeed, I note in my recent reply to Antoine that this concept must have limits. Perhaps this forum will help illuminate exactly where those limits are.

The problem you raise is the thorny issue of intent. Intent has haunted genocide scholars for a long time. The biggest problem is how can we know intent, or indeed relate it to the event. So many questions open up here, but two are worthy of noting straight away:

AUTHOR: Marc Tyrrell

TITLE: Urbicide or Psychecide?

STATUS: Publish

ALLOW COMMENTS: 1

DATE: 03/11/2009 04:50:49 PM

DRAFT

BODY:

First of all, I would like to thank the CTlab for hosting this symposium and Dr. Coward for agreeing to it.

I will admit, right from the start, that I have only read a part of Urbicide (chapters 4 and 5) and several of Dr. Coward's articles that were circulated. It is quite possible, given the meticulous analysis he has conducted, that my observations were covered in an area of the book that I haven't read yet due to time constraints.

I'll start by saying that I wonder if the concept discussed using the term "urbicide" might not better be termed "psychecide". It struck me, as I was reading the description of the destruction of the Stari Most, that what was being attacked was the "soul" (the conscience collectif if one prefers a secular term) of a community that just happened to be lodged in the physicality of the bridge. This type of conflict is certainly not new, and I note that the destruction of Carthage was mentioned in the book.

But is it "urbicide" - the killing of a city?

I want to bring forward the suggestion that psychecide might be a more apt descriptor for the process being examined.

If we start by viewing, as Durkheim did, a human community as having a collective consciousness - I prefer the term "soul" - then where would we expect to find it lodged? In most ancient civilizations, we find some form of monumental architecture, even in non-urban civilizations such as mesolithic England (i.e. Stonehenge).   While this architecture is often discussed in terms of being a ritual centre, Mircea Eliade argued that it was the physical manifestation of the worldview of the people in that civilization - their "axis mundi". Elide's description of the axis mundi bears a startling resemblance to the description of the Stari Most, and reactions to its destruction.   We can see similar reactions in the Book of Lamentations to the destruction of Jerusalem and the first temple in 586 bce.

One of the hallmarks of inter-ethnic violence, as Martin notes, is the resurgence of "hard" boundaries between ethnic groups and the targeting of any type of "bridge" between them. This type of group boundary maintenance is not new, and neither is the resort to violence to enforce group boundaries. What is rarer, however, is the resurgence of group boundaries after an enforced period of tolerance. We have a few historical examples: Spain comes to mind with the expulsion of the Sephardim, the Ottoman Empire under Murad the Mad, the destruction of the academy in Alexandria, but they are still rather rare.

These examples, however, all share certain characteristics with the examples Martin mentions. They are all about breaking a "group" into constituent parts and eliminating any who do not fit into the "new" definitions. They are all about attacking the concept, the "soul" of the "group that was" because it is deemed to be opposed to their own conceptualizations of what is "right and proper". Finally, they are all about redefining the "world" in a "new" manner that is "purer". This is a characteristic of what A. I. Hallowell called a "revitalization movement".

EXCERPT:

First of all, I would like to thank the CTlab for hosting this symposium and Dr. Coward for agreeing to it.

I will admit, right from the start, that I have only read a part of Urbicide (chapters 4 and 5) and several of Dr. Coward's articles that were circulated. It is quite possible, given the meticulous analysis he has conducted, that my observations were covered in an area of the book that I haven't read yet due to time constraints.

I'll start by saying that I wonder if the concept discussed using the term "urbicide" might not better be termed "psychecide".

AUTHOR: Bryan Finoki

TITLE: Normative Urbicide [and the Politics of (In)Visible Destruction]?

STATUS: Publish

ALLOW COMMENTS: 1

DATE: 03/11/2009 05:14:32 PM

BODY:

First, forgive the length of this post (it reads more like a list in search of a pattern). Second: this post sort of builds on Martin Senn's commments about Delimiting Urbicide. Thirdly - congrats Martin on all of this, very well done!

I’d like to see some assessment of how urbicide may be evolving along a less descript trajectory through the course of more daily urban actions (and inactions that may serve the logic of urbicide the same way, i.e. destruction of the built environment as a tool of cleansing). My concern is how urbicide is manifesting in less egregious terms under the surface of the normal integral spatial workings of society; a mainstream urbicide, if you will, that not only claims power in non-war effected space but challenges public agency through a politics of (in)visibility as well as destruction. I fear a generic, more pervasive urbicide at work so constitutive of our urban norm that most people don’t even perceive it as political violence materialized in built form. Does urbicide need to be uprooted on a more genetic level first?

I'll try to expand.

In addition to the more obvious practice or urbicide today: Israel’s wholesale destruction of Lebanon and Gaza, the regular demolitions of Palestinian housing and overall destruction of Palestinian space, Israeli settlements, 9/11, all the major metro terrorist bombings you detailed, Martin, in your article (‘Network-centric violence’), not to mention the consistent destruction of urban infrastructure in the ‘War on Terror’ in cities from Baghdad to Afghanistan, etc. – given that scale, what are your thoughts on how urbicide persists yet in a less visible spectrum of normal societal activity?

A few examples: the US Dept. of Homeland Security contracted Boeing to build a part of the border fence with Mexico in Arizona, and in doing so

its contractors dug up 69 sacred ancestral graves of the Tohon O’dham nation. DHS and US courts waived all federal laws to protect Native American sacred grounds and the environment to allow the fence’s construction at San Pedro. While not an act of war (and while those graves aren’t urban objects), and while some could argue the exhuming was entirely inadvertent – does the construction of the fence constitute an act of urbicide by its removal of ancient Native American cultural remains? I understand the 'exhuming' is perhaps the issue and not the fence building, but there is a legal link between destruction and construction that urbicide seems to straddle for its own benefit in other contexts that I am also curious to trace.

Along this same line, on California's pacific coast, Friendship Park has for years served as a bi-national meeting place for people on both sides of a fence that pokes into the ocean, where divided immigrant families could meet and talk through gaps in the fence. This area has now, after serving as a key cultural space for Mexican immigrants and bi-cultural activism, been taken away through current expansion of the border fence project. It is, whether indirectly or not, a huge blow to that community that has gathered there to 'connect' through a national barrier, and to oppose the border security regime. Public access to this space has been totally eliminated like many other nodes of activist space along the border. Is this a realm of urbicide?

I think about the general land use politics of urban development and the intrinsic sabotage in American real estate, the silent wars on the poor that come at the end of a wrecking ball, an eviction notice, an arrest, secret arson, the demolition of a small ethnic cultural center to make way for a Hilton Hotel.

I think about Mugabe’s constant scraping away of the shacks and shanties of the poor communities in Zimbabwe that opposed his regime for years.

Campaigns against squatter rights in Brazil, India, Kenya, the rest of the world.

I think about the raising of a single homeless encampment in the park in Oakland, or the much more dangerous anti-homeless policy of San Francisco that breeds homeless recidivism.

The lack of responsible ‘official reaction’ to Katrina in New Orleans; or, how New Orleans was not properly safeguarded against flooding, and therefore left out on an 'urbicidal slab' for nature to do the dirty work of developers perhaps anxious to remove the poor communities from the city.

There are so many underlying strategies at work to re-draw the demographics and urban complexion of the city. I think about shopping malls, the banality of urbanism, not being tied to a particular culture per se but to the territoriality of commerce itself, with no allegiance to an ethnicity but a capitalist agenda instead, which asserts itself at the expense of the richness of true cultural site production. Urbicide in the form of banality’s spatial monopoly.

Can urbicide be as regular as a dispute over land rights that is perpetually held up in the court system?

Or, the federally forced buy out of private property – ‘eminent domain’ as an arm of urbicide?

How does the prison-industrial complex produce its own brand geography of urbicide?

Again, I wonder how urbicide can be seen as an act of building and strategic construction (tactical urban exclusion: gated communities, eleminated civic space, etc.), as much as an act of destruction. Can post-war nation-building in Iraq, fueled by global disaster

capitalism, be an act of urbicide in its limitation of other more locally defined projects, in its unilateralism about what and where things will go in place of the old environment?

Can the international hotels built before the local fishermen’s villages after the tsunami in the South Pacific be construed as urbicide in their delimitation of what was able to locally reemerge there? What about the widespread foreclosure crisis, people who have almost been swindled out of their homes by predatory lending practice – is it not like soft demolition? Or, the demolishing of thousands of boarded up homes through out the Rust Belt? Detroit’s culture of arson?

What about self-inflicted urbicide?

When the Chinese government walled out blighted neighborhoods from world view for the Olympic games, was there an act of urbicide in there? What about in circumstances where the removal of one cultural space is justified by the rebuilding of a supposed greater collective cultural monument in its place? For example, when cities destroy historic neighborhoods to make way for a new Olympic village, proclaiming these new monuments architectural translations of the highest ideals of a global heterogeneity? But what has been lost -- is that urbicide?

I mean, we don't often equate 'domestic abuse' to torture, but perhaps there is a more insidious urbicidal practice percolating under the surface all the time in our domestic scope of urban phenomena, rooted in the spaces of heterogeneity.

This is obviously taking it too far when I ask: has Amazon.com committed urbicide against the mom and pops bookstores of the world that have had to opt out of their leases and close shop for good now? Have the changes in the marketplace, the rise of transglobal capital, the massive footprints of globalization all come with their own dimensions of urbicide? Is urbicide a normal precondition?

In some ways can't urbicide be seen as a natural part of the built environment’s morphology? Further, if urbicide is a war on the common and shared spaces of heterogeneity, then what about the more subtle encroaches of surveillance systems and the 'urbanization of security', with all of the privatization of public space under the guises of national security that goes with it? Don't these subtle redactions in some way make for a form of urbicide in how they are redefining the ways public spaces can be used, shared, accessed, profiled, etc., attacking our so-called 'right to the city'?

It just seems to me urbicide is not just a military hatchling but exists at almost every level of the built environment. There are plenty of actions and 'planned inactions’ that might be serving the logic of urbicide all the same, I don't know. Urbicide against class, not just ethnicity. Urbicide as a war on space itself. Not just a targeting of space, but an assault on what the essence of civic space is all about; biopolitics. Urbicide in the form of occupation, not just space removal.

In other words, as much as urbicide in an 'unmaking' of cultural/vital public space in the built environment, could it also be the blockade to any new making? Could a complicated and bureaucratically nightmarish building code in some ways serve as a tool for urbicide, in that it fosters disempowerment for those wishing to build certain projects which may be of important cultural symbolism – the prevention of mosque building in the US, for example? Can urbicide be an act of building, an act of legal prevention to rebuilding – an act of inaction?

I could go on (and I am repeating myself), and perhaps a lot of these already fit into your rubric as 'collateral damage', 'destruction of cultural heritage', 'balkanization', and 'critical infrastructure attack', but my concern is how urbicide has and still is evolving to a point where it can achieve the same intended effect only without having to technically destroy

anything built in its path, and without being seen, and to serve more interests than the military's. I don’t want to say innocuous, but just a subtle form of urbicide that is interwoven into the daily machinations of land use and urban development. A normative urbicide.

I think this follows on your notion of a network-centric violence in the city, taking hold of the entire grid, holding the city hostage, the network binding everything, tying in anything and everything to 'target legitimacy'. But, with increased network violence comes the ability to commit urbicide on a more pervasive scale. The more everything relies on network infrastructure the more susceptible everything becomes to attack, or hack. Which, jokingly, leads me to believe that soon military doctrine will need to include air and 'breathing space' as a legitimate target for warfare.

Forgive the rant, but I really just want to hear thoughts on the notion of urbicide moving to a far less visible spectrum than the 'shock n’ awe' tactics of American militarism, or the terrorist spectacles of urban bombings and more loud infrastructural hacking. It just seems more endemic than that, and likely that urbicide is a larger part of the social-spatial foundations we have used to organize and fabricate society in the first place, and upon which the modern political world has come to rest.

Will internet hackers be the urbicidal practitioners of the future, sinking precise targets of the built world merely by deflating them of their capital buttress?

EXCERPT:

First, forgive the length of this post (it reads more like a list in search of a pattern). Second: this post sort of builds on Martin Senn's commments about Delimiting Urbicide. Thirdly - congrats Martin on all of this, very well done!

I’d like to see some assessment of how urbicide may be evolving along a less descript trajectory through the course of more daily urban actions (and inactions that may serve the logic of urbicide the same way, i.e. destruction of the built environment as a tool of cleansing). My concern is how urbicide is manifesting in less egregious terms under the surface of the normal integral spatial workings of society; a mainstream urbicide, if you will, that not only claims power in non-war effected space but challenges public agency through a politics of (in)visibility as well as destruction. I fear a generic, more pervasive urbicide at work so constitutive of our urban norm that most people don’t even perceive it as political violence materialized in built form. Does urbicide need to be uprooted on a more genetic level first?

I'll try to expand.

AUTHOR: Martin Coward

TITLE: Novelty and the Materiality of the Soul

STATUS: Publish

ALLOW COMMENTS: 1

DRAFT

DATE: 03/12/2009 11:00:41 AM

BODY:

Thanks to Marc for a very interesting reflection on community. I think I would want to say two things in reply:

Firstly, the question of the novelty of this form of violence is to my mind a quite complex issue. As you note I nod towards Carthage in the book, and yesterday I indicated that the bombing of Dresden and Tokyo might come under the rubric of urbicide. That said, I think I would want to argue for some form of historical specificity in the concept of urbicide:

I associate this violence with cases of ethnic nationalism that seem to be distinctively modern. At this point I would share Michael Mann’s observation that the kind of violence we associate with genocide tends to arise in the modern period because of the manner in which self-determination and plurality are logically contradictory. I would venture that urbicide shares this conceptual terrain. I suspect therefore, that I would want to see the kind of violence evident in Bosnia in 1993 as different to that which was aimed as the Sephardim in Spain. The latter might be seen as a violence that arises out of the complex overlapping jurisdictions of religious authority. This would different to the violence of Bosnia which might be understood as the genocidal activity of a majority group seeking to legitimise self-determination through homogenisation (a dynamic historically specific to modernity). But I would be interested in Marc’s thoughts on this.

More importantly, I would want to argue that urbanisation has historically specific dynamics that give rise to distinctive forms of violence. Cities have of course been the target of violence in the past (siege warfare being a good example), but I would tentatively argue that there is something distinctive about the violence against buildings in an era where the built environment is globalised. Again, I’d be interested in further thoughts on this.

Secondly, more importantly, I am uneasy invoking the ‘soul’ of the community. This is not a secular vs. theological issue but rather a methodological one. Let me explain:

This invocation only works if we look at buildings defined as cultural heritage. In this sense the bridge is a misleading place to start, I admit. I also admit that extant accounts of what is occurring in the destruction of cultural heritage seem satisfactory to me. The question is what happens when shopping malls, car-parks, non-descript office blocks and so become the target. Are these really repositories of the ‘soul’ of a community?

The invocation of spirit falls into the same anthropocentric trap that I am trying to critique. Referring to destruction of the psyche or soul of a community renders the actual buildings destroyed ontologically irrelevant. It reduces the destruction of these buildings to mere instrumental acts directed not at those buildings and what they are but at the community of humans. As such it falls into anthropocentrism’s trap of rendering all material objects mere things that are of interest only insofar as they are tools for humans. I would want to say

that this is a problematic position to end up in. Materiality must be seen as constitutive, not simply an instrumental backdrop. To put it more simply, there is no soul of the community, only its buildings. Take away the buildings and you take away the soul. Once we recognise this we must start to see the importance of understanding the constitutive nature of the buildings. And we must see them – not some ideational human collectivity – as the real target.

I'd be intereasted in Marc's further thoughts on this last point as I suspect that this is where the real methodologcal debate lies: between those interested in a humanist social science and those in a more material social science. I think a longer discussion between these positions would draw out some interesting thoughts.

EXCERPT:

Thanks to Marc for a very interesting reflection on community. I think I would want to say two things in reply:

Firstly, the question of the novelty of this form of violence is to my mind a quite complex issue. As you note I nod towards Carthage in the book, and yesterday I indicated that the bombing of Dresden and Tokyo might come under the rubric of urbicide. That said, I think I would want to argue for some form of historical specificity in the concept of urbicide:

AUTHOR: Martin Coward

TITLE: The Urbicide Gene/Meme

STATUS: Publish

ALLOW COMMENTS: 1

DATE: 03/12/2009 11:51:17 AM

BODY:

Bryan, an excellent list with an evident and serious underlying pattern. I am aware that my posts are getting longer, so forgive me if I'm a little schematic in response:

I published a piece[1] in a journal called Theory and Event [unfortunately subscription only] that ran through a few of the different ways that the concept of urbicide has been used. Suffice it to say that I am not the

DRAFT

only one using this term and we do not all use it in the same way. So you and Martin are right to ask for more clarity.

I have argued all the way that the point of a study of urbicide is to proliferate, not reduce, the number of conceptual terms that exist for discussing violence against the built environment. I find it entirely bizarre that in an era of global urbanisation, when only the environment is possibly more pressing as an issue of concern, your list cannot be met with some well worn replies detailing a number of forms of violence that have received careful analytic attention. In other words, isn’t it odd that we’re asking these questions and yet there are no accepted answers for them yet?

There are some interesting attempts to generate such answers (e.g., Stephen Graham and Eyal Weizman’s work). I hope my Urbicide contributes to the general conversation these authors have started.

However, I would not want urbicide to become a catch-all category. It is a specific form of violence and should be seen as such.

So what else can I say in response to your list of violences against the urban?

Firstly, I would not want my argument to be appropriated to some form of conservatism that reads all buildings as precious. I realise that I may inadvertently give the impression that all destruction of buildings is to be contested. I would not, however, advocate this position.

You are right that modern urbanism has a ceaseless dynamic of destruction and construction. Moreover, you are also right to note that it has an invisible dynamic of permissions and regulations that can be seen as ways in which buildings-yet-to-be are destroyed by prevention (although I have to say this takes us uncomfortably close to right-to-life arguments about the use of stem cells or contraception comprising forms of murder). Are we to bring these forms of violence under urbicide?

Here we also come back to Martin’s point about intention, because one way to answer this question would be to ask about the intention of those doing the destroying and the zoning. The problem here is how would we reliably gauge intent without sliding towards conspiracy theory (i.e., believing that our subjects have certain intent without reliable evidence that they do)?

I would say that the following is the diagnostic question for urbicide: is the destruction (or prevention) of a building part of a wider pattern in which agonistic plurality is reconfigured as antagonistic enclaves? This is the full logic of the book’s argument. Where we see the elimination of building(s) through any means conforming to a pattern in which space is reconfigured into enclaves with dead zones between (hence naturalising notions of homogeneity where there was previously plurality) then we can say that urbicide is occurring.

I think this rules out some of your examples. It also rules some in: in particular the silent urbicide of Palestinian homes by Israeli planning authorities. Modern planning may also be seen as urbicidal in cases such as that referred to by Berman (see my opening remarks for a

reference) where a heterogeneous element of a social constellation is removed/rezoned/enclavised by destruction of (or prevention of) housing.

We can also take a stance on whether 'positive' urbicide – i.e., urbicide by building – can occur. It is possible, we can argue, to build in ways that are constitutive of antagonistic enclaves. But much building is not like this – knocking down houses and replacing them with a shopping mall does not disturb the essentially agonistic character of the urban terrain (despite the attempts the mall’s owners to control access). This is also why I do not think that surface measures such as CCTV are forms of urbicide – they certainly demonstrate the essential plurality of urban existence (insofar as they are a response to such heterogeneity), but they can only try to marshal difference, not actually destroy the objects whose publicness constitutes the urban as always already plural.

This is not to say that the forms of violence you mention shouldn't be taken seriously. What I would argue is that scholars of conflict, security and violence, need to engage with architects, planners, urbanists and geographers to start to build more complex typologies for these various violences. I'd be interested in your thoughts as to how we might start to classify you various cases.

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[1] Coward, M. “Urbicide Reconsidered”, Theory and Event, Vol:10 No.2 (2007)

EXCERPT:

Bryan, an excellent list with an evident and serious underlying pattern. I am aware that my posts are getting longer, so forgive me if I'm a little schematic in response:

AUTHOR: Martin Senn

TITLE: Tracing Intent

STATUS: Publish

ALLOW COMMENTS: 1

DATE: 03/12/2009 05:17:01 PM

BODY:

DRAFT

I agree that it will be hard to investigate the intentions of actors involved in the destruction of urban areas, but there is no way around this problem. I fully agree with you that this investigation opens up a number of questions, not least about the availability of sources or the validity of the obtained information. But still, I would say that it has to be attempted to obtain as much information as possible about possible reasons for destructions, and hence to try to exclude “conventional” reasons. Maybe an investigation would have to rely on sources from both sides (i.e. attackers and defenders or inhabitants of the area) and external observers to cross-check and uncover irregularities.

AUTHOR: Martin Coward

TITLE: More On Intent

STATUS: Publish

ALLOW COMMENTS: 1

DATE: 03/12/2009 07:36:03 PM

BODY:

I am not convinced that there is "no way around this problem". There are many places in which we might see acknowledgements of the analytic unreliability of notions of intent and corresponding attempts to move beyond it:

Genocide scholars have, for a long time, found convincing accounts of why and how to move beyond discussions of intent. See in this regard Shaw's discussion of the problem of intent in chapter 6 of his What is Genocide. Even Raphael Lemkin preferred to avoid the concept of intent - instead preferring to define genocide as a 'coordinated plan of different actions aiming at the destruction of essential foundations of national groups, with the aim of annihilating the groups themselves.' That actions having aims was transformed by the drafters of the genocide convention into actors having intent is more transcription error than a necessary step forward in analysis.

The law only acknowledges intent as an aggravating factor - guilt is established only by reference to facts deemed to be independently verifiable.

Economic theory tends to discard intent and model behaviour in ideal terms.

Many social analyses base their conclusions on the effect an action has, not what its possible origin might be since the latter might be all but impossible to trace in anything but the most simplified of social circumstances (e.g., how can I really be sure 'my' intention is really my own?).

DRAFT

I think this may be a 'thick' methodological difference between us. But rather than arguing whether we must, or must not, take intent into account, I would like to ask a different question: what do we gain when we take intent into account? How would it help in constructing a theory of urban destruction?

EXCERPT:

I am not convinced that there is "no way around this problem". There are many places in which we might see acknowledgements of the analytic unreliability of notions of intent and corresponding attempts to move beyond it:

AUTHOR: Mike Innes

TITLE: Integrating Genocide and the Urban

STATUS: Publish

ALLOW COMMENTS: 1

DATE: 03/12/2009 10:51:07 PM

BODY:

I think it's interesting that the discussion thus far has raised several issues that are foundational to genocide studies, while simultaneously missing or avoiding the point of them. I don't mean for that to be as confrontational as it seems; please treat it as a provocation, and I'll welcome whatever barbs might be returned.

I'm going to name drop a little here: I studied with Frank Chalk, one of the pioneers of the field (along with Helen Fein, Robert Melson, and a few others). My views on genocide and related activities are a reflection of that training, rooted in historical method and case study, and necessarily minimalist - emphasizing the importance of perpetrator intent but also recognizing the role of material evidence in understanding whether a case of political violence can be considered genocidal.

This is, I think, is critical, since genocide is above all a crime. My sense has been that a fair number of academics, with what might be considered committed but non-specialist interest in genocide, have in their zeal to maintain a maximalist approach to the issue propped up a moralizing rather than objective and empirically guided framework. Some of this maximalist approach suggests that intent is next to irrelevant, all mass killing is genocide, etc. Its proponents have skirted difficult but critical questions that arise in the absence of such an important dimension. Emphasizing the dogma of legal procedures and standards in determinations of genocide need not be a considered a disciplinary or professional fetish. Nor should it be considered a stumbling block to non-legal scholars. My

instinct it to reject the notion that intent should be discarded as a means of understanding the phenomena. Yes, detemining intent is difficult. So what? In my view, it's another benchmark that social scientists can use, and more importantly, one that binds their work to the real world of consequences and penalties.

There's another dimension to this, I think, that's equally important: understanding the idiosyncrasies of perpetrator intent, as arcane an investigative art as that might be, can also help us to understand the problems of process and dimension that Martin Senn, Marc Tyrrell, and Bryan Finoki have raised thus far. Genocide is, according to William Schabas, an inchoate crime - not a single event, but an accumulation of events. More than that, it relies on a longer term accumulation of historical and psycho-social dynamics that enable the deliberate targeting of populations. That targeting, and its outcome, need not necessarily be lethal or even physical in nature. The UN Convention on the Prevention and Punishment of the Crime of Genocide - the benchmark in international law for this, and the culmination of Raphael Lemkin's efforts - offers a taxonomy of genocidal acts that includes both lethal and non-lethal acts. It also offers, as Schabas points out, a much maligned but still useful four-point set of distinguishing critieria (religious, racial, national, and ethnic) from which various permutations of victim identity can be inferred.

This, arguably, is perhaps more anthropocentric than the urbicide argument will allow. It's also, perhaps, a recommendation against too close a reading of genocide scholarship in trying to outline an ontology or urban destruction. But extensions in the genocide literature - to cultural destruction ("ethnocide") and gendered targeting ("gendercide") - are entirely relevant here. Where I remain uncertain is the bridge between the various human oriented "cides" and the physical environment. To be sure, the many forms of identity politics that play into perpetrator/victim dynamics are not divorced from the material world: nationalism (and its often violent consequences) is a perfect example, linking as it does human populations and the territories they inhabit via complex threads of belief and belonging. I'm reminded, for example, of the Khmer Rouge, Year Zero, and their depopulation of Cambodian cities (rather than their outright physical destruction).

There is an argument to be made for a closer examination of the links between genocide and the urban, and even - if one were inclined to pursue a broader Arendtian tack - between the totalitarian exercise of power and its impact on urban environments. Surely this would be more constructive than divorcing the destruction of the latter from the inescapable perpetrator intent of the former.

EXCERPT:

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AUTHOR: Bryan Finoki

TITLE: The Forensics of Urbicide

STATUS: Publish

ALLOW COMMENTS: 1

DATE: 03/13/2009 07:56:29 AM

BODY:

<p>Does urbicide have to be intentional? Are we not wanting to face the cumbersome burden of proving intent because it will widen or narrow the scope of urbicide (I don’t want urbicide to be a “catch-all” category either), or because urbicide need not be intentional? While I appreciate the specificity of urbicide can ignorance constitute a form of intent, or of a kind of involuntary manslaughter in the realm of the cultural? In this case the social fallout that corresponds with the destruction of certain structures. Involuntary cultural-slaughter? This I imagine is handled by your analysis of ‘collateral damage.’

But, because we don’t always necessarily know or even presume there is intent of a crime until evidence has been brought to light, nor are all crimes always 100% intentional, I ask: what can we deduce from the states of ruin themselves about how war crimes (and urbicidal intent) are imprinted in the environment? I think the literature already does well to get into this, but I’m curious if you think a more rigorous (I want to say) physical science was established around the specifics of destruction’s physical impact, the actual planning and deployed means of destruction, with added social exploration of the phenomenology of ruin – correlating urban destruction with cultural fallout purely by its spatial complexion -- could intent later be implied, or guilt be prescribed? So, even as an actor may not have intended to annihilate, if such is the consequence evidenced by particular aspects of ruin one can be held accountable.

I also lean towards wanting to pursue intent and to find a methodology for doing so in the realm of urbicide. But urbicide can be committed regardless of intent (in fact that may become an excuse – a lack of intent). Yet, I feel like some consideration should be given to what degree intent can be discerned through the structural evidence of destruction. I would think proportionality and a semiotics of dual-use ambiguity would open up here. And, I think the question becomes more relevant the more precisely urbicide can be administered, i.e. targetting specific portions of buildings, surgical destruction of the environment over messy wholesale.

Forgive my own ignorance but what if anything can be gained through a more thorough material investigation of urban destruction itself – the hard facts, if you will, of destruction’s architectural tissue, the wounding and scarring of conflict space (Lebbeus Woods type analysis), and the political violence and spatial fallout that comes in its wake? Do we need a scientific understanding of urbicide, and some sort of urban morphology to help frame a spectrum of possible bad intentions as they can be observed evolving over time in their corresponding fossils of destruction? Is urbicide dependent on its own historical spatial narrative? Is there a lexicon around ruin that we can use to measure how certain buildings and sites (even parts/features) when destroyed (based on the means of their destruction,

force and proportionality) can lead to circumstances that are comparable to the aftermath of a crime, or of an intolerable intention? Typologies of damage states, an alphabet of destructed spaces in relation to political impact, scales of force and disproportion. I don’t know, a scientific deconstruction of some sort.

I realize this is very rudimentary thinking but how does the research need to translate into practical application, into law, into an archiving of what constitutes war crimes? How can the study of urbicide generate the legal and scientific framework for international teams of archaeologists to be able to scour the footprints of wreckage with authority to verify evidence of crime when there was one, or show there was some kind of intent towards widespread annihilation? Does it become something like architectural crime solving? What comprises the spectrum of urbicial evidence?

Do we need more expert analysis of the built environment as it is capable of being destroyed, and from that data draw a lineage of tactics and strategies associated with urbicide that can be used to link concepts of ill intent that may relate to potential crime, or as producing the same effects as crime? Does there need to be put forth an examination of urbicide as kind of a forensic practice, with very specific definitions of what the evidence of urbicidal ruin is and can actually look like, with specific criterion and tools for gauging urbicide and intent, and the greater victimization of it in all of these other social dimensions?

It’s like investigating a crime scene only one that can be examined in so far as the crime exists in urban materiality, in terrestrial entrails, the building as victim, the city as a taped off outline of itself, etc. incalculable human ramification.

I wonder if laws that emerge around this can’t in some way borrow from a closer look at what conceptual benefits are afforded by forensicology – so that instead of feeling the burden of having to prove urbicide through intent, the spatial complexions of urbicide as they’ve been pre-established could provide the microscope and legal template for tracing illegal spatial annihilation, and ultimately for retrieving evidence gathered in the ruins that can attribute intent.

Sorry, I know there is some messy rambling in there, but I agree, that while intent may be difficult if even impossible to conclude in some of these wider applications of urbicide, that the study of urbicide should provide an atlas of examples and reference points, and a set of spatial-political relationships that can be used to trace the unlawful consequences of destruction as they have existed and can come to exist. So maybe by reviewing damage footprints intent can be illuminated more carefully, microscopically, with greater clarity. The study of urbicide should establish these boundaries for what constitutes illegal destruction of urban space before military planners (or real estate developers, or even anyone else for that matter) are able to first legally define what is not illegal.

The real war seems all in the law itself. But how can the artifacts of urbicide be used to drive new law making?</p>

EXCERPT:

Does urbicide have to be intentional? Are we not wanting to face the cumbersome burden of proving intent because it will widen or narrow the scope of urbicide (I don’t want urbicide to be a “catch-all” category either), or because urbicide need not be intentional? While I appreciate the specificity of urbicide can ignorance constitute a form of intent, or of a kind of involuntary manslaughter in the realm of the cultural? In this case the social fallout that corresponds with the destruction of certain structures. Involuntary cultural-slaughter? This I imagine is handled by your analysis of ‘collateral damage.’

AUTHOR: Bryan Finoki

TITLE: Preemptive Sites of Urbicidal Production: Gaza Tunnels

STATUS: Publish

ALLOW COMMENTS: 1

DATE: 03/13/2009 08:09:13 AM

BODY:

<p>What is your reading of Israel’s pummeling of the Gaza border tunnels? They obviously sit at the center of the dual-use debate: while Gaza relies on them for goods and economic survival, the IDF treats them as a legitimate target through their association with weapons smuggling. ‘Dual-use’ and ‘military necessity’ are Israel’s claims to warrant their destruction, correct? -- while the Palestinian authority and human/legal rights groups regard destroying them as a direct attack on the people by virtue of crushing critical infrastructure, and as an assault on Palestinian democracy which elected Hamas into Gaza leadership. The timing of the Gaza attack was also curious in that it coincided shortly after Hamas formally legalized the tunnels as official infrastructure and industry, preceding fresh Israeli elections. These tunnels are also targeted just for being “suspected” of smuggling, something that cannot be formally proven from Israel’s current vantage.

My feeling is that the tunnels (regardless of whether they’re seen as legitimate military targets or not – though I’m still interested in your take) before they were labeled targets they were first manufactured targets, which goes beyond even premeditated urbicide – because it’s not just a question of deciding targets, it’s the notion of producing them. While the tunnel owners are directly responsible for having built the tunnels they are an obvious outcome of Israel and Egypt’s control of Gaza’s borders; that is, they are the indirect manufacturing of a much larger strategy to control the strip, to completely dismantle and de-sovereignate Palestinian space in every aspect – what Sari Hanofi referred to as “spacio-cide”: an attack on the land in every dimension, from ‘urbicide’ to ‘socio-cide’, ‘economo-cide’, and ‘politi-cide’; a total assault on the production of Palestinian statehood. The tunnels in this light are just another spatial product of the IDF’s blueprint for their continued siege of Gaza.

The IDF has been demolishing “suspected” smuggling tunnels along the border for years, and must have predicted a rise in their production as long as the Palestinians weren’t to gain control over their own borders.

For Gazans, the tunnels are the only option to the sealing of their borders. They may have been built by Hamas and Gazans, but indirectly they were put there by Israeli border strategy. From the perspective of the IDF, tunnelizing the Gaza economy makes it – besides totally retrograde – ultimately more criminalizeable, as daily commerce must share the space with arms smuggling, or even the association of arms smuggling, which the IDF uses to justify bombing Gaza infrastructure as all the more legal.

The Palestinian reliance on the tunnels for access to common goods and weapons provided Israel the legal ambiguity to be make them targets, and in this sense it does not seem illogical that the

tunnel industry was expected to surge all along, perhaps even spatially programmed in a sense by Israeli border policy. With Gaza’s economy in the tunnels, Israel seizes upon a tactical and political justification for being able to attack them without further scrutiny.

It’s one thing to wage war on the law in order to justify certain targets, but it’s another to preempt that by, in a way, forcing the construction of those targets first in a manner that would make them more suitable to the legal battle of legitimating them as a target later on.

Since Israel has total control over Gaza’s ability to economize, we could read the tunnels as an intended outcome (consequential construction) of the closed borders, an IDF production. My point is that the urbicide began long before the tunnels were bombed, but when Israel took control of Gaza’s borders and forced commerce into the underground. It was a political act before a military act. The tunnels are the hatchlings of seeds set for urbicide long ago.

I’m interested in how targets are manufactured for the purposes of urbicide – how they can be prepackaged for urbicide, if you will, through geopolitics, and how other preemptive forms of political violence are used to set the stage, so to speak. Yet, equally interesting is how the tunnels continue to be a source of resiliency, perhaps the one thing that can survive despite urbicide. Sorry again for another rant, but just very curious of your reading of them in light of this topic.</p>

EXCERPT:

What is your reading of Israel’s pummeling of the Gaza border tunnels? They obviously sit at the center of the dual-use debate: while Gaza relies on them for goods and economic survival, the IDF treats them as a legitimate target through their association with weapons smuggling. ‘Dual-use’ and ‘military necessity’ are Israel’s claims to warrant their destruction, correct? -- while the Palestinian authority and human/legal rights groups regard destroying them as a direct attack on the people by virtue of crushing critical infrastructure, and as an assault on Palestinian democracy which elected Hamas into Gaza leadership. The timing of the Gaza attack was also curious in that it coincided shortly after Hamas formally legalized the tunnels as official infrastructure and industry, preceding fresh Israeli elections. These tunnels are also targeted just for being “suspected” of smuggling, something that cannot be formally proven from Israel’s current vantage.

AUTHOR: Stephen Graham

TITLE: Cities in the Pincer

STATUS: Publish

ALLOW COMMENTS: 1

DATE: 03/13/2009 01:27:39 PM

DRAFT

BODY:

Thanks to Martin for such an excellent analysis of the urbanisation of political violence and the ways a whole spectrum of contemporary ethno-nationalist political projects work by demonizing and targeting the collective materialities of urban space. I very much agree with his prognosis in his opening remarks about the urbanisation of security, the linkages between political violence and urban infrastructure, and the urbanisation of global politics. Indeed, Cities Under Siege: The New Military Urbanism, a book due out soon, which will be the subject of another CTlab debate, is very much an attempt to excavate these very issues.

I actually think it is useful to widen the canvass to encompass how a whole spectrum of extreme, Conservative ideologies offer resistance to hegemonic globalizations by demonising, and legitimizing violence against, the mixed-up heterogeneities most focused on cities. Our rapidly urbanising world currently displays strangely parallel worlds of apocalyptic, anti-urban, fundamentalism. These link powerfully with ancient religious tropes surrounding the need to take revenge against the allegedly sinful nature of cities and urbanites. For, as the Retort group put it in their book "Afflicted Powers," both "Empire and Jihad [are] virulent mutations of the Right." Both are fuelled by remarkably similar pathologies of revulsion against the mixed-up cosmopolitanism and inevitable messy and uncontrollable disorder of life in large cities.

Radical Islamism and the Occidental City

On the one hand, then, radical Islamists the world over routinely express their revulsion at the West's -- 'occidental' -- cities. The 9/11 attacks against that icon of western urbanism, the World Trade center -- a modern Tower of Babel? -- played into an ancient of what Baruma and Margalit, in their book Occidentalism: The West in the Eyes of Its Enemies, call the "myth about the destruction of the sinful city."

There is little doubt that the allegedly repulsive nature of Western, capitalist, and cosmopolitan urbanism was a central motivation of the attacks. The attack’s leaders were themselves qualified urbanists who particularly abhored western architectural modernism. Osama bin Laden has repeatedly stressed in his speeches that he sees Americans as mere idol-worshippers speading idolatary around the world, and through the Muslim world in particular, in the form of secularism or Christianity. Al Qa’eda’s rhetoric portrays the imperialist and cosmopolitan heartlands of Western cities, in particular, as the ultimate concentrations of sin, debauchery, greed, materialism and soullessness. Far from being anti-modern, though, Al Qa’eda’s operatives are often fully immersed within consumer societies. Such experiences lead them to believe that both Western and Westernising cities are rootless concentrations of aspiritual and arrogant materialists. Ruralites, by contrast are seen to be "firmly in tune with nature and tradition, whose blood and sweat have mixed with the soil of the land, which they plow and know as their own." (both quotes are from Baruma and Margalit’s book).

The Neocon-Christian Right and U.S Core Cities

Perhaps surprisingly, the Christian fundamentalists and neoconservatives so closely associated with the Bush Administration have taken remarkable similar views of the United States’ core cities. As theocratic and fundamentalist Christian politics have moved in to the mainstream in the United States, largely by colonising the Republican party, so the long-standing and deeply-rooted anti-urbanism at the heart of US political and technological culture has turned into all-out urban demonisation. As Steve Macek puts it in

his excelent book, Urban Nightmares, the Republican Party’s electoral heartlands generally "despise the liberal modernism that shaped metro culture in the twentieth century and see it as an ideology that is every bit as foreign and threatening as communism."

All too often, then, US conservatives depict poor neighbourhoods in cities as a sort of ‘Hobbesian state-of-Nature’; these often merge seamlessly with their portrayals of the ‘failed’ or ‘feral cities’ of the Global South. This produces an encompassing urban ‘outside’ that straddles the insides and outsides of nations. Generally, Christian-Right discourses normalize exurban and rural life as authentic and mandated by God. At the same time, cities are equated, at best, with “fallen souls” requiring rescue from “soldiers of God.” This discourse of ‘lost souls’ in ‘lost cities’ works to create an essentialised, devilish, urban other. At the same time, it provides sustenance to militaristic metaphors that the mobilization of the ‘Soldiers of Christ’ are necessary to ‘take back’ the evil, Unchristian race of central-city dwellers as part of a theocratically-ordained ‘spiritual war’.

Such descriptions, moreover, work to legitimize both neoliberal urban policy ‘solutions’ based on combining the reinstatement individual discipline amongst pathologised communities, combined with highly militarized policing or military ‘urban operations’. At the same time, coherent causal explanations about what actually produces the plight of marginalized people and places in cities move ever further from view. "In the American city," writes David Simon, writer of the celebrated TV drama The Wire, in a recent magazine interview, "the why has ceased to exist" in mainstream US political discourse.

Sociological renderings of the core city as savage urban other were crucial to the erection of the ‘homeland security state’ by the Bush Administration. Murray and Herrstein’s 1994 book The Bell Curve, for example, emerged as the bible of all neoconservative treatments of social policy and criminology. This cautioned that the polarization of America between what they called "the cognitive elites" and the IQ-deprived (and highly fertile) underclass, would eventually require what they termed a "custodial state". This, they imagined, would be "a high-tech and move lavish version of the Indian Reservations for some substantial minority of the nation’s population, while the rest of America goes about its business."</p>

EXCERPT:

Thanks to Martin for such an excellent analysis of the urbanisation of political violence and the ways a whole spectrum of contemporary ethno-nationalist political projects work by demonizing and targeting the collective materialities of urban space. I very much agree with his prognosis in his opening remarks about the urbanisation of security, the linkages between political violence and urban infrastructure, and the urbanisation of global politics. Indeed, Cities Under Siege: The New

Military Urbanism, a book due out soon, which will be the subject of another CTlab debate, is very much an attempt to excavate these very issues.

AUTHOR: Martin Coward

TITLE: Reply to Innes: Methodological Impasse?

STATUS: Publish

ALLOW COMMENTS: 1

DATE: 03/13/2009 04:57:00 PM

BODY:

Thanks to Mike for his robust addition to the discussion. I’ll try and respond with only a couple of barbs (skip to the end if you want to read contentious stuff!). In my last post I noted that we may be at something of a methodological impasse regarding intent. For my part I am willing to accept that we may be, and in so doing recognise that: a) there exist at least two valid methods for pursuing questions of political violence; and b) that it would be hard, if not impossible, to decide which has ‘truth’ on its side.

With regard to genocide studies I presme that we can accept that the status of 'intent' is by no means settled despite its being enshrined in the Genocide Convention and despite convincing arguments on both sides. Against this backdrop I would say the following:

With regard to maximalist definitions, it seems to me that intent is even more dangerous here. We all know activists who want to accuse a party of genocide not because of the facts of the case but because they believe that it is the intent of the offending party to commit genocide. This is a maximalism based on intent (which is not to say all intent-based accounts of genocide succumb to this maximalism, just as not all accounts of genocide that eschew intent succumb to the maximalism Mike described).

With regard to the law, establishing that a crime has been committed is always more important than the interior mental life of the criminal (though this may play a contributing role). It is still possible to determine whether a group of individuals were treated as if they constituted a group and were thus targeted as a way of annihilating that group without asking about the mental life of those who targeted them.

In spite of this, I do recognise that enquiring about why individuals kill (or participate more widely) in genocide is a very important question. But again this is more than a question of intent. In Leave None to Tell the Story there is an interesting comment to the effect that some ‘Hutus’ only became identified as such through the act of killing. It was not the case that these killers had a prior existing identity which gave rise to a

cognitively identifiable intention to carry out an act of violence. Rather act and identity had a more complex relationship. This I think is also the force of Allen Feldman’s excellent Formations of Violence. Of course, it is still very useful to know how identities get formed and how they lead to violence. And mental states may play a part in understanding this. But this does not mean we can reduce the crime to a question of intent.

It also does not mean that other examinations of different forms of violence are not equally valid. Let me make an important point that I perhaps have not made in this forum, but is discussed at length in the book. I do not claim that urbicide must replace other forms of violence. Indeed, it can coexist with other forms of violence. It is possible for genocide and urbicide to co-exist (as they did in Bosnia). In such a case examining the logics of each would take place according to the different conceptual frames each requires. But this is not a zero-sum problem: we do not have to decide whether we analyse genocide (according, if you want, to questions of intent) or urbicide (according to questions of the material constitution of conditions of heterogeneity). The analyses of both may be required. But this is also to reject Mike’s final proposal of finding a bridge from genocide to the urban. Consideration of violence against the urban must be done on the basis of the latter being a distinct form of violence not an add-on to genocide.

If you’ll permit a light barb: I seem to have addressed the issue of intent very directly on three occasions over the last three days. I think that I know where the mark (if not the point) is, I just want to aim at something else!

To end on a positive note I would agree wholeheartedly that the question of criminality needs to be brought into the discussion. As I note in the preface to the book, there is no point outlining grand theories of political violence unless one hopes to contest such violence. My hope is that crimes against the built environment could be seen as crimes against humanity (though, of course, not on a level with genocide). The question would then be – to return to Bryan’s excellent list – would we treat all these crimes similarly, or would we want to draw distinctions between different classes of crime against the urban environment? If the latter, how would we draw the distinction?

EXCERPT:

Thanks to Mike for his robust addition to the discussion. I’ll try and respond with only a couple of barbs (skip to the end if you want to read contentious stuff!). In my last post I noted that we may be at something of a methodological impasse regarding intent. For my part I am willing to accept that we may be, and in so doing recognise that: a) there exist at least two valid methods for pursuing questions of political violence; and b) that it would be hard, if not impossible, to decide which has ‘truth’ on its side.

AUTHOR: Martin Coward

TITLE: Forensic Footprints of Urbicide

STATUS: Publish

ALLOW COMMENTS: 1

DATE: 03/13/2009 05:18:00 PM

BODY:

Bryan, I have to say that I couldn’t agree more. Your argument for a forensics of the ruin sums up pretty much how I feel we should proceed with the empirical analysis of urbicide. If my book is a theoretical argument for the necessity of taking the idea of urbicide seriously (and understanding its conceptual contours) then your suggestion is the necessary empirical corollary.

Can I also say that I think your tracing of the footprint of destruction provides a neat way to cut the Gordian knot of intent that has ensnared us recently. I would endorse the idea that certain footprints, patterns or traces could be interpreted as evidence of purposeful activity. We might thus look at a footprint that features widespread destruction of the urban fabric and say ‘this can’t be an accident, this can’t be militarily necessary, and it isn’t only aimed at cultural heritage, it must thus comprise deliberate destruction of buildings in order to destroy urbanity’. In so doing we are using the “terrestrial entrails” [what a brilliant phrase] to infer purposeful, deliberate action (without, please note, having to ask our informants to comment on their mental states). We may have found a way, therefore, to disinter intent.

I also think you point to several very important issues for those thinking about urbicide as a crime against the built environment. On the one hand, urban planning has its own violent footprint. But we cannot confuse ceaseless renewal (with attendant exclusion) and annihilatory logics. If we were to do so we would end up in the conservative trap of banning all development.

I think here we would look at the ways in which urban planning was directed towards forms of social improvement, to (inadvertent) ghettoisation of certain sections of society and so on. Here I think Foucault’s discussion of the relation of the city to biopolitics is interesting as it indicates that the urban form might play a role in constituting productive, and thus also surplus, life. Where an urban form shows evidence of zoning out surplus life we may ask about the violence this constitutes.

Similarly, I agree that precision weaponry has led to another footprint of urban destruction. I would want to say that this is not urbicide since it does not seek to destroy all buildings qua the fabric of urbanity. But, nonetheless it is an attack on a material object that seeks to alter the way in which that object is publicly available.

But now I am meandering a little. You have, however, put your finger on the issue. What we would need to capitalise on the analysis of my book (indeed to operationalise what is otherwise a quite abstract discussion) is a forensics of urban destruction. Only then could we begin to deal with the crime that urbicide constitutes.

EXCERPT:

Bryan, I have to say that I couldn’t agree more. Your argument for a forensics of the ruin sums up pretty much how I feel we should proceed with the empirical analysis of

urbicide. If my book is a theoretical argument for the necessity of taking the idea of urbicide seriously (and understanding its conceptual contours) then your suggestion is the necessary empirical corollary.

AUTHOR: Marc Tyrrell

TITLE: Modernity and the Metaphysical Trap

STATUS: Publish

ALLOW COMMENTS: 1

DATE: 03/13/2009 03:59:20 PM

BODY:

Hello Martin, and thanks for your response.

<blockquote>

The latter [Sephardim] might be seen as a violence that arises out of the complex overlapping jurisdictions of religious authority. This would be different to the violence of Bosnia which might be understood as the genocidal activity of a majority group seeking to legitimise self-determination through homogenisation (a dynamic historically specific to modernity). But I would be interested in Marc’s thoughts on this.

</blockquote>

Honestly, I think I would have to disagree with you on several points. I would suggest that the expulsion of the Sephardim, along with other similar conflicts (e.g. the destruction of Provencal and the Cathars), is actually the same dynamic you identify in Bosnia, i.e. "a majority group seeking to legitimise self-determination through homogenisation". Personally, I suspect that overlapping jurisdictions of religious authority is secondary, a useful excuse as it were, to the more general dynamic of in-group homogenization.

Obviously, I don't think that this is unique to modernity :-). My suspicion is that it is actually a derivative factor of how one group incorporates other groups. The modern concept of citizenship is but one example of this, but there are others (e.g. marriage between competing gods, subjugation, outright annihilation, incorporation of kinship lineages into an expanded clan system, etc.).

<blockquote>

More importantly, I would want to argue that urbanisation has historically specific dynamics that give rise to distinctive forms of violence. Cities have of course been the target of violence in the past (siege warfare being a good example), but I would tentatively argue that there is something distinctive about the violence against buildings in an era where the built environment is globalised.

</blockquote>

I would certainly agree that there is something qualitatively different in the current globalized situation, I'm just not certain if it is totally distinctive of modernity and globalization. I suspect that part of this is definitional and we may, in some ways, be discussing apples and oranges. I would argue that urbicide has been present well before the modern era, but I wouldn't argue that it was the dominant form of urban violence. Really, I'm taking a frequency distribution type of argument and saying that it existed before as one type (and probably a fairly low probability), but I can certainly agree that it is getting more frequent and, certainly, we are more aware of it as a result of global communications technologies.

I do think you are correct when you argue "that urbanisation has historically specific dynamics that give rise to distinctive forms of violence." I would, however, tentatively suggest that the dynamics of urbanization and globalization are only a part of why such a dynamic is on the increase. My suspicion is that another dynamic is the global rise in revitalization movements, usually along ethnic and/or religious lines. While this dynamic draws its impetus from the changes in production, distribution and communications that have come to be the hallmarks of "globalization" (via a shift to a "network Society" to use Manuel Castel's term), it is also playing out in an increasingly urban stage.

<blockquote>

Secondly, more importantly, I am uneasy invoking the ‘soul’ of the community. This is not a secular vs. theological issue but rather a methodological one. Let me explain:

This invocation only works if we look at buildings defined as cultural heritage. In this sense the bridge is a misleading place to start, I admit. I also admit that extant accounts of what is occurring in the destruction of cultural heritage seem satisfactory to me. The question is what happens when shopping malls, car-parks, non-descript office blocks and so become the target. Are these really repositories of the ‘soul’ of a community?

</blockquote>

Oh, I do agree that it is a methodological (and metaphysical) issue.

I suspect we may be using the term "cultural heritage" with quite different connotations ;-). Let me answer your second, rhetorical, question by doing what Anthropologists do: telling a story. Back before I got married and my wife and I were dating, she lived in New Jersey and I lived in Ottawa. This led to us spending maybe a week together every couple of months. Whenever I would visit her, I asked myself almost exactly the same question about shopping malls, parking lots etc., and I came to the conclusion that yes, it did speak to the "soul" of that part of the US (not its "spirit" in the sense of axis mundi, but to the day to day lived reality and conceptualizations of her life-world). It was quite an eye-opener for me, as it was for her when she moved to Ottawa.

Which brings me to your second point that "The invocation of spirit falls into the same anthropocentric trap that I am trying to critique". I'm not sure it does, although I can certainly understand why it would appear to do so. Personally, I would argue that humans and their built environment live in a symbiosis, with potentialities for influence flowing both ways. Actually, a really good example of a non-Anthropocentric influence of architecture to people

would be the Aztec discovery of Teotihuacan and its subsequent effects of the Aztec Conferedacy (i.e. shifts in perceptual structures and social organizations). This discovery changed the lifeworld of the Aztecs significantly, along with their pattern of relations to other tribal confederacies in the area. In effect, by existing it changed the "soul" (or 'spirit") of the Aztec people.

The potential problem that I see with a totally non-Anthropocentric approach comes from a totally metaphysical objection: do buildings in and of themselves have "souls"? In less religious terminology, are they independant actors capable of action if no humans (or other sentient beings) are around for them to act upon? It strikes me that this would require a complete revision of the metaphysics upon which materialist analyses are predicated, rendering it much less "material". I don't believe, although I could be wrong, that treating people and buildings together, even using the peotic / theological language of "souls" requires such a radical re-working of metaphysics.

Now, having said that, I totally agree with what I believe is your critique against Anthropocentric reductionism. To reduce the built environment to a set of tools is, IMO, ridiculous. But, I would suggest, that the obverse is equally ridiculous unless one wishes to argue that objective "meaning" can be constructed and transmitted without human agency; which gets us into that metaphysical trap I was talking about. It's why I tend to argue along relational lines.

At any rate, I'm looking forward to your thoughts on this.

EXCERPT:

Honestly, I think I would have to disagree with you on several points. I would suggest that the expulsion of the Sephardim, along with other similar conflicts (e.g. the destruction of Provencal and the Cathars), is actually the same dynamic you identify in Bosnia, i.e. "a majority group seeking to legitimise self-determination through homogenisation". Personally, I suspect that overlapping jurisdictions of religious authority is secondary, a useful excuse as it were, to the more general dynamic of in-group homogenization.

AUTHOR: Martin Coward

TITLE: Modernity and Metaphysical Upheavals

STATUS: Publish

ALLOW COMMENTS: 1

DATE: 03/13/2009 06:44:36 PM

BODY:

DRAFT

Marc, a really fascinating set of comments – much too much for me to address in toto, but I’ll offer a few reflections.

I suppose my comments on modernity and the dynamic of exclusionary violence were somewhat parochial insofar as they reflect my concern as an International Relations scholar to highlight the historicity of the (Westphalian) state. There is a tendency to project the state as a transhistorical phenomenon and I spend a lot of time in class and at conferences arguing that it is a historically contingent bundle of practices. That said, I think you are right that exclusionary figurations of community may be more widespread than the modern state. I might want ask, however, whether the modern state has particular dynamics – especially in light of the widespread idea that the holocaust (though not necessarily genocide) and the modern state are linked. One thing to think about is the way that the idea of national self-determination (as enshrined in the UN) is a quite historically specific phenomenon that is always mixed up in (if not at the root of) cases of contemporary ethnic violence. This is a thought going nowhere precise, but an indication of what I was thinking in my comments.

With regard to the distinctive character of violence in an era of global urbanisation, I would want to try and add two points:

On the one hand I think I am suggesting in my network centric violence paper that the technologised metropolitan life that is characteristics of global urbanisation is a particular way of being – Stephen Graham has referred to it as ‘cyborg life’, following, unless I am mistaken, the trajectory established by Harraway.

On the other hand, you are right about revivalist movements – and I think this should be added to the jihadist and neo-con anti-urbanism that Steve described in his post earlier today.

But this brings us to your comments on the metaphysics of materiality. I don’t want to go off the deep end here, but I have been thinking increasingly about what Latour et al. call ‘actants. Jane Bennett wrote a couple of really interesting essays looking at whether we could regard things as having agency[1]. Bennett asks a number of intriguing questions such as who or what ‘caused’ the North American blackout of 2003? If causation and agency are related we might come to the conclusions that electrons, substations, high-voltage wires and so on have a certain agency. The term actant indicates that this is a distributed agency (i.e., stemming from an assemblage that is part human part object) and one not identical to the classical notion of (self-contained and unitary) human agency. I have not really begun to puzzle through what we might make of Bennett’s (and indeed Latour’s) thought in this regard. But it does suggest that the metaphysical upheaval you point to is being entertained.

I think, like you, that we would go too far to make our metaphysics about things alone. But we may have to concede that metropolitan life is full of cases of very distributed agency or material-human (cyborg) assemblages that are complex actants, not simple actors.

[1] Bennett, Jane, 2004. ‘The Force Of Things: Steps Toward An Ecology Of Matter’, Political Theory, Public Culture 17(3): 445-65. See also 32(3): 347-372; and Bennet, Jane, 2005. ‘The Agency of Assemblages and the North

American Blackout’, ‘Edible Matter’, New Left Review 45, May-June 2007.

EXCERPT:

Marc, a really fascinating set of comments – much too much for me to address in toto, but I’ll offer a few reflections.

I suppose my comments on modernity and the dynamic of exclusionary violence were somewhat parochial insofar as they reflect my concern as an International Relations scholar to highlight the historicity of the (Westphalian) state. There is a tendency to project the state as a transhistorical phenomenon and I spend a lot of time in class and at conferences arguing that it is a historically contingent bundle of practices. That said, I think you are right that exclusionary figurations of community

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DRAFT

AUTHOR: Martin Coward

TITLE: Reply to Graham: Two Questions

STATUS: Publish

ALLOW COMMENTS: 1

DATE: 03/13/2009 06:58:49 PM

BODY:

Steve, thanks for your comments which really capture for me the sense of urgency of addressing these questions of violence in and against the urban. I am very much looking forward to reading your book.

I have two questions (or sets of questions).

First, why do you think these anti-urban extremisms arise in this particular historical juncture? Is it a dialectical relation in which global urbanisation necessarily has its reactionary corollary? This would seem quite mechanistic and deny a certain amount of political agency to those extremists (i.e., would make them simply a reflex of urbanisation, which seems to underplay their agency). So how do we explain the emergence of these kinds of anti-urbanism right at the moment where urbanity becomes the predominant global form?

Second, what effect are these anti-urban extremisms having on the development of the city? How is urbanity and urbanisation evolving in relation to these forms of violence? Is it also giving rise to new counter-violences?

EXCERPT:

Steve, thanks for your comments which really capture for me the sense of urgency of addressing these questions of violence in and against the urban. I am very much looking forward to reading your book.

But I have two questions:

AUTHOR: Martin Coward

TITLE: On the Gaza Tunnels

STATUS: Publish

ALLOW COMMENTS: 1

DATE: 03/13/2009 07:20:03 PM

BODY:

Bryan, your post regarding the assault on the tunnels of Gaza raises a number of interesting questions. I’ll try to disentangle some thoughts (though I doubt I can say anything definitive):

In the book I discuss the widening of the so-called ‘Philadelphi route’ by the IDF. But I do so in terms of the houses that were destroyed, not the opportunity it gave for a renewed assault on the tunnels.

I would note that I still think that war is a distinct form of social activity and – without commenting on the legitimacy of any particular war – we can understand attempts to deny an opponent of infrastructural capabilities necessary to wage war under the rubric of ‘warfare’. But all of this becomes murky in relation to structures that have the ‘dual use’ that you describe. I think Steve Graham’s Switching Cities Off is very good at outlining some of the problems ‘dual use’ raises. While we can understand disrupting supply networks under the rubric of war this kind of activity becomes illegitimate very fast when those networks also support civilian life. But the two are hardly separable in the modern city and so war against urban infrastructure could always be seen as a form of illegitimate war.

I also think we need to draw a distinction between infrastructure and buildings. Buildings are – to bring Heidegger back in – edifices that gather networks of relations around them. To put it crudely they stand up in front of us and act as focal points that

channel interactions and relations orientations around them. Infrastructure is different insofar as it is a carrier that enables mobility, not a loci orienting relations. The tunnels are interesting insofar as they are constructed and yet curiously don’t seem to be buildings. Where a building has presence, the tunnels are constructed absence (literally a hole through the earth). I suspect then, that we must see them as infrastructure not buildings. In my opening comments I indicated that I thought we should see violence against infrastructure as different to urbicide (this is the focus of the piece I circulated which will be forthcoming in Security Dialogue [Summer 09] and which discusses ‘network centric violence’ against infrastructure).

I think the point you raise about pre-construction of targets for violence is really interesting. I broadly agree that the creation of particular spatial regimes of control and containment have given rise to the necessity of the building of clandestine routes for escape/logistical supply. The Israeli regime of spatial control and confinement defines these routes as illicit/illegal precisely because they violate its principles of containment. I think you are right, therefore, that these routes were always already criminalised.

Finally, I would go out on a limb and venture that the attacks on the tunnels are part of an operational doctrine on the part of the IDF which is broadly urbicidal. Observers of the recent Gaza and Lebanon offensives have noted that the IDF seems to deploy disproportional violence against buildings and/or attack critical infrastructure (bridges etc.) deliberately. Such tactical doctrine could be seen as urbicidal. Though I realise its domestic politics are a complex matter, Israel is a plural state that at times seems to cleave to a dynamic designed to generate an antagonistic separation from its agonistic Palestinian other. In this light IDF tactical doctrines that destroy buildings and infrastructure seem enmeshed within a wider logic of the disavowal of heterogeneity. And this is the marker for urbicide: destruction of urban fabric to disavow heterogeneity. It seems reasonable, therefore, to talk about a wider urbicidal logic operative in Israel’s encounter with its Palestinian other.

I’m aware though that this does not give a definitive answer to your question.

EXCERPT:

Bryan, your post regarding the assault on the tunnels of Gaza raises a number of interesting questions. I’ll try to disentangle some thoughts (though I doubt I can say anything definitive):

In the book I discuss the widening of the so-called ‘Philadelphi route’ by the IDF. But I do so in terms of the houses that were destroyed, not the opportunity it gave for a renewed assault on the tunnels.

I would note that I still think that war is a distinct form of social activity and – without commenting on the legitimacy of any particular war – we can understand attempts to deny an opponent of infrastructural capabilities necessary to wage war under the rubric of ‘warfare’. But all of this

COMMENT:

AUTHOR: Rex Brynen

DATE: 03/13/2009 10:32:37 PM

Observers of the recent Gaza and Lebanon offensives have noted that the IDF seems to deploy disproportional violence against buildings and/or attack critical infrastructure (bridges etc.) deliberately. Such tactical doctrine could be seen as urbicidal. Though I realise its domestic politics are a complex matter, Israel is a plural state that at times seems to cleave to a dynamic designed to generate an antagonistic separation from its agonistic Palestinian other. In this light IDF tactical doctrines that destroy buildings and infrastructure seem enmeshed within a wider logic of the disavowal of heterogeneity. I must admit, as I follow the interesting discussion here, that I think we're very much in danger of making something much more complicated than it actually is. (I should add that I haven't had a chance to read the book, so my comments below relate solely to what I've been following on CTLab.) IDF doctrine to destroy buildings—whether through preemptive destruction of potential IEDs, heavy suppressive fire, or "mouse-holing" through walls to avoid obvious entry and exit points—is hardly unusual or unique. Rather, it constitutes a somewhat refined use of tactics that have been common to most industrialized armies operating in most urban terrain since WWII, whether or not the army in question had any broader attitude to the social structures embodied in the built space. Indeed, what is paradoxical about the IDF's operations in Gaza is they combined extensive destruction of buildings for tactical reasons, coupled with efforts to reduce urban collateral damage (through, for example, the use of smaller warheads on missiles, or even in some cases the removal of the warhead altogether) for political reasons. Much the same could be said about IDF operations in south Lebanon. Its not clear to be that there is any evidence that buildings and urban space, per se, received "more" disproportionate violence than did than (for example) the olive and citrus orchards that were common Hizbullah MRL hiding places, and which received a very heavy share of the approximately 1 million cluster-bomblets used by the IDF during the conflict. "Herbicide," anyone?

COMMENT:

AUTHOR: Martin Coward

DATE: 03/14/2009 03:53:37 PM

Rex, you would not believe how many people at conferences mishear the title of the book and expect me to speak about defoliation ;-). More seriously, I think I'd like to say the following in reply: you are right that doctrines have evolved for tactical (and strategic) operation in urban space. I would agree that the IDF is at the forefront of this (and here I am simply following Eyal Weizman's ideas). But to be considered part of what we would understand as 'warfare' violence must be organised to bring about the capitulation (or perhaps demise) of

an opponent. Perceiving actions to fall in the conceptual terrain of ‘war’ thus rests on those actions corresponding to an inbuilt criteria of proportionality. It is when that criteria of proportionality is exceeded that we begin to discuss the possibility that something other than war is occurring. I think that I wanted to indicate that I share some observers’ concerns that IDF tactical doctrine in these two recent conflicts has gone beyond reorganising urban space to accomplish the defeat of opposing forces. In Lebanon the IDF seemed, by targeting infrastructure to be moving to the kind of ‘switching off' of Lebanese society that Graham has documented in relation to Kosovo and Iraq. Of course I may be wrong and the targeting of infrastructure might be proportional to the task of destroying Hizbullah and thus understandable as an element of warfare. But if not, then we would want to ask what this surplus - this violence beyond the proportionality of war - constitutes. With regard to olive groves I find this very interesting. It is not part of the urbicide argument, but it is another pointer to the way in which the fate of communities is tied to materiality. Given that many groves are ancient and embody genealogies of family and community could we treat their destruction as destruction of cultural heritage? Or must we also address the targeting of the grove as a distinctively spatial entity?

COMMENT:

AUTHOR: Nate Wright

EMAIL:

IP: 86.131.5.93

URL: http://notthisway.com/ntw/

DATE: 03/15/2009 11:19:05 AM

"Given that many groves are ancient and embody genealogies of family and community could we treat their destruction as destruction of cultural heritage?" - Coward If we're talking about intent, I'd say you can go farther and say that -- in some cases -- it is actually the appropriation of cultural heritage. In many cases of grove destruction (which is often done by settlers, sometimes with military help), it is not uncommon for an uprooted olive tree to be loaded onto a truck and reappear in a Tel Aviv garden. The trees, which are very old, provide a sense of long-term presence and rooted-ness. But, as you mentioned in a previous post, I wouldn't suggest either/or motivations. When I was last monitoring the uprooting of olive trees (2005-ish), over 500,000 trees had already been uprooted in the second intifada. Soldiers or settlers would often uproot one-year-old trees we had just planted, suggesting that more than military "necessity" was at stake. I might also suggest that the cultivated fields are not necessarily ontologically separated from "buildings" (though I know Coward has mentioned he thinks there is something specific about the presence of a building). Brynen remarks "Its not clear to be that there is any evidence that buildings and urban space, per se, received "more" disproportionate violence than did than (for example) the olive and citrus orchards that were common Hizbullah MRL hiding places". But it seems to me that cultivated groves provide much the same overlapping functions as buildings: both the self's orientation to space (place recognition) and the opposition's ability to hide within.

DRAFT

AUTHOR: Antoine Bousquet

TITLE: Urbicide as 'Crime Against Humanity'

STATUS: Publish

ALLOW COMMENTS: 1

DATE: 03/13/2009 09:19:56 PM

BODY:

<p>In your response to Mike, you inadvertently answered the question I was planning to ask you next, namely what political or legal consequences you would like to see produced by the development of the notion of urbicide. I quote: “My hope is that crimes against the built environment could be seen as crimes against humanity.”

 First of all, I find it surprising that you now seem to be appealing back to crimes against humanity since you have been so keen to depart from anthropocentric understandings. By smuggling the human back in, are you not yourself falling “into anthropocentrism’s trap of rendering all material objects mere things that are of interest only insofar as they are tools for humans”? If buildings are truly to be grasped as “ontologically relevant”, should they not be assigned a right to existence that does not refer back to humans? It seems to me that a more logical extension of your argument would to establish a new legal category of “crimes against buildings” (analogously to Latour’s call for a “Parliament of Things”).

My second concern is a more practical one and regards the potential effects of the implementation of such a new article of international law. It ties in to the thorny issue of intentionality that has already been discussed as well as the problems of definition and delimiting seemingly inherent to the concept of urbicide. I will not comment further on those specific debates but simply make a note of these difficulties in order to draw attention to the political effects which the model (and no less contested) concept of genocide has had.

While the creation of a new analytical and legal category of political violence may have been the only appropriate response to the horrors of the Holocaust, the elevation of genocide and with it crimes against humanity as the gravest charges that can be levelled at either individuals or a state has created a political space of intense contestation over their meaning and the recognition of their empirical instances. This has been fuelled all the more by the apparent elasticity and tendency towards conceptual inflation that both categories suffer from. As the ultimate trump card in domestic and international politics, accusations of genocide or crimes against community have come from virtually all communities seeking recognition for past or present grievances. Aside from fuelling a perverse cult of victimhood, this also risks trivialising the more serious instances of political violence for which these categories were originally created.

In the international sphere, the recognition of genocide now legitimises the suspension of national sovereignty and military intervention by foreign powers. One does not have to be a committed realist to

recognise that such intervention will only ever happen in weak states and at the hands of the more powerful states. The potential for abuse is clear and indeed a variety of people have denounced past humanitarian interventions along those lines. My concern is that by further expanding the range of crimes against humanity to violence against buildings, one is strengthening further the legal arsenal which powerful states can call upon to legitimise interventions driven by ulterior motives.

EXCERPT:

In your response to Mike, you inadvertently answered the question I was planning to ask you next, namely what political or legal consequences you would like to see produced by the development of the notion of urbicide. I quote: “My hope is that crimes against the built environment could be seen as crimes against humanity.”

 First of all, I find it surprising that you now seem to be appealing back to crimes against humanity since you have been so keen to depart from anthropocentric understandings.

COMMENT:

AUTHOR: Nate Wright

EMAIL:

IP: 86.131.5.93

URL: http://notthisway.com/ntw/

DATE: 03/14/2009 12:32:05 PM

Thanks Antoine for highlighting some of the problems of addressing urbicide through the prism of criminality. I've been surprised to see this symposium so quickly turn towards intent and criminality. I must admit, up front, that I have no interest in prosecuting anyone for "Urbicide". I realize that the legal form appears to offer a reliable mechanism (so far as the crime can be properly specified), but I'm not sure how reliable it really is -- or can be -- in such circumstances. This doesn't mean that I don't find urbicide a troubling phenomenon that ought to be opposed. Of course it ought to be. The question is whether or not the law should really be our focal point. Of course, the tendency to criminalize is understandable and in many ways laudable, and the reliance on "-cide" can only reinforce the recourse to legal proscription. Still, I'd like to raise a nagging problem I have regarding how well urbicide can actually fit within a legal form. This builds on Antoine's problematization of the relationship between anthropocentrism and crimes against humanity. It seems me that a disruption of the notion (myth?) of the autonomous individual is central to Coward's use of the concept of urbicide ("At the core of Urbicide is an argument that the material environment is a constitutive element of being" -- Opening Remarks). I am strongly sympathetic to this reading of subjectivity. I am not, however, entirely confident that criminality can overcome its reliance on notions of autonomous individuality, its agency and responsibility. Certainly, the law has found some ways to adjust: the criminal's "state of mind", for instance, can reduce sentencing. But can this kind of ad-hoc adjustment -- in

which pure individuality is corrupted by a momentary or permanent deviancy -- really function when transposed into urbicide? If urbicide itself arises out of a thoroughly destablized notion of individuality, the legal form may not have much of a grasp on it. It seems to me that the kind of "being" Coward is describing is precisely one in which the question of "who" the victim is must be stated and restated within conditions of ambiguity. When we look at some examples of extensive urban destruction/reconstruction, such as how the geography of the Palestinian territories has been completely refashioned by bombs and bulldozers, this kind of legal proscription comes easily. It was, in many ways and by many actors, a deliberate policy to destroy particular political forms (namely, resistant political forms). But I think this is what Coward's definition of urbicide deliberately resists. What I mean is this: I don't think that Coward's notion of the destruction of heterogeneity is analogous to the destruction of political opposition. In other words, heterogeneity as an existential quality of life is not the same thing as the formation of multiple homogenous collectivities. (I know, from previous discussions, that Coward will likely resist this formulation, so read it as my own reading of his work.) But it seems to me that as soon as I recognize that heterogeneity is of a different quality (not merely "many ones", but a destruction of the essence of "one"), I'm suddenly confronted with a thoroughly destabilized notion of the community. It becomes difficult to define -- indeed, it may even function by virtue of its resistance to definition. This is not, necessarily, something to be afraid of. But it does, for me, call into question the whole scope of law as the form of moral interrogation. How can I define a crime when I can not define a victim? How do we say that a victim was one thing and was violently forced into being another, when we can not even grasp the character of the victim? It seems to me, that this notion of the corruption of the victim makes it very difficult to avoid the "conservative trap of banning all development" (Coward -- Forensic Footprints of Urbicide). To assert victimhood we must assert an idealized being that was subsequently destroyed and ought to be remade. I would suggest, then, that the question of urbicide ought to be turned towards the character of the imposition rather than the imposition itself. In other words, urbicide is defined by the form which follows the destruction, not by the act of destruction itself or "who" (in a cyborg-sense) it destroys. This does not mean it shouldn't be opposed. It merely means that opposition may not proceed first and foremost through legal proscription. It is worth noting, however, that I am not all resolved on this. It is merely a problem I feel unable to resolve.

COMMENT:

AUTHOR: Martin Coward

DATE: 03/14/2009 05:01:52 PM

Nate, I agree mostly with your comments (and indeed your reading of my take on heterogeneity). That said, I have to argue for the utility of law. There is a tendency in scholarly analysis to regard dirtying our hands with such things as the imperfect mechanisms of law as diminishing the force of our theoretical arguments. Against this I would want to say, bluntly, that I don’t see the point in identifying forms of political violence if we do not intend to seek to contest them. And for me, contra what Foucauldians sometimes tell me, simply identifying the violence is not sufficient as an act of contestation. We must not only make visible violence, but also contest it. In this regard, my approach to questions of law is quite pragmatic. It is an avenue through which political gesture may be turned into concrete

acts. International law is, to my mind at least, a series of intersubjective norms that are both the result of negotiation and subject to revision. They are basically a contingent codification of political norms. As such they seem to me to represent an avenue to take a political gesture (destruction of buildings is a form of political harm because of the manner in which those buildings are constitutive of plurality) and turn it into a concrete act (namely, if you engage in this violence we will seek to hold you responsible). In this regard then, I am quite pragmatic about law and do not regard it as some sort of codification of ontologically true statements. It is a tool for contesting violence. In this context, I find the problem Antoine outlines regarding the legal proscription of genocide somewhat more worrying, specifically that <blockquote>One does not have to be a committed realist to recognise that such intervention will only ever happen in weak states and at the hands of the more powerful states. The potential for abuse is clear and indeed a variety of people have denounced past humanitarian interventions along those lines.</blockquote> Indeed, this kind of argument was deployed by the left in relation to Kosovo (i.e., that intervention was imperialist, meddlesome, might making right and so on) as an argument against intervention. Such concerns could – in the wrong hands – be read as an argument for scrapping laws with universal jurisdiction. I have to say that it is necessary to resist such an idea. Of course, the law regarding genocide is imperfect (although it is much clearer than before thanks to the work of the ICTY and ICTR). But we should surely retain the possibility of prosecuting annihilatory violence (even if it is not possible to prosecute every single case of such violence). With regard to how we would implement a crime against the built environment, I have to say that I often think about how the provision in the Rome Statue for a crime of Apartheid would be prosecuted. This would require demonstration that a number of practices had given rise to systematic discrimination based on classification and segregation. Many of these practices would comprise material structures and spatial arrangements. It seems to me that a similarly constructed law could address cases in which widespread destruction of built structures could be shown to be allied to a de-pluralisation of a given society. It is, of course, possible that this might become a mechanism for intervention in the way Antoine describes. But I am not sure that such a possibility is sufficient to make me think we should not pursue such legal weapons in the fight against annihilatory violence. I take the latter to be a greater global threat than intervention by the powerful in the affairs of the weak. But I realise I may be out of step with others in this regard ;-)

AUTHOR: Tony Waters

TITLE: Urban Destruction and Social Bonds

STATUS: Publish

ALLOW COMMENTS: 1

DRAFT

DATE: 03/14/2009 11:46:22 AM

BODY:

Hi Martin. Thank you for preparing your opening remarks, and thanks to Mike for sending me the articles, on which I will comment briefly.

I appreciate your emphasis on how human identity is created in respect to built thing in the city, and presumably elsewhere. Your description of how attacks on urban infrastructure seek to destroy this identity, whether in the form of the American "shock and awe attack" on Baghdad, or the 9/11 attacks on New York as an assault on complex urban infrastructure, is an interesting one.

 As a sociologist though, I can¹t help wondering about what happens after the battle is finished? There is a small if scattered literature about how humans regroup after catastrophe, of which urbicide (or attempted urbicide) strikes me as being a prime example. Sometimes it seems that they become more anomic as a result of an attack. In other cases, they seem to pull together in the face of a shared attack/threat.

 The first example is illustrated by Kai Erikson’s book Everything in its Path, which is a story about how a West Virginia town was flooded after a dam break in the early 1970s. This sudden urbicide (o.k. maybe townicide) meant that the people living there were relocated into trailers without reference to pre-existing social networks. They lived physically close to each other, but in trailer parks, and without reference to past relationships or communities. When Erikson and his students studied the nature of the social networks, they found that despite the attention to physical infrastructure, rates of alcoholism,
suicide, divorce, etc. had increased. It is Erikson's thesis that this resulted from the destruction of social bonds as a delayed consequence of the catastrophic event. Little attention was paid to the restoration of social bonds after the destruction of the town, and as a result the town's "social capital" evaporated.

 But, having said that, catastrophe can also be the basis for a community pulling together. Military activity in particular can at times cause people to draw closer together both during the attacks, and after the attacks. This seems to have happened following the 9/11 attacks in New York on the United States. Americans pulled together in the context of the attacks, and even the crime rates in New York City declined. Those who write of cities under attack, or military units, often note the intense relationships that form in such contexts.

 This is of course a bit outside of what you are writing about now. But, if you are ever looking to write another book (or two or three!), maybe it is something to consider! Congratulations on getting Urbicide published.

EXCERPT:

Hi Martin. Thank you for preparing your opening remarks, and thanks to Mike for sending me the articles, on which I will comment briefly.

I appreciate your emphasis on how human identity is created in respect to built thing in the city, and presumably elsewhere. Your description of how attacks on urban infrastructure seek to destroy this identity, whether in the form of the American "shock and awe attack" on Baghdad, or the 9/11 attacks on New York as an assault on complex urban infrastructure, is an interesting one.

 As a sociologist though, I can¹t help wondering about what happens after the battle is finished?

DRAFT

AUTHOR: Marc Tyrrell

TITLE: A Few Thoughts on Modern Metaphysics

STATUS: Publish

ALLOW COMMENTS: 1

DATE: 03/14/2009 01:07:27 PM

BODY:

Martin, thank you for your reply, and a big thanks to Mike for finding my post!

I have a suspicion that we are operating on very different timeline assumptions, which is certainly not surprising given our different disciplinary backgrounds. I was thinking about your comments on the historicity of the post-Westphalian State last night and people's general tendency to project the present into both the past and the future. I was also listening to a recording of Tomás Luis de Victoria's (1548-1611) Ave Maria for 8 voices and Marc-Antoine Charpentier's (1643-1704) Messe de Minuit pour Noël as I write this response.

I am not mentioning my music listening habits solely for amusement: these composers bracket the 30 years war and are amongst the top composers in their respective time and nation (Spain and France respectively). Their styles of composition seem to capture and reflect metaphysical assumptions that reflect both the elite and religious stances of their time. And, yes, there is a qualitative difference between them, albeit a subtle one. The Angus Dei in Charpentier's Messe, for example, has an almost frenetic quality, quite in keeping with, say, a shopping trip to a modern mall on December 24th, which is something that never shows up in Victoria's work.

Even more interesting and indicative of a shift, is how the music is sung. In Renaissance music, such as the Victoria piece, you sing your own line in a "horizontal" manner (i.e. you focus in on your line), with the occasional group "interludes". In the Baroque music of Charpentier and, later, Bach, there is a much more complex interweaving of parts, the whole ensemble has to move as one, and individual lines take the lead in some places and hand it off in others; it's an almost Durkheimian metaphor for a shift to a more complex society.

This has been a rather long, and somewhat tangential, introduction to answering the question you asked me:

<blockquote>

I might want ask, however, whether the modern state has particular dynamics – especially in light of the widespread idea that the holocaust (though not necessarily

genocide) and the modern state are linked. One thing to think about is the way that the idea of national self-determination (as enshrined in the UN) is a quite historically specific phenomenon that is always mixed up in (if not at the root of) cases of contemporary ethnic violence.

</blockquote>

As I understand it, the concept of State self-determination is quite explicitly laid out in the Peace of Westphalia (I'll talk about Nation in a second). Now, for me, the truly interesting thing about the Peace of Westphalia is that it established State self-determination over ethnic self-determination. It did this in an odd way by re-affirming the existence of multiple, self-determining States covering a single ethnicity (I'm using the concept of a Volk here).

I've noticed that many of my students have a tendency to think of State and Ethnicity as being the defining characteristics, the ground of being as it were, of a modern Nation State. Indeed, I've been watching the ever ongoing debate about what "Canadian culture" is with a lot of humour, with many of the Canadian Nationalists ranting about what "makes us different" (twits; it's obvious - we prefer to end conflict by drinking beers together and blaming the Americans for our problems!).

Now, you asked about whether the modern state has particular dynamics, and I am assuming you mean that are unique to it. I would have to say that no, it doesn't; not that are unique. Again, I'll go back to that comment I made about frequency distributions in an earlier post. Many of the dynamics that are often talked about as being "unique" to the modern state, in fact, show up well before modernity (whenever that is dated from). I would suggest that the underlying dynamic is not "modernity" per se but, rather, a state being composed of multiple cultural groups that attempts to construct and maintain a trans-ethnic identity. The classic Western exemplar would be Rome, while China is also an excellent example. I suspect that the period from, say 2500bce to 1850 bce in Sumeria is also another example (with the breakup period from~1850-1650 bce), and there are probably similar dynamics at work in the Mayan city states, the Indus Valley civilization and pre-dynastic Egypt.

Having said that, however, I do think that there are some very specific, historically situated factors that mask / modify / shift / situate the modern version; primarily the massive increase in urbanization, changes in productive technologies, and massive shifts in communications technologies. One of the (almost) unique characteristics of modernity is the massive upsurge in diasporic communities held together by these webs of communications.

Cities, especially in multi-ethnic states and, usually, trade cities, have usually had diasporic communities in them, but the rapid shifts in communications and transportation technologies from, say, 1830ce or so, have both enabled and enhanced that trend. The relatively recent deployment of electronic communications networks have, for the first time, allowed people to focus their nexus of identity on self-selected communities rather than on geographically based ones; a situation that encourages both diasporic communities and neo-tribalism (the distributed network that is AQ is a good example of this, but there are many others). I suspect that this enhancement of neo-tribalism is at the root of many of the revitalization movements that we are seeing globally.

[I have got to stop listening to Victoria early in the morning!]

A quick comment on the concept of "cyborg": I suspect that this is a major disciplinary difference, but I have always held that humans, and our proto-human ancestors, were "cyborgs" or, more properly, symbiotic creatures who have enjoyed such a relationship with our technology for at least 1.9 million years and, possibly, 2.3 million years. I suspect it is firmly rooted in our brain structure as social animals...

The concept of "actants" is quite interesting in many ways. I suspect that humans have always acted as if non-humans (animals, tools, buildings, concepts, etc.) have had the ability to act if for no other reason than that we tend to anthropomorphize such non-humans. When it comes to ascribing intentionality, however, things get tricky. Does a volcano "intend" to explode? Can it be reasoned with or bought off? Certainly our ancestors thought so.

I have been quite impressed with Gregory Bateson's work in this area (e.g. A Sacred Unity, Angel's Fear, etc.). One of the insights I've taken from Bateson is that non-actors will be perceived as actors until we can perceive the laws governing them. In other words, we will act as if "they" have "intentionality", and treat them as "human", until we "know" them. But if we assume that this is a human characteristic, a way of dealing with our exterior environment, then we also need to treat those non-human actors as if they were real for those for whom they are real (this is the old Map-Territory paradox; the Map is never the totality of the Territory, but people operate on the basis as if it was).

Well, my network connection is dropping in and out, so I will end this now before I loose it all (there is a Gremlin in the Network connections in the Dominican Republic!)

EXCERPT:

Martin, thank you for your reply, and a big thanks to Mike for finding my post!

I have a suspicion that we are operating on very different timeline assumptions, which is certainly not surprising given our different disciplinary backgrounds. I was thinking about your comments on the historicity of the post-Westphalian State last night and people's general tendency to project the present into both the past and the future. I was also listening to a recording of Tomás Luis de Victoria's (1548-1611) Ave Maria for 8 voices and Marc-Antoine Charpentier's (1643-1704) Messe de Minuit pour Noël as I write this response.

I am not mentioning my music listening habits solely for amusement: these composers bracket the 30 years war and are amongst the top composers in their respective time and nation (Spain and France respectively).

AUTHOR: Martin Coward

TITLE: Reply to Bousquet: Humanity and Anthropocentrism

STATUS: Publish

ALLOW COMMENTS: 1

DATE: 03/14/2009 03:56:20 PM

BODY:

Antoine, thanks for your further thoughts. With regard to anthropocentrism and humanity, I would want to point to the comment I made in my ‘Against Anthropocentrism’ essay (Review of International Studies, Vol.32 No.3 (2006), p.423). Forgive me for quoting at length, but I think it is worthwhile:

<blockquote>

[I]t is worth noting that critiques of anthropocentrism have, like critiques of Enlightenment humanism, been criticised as anti-human. However, a critical stance towards, or contestation of, the ‘anthropocentric bias’ that has affected the majority of scholarship on political violence, does not represent a turning away from concerns with the well-being and security of individuals. In this regard it is worth revisiting Martin Heidegger’s comments regarding his critique of humanism. Heidegger noted that his

opposition [to humanism] does not mean that [his] thinking aligns itself against the humane and advocates the inhuman, [nor] that it promotes the inhumane and depreciates the dignity of man. Humanism is opposed because it does not set the humanitas of man high enough.[1]

For Heidegger then there is more to humanity than humanism can comprehend. Similarly, a non-anthropocentric approach to political violence would argue that there is more to the constitution of a polis than the gathering of anthropos.

</blockquote>

I think it is part of the anthropocentrism of political theory that humanity can only be conceived of as a collectivity of individual bodies. By ‘humanity’ I refer to the distinctive contours of ‘our’ way of being-in-the-world (or species–being in Foucauldian terms). It is wrong to regard this being-in-the-world as simply a matter of bodies instrumentally using tools. The subjectivity of humans (and thus their humanity) is more complex than this. But this complexity does not mean we can drop the notion of ‘humanity’ itself.

In other words, this is not an either/or problem in which referring to the constitutive role of objects prohibits us from examining the nature of our ‘humanity’ (which I

would understand as a cyborg humanity of the kind that Haraway has documented). On the contrary, my arguments contra anthropocentrism represent a battle for the definition of what species-being actually is.

I would also want to add that if we look to a parliament of things to solve our problem here we seem to bifurcate the political terrain into politics for humans and politics for things. Far from contesting anthropocentrism such a move leaves the latter intact and simply opens up a new terrain of enquiry separate to it. Contrary to this I want to go straight onto anthropocentrism's terrain in order to note that its conception of political subjectivity (or species–being) is impoverished.

As such, I do not find it contradictory to refer to 'crimes against humanity' – it all turns on what ‘humanity’ actually is. And my contention is that the current range of crimes acknowledged to be contrary to our species-being is not sufficient to take account of the way in which that being is constituted in relation to things.

I will address your comments regarding the problems of laws relating to geniocide prevention (as well Nate Wright's reply) here.

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[1] Martin Heidegger ‘Letter on Humanism’, in Martin Heidegger, Basic Writings, edited by D. F. Krell, Revised Edition (London: Routledge, 1993), pp. 233–4

EXCERPT:

Antoine, thanks for your further thoughts. With regard to anthropocentrism and humanity, I would want to point to the comment I made in my ‘Against Anthropocentrism’ essay (Review of International Studies, Vol.32 No.3 (2006), p.423). Forgive me for quoting at length, but I think it is worthwhile:

AUTHOR: Antoine Bousquet

TITLE: Of Heterogeneity, Species-Being and Ontological Foundations

STATUS: Publish

ALLOW COMMENTS: 1

DATE: 03/14/2009 06:29:45 PM

BODY:

Thanks for your responses, Martin, but allow me to push you a bit further on this legal aspect. I hasten to add I am doing so from a purely theoretical and political perspective since I have no juridical expertise (hopefully we may get such insights from other participants before the end of the symposium). I have decided to make a new post rather than add a comment to the original post to keep the discussion open and visible to all participants. Parts of this post were originally in a follow-up to Nate but that has seemingly disappeared down a cyber black hole and I have reworked it quite a bit here.

You are absolutely right that the crux of the debate rests on how one defines ‘humanity’ and if you broaden or modify it sufficiently it can continue being used without conflicting with a re-evaluation of the constitutive role of objects (I think you are being a bit unfair on Latour however since his Parliament of Things is not a call for a separate politics of objects but a re-imagination of politics as a whole in which all actants are included). Your claim to be engaged in “a battle for the definition of what species-being actually is” certainly suggests that you see your work as putting forward a specific understanding of humanity with the aspiration of seeing it carry through its political and legal implications. What troubles me is not so much that you should do so (it is a perfectly acceptable ontological position in itself) but that it seemingly jars with your prior commitment to heterogeneity.

Indeed, to my mind, the heterogeneity you are putting forward in the context of your proposed departure from anthropocentrism necessarily problematises not only the notion of political community (whose membership and boundaries cannot be seen as closed or uncontested without constraining heterogeneity within a broader homogeneity) but also that of humanity itself. The intense debate and controversy surrounding abortion and euthanasia are evidence that the inside/outside delineation of humanity and the entitlements (legal or otherwise) that go with it are never settled and always subject to political contestation (one might also think how in other times certain ethnic groups were excluded from membership of humanity). The present discussion about the role of objects is, as you point out, another manifestation of this contest.

Yet law inescapably rests upon an established and settled understanding of rights-holders that entails a curtailment of heterogeneity in order for it to be applicable within a defined community (humanity in this case). Should your wish to see urbicide enter into international law be thus understood as a desire for a specific fixed species-being to be legally enshrined? And does this not undermine the original impulse towards the recognition of heterogeneity that grounds your project by foreclosing the inclusion of other forms of being? Does this not imply that the heterogeneity you defend is one that is constrained within the boundaries of a common homogeneous species-being? In other words and at the most basic philosophical level, I don’t think you can simultaneously adopt both heterogeneity (or difference-in-itself as with Deleuze) and a specific fixed understanding of species-being as your foundational ontological assumptions.

EXCERPT:

Thanks for your responses, Martin, but allow me to push you a bit further on this legal aspect. I hasten to add I am doing so from a purely theoretical and political perspective since I have no juridical expertise (hopefully we may get such insights from other participants before the end of the symposium). I have decided to make a new post rather than add a comment to the original post to keep the discussion open and visible to all participants. Parts

of this post were originally in a follow-up to Nate but that has seemingly disappeared down a cyber black hole and I have reworked it quite a bit here.

AUTHOR: Martin Coward

TITLE: Reply to Waters: On Social Bonds

STATUS: Publish

ALLOW COMMENTS: 1

DATE: 03/14/2009 08:28:29 PM

BODY:

Tony, thanks for your comments, they are really interesting. The reference is also very helpful. I suspect you are right, this is something for later down the line. But I’d just note that in the book I discuss the spatial reconfiguration of Mostar. The destruction there aimed to establish dead zones between the various enclaves. For example the frontline area of the Bulevar Nardone Revolucije in Mostar was reduced to rubble to carve out a sense of separation between the communities. I think this is similar to the process you describe in which the loss of the built environment means that loss of the social relations constructed through it. The destruction of this area was designed to refocus social bonds and naturalise an idea of separateness.

I am not confident of saying anything regarding the reverse process. Cities are resilient of course, but I think that some form of rebuilding might be necessary to reconstitute social bonds. In this sense it is interesting that the WTC site was rebuilt as ‘ground zero’ – i.e., cleared and made into some sort of new edifice demonstrating the lack of the former towers. This may well have played part in constituting new bonds (as would have relocating workers from the WTC are of Manhattan to new buildings in the midtown area).

Thanks though for a very interesting provocation that I will have to puzzle over as I move forward.

EXCERPT:

Tony, thanks for your comments, they are really interesting. The reference is also very helpful. I suspect you are right, this is something for later down the line. But I’d just note that in the book I discuss the spatial reconfiguration of Mostar. The destruction there aimed to establish dead zones between the various enclaves. For example the frontline area of the Bulevar Nardone Revolucije in Mostar was reduced to rubble to carve out a sense of separation between the communities. I think this is similar to the

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AUTHOR: Martin Coward

TITLE: Law, Ontology, Heterogeneity

STATUS: Publish

ALLOW COMMENTS: 1

DATE: 03/15/2009 09:46:58 AM

BODY:

**NOTE: These comments were originally posted yesterday before I was totally happy with their content because I though Antoine’s comment merited immediate reply. I’ve reposted them this morning in a format I am more – though not completely – happy with. Apologies if anyone wasted time with the first draft.

Antoine, by all means push me further…I am enjoying this discussion. I’m afraid, however, that I think we disagree on several issues here – partly on matters of interpretation and partly on matters ontological.

Firstly, I don’t agree with either your characterisation of law or your reading of my comments in response to Nate. With respect to the latter I explicitly noted that

<blockquote>

I am quite pragmatic about law and do not regard it as some sort of codification of ontologically true statements. It is a tool for contesting violence.

</blockquote>

I think this makes it clear that I am not envisaging encoding a singular version of being in law that then serves to marginalise other forms of being.

Moreover, I don’t agree with your characterisation of law as

<blockquote>

inescapably rest[ing] upon an established and settled understanding of rights-holders that entails a curtailment of heterogeneity

</blockquote>

On the contrary, as I noted in my reply to Nate, I see international law as

DRAFT

<blockquote>

both the result of negotiation and subject to revision…a contingent codification of political norms

</blockquote>

To my mind, all law (but especially international law) is in an evolutionary state. Even where it is based on a constitution, the interpretation of that constitution repeatedly reinflects the law (as the constant concern regarding the possible overturning of Roe v Wade demonstrates). Law, as Derrideans argue, is thus a series of reiterations not a continual iteration of the same. In this sense the being protected by the law is constituted by each (re)iteration of the law, not vice versa. But I would be interested in the comments of any legal scholars in this regard.

In this light law, like rights, is a mechanism through which those harmed/marginalised demand recognition of that harm/marginalisation. It is thus a forum in which attempts to marginalise alterity can be contested. It is thus far from being an engine of homogenisation – rather it is an engine of agonism and difference. Think about the way in which at present various claims are launched that demand difference be heard: whether it is the rights of prisoners; the rights of the unborn (as you mention); or the rights of minorities. Of course some laws can be used to defend privilege (libel in the UK) or protect property, but even these laws can be used to advance claims for the recognition of alterity (e.g., think of the libel claimant who uses the court to demand that a newspaper story about them is not seen as an uncontested truth).

Now, to turn to matters philosophical…firstly, I would note that I think you have misunderstood my comments regarding humanity. I was not arguing for ‘broadening or modifying’ the concept (i.e., keeping its original sense but also adding others). Rather I was arguing that the sense in which this term is usually used (by anthropocentric accounts) misunderstands what it is to be human. I do not want to extend that imperfect understanding. I want to rewrite it. The resultant concept may argue for the inclusion of materiality in what it is to ‘be human’ but it will be a very specific understanding nonetheless.

Secondly, and more importantly, you ontological question deserves a response. In Chapter 4 of my book (pages 87-89), I tackle precisely the issue you are referring to. Here I note that

<blockquote>

Heterogeneity is…the existential condition at the core of [Jean-Luc] Nancy’s philosophical schema [and thus my own]. Named in this way, however, heterogeneity takes on the contradictory appearance of a singular existential condition.

</blockquote>

I respond to this apparent contradiction by noting the following (forgive the lengthy quote):

<blockquote>

The heterogeneity that Nancy refers to in his co-existential analytic is derived from a notion of being unfolding from shared divisions. A shared division comprises the boundary that both being and otherness have in common […] Difference is thus not that which is encountered, but rather that to which we are always already exposed by sharing a common boundary. It is because being unfolds from, and thus cannot disavow, these shared divisions that it is characterised as always already being-with. An irreducible and pervasive alterity (or difference) thus not only haunts existence but is constitutive of being-with according to Nancy.

This alterity gives rise to singularities and, hence a heterogeneous existence. Each instance of being-with that emerges from this multiplicity is singular. That is to say each and every instance of being-with comprises a distinctive unfolding from the particular division its shares with its other. The reticulated multiplicity that Nancy speaks of is thus not the division of an existential field into equal and similar units, but rather the emergence of a series of unique networks of identity and difference from multiple, intersecting shared divisions. In total, this field of singularities is multiple, or heterogeneous. Heterogeneity is thus the fundamental characteristic of this being-with. And since this heterogeneity is a collection of singularities, it is itself, heterogeneous. It is not a plurality of identical units, but a multiplicity of singular beings-with.

</blockquote>

Put crudely a single structural principle (being is being-with and, hence identity unfolds in relation to, or from the division from, difference) gives rise to an infinite heterogeneity. To treat this as a contradiction would be to misunderstand its dynamic. Moreover it means that a common structural/ontological principle gives rise to a being singular plural in which there is no predetermination to hinder heterogeneity.

I think, however, that you are asking a different question. Not, ‘can an ontology exist that generates heterogeneity?’ Instead, I think you are asking a more practical question: ‘in a light of ontological heterogeneity, how can we have a politics that shows some fidelity to this insight?’. Or: 'in a plural field won’t all acts/decisions have to necessarily endorse one way of being and thus in some way contradict the ontological insight outlined above?' The answer to this latter question is, of course, a qualified ‘yes'. It is necessary, however, to note that this does not void the ontology: itmere notes the difficulty (if not impossibility) of acting and deciding on the basis of such an ontology.

With respect to my own response to this question of acting and deciding in light of a heterogeneous ontology, I note in the book that Connolly’s formulation of agonistic democracy provides a perfect reply to such a question: "Agonistic democracy…affirms the indispensability of identity to life, disturbs the dogmatization of identity, and folds care for…diversity…into the strife and interdependence of identity\difference."

So I would ask in response to your probing: in what sense does the identification of urbicide fail to affirm such a care for diversity?

EXCERPT:

**NOTE: These comments were originally posted yesterday before I was totally happy with their content because I though Antoine’s <a

href="http://www.terraplexic.org/review/2009/3/14/of-heterogeneity-species-being-and-ontological-foundations.html">comment merited immediate reply. I’ve reposted them this morning in a format I am more – though not completely – happy with. Apologies if anyone wasted time with the first draft.

Antoine, by all means push me further…I am enjoying this discussion. I’m afraid, however, that I think we disagree on several issues here – partly on matters of interpretation and partly on matters ontological.

COMMENT:

AUTHOR: Nate Wright

EMAIL:

IP: 86.131.10.245

URL: http://notthisway.com/ntw/

DATE: 03/15/2009 12:27:12 PM

I was a bit uncertain where to post this. It also responds to your comment here. I take well your view that law is "an avenue through which political gesture may be turned into concrete acts" (Coward's comment here). I also think you're right to point out the way in which law can be used as a platform for alterity to contest its marginalization. I do think you've painted a bit of a rosy picture and, in particular, the coercive force behind the law seems to be entirely absent from your rendering of the process. But it's a valid point. I guess what I find frustrating, however, is that such an immediate recourse to law feels like an avowal of the rich process of subjective formation. Are we really so limited? If I take your point about the being-with of being, then vast fields of political engagement open up. Put another way: is the Convention on genocide really a key ingredient in the prevention of genocide today? I certainly knew genocide was a bad thing long before I knew there was a law against it. The whole realm of ethical negotiation is much broader than the law. So why is the law our first port-of-call? Antoine's point about the misuse of law is more than just a cautionary tale: it's evidence of the social embodiment of law. I would suggest that the abuse is not merely a powerful-weak phenomenon, but has to do with the social meaning that attaches to the law. In this sense, I'm not asking you to jettison law, but suggesting that perhaps legal proscription ought to be the end result of a longer process of social transformation. This process of social transformation is where the scholar is really forced to dirty his/her hands. In the transition to law, a beautiful theoretical construct may be muddied. But in the public realm, the scholar's name is at stake. (Having had rather direct conversations with you in the past, I know you won't take this as a personal barb [which it isn't], but merely as a provocation.)

AUTHOR: Martin Coward

TITLE: States, Cyborgs, Actants

STATUS: Publish

ALLOW COMMENTS: 1

DATE: 03/15/2009 10:27:07 AM

BODY:

Marc, thanks for an excellent set of comments – and for insight into musical traditions I have to confess I know little about. At this stage I would want to ping back a couple of comments by way of clarification, but also hopefully provocation for further thought/comment:

With regard to my original post you note

<blockquote>

you asked about whether the modern state has particular dynamics, and I am assuming you mean that are unique to it.

</blockquote>

Not really, I was careful to say ‘distinctive’. I think we are actually in broad agreement here. I take a quite Foucauldian line: power is transhistorical, but practices of power take on historically specific variants. Types of power may surface in many historical periods, but in each they will be bundled together to create specific and distinctive practices. The state shares much with informal empire, for example, but it is nonetheless distinct from it. One of its distinctions is the notion that power is unitary and singular within state borders. This is not necessarily the case in other forms of extensive political power (and the origin of recent problematic relations between states and diasporas). The other is the nineteenth century notion of the coincidence of the state and nation (understood ethnically as Volk). Of course all of this is to say that what is distinctive about any configuration of power is also changing over time – it evolves and does not emerge fully formed at a particular moment. Moreover, forms of power may coexist – for example state and trans-local governance in the contemporary period.

Now, with regard to cyborgs you note that

<blockquote>

I have always held that humans, and our proto-human ancestors, were "cyborgs" or, more properly, symbiotic creatures who have enjoyed such a relationship with our technology for at least 1.9 million years and, possibly, 2.3 million years.

</blockquote>

I think the point here might be to separate humans using tools from humans acting in a feedback relation with surfaces of control. Your comments regarding the specificity of communication technologies are instructive in this regard. The cyborg is not simply a tool user but rather a subject in which technological capability is constitutive of a

particular (distributed) way of life. Perhaps, though you can shed further light n this.

And with regard to things and actants. I think the issue here is what we mean by agency (or, if we must, intent). Bennett notes that

<blockquote>

Curled up inside the idea of human agency are several related notions, including efficacy, directionality, and causality…Efficacy names the productivity of agency, its power to create. It points to the fact that something new has been made to appear or occur….[D]irectionality [refers to] the sense that agency entails a movement away from some initial condition or configuration and toward something else [C]ausality…[refers to] [e]mergent causality…another way of conceiving a nonlinear, indirect causality, where instead of an effect obedient to a determinant, one finds circuits where effect and cause alternate position and redound back upon each other..[1]

</blockquote>

She notes that it is not a matter of naively projecting intent on things, but rather asking whether thet have efficacy, directionality and causality. In this light, perhaps it is easier to see how we might talk of ‘actants’. But I’d be interested in your further reflection on this.

<hr size="1" />

[1] Bennet, Jane, 2005. ‘The Agency of Assemblages and the North American Blackout’, Public Culture 17(3):456-9

EXCERPT:

Marc, thanks for an excellent set of comments – and for insight into musical traditions I have to confess I know little about. At this stage I would want to ping back a couple of comments by way of clarification, but also hopefully provocation for further thought/comment:

With regard to my original post you note

AUTHOR: Marc Tyrrell

TITLE: Some Thoughts on Cyborgs and Symbiots

STATUS: Publish

ALLOW COMMENTS: 1

DATE: 03/15/2009 01:42:34 PM

BODY:

Martin, thanks for the excellent responses; I'm getting a much clearer idea now of where we are in agreement, albeit using different concepts. I'd like to play off of one of those if I may, since I think it also has some bearing on the issue of olives that is being talked about in some of the other threads.

<blockquote>

I think the point here might be to separate humans using tools from humans acting in a feedback relation with surfaces of control. Your comments regarding the specificity of communication technologies are instructive in this regard. The cyborg is not simply a tool user but rather a subject in which technological capability is constitutive of a particular (distributed) way of life. Perhaps, though you can shed further light n this.

</blockquote>

I have been looking at the rather sparse data on non-human tool use, partly as a way of trying to see if there is some qualitative distinction between, say, bird tool use and human tool use. One of the truly fascinating things about the little that has been written on bird tool use (sorry, the references are at home, but the articles were in Nature in the late 1990's I believe) is that there appear to be distinctive patterns of tool construction that vary not by species but by geographic separation or, in other words, as a result of some type of exteriorized training and communication.

So, when I was pointing to tool use by Australopithecine of, say, 1.8 million years ago, I was invoking not only the fact of tool use, but also distinct practices of tools use, construction and training (including changes in eating patterns, mobility, etc.). There's an interesting BBC article on one particular find, Hand Axe Hill (~2.34 MYA), that is particularly instructive of the shape of proto-hominid tool use but, basically, it would fall into your definition of "humans acting in a feedback relation with surfaces of control".

In many ways, I have been influenced in my thinking by Charlie Laughlin; in this case, by his paper on the Evolution of Cyborg Consciousness (RTF). In particular, I really try and draw a sharp terminological distinction between "cyborg" and "symbiot". For me, and this is following from Charlie's four stages in the evolution of a cyborg (table 1 in the linked paper above), I only use the term "cyborg" when it refers to replacement or augmentation of biological components of a human, whereas I use the term "symbiot" to refer to the external replacement / augmentation of human abilities. Part of the reason for this distinction is really to allow me to say that "culture" and "technology" are parts of a symbiotic system with humans, but are not necessarily cyborg replacements of humans.

Just tagging back into the comments I was making in an earlier post about shifts in communications technologies encouraging the development of diasporic communities, I would say that that is a shift in a symbiotic system, and not a shift towards cyborg status (now, where CrackBerry's will go in the future may be another story...).

Just a quick note on all the blitherings about music....

I would argue that music is one of these externalized symbiotic systems; highly symbolic but, also, quite capable of evoking particular recollections and affective states. In the 17th century, we have a very interesting case of the structural system behind elite music; basically, it had to evoke states and emotional responses that the elites liked since they were paying for it and musicians were a dime a dozen. Successful musicians, and both Victoria and Charpentier were very successful, were able to capture this feedback loop which allows us some ability to get into the mindspace of the elites at the time (the technical name for the methodology is the Study of Culture at a Distance). While the methodology was originally developed to allow for Anthropological investigation of cultures that one couldn't get access to, it also works across time as well (that's an extrapolation based on some of Carlo Ginzburg's work, e.g. Clues, Myths and the Historical Method). Being a professional Baroque singer in addition to everything else, I tend to focus in pretty heavily on the music and coding systems involved (wry grin).

Back to olive trees...

I would suggest that in a distributed, symbiotic system, symbols, symbol systems, tools, buildings, etc, etc., all act as part of the system much in the manner described in the Bennet quote. I would also suggest that there is a characteristic of, hmm, let's call it "para-intentionality" that does not imply free will but does imply a set of boundary conditions for use. Thus, while I can't say that my coffee "wants" to be drunk, I can say that it evokes an action in me towards drinking it.

In the case of the olive trees, I suspect that we are seeing what is generally called "magical thinking" (e.g. variants on the Syllogism of Barbara). This would certainly be in keeping with the idea of material artifacts as part of a symbiotic system. Just a thought, really, and I would be interested to see what your take on it is.

EXCERPT:

Martin, thanks for the excellent responses; I'm getting a much clearer idea now of where we are in agreement, albeit using different concepts. I'd like to play off of one of those if I may, since I think it also has some bearing on the issue of olives that is being talked about in some of the other threads.

DRAFT

AUTHOR: Antoine Bousquet

TITLE: An Impossible Squaring of the Circle? Normativity and Heterogeneity

STATUS: Publish

ALLOW COMMENTS: 1

DATE: 03/15/2009 02:56:45 PM

BODY:

Thanks for these stimulating exchanges, Martin. Apologies for any misreadings of your position, I assure you none of these are wilful – I may be too hastily reading into your claims arguments I am having with myself. Nevertheless, I think we are touching onto some quite fundamental questions that far exceed the specifics of your work but are no less critical since they seem to be at the crux of a lot of contemporary theorising. We may end up having to agree to disagree but I think this discussion is useful if only to clarify our respective positions (not least to myself). I realise some of the issues I raise are profound philosophical dilemmas that I therefore don’t expect you to solve here and there.

One of the original reasons for my questions was to explicate the meaning you attribute to heterogeneity (I confess to not having time to read your entire book so I realise you probably do so there). Are we simply talking about a form of political plurality or cosmopolitanism within a broader homogenous frame such as national identity or liberal subjectivity? Or is it a much more fundamental unbounded heterogeneity that inherently destabilises the above categories and leaves the question of membership of a collectivity or polis open-ended? I hope I am not misreading you in thinking that your position is much closer to the latter than to the former. Nor do I seek to doubt your sincere commitment to such a form of heterogeneity.

What I am querying is whether the recourse to law and political normativity undercuts such a commitment to heterogeneity-in-itself. I see how my original comments might seem like I am neglecting the contingency and fluidity of law and no doubt it constitutes another arena for struggle over meaning and the permitted forms of life. However, it still appears to me that at any given time, the law must stipulate what constitutes legal liability and agency (one cannot try a child or an individual deemed to be deranged or mentally incapacitated, let alone non-humans) along with the different rules and procedures by which actors must abide in order to make a legal intervention, even if all of these may be contested and eventually altered in the process. If law is indeed not the repeated application of unchanging rules but a contest over the interpretation and (re)writing of these rules, it remains that all normative interventions in this battle over meaning carry within them fundamental ontological statements.

Moreover, I think the invocation of a pragmatic approach to law as “a tool for contesting violence” merely shifts the question since then one has to ask what constitutes violence. Nietszche famously claimed that all acts of creation are inseparable from destruction: “whoever must be a creator always annihilates” (in Thus Spoke Zarathustra). In other words, the creation and establishment of new values necessarily requires doing violence to a previous order. One can therefore only judge an action to be illegitimately violent by reference to the destruction or injury of a form of being deemed worthy of existence – and thus discrimination between worthy and unworthy forms of being. The expansionary discourse of rights (reproductive rights, linguistic

rights, sexual or transgender rights, fathers’ rights, rights to intergenerational equity and sustainability, animal rights, etc.) entails the implicit statement of forms of being entitled to existence and against which violence is being committed. This in turn legitimates violence (military or police force, imprisonment or death) against those found to be contravening these rights. So does the establishment of an international law on urbicide not enshrine a particular power over the forms of life to be protected and those to be prosecuted?

My central difficulty, and here it is as much a problem I am wrestling with myself than any specific challenge to your work, is that of, as you acutely observe, “the difficulty (if not impossibility) of acting and deciding on the basis of such an ontology [of heterogeneity].” I have to say I am not particularly satisfied by the theoretical attempts to square this circle – notions of agonistic democracy seem more like sleights of hand than true resolutions of this quandary. I fail to see how any form of democracy will not necessarily be exclusionary, if only of those that do not accept democracy or the modalities of engagement within it. I feel like it shies away from the unavoidable conclusion that any political intervention seeking to establishing new norms of communal life in the world implies a particular set of ontological commitments to specific notions of humanity and polis. Furthermore, in the absence of the invocation of any transcendent truths (as is frequently the case in contemporary political theory), such an intervention has no justification other than the force of its own existence (and we are back to Nietzsche here). My final question is therefore as follows: can one ever truly act in the name of pure heterogeneity or must it necessarily be a conditional and constrained form of heterogeneity?

EXCERPT:

Thanks for these stimulating exchanges, Martin. Apologies for any misreadings of your position, I assure you none of these are wilful – I may be too hastily reading into your claims arguments I am having with myself. Nevertheless, I think we are touching onto some quite fundamental questions that far exceed the specifics of your work but are no less critical since they seem to be at the crux of a lot of contemporary theorising. We may end up having to agree to disagree but I think this discussion is useful if only to

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AUTHOR: Martin Coward

TITLE: Embracing Impossibility

STATUS: Publish

ALLOW COMMENTS: 1

DATE: 03/15/2009 07:47:21 PM

BODY:

DRAFT

Antoine, You are right that I am theorising a more thoroughgoing heterogeneity than the plurality advocated by liberal cosmopolitans. Of course the two are related but you would be right to see liberal visions of pluralism as an impoverished, enclavised understanding of heterogeneity. I would, therefore, like to look to a more restless heterogeneity in which all forms of identity are ceaselessly unworked by difference (see in this regard my account of Nancy’s Inoperative Community in Chapter 4 of my book).

In this respect I think you may have unknowingly put your finger on precisely the point I was trying to make. The point is that it is indeed impossible to resolve the question of how to negotiate heterogeneity. That is to say there is no single response to such question. It is thus not possible to compete the circle (to take your phrase).

But this does not mean that we should not act. This is my greatest fear about the direction your comments seem to move in: that because action would necessarily comprise attempting an impossible squaring of the circle we would fail to act.

Instead. perhaps we should see the impossibility of squaring the circle in a positive light. It would be unacceptable to act in ways that disavow the inescapable unworking of our actions. But if we act in a way attentive to the unworking of our actions we may we recognise and begin, in some sense, to care for/about the diversity embodied in such an unworking.

The problem with, ethnic-nationalist regimes is that they are necessarily insensible to the presence of alterity and, instead of recognising the unworking of their urbicidal schemas, instead attempt to eradicate all traces of difference in order to deny the relationality and heterogeneity of existence. It is this that I would hope to contest through a series of contingent (and, of course, impossible) attempts to square the circle…

EXCERPT:

Antoine, You are right that I am theorising a more thoroughgoing heterogeneity than the plurality advocated by liberal cosmopolitans. Of course the two are related but you would be right to see liberal visions of pluralism as an impoverished, enclavised understanding of heterogeneity. I would, therefore, like to look to a more restless heterogeneity in which all forms of identity are ceaselessly unworked by difference

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AUTHOR: Kenneth Anderson

TITLE: A Cautionary Note

STATUS: Publish

ALLOW COMMENTS: 1

DATE: 03/15/2009 07:48:05 PM

DRAFT

BODY:

<p>I am joining this discussion late and with only a brief opportunity to read over the really quite fascinating materials on urbicide. I want to add a brief comment on one aspect of this, proportionality, that is raised by some of the discussion. I will have to do so from a fairly abstract position, without real engagement with the text, and for that I apologize in advance.

The concept of urbicide, as has been noted in the discussion, invokes genocide and lots of other 'cides'. Words with 'cide' in them evoke bad things, but it is worth noting that the ur-cide, homicide, at least as far as the law is concerned, is a statement of killing. It is not, by itself, a statement of a culpable act. Homicide is the killing of a human being, it is not a legal judgment of murder, manslaughter, etc. In our ordinary usage, we have come to equate 'cides' with social categories of murder and culpability, but I suppose it is worth bearing in mind that homicide is not that.

The core moral judgment of urbicide, as I understand it on my quick and dirty reading of the text, is one that relies on a notion of community - political, cultural, social, a variety of categories that are violated by the violence undertaken, and with a specific understanding that the destruction of the physical artifacts of the city are the destruction of this community. And in that, the social theory draws on a long and deep tradition of the identity of civilization with urbanity. The idea that the 'thing' under attack is a community, with a corporate identity separate and separately valuable from simply the pooled individuals, seems to me right, although worrisome in a legal and moral sense, because it raises possibilities of community identity outweighing individual rights in war. Presumably this was one reason why Walzer's theory of morality in war treats the political community as simply the summed rights of the individual rights-bearers, rather than ascribing rights to the community as such.

Certain forms of warfare are about attacks upon the community as such. Ethnic cleansing, for example. If the idea is to clear a territory of its inhabitants precisely because the aim of warfare a cleansed territory, then urbicide and the destruction of the community's physical elements makes sense. I haven't read sufficiently into the materials to know if this is raised, but it fits the model of holy war in the Hebrew bible, and God's instructions to destroy everything - people, property, animals, everything. This is contrary to the ordinary motives for ancient war, in which taking possession of the physical goods, the animals and buildings, etc., killing or enslaving the men and taking the women as valuable commodities, is all hugely important - destroy the booty? But the point of holy war in those chapters of the Bible is cleansing, to avoid pollution or contamination of one community and its way of life with another.

But most of warfare is not about attacks in that way - most of it involves something short of ethnic cleansing, important as that has been in the wars of the former Yugoslavia, Chechnya, Georgia, etc. So questions of intent, motive, and inference become important in order to establish, whether for purposes of social theory or for purposes of law, what was under attack as such and what was 'merely' collateral. One question is whether, how, and to what extent 'intent' can be inferred from effect. The laws of war distinguish, roughly as the criminal law does, between situations of negligence and gross negligence in this area; gross negligence is not merely a lot of negligence, but instead negligence so reckless, uncaring of effects, and without calculation or a process for calculation, that it is treated as a separate category of bad intent. The specific war crime is one that shows up in Nuremberg - and where the court refused to convict - and shows up again in various judgments of the ICTY - wanton and disproportionate devastation not justified by military necessity.

This category of wanton and disproportionate devastation must be carefully distinguished, however, from even 'ordinary' negligence in the collateral damage context, viz., collateral damage that someone might conclude was 'excessive' in relation to the 'concrete military advantage' obtained, whether in disagreeing with a commander's judgment at the time or afterwards. Wanton and disproportionate devastation is a judgment that the actors involved

fundamentally made no real calculation of proportionality in pursuit of their military objective, whether that overall objective was legitimate or not. It really is a judgment of intent. It has been adjudicated - but with a very narrow frame, so narrow that the Nuremberg tribunal refused to convict even on a reasonably plausible claim of scorched earth tactics. Where it has been found, in the ICTY, it has been on facts that make clear that the parties were engaged in intentional acts as part of a plan of illegal ethnic cleansing.

By contrast, I am not aware of any court judgment in any tribunal beginning after Nuremberg, in which proportionality as such, a commander's good faith real-time determination on the battlefield, has ever even been put to trial, much less found individually criminally liable. The deference shown to battlefield judgments, where there is not a question of illegal aims as such and where nothing indicates simply wanton indifference to the process - however much contested - making determinations of permissible or impermissible collateral damage - is nearly complete. Perhaps that situation will change over time and courts will begin to offer criteria, but that is the case now (I am of course always interested in learning of some case that has slipped by me), in no small part because no one really has much of an idea how one would develop a genuine jurisprudence of proportionality. (My Opinio Juris colleague Kevin Jon Heller makes the same point, that he doubts courts will take up judgments of this calculation of proportionality any time soon.) Proportionality of collateral damage, after all, involves weighing up two things you might otherwise have thought incommensurable - military necessity and the ends of victory versus
damage to civilians. Apples and oranges?

I guess if I am offering a possible connection here to urbicide, it is to be very cautious in thinking that we can infer from the amount of destruction an "intent" or "motive" for urbicide. If urbicide is not a description that implies a motive - a bad one, at that - then I do not really understand the application of the term. It would seem to me not a useful term if it was not being used like genocide or something similar to say, this is a separately bad thing with a specific intent. I'm not sure I really accept that, but unless the term is intended to imply something bad about the actors doing it, it seems to me to obscure more than it illuminates. But then a question arises as to whether you can infer that bad motive on the basis of the extent of destruction, and then from some notion of disproportionality - and I would say, well, not as such. You can in a narrow set of cases in which there is evidence of bad intent inferred from the failure to take precautions, to show a process of weighing up collateral damage, etc. - followed by massive destruction: this might put you into the "wanton and disproportionate devastation" war crime. But it is a crime requiring a certain kind of intent, as evidenced by the lack of any attention to a calculus of proportionality, and Nuremberg refused to convict given that the military aim was not itself illegal and the ICTY seems to have confined itself to situations in which, whether it noted it or not, the ends of ethnic cleansing were themselves per se illegal (I did a review of these cases a few years ago, I haven't looked back at them, so maybe something new has come up in recent ICTY cases, but I haven't heard of it).

'Excessive" damage in relation to concrete military advantage, in which there has been a good faith process for weighing these up - irrespective of whether it, or its results, is contested or contestable - is a very different thing, and a quite different understanding of proportionality. They are both important facets of proportionality as used in the law of war, but they arise in different contexts.

Hope that is helpful even though not very well connected to this very interesting book!</p>

EXCERPT:

I am joining this discussion late and with only a brief opportunity to read over the really quite fascinating materials on urbicide. I want to add a brief comment on one aspect of this,

proportionality, that is raised by some of the discussion. I will have to do so from a fairly abstract position, without real engagement with the text, and for that I apologize in advance.

AUTHOR: Martin Coward

TITLE: Response to Anderson: Empirical Evidence and Mental States

STATUS: Publish

ALLOW COMMENTS: 1

DATE: 03/15/2009 08:40:22 PM

BODY:

Ken (if I may) – thanks for joining us (and giving up valuable weekend time). And thanks for a very interesting reflection on some of the things that have vexed us most over the last few days: proportionality, intent and motive. These comments were very helpful.

I think that your point regarding the untested quality of proportionality is very interesting. I realise now that I was operating with a much more lay conception of this term. I suppose there is a sense in which there is a broad social understanding of what constitutes proportionality. By this I means that observers and commentators seem to have a set of criteria for regarding some actions as warfare (i.e., proportionate to a military goal) and others as morally exceptional (i.e., going beyond such proportionality). I think it is this social/moral sensibility that I was invoking. I take seriously your caution to think further about it in legal terms.

On the other hand, I wonder if I could tease out something that remains unclear from your comments. Is it not the case that intent and motive can be regarded as separate: my intent may have been to kill, for example, but my motive may be selfish, altruistic, compassionate etc. Moreover the intentional act of killing can be done for all kinds of deluded motives (for example the intentional killing where the killer’s motive is some sort of misplaced belief that death is in the victims interest).

If this is the case we presumably have two separate categories: motive is a matter of mental state; intent is more a matter of inferring that an act was purposefully conducted. If this is the case I have less of a problem with intent playing a role in social theory since it can be inferred from empirical evidence without recourse to mental states. That is to say we can infer from patterns of destruction that a particular act was purposeful (i.e., not accidental) without having to ask as to why any individual engaged in the violence. It is this latter avenue that I am suspicious of: the beliefs of ethnic-nationalists in regard to their actions rarely tally with the effects of those actions. This is of course not to say that those same ethnic-nationalists don’t purposefully engage in the violence attributed to them. It is in this last sense that we could say they intend that violence.

DRAFT

I’m aware the symposium is drawing to a close (indeed, I have posted my concluding comments!) but I would be interested in your thoughts in this regard.

EXCERPT:

Ken (if I may) – thanks for joining us (and giving up valuable weekend time). And thanks for a very interesting reflection on some of the things that have vexed us most over the last few days: proportionality, intent and motive. These comments were very helpful.

I think that your point regarding the untested quality of proportionality is very interesting. I realise now that I was operating with a much more lay conception of this term. I suppose there is a sense in which

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AUTHOR: Martin Coward

TITLE: Concluding Remarks (With Nods to Marc and Nate)

STATUS: Publish

ALLOW COMMENTS: 1

DATE: 03/15/2009 08:45:09 PM

BODY:

I would like to thank Mike for organising this symposium and for his patience (especially with my rudimentary technological abilities). I would also like to thank everyone who contributed to what for me was a very stimulating discussion. I have learnt much, pushed myself to (re)think elements of the project that had remained obscure, and gleaned some important pointers with regard to further directions for my projects. I’d like to finish by commenting on the two posts that remain unanswered at this stage: Marc’s comments on cyborgs and symbiots; and Nate’s comments on law and social transformation.

Marc, I have not replied directly as I think that we are moving in the same direction, if perhaps operating in different disciplinary registers. Moreover, your comments refer to conceptual questions that I am only beginning to get to grips with. I agree that a distinction needs to be drawn between things that merely replace extant functions of the subject and things that augment/enhance subjectivity itself. I think that contemporary urban infrastructure gives rise to a distinctive form of subjectivity. But I know, from reading your comments that I need to be much more precise about this. Your comments have been very helpful in this regard.

DRAFT

Nate, your comments seem a fitting place for me to end. These comments are directly concerned with the question of what a scholar may accomplish in writing a book like mine. You are of course right that there is more that can flow from my argument than an appeal for legal avenues to hold urbicidaires responsible for their crimes. I hope, however, that I have indicated here that the idea of a crime against the built environment is not the only conclusion we could draw from the book. This idea is merely one avenue that we could explore to translate the account of heterogeneity I have advanced into concrete claims for the recognition of harms to difference.

There are of course other directions one could take my argument in. Civil society activism is a very good example. The Israeli Committee Against House Demolitions or B'Tselem are good examples as are the many instances of peace activists rebuilding demolished Palestinian infrastructure. I don’t think activism and law are mutually exclusive. In fact both should be pursued simultaneously.

Of course your comments raise the question of the relation of the activity of producing this book in relation to the activism necessary to contest urbicidal violence. On this question I am more ambivalent. I hope the book outlines a problem poorly understood by the extant literature. I hope, therefore, that it opens avenues of thought that may not have previously existed. But I am also aware that it is only really in the exposure of these ideas to discussion and critique (both in fora such as this as well as in the classroom) that these hopes stand some chance of realisation. Hence, my gratitude to everyone in this symposium for the opportunity to discuss the argument at greater length.

EXCERPT:

I would like to thank Mike for organising this symposium and for his patience (especially with my rudimentary technological abilities). I would also like to thank everyone who contributed to what for me was a very stimulating discussion. I have learnt much, pushed myself to (re)think elements of the project that had remained obscure, and gleaned some important pointers with regard to further directions for my projects. I’d like to finish by commenting on the two posts that remain unanswered at this stage: Marc’s comments on cyborgs and symbiots; and Nate’s comments on law and social transformation.

AUTHOR: Kenneth Anderson

TITLE: Proportionality, Wanton Destruction, and Intent

STATUS: Publish

ALLOW COMMENTS: 1

DATE: 03/15/2009 08:43:00 PM

BODY:

Two quick comments in response. The first is about proportionality. I am not sure there is much more to be said as a matter of law regarding proportionality, in the sense that the reason the law has not gone further, in my view anyway, is that we don't have any real social agreement about how to go beyond the very broadly shared social intuitions you mention regarding weighing up of incommensurables. The law of war is not special in this - except that it puts so starkly and brutally on the table that it is hard to avoid confronting this fact that we don't know how to do it. So actually, I think the social lay criteria are more or less the ones we use, rather than some special legal calculus, at least if one tries to go beyond the civilian damage v military necessity judgment. I rather suspect there is more to be got out of the social criteria than the categories of the law. The reason I mentioned the law, at bottom, was to separate out a special category that is sometimes confused with proportionality weighing-up, the category of wanton devastation, which is special precisely because the folks involve in it didn't do any weighing up.

Second, about intent and motive. I join the many philosophers of law and the theory of punishment and liability who have not found the distinction between motive and intent very helpful, at least where intent is said simply to signal, or to allow the inference of, a deliberate action. The fact that an action is deliberate leaves open the genuinely crucial question of, to use Elizabeth Anscombe's terms, an "act under what description"? That is, what matters, and what matters in bringing outward behavior together with inward motive, is the description of the intentional, ie, deliberate action. Some descriptions will be morally relevant, others not. Anscombe gives various examples in her little monograph, Intention. The city was nuked ... can one infer from that act of genocide? Even leaving aside motive? It was an intentional act. But the rest of the description even of the outward act - not a description of an inner state, but a full description of the behavioral act, from the outside, can profoundly alter the moral/legal issues. The city was cleansed of the virus that somehow fell from the outer space meteor and threatened a global pandemic and so it was nuked and 20 million people died and 7 billion were saved. We are not here speaking of 'motive' but of intention, but not merely deliberate action, but deliberate action fully described. So, truth be told, I think that the usual criminal distinction between motive and intent doesn't get us far enough, at least not in acts that are thought plausibly to point to genocide, although in the ordinary criminal cases, the distinction works pretty well because, as a matter of social fact, we have a pretty good idea of intentional acts that are bad acts.

One last thought, and then to bed! Proportionality can involve two kinds of situations of weighing up in war. I have focused above on the truly intractable case - that of having to weigh up incommensurable goods. Not all proportionality in war involves that kind of tragic choice. Belligerent reprisal, for example, is defined as a party taking an action that would otherwise be an illegal act against a belligerent party, in order to force as a measure of self help, that belligerent party, to stop its violations of the law. In order legally to count as a reprisal, it should ideally (alhtough not absolutely necessarily, so long as the connection is clear) be the same kind of act done proportional to the violation by the other side. Since we are talking of the same kinds of acts, the issue of incommensurate weighing up does not arise.

EXCERPT:

Two quick comments in response. The first is about proportionality. I am not sure there is much more to be said as a matter of law regarding proportionality, in the sense that the reason the law has not gone further, in my view anyway, is that we don't have any real social agreement about how to go beyond the very broadly shared social intuitions you mention regarding weighing up of incommensurables. The law of war is not special in this - except that it puts so starkly and brutally on the table that it is hard to avoid confronting this fact that we don't know how to do it. So actually, I think the social lay criteria are more

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DRAFT

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DRAFT

WIRED FOR WAR: ROBOTICS & 21st CENTURY CONFLICT
22 Mar – 6 Apr 2009

AUTHOR: Mike Innes

TITLE: CTlab Symposium on P.W. Singer's Wired For War

STATUS: Publish

ALLOW COMMENTS: 1

DATE: 03/22/2009 09:40:48 PM

BODY:

CTlab's second symposium in its 2009 series starts next week, on Monday, 30 March, and will run for four days, until 2 April (or until participants run out of steam, which might take longer). The subject: Peter Singer's new book, Wired For War: The Robotics Revolution and Conflict in the 21st Century (Penguin Press: 2009).

This is going to be an exciting booklab, on a work that's been getting broad exposure, in an out of the blogosphere. Peter Singer, a Brookings Institution Senior Fellow for Foreign Policy, and Director of its 21st Century Defense Initiative, will be participating on day 1. Proceedings will be compiled and indexed on a separate page for ease of reference, here.

Confirmed participants include:

Kenneth Anderson (Law; American University)

Matt Armstrong (Public Diplomacy; Armstrong Strategic Insights Group)

John Matthew Barlow (History; John Abbott College)

Rex Brynen (Political Science; McGill University)

Antoine Bousquet (International Relations; Birkbeck College, London)

Charli Carpenter (International Relations; UMass-Amherst)

Andrew Conway (Political Science; NYU)

Jan Federowicz (History; Carleton University)

John T. Fishel (National Security Policy; University of Oklahoma)

Michael A. Innes (Political Science; University College London)

Martin Senn (Political Science; University of Innsbruck)

Marc Tyrrell (Anthropology; Carleton University)

Quite a few of our guest participants are active on the web, as well. Many participate in the Small Wars Council, and write online about highly topical security issues. Blogs represented:

Arms Control

Duck of Minerva

In Harmonium

MountainRunner

Opinio Juris

PaxSims

Spatialities

Third World Wired

Zero Intelligence Agents

We're especially greatful to Penguin Press for providing reading copies of Wired For War to participants, and to Elizabeth Calamari, Senior Publicity Specialist at Penguin, for being so accomodating at relatively short notice. Stay tuned: Peter Singer's opening remarks go up on the CTlab site on Monday, 30 March.

EXCERPT:

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This is going to be an exciting booklab, on a work that's been getting broad exposure, in an out of the

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AUTHOR: Charli Carpenter

TITLE: Whither the Anti-Killer Robot Lobby?

STATUS: Publish

DRAFT

ALLOW COMMENTS: 1

DATE: 03/30/2009 06:48:00 PM

BODY:

Peter Singer has written the definitive primer on how military robotics is changing the nature war. I could rave, as I’ve already done elsewhere, about the various merits of the book – everything from his myriad citations of popular culture to the book’s intense readability about an extremely sophisticated subject. But my interest in Wired for War pertains primarily to the social implications of warbots, rather than the technologies themselves; and in particular how this revolution is changing or challenging not war itself but rather the rules of war. So my remarks here will focus on this dimension of the book – on rule-sets.

In the chapter on “Digitizing the Laws of War,” Singer overviews of some of the conceptual issues introduced by these weapons, and provides a decent introduction to the laws of war for a book pitched at a wide audience. And he concludes by emphasizing the problems associated with the current legal vacuum: ““We had better either enact a legal ban on such systems soon or start to develop some legal answers for how to deal with them.” (p. 409)

A point well made. However I want to take on a few claims he makes in this chapter.

1) One of the most interesting data-points in the chapter is the mind-blowing absence of a policy position on battlefield robotics by leading human rights and humanitarian law organizations, including the guardian of the Geneva Conventions, the International Committee of the Red Cross (p. 385). I think he explains this away rather too easily, as a result of organizational overstretch on the one hand (“the organization is burdened with everything from ensuring detainee rights at Guantanamo Bay to pressuring nations to fulfill their pledges to end the use of landmines”), and the “brewing breakdown between the laws of war and the reality of conflict in the twenty-first century” (p. 386) on the other.

But my sense is that there is a more complex story to the selection process in humanitarian law advocacy organizations. Singer’s suggestion that robots are “just too futuristic” doesn’t gel with the fact that the ICRC took the lead on banning blinding laser weapons in the late ‘80s, at a time when most governments thought those weapons were science fiction. Nor are the laws of war necessarily “breaking down” just because they often lag behind the times – this is simply the nature of international law. The truth is, the law works very well where it is developed and refined through multilateral negotiation and where states are pressed by NGOs to follow through on their commitment. The problem here is not that the law doesn’t work; the problem is that the law isn’t being applied to or molded to fit all the most pressing problems.

The interesting question for me is why “global civil society” gravitates toward particular gaps in the law, like international judicial architecture and cluster bombs, but ignores others, like compensation for collateral damage victims or autonomous weapons systems. I presented a paper at Columbia University last week that fleshes out some of this variation. At any

rate, an important lesson emerges from the absence of attention by NGOs that Singer documents: norm entrepreneurs like Noel Sharkey, who are calling for a precautionary principle against the use of these weapons would be wise to focus on selling this idea to organizations like the ICRC and Human Rights Watch rather than to governments per se, because rare is the weapons ban that has been negotiated, since the 1980s, without the blessing of these humanitarian law gatekeepers.

2) Regarding the basis for such a ban. I don’t agree with Singer’s assessment that the best reason to ban autonomous weapons is “for no other reason than that the world doesn’t want them around.” (p. 408). He says this twice, each time characterizing robots as analogous to blinding lasers and chemical weapons – the argument being that such weapons don’t violate jus in bello principles per se, they’re just socially unacceptable for reasons having nothing to do with humanitarian law.

But I think the analogy is incorrect. Chemical weapons are inherently uncontrollable (therefore indiscriminate) and so they actually do violate the rules of war. And blinding lasers are considered to cause disproportionate suffering even when used only against combatants, because of the physical and psychological damage associated with permanent blinding. Both these weapons were banned in the context of existing international law, not just because people didn’t like them.

So too might robots be banned on the basis of the law, rather than our gut feelings. If you treat robots as weapons - though you could also treat them as soldiers, which opens another can of worms – if you treat them as weapons, the burden is theoretically on states to demonstrate that they meet the principles of proportionality and discrimination. The most serious concern is whether they can be trained to discriminate between civilians and combatants, and so far I have serious doubts. Even if they can, their effects would by definition be uncontrollable once deployed.

So there is in fact a legal argument to be made here. The question is, will someone make it successfully? The burden of proof is only on states to the extent that humanitarian law advocates act as if it is.

Ultimately, Singer probably wouldn’t characterize himself as an advocate of a ban on autonomous weapons. He has too level-headed an appraisal of the good that might be done with them, and the book is chock full of arguments from both sides. And one could envision rule-sets other than a complete treaty ban: I really like Singer’s idea of using product liability law as a model. But certainly I would agree with his assessment that some legal rule-sets need to be developed, and fast, to govern the changes that are taking place in this arena.

EXCERPT:

Peter Singer has written the definitive primer on how military robotics is changing the nature war. I could rave, as I’ve already done elsewhere, about the various merits of the book – everything from his myriad citations of popular culture to the book’s intense readability about an extremely sophisticated subject. But my interest in Wired

for War pertains primarily to the social implications of warbots, rather than the technologies themselves; and in particular how this revolution is changing or challenging not war itself

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AUTHOR: John Matthew Barlow

TITLE: CTlab Symposium: Wired for War, additional readings

STATUS: Publish

ALLOW COMMENTS: 1

DATE: 03/26/2009 11:46:59 PM

BODY:

With our symposium for Peter Singer's fascinating new book, Wired for War: The Robotics Revolution and Conflict in the 21st Century about to kick off Monday morning, I wanted to take the opportunity to post some additional readings, links, and food for thought.

Peter Singer himself has published two magazine articles on the subject of his book, and his Wired for War website has additional video, a playlist, and discussion questions.

Our good friends over at Wired's Danger Room have covered the issue extensively, the Financial Times recently published a review of several books in the field including Wired For War, and the New York Times just featured an item on robotics and bombing. Mother Jones talked to Peter Singer in February. Some of our symposium participants have written and debated the issue, too. Check out the list of feferences below for background reading.There's a lot more out there on the webs, and we'll add links here as we come across them.

EXCERPT:

With our symposium for Peter Singer's fascinating new book, Wired for War: The Robotics Revolution and Conflict in the 21st Century about to kick off Monday morning, I wanted to take the opportunity to post some additional readings, links, and food for thought.

Peter Singer himself has published two magazine articles on the subject of his book:

AUTHOR: Peter Singer

TITLE: Opening Remarks

STATUS: Publish

ALLOW COMMENTS: 1

DATE: 03/29/2009 04:20:40 PM

BODY:

I wanted to thank Michael, Matt, and Matthew, and all the other for putting together this symposium. It is a great honor to have one’s work looked at in this way so soon after coming out.

Wired for War is a book about how something big that is going on today in the overall history of war, and maybe even of humanity itself. The US military went into Iraq with just a handful of robotic drones in the air and zero unmanned systems on the ground, none of them armed. Today, there are over 7,000 drones in the US inventory and another roughly 12,000 on the ground. But these are just the first generation, the Model T Fords and Wright Flyers compared to what is already in the prototype stage. And, yes, the tech industry term of “killer application” doesn’t just describe what iPods did to the music industry, but also applies to the arming of our creations with everything from hellfire missiles to .50 caliber machine guns.

This is what is happening now. Peering forward, one Air Force lieutenant general forecast that “given the growth trends, it is not unreasonable to postulate future conflicts involving tens of thousands.”

But the numbers matter in another way. That is, it won’t be tens of thousands of today’s robots, but tens of thousands of tomorrow’s robots, with far different capabilities. Remember, one of the laws in action when it comes to technology is Moore’s law, that the computing power that can fit on a chip doubles just under every 2 years or so. This means that in 25 years scientists believe that the technology that powers our machines of war will be, as one put it, “A billion times more powerful than today ”

What this all means is that the kind of things that we used to only talk about at science fiction conventions like ComicCon now has to be talked about seriously by people like yourselves, by people in the research labs, by people in the halls of power, by people in places like the Pentagon.

Wired for War is about how a robotics revolution may well be at hand.

DRAFT

I should be clear here. The robot revolution as I see happening is not the type where you need worry about the governor of California showing up at your door, a la the Terminator or your Roomba vacuum cleaner sucking away your life breath at night (death by dust bunny inhalation!)

Instead, when historians look back at this period, they may conclude that we are today at the start of the greatest revolution that warfare has seen since the introduction of atomic bombs.

It may be even bigger. Our new unmanned systems don’t just affect the ‘how’ of warfighting, but are starting to change the ‘who’ of the fighting at the most fundamental level. That is, every previous revolution in war was about weapons that could shoot dramatically quicker, like the machine gun, go dramatically further, like the gunpowder or longbow revolutions, or had a dramatically bigger boom, like the atomic bomb. That is certainly happening with robots, but they are also reshaping the very identity and experience of war. They don’t just affect the how, but also the who of war art the most fundamental level. In other words, Humankind is starting to lose its 5,000 year old monopoly on the fighting of war.

I thought this was a rather big deal. And, even more, it was a rather odd situation that so few people were writing on or talking about this immense change in war and what it would all mean. In many ways, it felt just like the situation I had seen with private military contractors when I first started out in academia; a growing phenomenon, that was in your face, but no one wanted to acknowledge it, because it didn’t fit into the neat little boxes we had drawn for understanding the world.

So I spent the last several years trying to capture just what is going on in this historic revolution, as the robots that had once been only science fiction begin to move into the fighting of our human wars. I interviewed everyone from robotic scientists who build them and the science fiction writers who inspire them to 19 year old drone pilots who fly them and the Iraqi insurgents they are fighting 7,000 miles away about how they view our machines and what it is doing to war. I wanted to understand the decisions on when and where we use these systems and, in turn, how these decisions are viewed by those we are targeting, so I interviewed everyone from 4 star generals and civilian politicians to news editors and reporters from places across the Muslim world. I wanted to know about the understandings we had of the laws of war and these new technologies, so I interviewed leaders at such organizations and the International Committee of the Red Cross and Human Rights Watch.

Wired for War is the result of this journey. My idea is that, much like in a book like Fast Food Nation, the gathering together of these research would not only yield stories that were interesting, informative, funny, cool, and even scary, but also shine a light on the political, legal, social, and ethical issues that ripple outwards.

I should also add a little bit about its deliberate style, which many have commented on (the best one so far being my wife who said this was the first book of mine she actually liked reading!). It is purposely not the typical think tank or academic book. I wanted to flavor it with humorous anecdotes and pop culture as much as with statistics, technology, and history. The reason is not only that I believe this aspect reflects who I am and makes the arguments in the book easier to understand. But, it is also because of the fact that to set out to write on robots several years back is a risky thing in our field. Robots

were seen as this thing of “mere science fiction,” as one prominent analysts put it, even though they're not. Not a single foundation wanted anything to do with it and it certainly wasn’t something people on the political side thought was a career advancer. So, if tackling this topic potentially was a career killer, I decided to double down. If I was going to risk it in one way, why not in another way? It's my own insurgency on the boring, staid way people talk about this incredibly important thing, which is war. Most of the books on war and its dynamics--to be blunt--are, oddly enough, boring and few like to read them, including even those of us in the field that puts them out there. And, their inaccessibility is to the detriment of our field and those beyond it. Indeed, it means the public doesn't actually have an understanding of the dynamics of war as they should.

As I have described in the book, I am very much against the idea that technology revolutions are the end of the story, a la the Rumsfeld vision of how the world works. No, what we are experiencing here, what Wired for War tries to capture, is the beginning of the story. So, with that in mind, the organizers asked me to help kick off the symposium by presenting a few questions that might be food for thought. That is, these are issues I see moving forward to which we don’t yet know the complete answers, but are incredibly important to wrestle with.

<ul type="disc">

What can we learn from the history of robotics so far? What lessons do they provide us, if any for the future?

<ul type="disc">

What does the rise of robotics say about the future of war?

<ul type="disc">

Will the robotics trend make wars easier or harder to start? Why? [author’s note: so far in the online polling we did on the Wired for War website, http://wiredforwar.pwsinger.com, over 1200 readers voted that robotics makes wars easier to start, and less than 200 voted the opposite]

<ul type="disc">

What do you think will be the key legal issues to resolve in the robotics field?

<ul type="disc">

Will the robotics trend make war crimes more or less likely? Why or why not?

<ul type="disc">

DRAFT

Do you believe in the idea of the Singularity? If so, when will it happen? If not, why not?

<ul type="disc">

How do you see the robotics trend affecting soldiers' identity?

<ul type="disc">

What academic theories appear to be bolstered by the rise and use of robotics in war? Are there any that are now questioned?

<ul type="disc">

Who should be allowed to operate armed robots? Who should not? How should this be enforced?

<ul type="disc">

What would a robot's code of ethics look like?

<ul type="disc">

What would a roboticist's code of ethics look like?

<ul type="disc">

Are human beings "wired for war?"

I greatly look forward to watching the debate around these and other issues take shape and grow. Thank you again for your participation!

EXCERPT:

I wanted to thank Michael, Matt, and Matthew, and all the other for putting together this symposium. It is a great honor to have one’s work looked at in this way so soon after coming out.

Wired for War is a book about how something big that is going on today in the overall history of war, and maybe even of humanity itself. The US military went into Iraq with just a handful of robotic drones in the

DRAFT

AUTHOR: Drew Conway

TITLE: Studying War on an Infinite Battlefield

STATUS: Publish

ALLOW COMMENTS: 1

DATE: 03/30/2009 09:34:00 PM

BODY:

In many ways, Peter Singer's Wired for War marks the coming of age for robotics in warfare. The breadth and depth of this work provides an outstanding, and entertaining, exposition of how robots both entered into, as well as changed warfare. The sheer existence of this volume; however, highlights an important shift in our fundamental understand of what constitutes war. Humans are no longer inhibited from creating conflict by our own biological restrictions, and as such, the boundaries of future battlefields is limited only by our imaginations.

Singer's book illustrates this better than any previous work on the subject, and in providing a balanced account of both the costs and benefits of creating war with robots, the work (as a good work does) generates many more questions than answers. Singer himself has presented several interesting questions in his opening remarks, and perhaps later in the discussion we will dive into these. After reading Wired for War, however, a different set of questions kept coming up in my head, all of which centered on the same general theme: how will robotics in conflict change the way wars are quantified, analyzed—and ultimately, defined?

The idea that technology changes our concept of war is something that cycles into popular discourse anytime new technologies are applied to conflict, but the incorporation of robots has a singularly unique affect in that it removes the inherent human consequence of war. The loss of human life, though crude, is the de facto metric for measuring conflicts; their escalation, proportionality, severity, and so on. As the use of robots continues to increase, this metric becomes less applicable, particularly in a future where the use of robotics is no longer a luxury for those with the preponderance of power.

For scholars studying conflict, like those in this symposium, this change will require a complete rethinking our analytical models and data sets, as well as the theoretical foundations upon which we derive these models. Soon we will have to understand the difference between traditional acts of war and incidents of drone-on-drone violence, or the destruction of an autonomous medical robot performing its duties. In my view, a great deal

of future scholarship will be dedicated to reconciling our old concepts of war with the realities of the modern battlefield.

While these challenges are great, the use of robots in war has the potential to provide the researcher with a level of granularity on the dynamics of conflicts never before possible. Robots keep excellent records, and as a result the massive amount of data downloaded from these machines may be exploited to better understand how conflicts escalate, and more importantly, de-escalate. Also, though hard to imagine now, as the technology driving autonomous robots matures, this data will allow research to investigate how synthetic social dynamics develop, and what their consequences are for robotic decision making.

Wired for War introduces its readers to a fascinating, yet potentially frightening new world. As technology continues to press forward researchers must follow its path, illuminating the reverberations of these changes along the way. As we reach a time when robots are ubiquitous in conflicts, scholars will need to be equipped with the tools needed to distill their effect, and now is the time when these new tools and concepts must be developed.

EXCERPT:

In many ways, Peter Singer's Wired for War marks the coming of age for robotics in warfare. The breadth and depth of this work provides an outstanding, and entertaining, exposition of how robots both entered into, as well as changed warfare. The sheer existence of this volume; however, highlights an important shift in our fundamental understand of what constitutes war. Humans are no longer inhibited from creating conflict by our own biological restrictions, and as such, the boundaries of future battlefields

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COMMENT:

AUTHOR: Drew Conway

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IP: 71.183.61.131

URL: http://blogs.nyu.edu/blogs/agc282/zia/

DATE: 03/30/2009 10:52:58 PM

But as you point out, popular data sets, such as the COW MID use, and continue to use, number of battle deaths proxy conflict escalation. How, then, can this be resolved as humans become a smaller part of the conflicts themselves? It may be that your metrics, degradation of C2, but this requires us to incorporate all of the new potential cyber warfare issues that directly affect these measures.

COMMENT:

AUTHOR: John T. Fishel

DATE: 03/31/2009 01:15:36 AM

The notion that measuring success (or failure) in war is approximated by the number of deaths due to some kind of hostile action is a fallacy, has been one for a very long time, and is not changed by the introduction of robotics. 2500 years ago (more or less) Sun Tzu noted that "the acme of skill is to win without fighting." In recent times, the "Correlates of War" project used 1000 battle deaths to operationally define war for the authors' purposes. The use of "body counts" to measure the outcome of conflict is, at best, an aberration and, at worst, an attempt to show success (or progress) where there are no indicators of success or progress. What soldiers, sailors, airmen, and Marines tend to use as indicators of success are the destruction or degradation of command, control, and communication facilities, infrastructure, and fielded forces. How might one measure this with the introduction of robotics? We might ask if our reconnaissance and combat drones still have command of the skies (can generally fly freely) or are being destroyed in ever increasing numbers. In an environment where the other side also has robots, the measurement of our success is found in whether we can destroy or degrade his robots without suffering similar destruction or degradation of our own. In other words, I don't see so much a change of kind as changes of degree. The question that always arises in such cases is when changes of degree become changes of kind.

COMMENT:

AUTHOR: John T. Fishel

DATE: 03/31/2009 01:17:47 AM

My thought is that we always should have been using them, as, indeed, effective commanders have.

COMMENT:

AUTHOR: Drew Conway

DATE: 03/31/2009 01:33:41 AM

An additional thought, clearly there is data available to commanders on the ground that will never be available to researchers out of the military. The measurements that you mention indeed fall into this category. Given that this will remain the reality going forward, the scholarly community will still need to reconcile their methodologies with modern battlefield tactics.

COMMENT:

AUTHOR: Dr. Terry Tucker

EMAIL: terry.tucker@hughes.net

IP: 81.85.255.219

URL:

DATE: 04/01/2009 11:37:52 AM

DRAFT

I think it important to study the ramifications of technology and robotics; iIhave not had the benefit of reading wired for war yet, never the less, how will this research take into account the "Power of Personality in War"? How will it take into account the "WIll" of a people? The resultant rage from collateral damage that ultimately transforms those that would have been neutral or remained on the fence?
Although the COW data set considers actual casualities, what of the measure of OTHER measures of destruction?
 the conflict over the last 7 years, since at least 9/11 has been one of increasing "DIY" or "Do it Yourself" innovations by the insurgents. It will be interesting to see how these radical, increasingly educated and increasingly disinfranchised minds innovate robotics in asymmetrical war.
This happens to be our problem now in Afghanistan; an over reliance on everything else except the complexities of the social dynamics. A LACK of deep understanding of precision in language and understanding of complex culture.
I encourage the research, but I also encourage MORE education and training in skill sets outside of the traditional military sphere; which is also something that plagues our lack of success, the narrowness of the thinking from those that wield this blunt instrument called the military. My god, we have yet to change a basic skill such as how commanders approach the military planning process and intelligence analysis to get integrated operational design across multiple lines of effort/operations at the tactical level, do we really really think robotic technology will make this any better?

Dr. Terry Tucker
COIN Trainer/Mentor Afghanistan

COMMENT:

AUTHOR: Eric West

EMAIL:

IP: 69.120.172.221

URL:

DATE: 04/21/2009 01:26:19 AM

I think one important factor being overlooked in this argument is the potential preservation of human life. While I agree that robotics in warfare will always have certain limits, we must remember that as this technology becomes more useful and is deployed in critical situations, less and less PEOPLE are at risk of losing their lives in battle. That fact alone is enough to make this concept a priority in my opinion.

AUTHOR: Martin Senn

TITLE: Wired for ... Nuclear War?

STATUS: Publish

ALLOW COMMENTS: 1

DATE: 03/30/2009 07:06:39 PM

DRAFT

BODY:

I want to start my posting with congratulating Peter Singer on this book! It is indeed one of the best books I have read in years and a role model for turning a seemingly dry topic into a reading adventure. I wish that this style of writing would gain currency (especially in the German-speaking academic community)!

Reading Wired for War (WfW) I became curious about possible effects of the ongoing RMA on nuclear weapons as the persistent legacy of an earlier RMA and vice versa. Despite fresh initiatives towards “global zero”, nuclear reductions will take a very long time (and some even argue that the achievement of global zero is outright impossible, if not dangerous) and so the horizons of nukes and increasingly capable computers/robots will overlap. I was surprised that the book only briefly touched upon nuclear weapons, as I think that the coexistence of these two very powerful technologies raises important questions regarding 1) the likelihood of war and 2) the likelihood of nuclear weapons usage.

As for the first point, there appear to be two trends pulling into different directions: On the one hand, it has been argued that – under certain conditions – nuclear weapons make war less likely because decision-makers are aware of the tremendous costs that their usage entails. On the other hand, the features of robotics technology as portrayed in WfW suggest that war will be more likely in the future because leaders do not have to care as much about costs as they had to do before. Hence, the question arises whether nuclear weapons, or the fear of escalation to a nuclear level would (still) be a factor influencing the decision to go to war. I would argue that like it is the case today, the impact of nukes on the decision to got to war would probably still depend on whether and how many nuclear weapons the other side has.

As for the second point, it could be argued that the use of robots on the battlefield could also lead to a “return” of nuclear weapons on the battlefield. A decrease of the (human) costs of warfare could also lower the threshold for the usage of nuclear weapons (with lower yield), which appear to be superb anti-robot weapons anyway (EMP, heat, …).

Taking this thought one step further, could nuclear weapons, as a means to counter the technological edge of adversaries, turn into the “poor man’s weapon“ of the robotic age? I am aware that a counter-argument appears in WfW: one of the characteristics of the new RMA is that the technology is relatively easy to obtain. But would the temptation to see nuclear weapons as a great equalizer not still be the same as today?

It is also interesting to ask whether increasingly capable computers will also have an impact on the command and control of nuclear weapons. Future advances in computer technology will increase the pace of warfare and, as suggested in WfW, will eventually decrease the role of human beings in warfare. Will this development also affect nuclear command and control, or will it remain a stronghold of human control?

The increasing capability of computers could contribute to the avoidance of nuclear war. Bharath Gopalaswamy suggested, in a recent article in the Bulletin of the Atomic Scientists,that the proximity between India and Pakistan requires very fast decision-making in the case of an attack with missiles, which would only have a flight time of 8

– 13 minutes (with a 600 to 2,200 km range). Gopalaswamy goes on to argue that “(s)uch a short time period places stringent conditions on procedures for evaluating and verifying warnings. There would be no time to consult or deliberate after receiving this warning. In other words, any response would have to be predetermined, presenting a significant likelihood of accidental nuclear war from false alarms.” As it is impossible to significantly expand the time available for decision-making, it appears to be much safer to base a counterstrike or missile defense intercept on the calculations of a highly developed computer, which does not feel the stress of the situation, is able to evaluate the available information faster than any human analyst could, and carefully weigh the available options. But still, it sounds a bit like a doomsday machine…

EXCERPT:

I want to start my posting with congratulating Peter Singer on this book! It is indeed one of the best books I have read in years and a role model for turning a seemingly dry topic into a reading adventure. I wish that this style of writing would gain currency (especially in the German-speaking academic community)!

COMMENT:

AUTHOR: Rex Brynen

DATE: 03/30/2009 10:22:06 PM

We now know that the Soviet Union had adopted a launch-on-warning posture during the Cold War—increasing the potential survivability of its nuclear arsenal, but with a corresponding greater reliance on (technological) warning capabilities--and greater risk of false alarm. For those of you who don't know the story of the September 1983 false alarm, I suggest you have a look at the story of Lt. Colonel Stanislav Petrov. While the details remain much debated, the episode clearly highlighted the value of having human decision-makers in such a case.

COMMENT:

AUTHOR: Martin Senn

DATE: 03/31/2009 01:52:48 PM

I am not sure whether the US-Russian case is comparable to the case of two nuclear adversaries. First, future nuclear dyads (comparable to the India-Pakistan) may be characterized by much closer a geographical proximity and thus considerably less warning time than the East-West conflict example. With warning times of a few minutes, there is no time to consult for consultations and stronger pressure to act. Second, future computer systems would be much more capable and reliable than the systems which have been used by Russia and the USA. I was therefore wondering whether humans would be removed from the loop (in the distant future), because computers would be seen as more reliable decision-makers in situations of intense stress.

DRAFT

AUTHOR: Rex Brynen

TITLE: More Thoughts On Robots and IHL

STATUS: Publish

ALLOW COMMENTS: 1

DATE: 03/30/2009 09:42:00 PM

BODY:

As with everyone else who has commented, I too very much enjoyed Wired for War. I had many thoughts as I read through it, but I'll offer only one to start with (as a way of ensuring that I actually get started!)

My reactions to questions of IHL, the Laws of War and robotics were rather different than those of Peter in the book (pp. 383-388) and even more so by Charli here at CTLab ("the mind-blowing absence of a policy position on battlefield robotics by leading human rights and humanitarian law organizations, including the guardian of the Geneva Conventions, the International Committee of the Red Cross"). I'm not convinced that the IHL implications are all that profound at present, or are likely to be so any time very soon.

Weapons that kill without a human in the loop have been with us for many decades, most evidently in land and naval mines—the former only partly treaty-limited (anti-personnel, but not anti-tank mines), and the latter only in the general IHL sense of requiring proportionality and a degree of discrimination in their effects. The key issue from an IHL point of view is whether advances in robotics will increase lethality without a corresponding increase in discrimination in such a way that would raise questions as to their general acceptability within the normative and legal framework that shapes contemporary warfare.

To date we've seen no evidence that this is the case, or that it is likely to do so any time soon. On the contrary, we've seen a general reduction in the degree of collateral damage associated with "smart weapon" usage.

I would also argue that issues of command and national responsibility are as clear in the case of remotely piloted weapons as they are with those that are directly targeted and fired. Even with regard to AI-driven weapons, it doesn't pose much of an intellectual challenge to see how these fit within current international legal principles: if you deploy a weapons system that is, by design or predictable defect, prone to kill indiscriminately, you are in grave breach of international conventions.

Now, I'm not a technological pollyanna believing that this will inevitably always be the effect of robotics on war. However, I don't see the trend-lines that suggest the issue will come up and bite us any time soon (V'ger, Skynet or Cylon-style). Consequently, if I were to make a list of the pressing issues for IHL at the moment I doubt that robotic weapons systems would place as a terribly high priority on it.

EXCERPT:

As with everyone else who has commented, I too very much enjoyed Wired for War. I had many thoughts as I read through it, but I'll offer only one to start with (as a way of ensuring that I actually get started!)

My reactions to questions of IHL, the Laws of War and robotics were rather different than those of Peter in the book (pp. 383-388) and even more so by Charli here at CTLab ("the mind-blowing absence of a

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AUTHOR: Kenneth Anderson

TITLE: When Robots Are Not Just About Autonomy - Remote Platform Targeted Killing

STATUS: Publish

ALLOW COMMENTS: 1

DATE: 03/31/2009 03:30:00 AM

BODY:

For several years, my personal and scholarly interest in battlefield robots was about autonomy - autonomous firing systems of the battlefield. As one friend said, "Ken, it's like you ran out of Heinlein and Asimov books and had to invent something." I think those autonomy questions are fascinating from a legal and moral perspective, and I'll say something about them down the road. But one of my other scholarly interests is the law and ethics of targeted killing - and I was studying it when Singer's utterly absorbing, utterly fascinating book appeared. It shifted my interest from a debate about technology some ways down the road - very important, to be sure, but down the road - to the application of a certain robotics technology today, on-going in conflict today. I've read Wired for War in part with an eye to trying to understand the big picture, the overall outline, of the issues in robots in war and, for what it's worth, and not sure whether Singer would agree, it is this:

Stand-off, remote targeting in real time - i.e., Predator strikes - robotics in the sense of drones controlled off-battlefield by humans. But Predators are just the beginning, because missiles are too much firepower - needed instead are genuinely personal weapons - a little flying thingie that is remote piloted up to the head of the Taleban commander and then blown up. Not a Predator missile, but a single person kill. The issue of robotics is the issue of targeted killing. What makes it special is that it is simultaneously discrete and remote: in the past, discrimination usually meant a person getting as close as possible for a kill, but the promise of robotics in targeted killing is targeting discrimination by a non-human, stand-off platform.

DRAFT

Surveillance - when you eventually have thousands of small, insect-like, flying gadgets gathering information everywhere, identifying targets, gathering intelligence on the battlefield and off, and feeding information for precisely targeted, discrete targeted killing, using drones, but outfitted with weapons once again aimed at single individuals.

The calculus of making war - when you put few humans on the battlefield. Does it make war easier or harder to undertake? Does it matter?

Autonomous weapons firing systems - in the future.

Counters to autonomous weapons firing systems - counters which might have to be created and deployed before your own autonomous firing system, for reasons of humanitarianism and your assessment of law, is ready to be deployed in the field.

Autonomous weapons systems is just one of these issues, and there are probably more. Today, however, the main issue is targeted killing using drone aircraft. I assume, if I read Wired for War correctly, that eventually we will start managing to get the drone down to tiny sizes, with the ability to target and kill a single individual. But even leaving that aside as a future technology, there is a powerful strategic rationale driving the marriage of robotics and targeted killing. Suppose we ask the question of what drives each individually?:

Robotics. The attraction is that they are a stand-off, remote platform. They avoid 'boots on the ground' in situations where that might be politically infeasible or undesirable, or simply because a larger commitment strains military resources, any number of reasons.

Targeted killing. The attraction is that targeted killing is more discriminate than killing in larger numbers, and that in the case of counterterrorism, the enemy is not in large numbers, massed or otherwise, but individuals or small groups, and dispersed, often among civilian populations.

The humanitarian advance represented by robotics is sometimes oddly slid over in what I, at least, tend to see as an insistence that there is something inherently wrong with one side having the advantages, of technology, geography, etc. I've had these odd conversations with several human rights lawyers in the last two years in which, to my claim that these technologies improve target discrimination and, after all, that ought to be the holy grail of humanitarian weapons development, the response is that this is somehow "forcing" the un-teched to respond by using civilians as cover.   I myself think that response comes close to say that the technology is 'unsporting', but it seems to be a sort of meme, at least in my conversations.

Still, to Charli Carpenter's question about why robots have not become a campaigning issue for the human rights groups - part of the answer is not just the remoteness of the 'autonomy' issue, but also that, so far as I can tell on the basis of purely personal anecdotes, human rights folks are not really sure what to think. Some recognize that more discriminating targeting is supposed to be a weapons technology goal, and others think that

getting it down to the level of individual targeting makes it too easy to decide to deploy. And of course you might think both at the same time; they are not mutually exclusive. I will perhaps come back to that point in a later post; in some ways it hooks up to a response to the formation of the ICRC clear back in its founding in the 19th century (Caroline Moorehead mentions this in her history of the Red Cross), that efforts to humanize war make war easier to undertake and reduce the disincentives to war (there was also an original Star Trek episode in the 1960s dedicated to this very proposition, A Taste of Armageddon).

But now I want to make a different kind of observation about robots and targeted killing. The combination of stand-off platforms and targeted killing is partly driven, for the US at least, by that not-very-useful term, 'lawfare'. How? The incentives to capture in US counterterrorism have been shrinking over the last couple of years. Whether this is good or bad, or moral or immoral - leaving law and policy aside normatively for the moment - the costs of capturing, detaining, and interrogating someone have gone up a lot within the US system of counterterrorism. Considered without reference to norms, the disincentives to capture and the incentives to kill have gone up a lot. And remote platform killing by missile removes many potentially messy questions of surrender, including the human rights monitors' investigations into whether you were offered surrender, accepted surrender, didn't accept - war crime, after all, or simple murder, depending - so that operationally, targeted killing by remote control has certain advantages, clarity and definiteness not least among them.

My point, then, is that if one looks down the list of topics in battlefield robotics, autonomy has garnered much attention. But one of the many salutary effects of Singer's book is to draw attention to what is going on now and is not sci-fi. The Obama campaign ran on Predators - it seemed to see it as the conflict-lite approach, and in many respects I don't disagree. But there is a powerful logic of strategic as well as legal incentives toward the combination of standoff platform and targeted killing in counterterrorism and counterinsurgency, and the Obama administration is discovering that these, too, are very persuasive reasons. So let me just end this post with two comments in US newspapers in the last couple of days taking this strategic logic largely for granted. First, Graham Allison and John Deutch - stalwart American liberals, each - taking for granted the importance of the Predator campaign in Pakistan:

<blockquote class="gmail_quote">"The counterterrorism strategy in Pakistan that has emerged since last summer offers our best hope for regional stability and success in dealing a decisive blow against al Qaeda and what Vice President Joe Biden calls "incorrigible" Taliban adherents. But implementing these operations requires light U.S. footprints backed by drones and other technology that allows missile attacks on identified targets. The problem is that the U.S. government no longer seems to be capable of conducting covert operations without having them reported in the press."
</blockquote>

The other is from a Wall Street Journal news

story on the Obama administration review of the Predator campaign in Pakistan:

<blockquote>

<blockquote class="gmail_quote">"U.S. and Pakistani intelligence officials are drawing up a fresh list of terrorist targets for Predator drone strikes along the Pakistan-Afghanistan border, part of a U.S. review of the drone program, according to officials involved.
</blockquote>

<blockquote class="gmail_quote">Pakistani officials are seeking to broaden the scope of the program to target extremists who have carried out attacks against Pakistanis, a move they say could win domestic support. The Obama administration is weighing the effectiveness of the program against the risk that its unpopularity weakens an important ally."
</blockquote>

</blockquote>

This is the first time I have seen in print (though I have been informally told) that Pakistani officials want the US to broaden the campaign beyond AQ and Taleban to target people gunning for the government of Pakistan. The Obama administration thinks robotic standoff killing has been an effective policy:

<blockquote>

<blockquote class="gmail_quote">President Barack Obama concluded that the drones have been an effective weapon against al Qaeda since President George W. Bush accelerated the missile strikes last year. U.S. officials have seen evidence of disruption as militants devote more time to operational security, choose to sleep in orchards instead of buildings, and take more care about the people with whom they interact, said a person familiar with the evidence.</blockquote>

<blockquote class="gmail_quote">Already, the campaign has apparently stepped up attacks on the network of Pakistani Taliban leader Baitullah Mehsud, who is believed to be behind the 2007 assassination of former Prime Minister Benazir Bhutto, who was Mr. Zardari’s wife. In the fourth of a series of recent attacks targeting Mr. Mehsud’s network, a drone attack Wednesday killed at least eight militants along the Pakistan-Afghan border, according to two Pakistani officials.</blockquote>

<blockquote class="gmail_quote">The intensified campaign could help win domestic support for the strikes because it shows that the drone attacks are targeting direct threats to Pakistan, said a Pakistani official.</blockquote>

<blockquote class="gmail_quote">There is a discussion about whether to expand the strikes to outside Pakistan’s tribal areas, such as the province of Baluchistan. U.S. intelligence officials say they believe many of the Taliban’s senior leaders, such as Mullah Omar, operate openly in the provincial capital of Quetta. The idea of going that far has prompted concern in Islamabad that such strikes will greatly increase the numbers of civilian casualties and further fuel unrest.
</blockquote>

</blockquote>

If I understand Wired for War correctly, the US is concluding as a general proposition that targeted killing using stand-off, remote controlled platforms is one

of the best new tools in its arsenal (especially if, over time, the technology can move to ever more controlled, discrete killing, to get from the level of a missile to something that can kill a single individual and yet not require any human agent - commando or CIA agent - on the ground). I count myself among those who believe these developments are among the best in decades for improving discrimination in targeting and thus improving humanitarian performance in war and counterterrorism. There are lots of people in the world who disagree, and Singer might well be among them in some ways, although not in others - his argument is complicated, the facts he presents many and varied, and he acknowledges lots of difficult tradeoffs.

But either way, as a descriptive matter, robotics is already firmly at the center of targeted killing by the US, and targeted killing is coming to be an important aspect of evolving US counterterrorism strategy in theatres of conflict.

EXCERPT:

For several years, my personal and scholarly interest in battlefield robots was about autonomy - autonomous firing systems of the battlefield. As one friend said, "Ken, it's like you ran out of Heinlein and Asimov books and had to invent something." I think those autonomy questions are fascinating from a legal and moral perspective, and I'll say something about them down the road. But one of my other scholarly interests is the law and ethics of targeted killing - and I was studying it when Singer's utterly absorbing, utterly fascinating book appeared. It shifted my interest from a debate about technology some ways down the road - very important, to be sure, but down the road - to the application of a certain robotics technology today, on-going in conflict today.

COMMENT:

AUTHOR: Drew Conway

DATE: 03/31/2009 12:01:32 PM

Ken, I came across this paper this morning, and thought it might be of interest to this discussion, "Due Process and Targeted Killing of Terrorists." Absract
"Targeted killing" is extra-judicial, premeditated killing by a state of a specifically identified person not in its custody. States have used this tool, secretly or not, throughout history. In recent years, targeted killing has generated new controversy as two states in particular - Israel and the United States - have struggled against opponents embedded in civilian populations. As a matter of express policy, Israel engages in targeted killing of persons it deems members of terrorist organizations who are involved in attacks on Israel. The United States, less expressly, has adopted a similar policy against al Qaeda - particularly in the border areas of Afghanistan and Pakistan, where the CIA has used unmanned Predator drones to fire Hellfire missiles to attempt to kill al Qaeda leaders. This campaign of Predator strikes has continued into the Obama Administration. This Article explores the implications for targeted killing of the due process model that the Supreme Court has developed in Hamdi v. Rumsfeld and Boumediene v. Bush for detention of enemy combatants. Contrary to a charge

leveled by Justice Thomas in his Hamdi dissent, this model does not break down in the extreme context of targeted killing. Instead, it suggests useful means to control this practice and heighten accountability. Our primary conclusion in this regard is that, under Boumediene, the executive has a due-process obligation to develop fair, rational procedures for its use of targeted killing no matter whom it might be targeting anywhere in the world. To implement this duty, the executive should, following the lead of the Supreme Court of Israel (among others), require an independent, intra-executive investigation of any targeted killing by the CIA. Such investigations should be as public as is reasonably consonant with national security. Even in a war-on-terror, due process demands at least this level of accountability for the power to kill suspected terrorists.

COMMENT:

AUTHOR: Kenneth Anderson

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URL: http://kennethandersonlawofwar.blogspot.com

DATE: 03/31/2009 12:15:41 PM

Drew, thanks very much for this - I thought I manage to keep track of articles on this topic on SSRN but somehow missed this one. It is relevant to this discussion particularly as I have emphasized the way in which technology and certain legal and strategic incentives reinforce each other. I may not push too much harder on this here, as I want to also talk about autonomy issues and not pull us away from technology toward targeted killing as such. But, yes, I do think it's highly relevant.

COMMENT:

AUTHOR: joey

EMAIL:

IP: 217.67.131.30

URL:

DATE: 04/01/2009 09:57:24 AM

Wait this is a targeted assassination program right? Why call it targeted killings, when you have a perfectly good word already...

COMMENT:

AUTHOR: Charli Carpenter

EMAIL:

IP: 75.36.185.223

URL: http://www.people.umass.edu

DRAFT

DATE: 04/02/2009 05:55:00 AM

You write: "remote platform killing by missile removes many potentially messy questions of surrender, including the human rights monitors' investigations into whether you were offered surrender, accepted surrender, didn't accept - war crime, after all, or simple murder, depending - so that operationally, targeted killing by remote control has certain advantages, clarity and definiteness not least among them." If to be compliant with the laws of war one must offer the enemy a chance to surrender, doesn't this merely "clarify" that the use of such means is inherently unlawful? There is a interesting question here about whether the assumption underlying war law – that wars are fought between states, not individuals; that soldiers are simply means, and as such should not be unduly punished for performing their national duty – are anachronistic in an era of asymmetric war. My two cents: I'm not sure that's the case. Why is it any harder to see the humanity in a soldier recruited (through whatever means) to fight with a global movement, and thereby offer him the same status? On the other hand, if war law is primarily an activity constitutive of a civilized "us," then this becomes particularly hard to sustain.

AUTHOR: Antoine Bousquet

TITLE: Implications for command and control

STATUS: Publish

ALLOW COMMENTS: 1

DATE: 03/31/2009 08:50:04 AM

BODY:

With Wired for War, Peter Singer has produced a major work on a fascinating and vital aspect of the on-going transformation of war in our era and which heralds a wider engagement with this topic (I can already think of a couple more forthcoming pieces on aspects of this subject). While he has been keen to make the work accessible to the widest audience possible, Singer has been careful to balance every gee-whiz moment and heady proclamation of an imminent ‘robotic revolution’ with more sober assessments of the limitations and attendant problems of the growing usage of automated and remote controlled machines on the battlefield. As such, the book offers a comprehensive and well-rounded tour of the subject and one that provides many springboards for further research and discussion, in this forum as in others. I have no doubt Wired for War will be a major reference work in security debates in the coming years.

In this first post, I will address the issues of command and control raised by Wired for War since these are ones I have engaged with most in my recent book. In chapter 18, Singer offers a brief but fascinating consideration of the impact of both UAVs and automated decision aids on command practices, the effects of which I feel are likely to be counter-productive if not disastrous.

We are

DRAFT

firstly told that one of the consequences of the use of UAVs is the increasing temptation of generals and other officers high up the command chain to micro-manage operations by using the data feeds provided by these devices. Convinced that they have at their disposal a God’s eye view of the battlefield, the military brass thus dispossesses its subordinates of any autonomy to determine the conduct operations (or even of any grounds to a claim to superior situational awareness since by definition they have only the bug’s eye view on the ground). The evidence and analysis here support my own concerns that the “flattening of the chain of command” and the cutting out of the middle layers of command called for by the advocates of network-centric warfare would likely not mean decentralisation but greater interference of the upper ranks in the activities of the lower ones. Singer also provides many good reasons why this is undesirable.

The tension between hierarchical micro-management and distributed command around an overarching mission objective is one that courses through the history of war and that van Creveld has most insightfully analysed in Command in War, weighing in powerfully for the latter. One of the characteristics of the information technology that is being so intensively deployed in the military (and of which robots are an aspect) is that it can be harnessed for either of these approaches, with the outcome determined not primarily by technology but by doctrine and operational practice. I would here like to connect this question to the issue of swarming discussed earlier in the book (pp.229-236). Indeed the swarm, the decentralised interaction of autonomous agents uncovered by the sciences of chaos and complexity, presents the alternative mode of military organisation to that of centralisation. Insurgents and terrorist networks have already made very effective use of swarming and without any elaborate information and communication technologies. To what extent the US military embraces the swarm is in my view one of the most central questions for the future of armed forces as a whole, not simply for robots.

The second issue broached by Singer is that of automated systems using artificial intelligence to assist or even replace decision-makers at the command level. The head of Strategic Command tells us that “the decision cycle of the future is going to be microseconds” (p.357), a statement indicative of the widespread belief that it is more important to act as rapidly as possible rather than to buy oneself more time to think about how one is going to act. And what ‘thinks’ faster than a computer?

Any mention of a decision cycle in the US military is today invariably accompanied by a reference to the OODA loop (observe, orient, decide, act), first formulated by the military strategist John Boyd. Yet it is almost always deployed in an impoverished form, reducing the OODA loop to a sequential decision cycle that must be run through as quickly as possible. In doing so one entirely misunderstands what Boyd saw as the most important phase of the loop: orientation. In his mind, orientation was where incoming information is analysed using existing frameworks of interpretation – this much is commonly understood. However, Boyd crucially argued that this was also where these frameworks would be assessed and taken apart and reinvented if necessary on the basis of this new information. Furthermore orientation would in fact guide all the other aspects of the loop (see Boyd’s full diagram of the OODA loop). Boyd believed existing frameworks or models of reality suffered from an inevitable entropy, all the more since war is an activity which involves a sentient opposition who will seek to mislead and negate any successful tactic or strategy.

While AI may have made progress over the years, I suspect it remains (as it most likely will for the foreseeable future) incapable of significantly recasting its modes of operation or the schemas of interpretation in the way Boyd saw as necessary. In all probability, such decisionary systems are based on the recognition of certain pre-determined patterns and

signatures in the behaviour and identity of opposing forces to which it applies fixed models and routines in order to produce command decisions. Here we have again what amounts to the imposition of hierarchical command on all subordinate troops, this time on the basis of pre-determined closed models and algorithms that have been programmed into such systems. While there may be some limited uses for decision aids (notably in the area of logistics), any attempt to generalise them on the tactical or strategic levels will be founded on a deep misunderstanding of the nature of war, one that reduces it to a mere process of production to be optimised and neglects the complex interaction between opposing wills. Rapidity of decision and action will be of limited benefit if the behaviour produced is utterly predictable. A resourceful adversary will eventually find ways to exploit this predictability and operate within the US military’s OODA loop.

EXCERPT:

With Wired for War, Peter Singer has produced a major work on a fascinating and vital aspect of the on-going transformation of war in our era and which heralds a wider engagement with this topic (I can already think of a couple more forthcoming pieces on aspects of this subject). While he has been keen to make the work accessible to the widest audience possible, Singer has been careful to balance every gee-whiz moment and heady proclamation of an imminent ‘robotic revolution’ with more sober assessments of the limitations and attendant problems of the growing usage of automated and remote controlled machines on the battlefield.

COMMENT:

AUTHOR: Dr. Terry Tucker

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URL:

DATE: 04/01/2009 12:56:23 PM

Few in the military really know or understand the OODA Loop. They are still stuck in FM 3-0, Operations, and FM 5-0, Plans and Orders. Even with all the latest in technology, the entire planning and analysis process is an if-then approach that relies HEAVILY on trigger points, decision points and enemy course of action templates. There may be situational awareness with the technology, but there is absolutley nothing that can be called situaltional understanding. They do things "complicated" very well; things that require timing and movement of units and logistics; they DO NOT do well things that are complex; social dynamics and planning operations that affect and effect multiple lines of effort and operations in COIN.

DRAFT

AUTHOR: Mike Innes

TITLE: Provocation: Wiring Terrorist Sanctuaries

STATUS: Publish

ALLOW COMMENTS: 1

DATE: 03/31/2009 10:43:54 PM

BODY:

Andrew Exum published an interesting piece in The New Republic this week on the Obama Administration's new policy for Afghanistan and Pakistan. Taking the tack that it's actually a 'counter-haven' (quoting David Kilcullen) strategy, Exum waded into murky waters.... and the blogosphere went a wee bit nuts. As one of the few individuals in the English speaking world to publish anything contemporary that deals explicitly with the subject (with a substantial nod to Rex), I know I have a responsibility to speak up. I'm supposed to be writing something up for a certain high profile national security blog, but I think there's an angle here for symposium participants to pursue, particularly as regards precision strike in urban environments, implications for command and control, the techno-targeting that may or may not reduce collateral consequences, the easing of moral constraints, etc.: what does sanctuary mean when refuge is reduced from macro scales to personal space, and what are the implications of/for technologically enhanced countermeasures? How does Wired For War relate to the debate on safe havens, and more importantly, how can it or should it influence the discussion?

EXCERPT:

Andrew Exum published an interesting piece in The New Republic this week on the Obama Administration's new policy for Afghanistan and Pakistan. Taking the tack that it's actually a 'counter-haven' (quoting David Kilcullen) strategy, Exum waded into murky waters.... and the blogosphere went a wee bit nuts. As one of the few individuals in the English speaking world to publish <a href="http://www.amazon.com/Denial-Sanctuary-Understanding-

Terrorist-Havens/dp/0275992128" target="_blank">anything contemporary that deals explicitly with the subject, I know I have a responsibility to speak up, and I'm supposed to be writing something up for a

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AUTHOR: Drew Conway

TITLE: Harvard KSG on 'Unmanned and Robotic Warfare'

STATUS: Publish

ALLOW COMMENTS: 1

DATE: 04/01/2009 12:15:52 AM

BODY:

Today, the Harvard Kennedy School of Government released a summary of its June 2008 executive session on "Unamnned and Robotic Warfare: Issues, Options, And Futures." The session brought together experts from across the public and private sectors to discuss many of the same questions we are addressing in this symposium, and as such the report will be of interest to participants and readers alike.

Of particular interest to those focusing on the areas of rules governing autonomous robots, and targeted killings, will be the section on Ethics and Accountability. The report states:

<blockquote>Accountability is a desired future capability of unmanned systems. The human in that system will continue to be the key factor, especially in weaponized systems with the capacity to kill. We will be unable to detach ourselves from that decision-making, and very likely would not want to. Our current allocation schemes of responsibility seem likely to work with unmanned systems. However, unmanned systems add complexity. With proper design and development they can also resolve it.</blockquote>

Is it a reasonable expectation that humans will always remain in the loop? Researchers have already shown how to remove humans from the navigational decision process, and as Peter described in his book, automated robotic guns are already being used to defend bases in Iraq. Do these statements appear to be disconnected from the reality of autonomous robot development?

EXCERPT:

Today, the Harvard Kennedy School of Government released a summary of their June 2008 executive session on "Unamnned and Robotic Warfare: Issues, Options, And Futures." The session brought together experts from across the

public and private sectors to discuss many of the same questions we are addressing in this symposium, and as such the report will be of interest to participants and readers alike.

COMMENT:

AUTHOR: Charli Carpenter

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DATE: 04/02/2009 05:52:42 AM

Yes. Absolutely. The Navy’s Phalanx system has been making autonomous targeting decisions as a night sentry on board seagoing vessels for years. Similar land based systems are already deployed not just by the US but by South Korea and Israel. One of the most interesting things I felt Singer touched on was the desperate need by the US security establishment to maintain a discourse that humans were in the loop, even while efforts to take them out entirely proceed apace through the back door. I am finding this discourse in my interviews with the human security community as well. But I wasn’t quite satisfied with Singer’s explanation of it. There is something interesting here sociologically, but I’m not quite sure what it is.

AUTHOR: John Matthew Barlow

TITLE: Brave New World?

STATUS: Publish

ALLOW COMMENTS: 1

DATE: 04/01/2009 12:14:48 AM

BODY:

I would like to flip this discussion around somewhat, and engage Singer's Wired for War on another level. One of the things that I liked is the manner in which he weaves military technology, warfare, sci-fi, and pop culture together to tell his stories. And it is in this manner that I wish to engage with this work.

As I read Wired for War, I couldn't help get the lyrics of Brooklyn rapper Jeru the Damaja in my head. One of Jeru's biggest tracks from the 90s was "Revenge of the Prophet, Part 5," about Jeru's heated battle with his arch-rival, "Tricknology." The battle unfolds

all over the streets of Brooklyn as Jeru, "The Last Prophet," is determined to prevent Trick from seducing all of us with his smooth voice and easy life. But the Prophet is here to keep it on the real. And seriously, it's just a killer track.

Over and over again, as I read about the role of technology, robots, and distance warfare in Wired for War, I kept coming back to both Jeru warning us against Tricknology and the words of a soldier piloting drones in Iraq from a base in Qatar, “It’s like a video game. It can get a little bloodthirsty. But it’s fucking cool.” [p. 332]. This sentence, which is repeated a few times throughout the book, leaves me feeling kind of unsettled.

On that same page, Singer also gives the example of two drone pilots, presumably somewhere in the continental United States. One, Sgt. William Coleman recognises his disconnet from the battlefield, “Every now and then, you’re like, ‘Man, these guys are really taking fire!’ You just want to get out there and help them.” His co-pilot, Specialist Jonathan Whitaker, declares that “Yeah, war is hell.” But the two, who spend their entire day flying drones in a setting that is like a real-world video game, then spend their downtime playing Medal of Honour, a violent video game. [p. 332]. Yet, Coleman and Whitaker can still make the distinction between virtual reality and actual reality.

Not everyone can. Video games, especially violent ones, have a tendency to desensitise us to the violence, we no longer see it, it becomes entertainment. (Of course, video games aren’t the only aspect of our culture that do this). And so war becomes another form of entertainment. Indeed, Singer himself discusses “war porn” amongst soldiers and officers back in the US, watching footage shot from drones in Afghanistan and Iraq.

War porn arises from the fact that I can Google video of drone footage from Iraq and Afghanistan right now, and watch it on my computer screen. I can then forward it around to my friends and family, exhorting to them to watch footage of soldiers, insurgents, and IEDs being blown up real good. It becomes like the British band James, in an eerily prescient bit, sang in the late 1990s: “Across the satellite beams/across the oceans and seas/to the lighthouse I can be/I see some soldiers with guns/And they are killing for fun/They are killing to entertain me.” (Note, amazingly, there is no video or live performance of this track anywhere on the web. Go figure).

This is not a good thing. On the military end, we end up with generals in Washington seduced by this porn into thinking they know what's happening on the battlefields on the other side of the world. The general public also gets seduced into thinking that they know what's going on over on the battlefields of Iraq and Afghanistan. It gives them the impression that all the misery, suffering, drama, and danger of World War II or Vietnam is now a thing of the past. War is easy. Then they begin to wonder why this war is dragging on so long, and so many soldiers are coming home in boxes. Why are they being killed in some faraway, distant land? And why are they dying in a war that's supposed to be easy? We've seen this movie before.

 It was called BlackHawk Down. And then, because the Americans are reticent to get involved, so, too, is the rest of the West. And we get to watch movies like Srebrenica, Bosnia, or Rwanda all over again.

And then, we're all hearing Jeru's righteous stance against Tricknology in our ears.

EXCERPT:

As I read Wired for War, I couldn't help get the lyrics of Brooklyn rapper Jeru the Damaja in my head. One of Jeru's biggest tracks from the 90s was "Revenge of the Prophet, Part 5," about Jeru's heated battle with his arch-rival, "Tricknology." The battle unfolds all over the streets of Brooklyn as Jeru, "The Last Prophet," is determined to prevent Trick from seducing all of us with his smooth voice and easy life. But the Prophet is here to keep it on the real. And seriously, it's just a killer track.

COMMENT:

AUTHOR: Dr. Terry Tucker

EMAIL: terry.tucker@hughes.net

IP: 81.85.255.219

URL:

DATE: 04/01/2009 12:41:50 PM

The last two paragraphs home a key point. Look at the debacle in Somalia, most know this as "Blackhawk Down"; commanders seduced by the (porn?) idea that technology gave them real time situational awareness, did not give them the required situational understanding and made decisions from the air that should have been made on the ground.

AUTHOR: John Matthew Barlow

TITLE: Response to Brynen

STATUS: Publish

ALLOW COMMENTS: 1

DATE: 04/01/2009 03:27:33 PM

DRAFT

BODY:

In reading Rex Brynen's response to Charli Carpenter, I found myself thinking about the implications of robots with AI on the battlefield and their potential to commit atrocities and "go berserk." But, at any rate, I'm not sure I entirely agree with Rex. Rex states that "Even with regard to AI-driven weapons, it doesn't pose much of an intellectual challenge to see how these fit within current international legal principles: if you deploy a weapons system that is, by design or predictable defect, prone to kill indiscriminately, you are in grave breach of international conventions."

This, however, might be overly simplistic, because he is assuming "design or predictable defect." But things like this aren't always predictable. Sometimes there are glitches and bugs. Sometimes human error leads to cmesses, such as when an American Air Force pilot dropped a bomb on Canadian soldiers doing night-time manoeuvres because he thought he was under attack. But more to the point here is that computers always have bugs in them. There are coding errors, or things just generally don't work, and this can lead to gross errors on the battlefield, such as the atomising of "Tall Man" Daraz Khan and his buddies in Afghanistan in February 2002 by a Predator drone. [Singer, p. 397].

So, I think that there is a distinction here between deploying something that is knowingly defective and deploying something that has a glitch that arises, for example, when the robot wanders into a house in Iraq looking for insurgents and mistakes a non-combatant for a combatant, when usually the robot is programmed to tell the difference.

This raises the question of who is responsible? Is it the soldier who deployed the robot? Is it his captain? Is it the commander of the unit? Is the general who ordered the robots? Is it the company that produced the robot? Is it the programmer who installed the code? Singer quotes a roboticist at DARPA: "It depends on the situation. But if it happens too frequently, then it is just a product recall issue." [p. 400].

Maybe it's how chillingly cold he sounds that concerns me, and this is an emotional response to the death of innocents being chalked up to product recall, but it also strikes me that the question of responsibility shifts here, given that robots, as technologically advanced as they are, are still the product of human activity and ingenuity, and are programmed by humans. And it also seems to me that this is different than in the case of, for example, anti-personnel land mines.

Anyway, food for thought.

EXCERPT:

In reading Rex Brynen's response to Charli Carpenter, I found myself thinking about the implications of robots with AI on the battlefield and their potential to commit atrocities and "go berserk." But, at any rate, I'm not sure I entirely agree with Rex. Rex states that

"Even with regard to AI-driven weapons, it doesn't pose much of an intellectual challenge to see how these fit within current international legal principles: if you deploy a weapons system that is, by design or predictable defect, prone to kill indiscriminately, you are in grave breach of international conventions."

COMMENT:

AUTHOR: Rex Brynen

DATE: 04/01/2009 04:10:57 PM

Thanks for the thoughts, Matthew! I can imagine the public relations issues that will arise when the first AI robot "goes berserk" and kills friendly forces or innocent civilians. However, I'm not sure that it will really be an order of magnitude different in either terms of war crimes liability or command (or product) responsibility from weapons malfunctions through the ages: guidance systems that drop a bomb on the wrong house, early warning systems that misidentify, IFF systems that fail to function properly, and so forth.

AUTHOR: John T. Fishel

TITLE: Culture Change (In the Near Future)?

STATUS: Publish

ALLOW COMMENTS: 1

DATE: 04/01/2009 05:38:18 PM

BODY:

One of the implications of the use of unmanned aerial vehicles(UAV) - remotely piloted - is a direct challenge to the culture of the USAF (and likely other air arms). By way of background, in the 30s and early 40s, there were "flying sergeants" in many air arms such as the USMC and the RAF. By the end of WWII the enlisted pilots were gone or on their way to being gone, and when the USAF was established in 1947, all Air Force pilots were commissioned officers.

Meanwhile Army aviation became a critical component built around the helicopter and most helicopter pilots were Warrant Officers as they stilll are today. "Line officers" (not an Army term) do fly but mainly to perform the standard officer roles in units of command and staff functions. While this never seemed to bother the Air Force or the Navy, it does seem likely that the introduction of UAV - both armed and unarmed - may well impact on Air Force Culture. This is likely because Army UAV are piloted by enlisted soldiers while "rated" commissioned officers pilot Air Force UAV. (One of my students here was recently selected

to become an Air Force pilot and expressed concern that he would be required to "fly" from an office 7,000 miles away from his targets.)

So, the question arises as to how air arms can justify the expense of officer pilots for drones while the Army is using enlisted soldiers to do essentially the same job. As much as the USAF would like to maintain its currrrent policy, the economics (especially in this era of competing demand for scarce resources) of the situation fairly dictate enlisted UAV pilots in the USAF with a consequent expansion of the enlisted ranks and a concommitant reduction in commissioned ranks.

Such a tangled web we weave!

EXCERPT:

One of the implications of the use of unmanned aerial vehicles(UAV) - remotely piloted - is a direct challenge to the culture of the USAF (and likely other air arms). By way of background, in the 30s and early 40s, there were "flying sergeants" in many air arms such as the USMC and the RAF. By the end of WWII the enlisted pilots were gone or on their way to being gone, and when the USAF was established in 1947, all Air Force pilots were commissioned officers.

AUTHOR: Matt Armstrong

TITLE: Robots as Strategic Corporals

STATUS: Publish

ALLOW COMMENTS: 1

DATE: 04/02/2009 12:28:37 AM

BODY:

Peter W. Singer’s Wired for War is a great read on the evolution of the tools and tactics of warfare. Peter’s study was at the same time broad and deep and should be required for those interested in the future of conflict.

Thank you to Mike Innes and Matthew Barlow for setting up and managing this terrific symposium. The participants are superb and the high level of discourse is full of useful insights. The varied background and focus of the participants naturally results in posts that cover a broad area with little overlap.

My thoughts below on the subject of unmanned warfare focus primarily on the affects of robots that roam amongst the people. Whether acting as insurgent or counterinsurgent – and the impact of the two is very different – the role robots play in the

DRAFT

psychological struggle locally and globally, as well as their effect on policy makers, must be more thoroughly discussed.

As I wrote last year, robots operating among and interacting with foreign populations will substantially affect perceptions of America’s mission, both at home and abroad, and the effectiveness - to the point of possibly altering the real impact - of an operation. These interactions include patrolling near or among the people, or they can be more advanced.

There are three areas I see robots influencing, and while I believe Peter addressed the first one well, I think the second and third did not get adequate treatment (correct me if I’m wrong or missed something). The first area is the impact on foreign policy from a reduced personal cost (to an individual or a nation). There are no flag-draped coffins for robots and losing a lot of robots will not break unit cohesion. If President Clinton could have lobbed some robots to Afghanistan and Sudan instead of “mere” cruise missiles, would he have been more likely to engage in a ground war in both locations? What if Secretary of Defense Donald Rumsfeld had platoons of lethal robots, would the necessary lessons of counterinsurgency have been learned?

The second area is deals with international norms, law, and accountability. I will write on that in another post.

The third area, the focus of this post, is frequently (and erroneously) called the battle for “hearts and minds”. Using proxies, machine or otherwise, creates distance between us and “them”, creating a space for our adversaries, who in environments like Iraq are numerous and diverse, to exploit perceptions in the real war, the psychological struggle for minds and wills.

The fear of machines Eliot Cohen envisioned is short-sighted and valid only for the first few contacts, as Peter ably points out in the book. Recall Guilio Douhet who, in studying English reactions to aerial bombardment in World War I, suggested after the war that strategic bombing alone could make people force their government to sue for peace. Of course, having been exposed to bombers once, the British were prepared the second time around. While Douhet neglected the ability to adapt to a threat, he understood the psychological effect of weapons. In 1921, he wrote “victory smiles upon those who anticipate the changes in the character of war, not upon those who wait to adapt themselves after the changes occur.”

Success in future conflict will be based not only on technological superiority, but also on sociological, cultural, and informational adaptability and agility in a dynamic global information environment. In Iraq in 2007, Lieutenant General Raymond Odierno issued guidance emphasizing the importance of engaging the local population and building a “feel” for the street. This guidance instructed Coalition forces to “get out and walk” and noted that up-armored Humvees limit “situational awareness and insulates us from the Iraqi people we intend to secure.” A CSBA report on mine-resistant ambush-protected vehicles (MRAPs) noted they too prevented local engagement and is just as applicable to robots operating in the sea of the people.

As America learned counterinsurgency, we realized the importance of personal contact with local populations. This can take the form of humans “reading” and trusting each other’s real intentions. For example, in 2003, Lieutenant Colonel Hughes was confronted by a rapidly deteriorating situation in Najaf, Iraq. Choosing an option few would have thought of, let alone risk, he instructed his men to smile, point their weapons into the ground, and take a knee. This allowed his soldiers to back out of a developing Iraqi-on-Iraqi encounter that they were not prepared to deal with. The human-to-human interface was facilitated by cross-cultural non-verbal communication and prevented what could have been a major flash point.

Around the same time, an American captain entered a village for the first time and was offered the robes of a sheikh by an elder because the captain was viewed as the new chief. It is doubtful a robot would have received equal treatment. The depersonalization, or dehumanization, of contact, one of the chief advantages of robots, can also limit the potential for strategic corporals on site and in the moment. Will robots on patrol develop the same “feel for the street,” understanding and incorporation of the human terrain as a person?

The intoxicating allure of technology risks unintended consequences in the psychological struggle for minds and wills in modern conflict. In my many conversations on the “public diplomacy” of unmanned warfare, few consider the robots, autonomous or remote controlled, in a war fought among the people. How do we build relationships with the locals in the sterility of robot-human interfaces? Will improved human-robot interfaces really overcome the understandable perception that American lives are worth more than locals?

To date, reports on unmanned systems generally ignore the impact “warbots” will have on shaping perceptions of critical audiences. A decade ago, General Charles Krulak introduced the now widely accepted notion that every soldier, sailor, and Marine is a strategic corporal with the ability to radically influence larger operational and even strategic elements through local actions. It is essential that the United States military and civilian leadership discuss, anticipate, and plan for each robot to be a strategic corporal in the global information environment.

EXCERPT:

My thoughts below on the subject of unmanned warfare focus on primarily on the affects of robots that roam amongst the people. Whether acting as insurgent or counterinsurgent – and the impact of the two is very different – the role robots play in the psychological struggle locally and globally, as well as their effect on policy makers must be more thoroughly discussed.

AUTHOR: Kenneth Anderson

TITLE: Weapons Bans and Autonomous Battlefield Robots

STATUS: Publish

ALLOW COMMENTS: 1

DATE: 04/02/2009 03:24:58 AM

BODY:

As the resident lawyer of this august group, I suppose I should say something about the laws of war as applied to battlefield robots. Not that you would not be able to find a gazillion lawyers who would say something different. However:

First, in an earlier post, I laid out some very different robot issues, driven largely by differences in technology - remote platform robots under real time control versus genuinely autonomous firing systems, for example. The legal issues involved are so different that there is not a lot of point to discussing them in the same breath. As my earlier post was about remote platform targeted killing, let me make this one about autonomous systems. Second, then, the most important legal issue is target discrimination. Sometimes that is presented as a second level argument that an autonomous system is inherently illegal because it takes the human out of the loop. The basic argument is the same as that developed for landmines - inherently indiscriminate because they cannot be aimed across time. I'm pleased to say that Monica Schurtman and I were the first to offer that as a legal argument, back in the early 1990s. I also think it does not really work as applied to autonomous robots, because the question is not whether or not there is a person in the loop - the question is whether or not the weapons system is, in fact, in how it operates, indiscriminate, and so much so that it can be treated as 'inherently' indiscriminate, meaning that it cannot be aimed so as to distinguish between combatants and noncombatants. We do not know how the technology will turn out, and we cannot at this point judge the actual legal question, which is not 'human in the loop', but instead 'can it discriminate?' As I have said in other blogs, for all we know, a hundred years from now, it might be clinching evidence of malpractice for a doctor to ignore the advice of the diagnostic computer or do the surgery as a human rather than turning on the machine and letting the robot do it. And it might be a war crime for a fallible, emotional human to decide whether or not to fire the weapon, rather than letting the machine make the decision. The point is that the legal issue is not actually human in the loop - it is discrimination in fact.

Third, we have been talking in this discussion as though banning weapons were a central issue in the laws of armed conflict. It is not. International humanitarian law is largely about the conduct of the actors involved, on the battlefield, and how they use weapons that fall into the category of being capable of being aimed - and capable of being not aimed. As a matter of historical development in the field, banning weapons was briefly in vogue at the very beginning of the IHL movement - St Petersburg Declaration, etc. - but rapidly moved away from that to the actual use of weapons no matter what they were. The reasons were, first, that it turned out to be nearly impossible to ban a weapon and have it stick if it had genuine military utility, particularly in wars where things were close enough that you might lose without every advantage on the margin. And beyond that, banning weapons depended upon a notion of 'inherently indiscriminate' - which itself depends upon shifting technology. Especially through the long period in which the fundamental concern of weapons designers was to increase firepower, destruction, and lethality - rather than discrimination - weapons systems were regarded as not inherently

indiscriminate if there was some, pretty much any, possibility of being able to aim them. The weapons that were banned - chemicals and then biologicals, e.g. - were regarded as really not capable of being aimed, because wind or disease vectors could shift things around. It was possible to hook into that rationale to argue that landmines could not be aimed, not in a spatial sense, but in a temporal one. But you couldn't say that about a machine gun or a mortar or really big artillery. And that is leaving aside the special legal issues raised by strategic bombing in WWII or nuclear weapons. Banning weapons systems remains very much the exception in the law of war, not the rule. It would surprise me if it turned out to be different for robotics.

Okay, now I'm going to say something crude, and rude, and I apologize if I offend people. But in these areas, I am not an intellectual but a practical lawyer, and I must say that the critiques in many of the posts and, for that matter, parts of Singer's book, so far as I understand them, quite astonish me. Possibly I don't understand the theory behind all this, but ... well, enough... So:

Fourth, many of the posts - and a lot of Singer's book - talk about the dark sides of robots on the battlefield, whether in terms of autonomy or remote platforms, etc. From the military lawyer's standpoint, that is interesting, but only as a kind of counterculture to the main thing: Viz., whether or not you think the technology will work as intended (and utterly unlike landmines), the purpose here is target discrimination. One can talk about ways in which it reduces disincentives to killing, and how it increases the anxiety of the person fearing death from the sky, and so on. But the fundamental point is that you develop these weapons because, for whatever reasons - humanitarian, political, military, whatever - they allow you more precisely to target, and to do so without your own people at risk and the incentive to increase firepower to protect your people. As a lawyer in these fields, I'm having trouble seeing the bad in this - or, to the extent that I understand the highly theoretical critiques sometimes being offered, they seem to me pale shadows of the main thing, which is discrimination. And okay, maybe the technology doesn't work out with respect to autonomy or other things, and you have, in fact, produced something that is indiscriminate.

But the development of the technology is what it is because you are looking for something that targets more narrowly, with less firepower, and less collateral damage. Look: I was part of the NGO movement, running the arms division for Human Rights Watch that was telling the US military that it not only had to stop using landmines - it had to develop sensor technologies to give its missiles more precision, and more precision, and more precision - and that if you didn't invest in the technologies to do that, eventually, not then but someday, we'd start accusing you of proto-human rights violations for negligence in not developing the most discriminating technology possible. A military doesn't develop this kind of technology if its concerns are merely firepower, destructiveness, and increased lethality. Its motives might or might not be humanitarian - but motives are not the point; the point is that the technology is geared along the axis of increased discrimination. A lot of the objections, so far as I can tell, in my quite unenlightened, unintellectual way, come down to saying that war should not be turned into assassination. But that's what perfect target discrimination is - and again, as a non-intellectual in all of this, it seems to me that perfect war is target selection perfected to the point of assassination. Because that is how you achieve the polar opposite of cannon fodder.

Fifth, then, if you ask why humanitarian law types feel conflicted about this, it is because, so far as I can tell, they have a residual concern about reducing disincentives for war; a

certain sense that this is somehow 'unsporting'; a certain sense that it increases the use of illegal but quite rational responses such as human shields and sheltering among civilians by the un-teched side; a quite human tendency to root for the underdog sometimes coupled with a residual resentment of the users of these technologies, the United States and Israel; a fear that the technology will not turn out as planned; but - running exactly the opposite direction - the understanding that, after all, building weapons systems with greater and greater target discrimination down to the level of specific individual combatant is precisely what perfect humanitarian war technology is supposed to do. This is what, starting in the microchip revolution of the seventies and eighties, after all, they began to demand of militaries - that rich militaries invest in discrimination in weapons systems. Well, now they have, or anyway are in the process of doing so, or trying to do so, and so far as I understand objections here based upon theories that I don't know much about, some number of people want to complain that it might work too well?

Maybe it won't work in fact - maybe the results will really be indiscriminate. But many of the complaints being registered here and in Singer's book seem in my not-super-theoretical grasp not really about the fear that the technology will turn out to be indiscriminate. On the contrary. They are, rather, complaints that the discrimination is, or might become, so good - and that, naturally, the militaries doing this would like to do so coupled to a theory by which they can still win and, really, win more easily and effectively. But I have to say, it seems to me somewhat difficult to go back to those same militaries and say - well, we like discrimination in targeting, but please not so much that you are picking names off a computer and killing people who are entirely and completely identified. It no longer seems like ... war. Rene Char called war "this time of damned algebra" - but surely he didn't mean by that a time of damned algorhythms running through facial recognition software.

But this comes perilously close to saying that war is aesthetically, if not morally, unattractive when it loses all its anonymity. Or to be perfectly vulgar about it, it is as though to say we prefer our dinner with pork, but only so long as we didn't personally know the pig.

EXCERPT:

As the resident lawyer of this august group, I suppose I should say something about the laws of war as applied to battlefield robots. Not that you would not be able to find a gazillion lawyers who would say something different. However:

COMMENT:

AUTHOR: Charli Carpenter

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DATE: 04/02/2009 05:50:05 AM

Ken, well I don't fully agree with your discussion of why AWS might or might not be discriminate, but I'll post further on this momentarily. Let me say though, that you raise an

interesting distinction in the debate between jus in bello arguments, on the one hand, about whether robots can fight in accordance with war law; and a completely different argument about whether we would want them to. Since I'm interested in humanitarian law developments, my frame of reference is definitely the former. It would be an interesting and ironic case of a norm effect if in fact these sort of constitutive ideas about war held human security folks back from pursuing rulesets in the context of their current regulative regime.

COMMENT:

AUTHOR: Matt Armstrong

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DATE: 04/02/2009 06:19:15 AM

Ken, if we are concerned with the Laws of War then we have already lost the fight. Debates over discrimination and proportionality are so easily twisted to fit ones needs to be laughable. Justifying actions based on Western concepts of what is just is quaint and dangerously naive. If we are defending discrimination and proportion with lawyers we have already lost the fight because global audiences will not take the time deliberate the finer points of the engagement and weigh the evidence. Previous incidents of “technical failure,” or even “out of control” proxies (i.e. contractors) in Iraq, reflect onto the United States whether the blame is accepted or not. Deniable accountability, whether or not shrouded in law, is a myth in a world where influence matters and perceptions can trump fact. Let's get this straight. The law of proportionality applies only to offensive actions. In other words, international law will permit certain acts if they are justified as a defensive action that may cause significant blowback in the war of information and influence. Let's face it, the Laws of War or International Humanitarian Law are "enforced" by normative behavior and public opinion anyways. Let me be clear, going with jus in bello to justify actions or permit actions actually creates an environment that's too permissive. Moreover, the jus in bello debates are Western debates anchored in Western traditions. Somebody, I think it was Charli, commented on the pre-emptive outlawing of technology in a rebuttal to Singer's "robots are too far ahead of the curve" argument. It's useful to remember that chemical warfare was outlawed prior to wide military deployment of gas. More important is to remember that the prohibition against the use was only when used against other signatories of the agreement. The implication being that all civilized nations signed, so therefore "non-civilized" nations were fair game. Fair use of the law? What about firebombing Dresden? Justified as a defensive act (a justification we had to push hard because American air crews needed a bit of convincing). The Laws of War are malleable and today, that malleability works only in the West if it works at all.

AUTHOR: Charli Carpenter

TITLE: Response to Brynen

STATUS: Publish

ALLOW COMMENTS: 1

DATE: 04/02/2009 06:08:14 AM

BODY:

This began as a response to Rex Brynen's post, but it got too long so now here it is at the top of the Symposium. (Bwah ha ha!!) Brynen argues that it is no puzzle that humanitarian law organizations are non-plussed by the question of autonomous weapons, because in fact the weapons enhance humanitarianism rather than threaten it. Ken makes a similar case. Let me outline why I disagree.

I'm not a lawyer like Ken, but rather a political scientist, so my reading of this will be partly through my assessment of the law and partly with an eye to political puzzles and inconsistencies in the application of the law.

Article 36 of Additional Protocol I to the Geneva Conventions requires states to build and deploy only weapons that are compliant with humanitarian law, the most basic principles of which are proportionality and discrimination. Discrimination, in the convention, has two components relevant to choice of weapons outlined in Article 51(3b and 3c). First, whether a weapon can be targeted in such a way as to distinguish combatants from civilians and correspondingly minimize casualties among the latter. Second, whether it can be controlled. Brynen concedes this when he points out that:

<blockquote>

“If you deploy a weapons system that is, by design or predictable defect, prone to kill indiscriminately, you are in grave breach of international conventions.”

</blockquote>

Well. Not “grave breach” perhaps, but that’s a technicality. Question is, how do autonomous weapons stack up against these criteria? Brynen thinks just fine:

<blockquote>

“To date we’ve seen no evidence that [AWS decrease discrimination].”

</blockquote>

He then points out that precision weapons have generally reduced collateral damage. He’s right on that score, but he (and Ken I think) are relying on a conflation of

weapons aimed with a human in the loop and fully autonomous systems. Let me make it clear that I am only referring to the latter.

Fully autonomous weapons – where no human being is involved in the initial decision to fire – are very different from the other types of weapons Brynen cites where humans make the decision to fire and the weapon simply helps hone in on the precise target. Such decisions are made by humans (at least in many countries) generally after carefully weighing tactical necessity against ethics and war law - something we are simply not able to program machines to do. In other words, AWS are most like the very weapons Brynen points out are banned – AP landmines – which activate autonomously according to a sensor but cannot easily tell a child from a weapons bearer. The political puzzle for me is that landmines are so obviously opprobrious in the minds of human rights gatekeepers, but other types of AWS are not.

In my view, AWS cannot be compliant with the Geneva Conventions precisely because their ability to make independent targeting decisions cannot be limited by humans once deployed: their design mitigates against it. They therefore do not meet the second criteria in Article 51(3) of the Conventions, at least on my interpretation.

However, suppose parties to the Geneva Conventions modified that rule. Suppose the litmus test were not whether a weapon could be controlled, or whether it could discriminate perfectly, but simply whether such a system committed fewer war crimes than a human being on average? Researchers at Georgia Tech believe an algorithm could be designed to this effect, but I for one am skeptical – mostly because of the muddiness of the civilian/combatant distinction even for humans. To try to render this complexity into a program that will get it right enough of the time requires too great a leap of faith for me - especially when evidence to the contrary already exists,including the robot cannon in South Africa that killed 9 people when it malfunctioned. Peter's description of similar incidents in the book only reinforces these concerns.

I may be wrong. At any rate, this interpretation of these trends seems to me, and various norm entrepreneurs as at least as plausible as a happy go lucky future in which such weapons humanize war (to use a terribly ironic figure of speech). And given that, it’s politically interesting that human security organizations by and large have not taken this position.

EXCERPT:

This began as a response to Rex Brynen's post, but it got too long so now here it is at the top of the Symposium. (Bwah ha ha!!) Brynen argues that it is no puzzle that humanitarian law organizations are non-plussed by the question of autonomous weapons, because in fact the weapons enhance humanitarianism rather than threaten it. Ken makes a similar case. Let me outline why I disagree.

COMMENT:

AUTHOR: Rex Brynen

EMAIL:

IP: 96.20.139.135

URL: http://www.mcgill.ca/politicalscience/faculty/brynen/

DATE: 04/03/2009 01:34:26 AM

Charli is right to focus our IHL debate on AWS. In Peter's book, remotely-controlled weapons and those with genuine targeting autonomy are both discussed as "robotic", but I would concur that the latter pose greater challenges. It should be noted, however, that even if humans are not "in the loop" with regard to the decision to fire, they are in the loop--even with AWS—with regard to the command decision of when, when, and how to deploy and use the weapons system involved. Almost all anti-tank and naval mines are AWS, and with the exception of some of the latter are incapable of much target discrimination. The international community has not chosen to place any additional convention restrictions on use of the former, and while there are restrictions on the latter under Hague Convention VIII (1907) they are fairly easily circumvented in practice (through warnings to civilian shipping). There are two reasons for this, I think. The first is a theoretical assumption that the act of deployment involves a degree of discrimination. If you place AT mines in an off-road area, for example, there is little chance that they will be triggered by civilian traffic. Deploy the same mines on a highway subject to heavy civilian traffic, however, and you have a potential war crime. Given this, international law regulates the deployment, not the weapon. The second reason is a practical question of lethality. AP landmines were prohibited not just because of discrimination reasons (although that was the normative logic for doing so), but also because of lethality—the numbers of civilians being killed was very large indeed. Had their social cost not been so high, the discrimination issue alone would not have been enough to force international action on the issue in the face of their clear military utility. A second issue concerns what we consider the category of AWS to include. Does it include the increasing number of fire-and-forget weapons systems (such as naval SSMs, and a growing number of air and artillery submunitions) that have an autonomous ability to search for targets once they reach a preprogrammed area? Does it include weapons which, by their very nature, are capable of changing targets mid-course as a function of their guidance technology (some IR-seeking AAM would fall into this category, for example)? While such weapons have a human in the loop with regard to the initial firing decision, that same human has no ability to assure that the target that what the weapon eventually "locks on" is indeed the intended target, or even a permissable one. Again, IHL presumes that the key issue with regard to such weapons is the context in which they are used. Firing a naval SSM against the suspected location of an enemy battlegroup at sea, away from shipping lanes, would not generally be considered a violation of the laws of war, even if you couldn't absolutely guarantee targeting or fully discriminate between targets at the range at which you detected and acquired them. Firing an SSM in search-and-target mode into a busy shipping lane would be a very different thing. As for the case of the "robot cannon in South Africa that killed 9 people when it malfunctioned," I believe that Peter has an incorrect account of what happened (p. 196). In fact, the SADF investigation found that a simple spring pin sheared, causing the interface between the hand/motor actuator selector lever and the traverse gearbox to break during engagement and thereby making it impossible to control the weapon. Ironically, therefore, it wasn't that the robotic/autonomous part of the Oerlikon GDF-005 malfunctioned, but rather the reverse: neither the automated controls nor humans on the ground were able to control what was essentially simple, broken machinery.

COMMENT:

AUTHOR: Charli Carpenter

EMAIL:

IP: 75.36.185.223

URL: http://www.people.umass.edu

DATE: 04/03/2009 04:39:33 PM

Rex, thanks for this thoughtful response - and for the clarification about the SADF case. To answer your question about AWS - I think you make an important point about context, and I could see the rules developing along the lines of a clarification regarding use rather than a complete ban. However,your analogy to naval SSMs firing at battlegroups v. shipping lanes only proves the point that these weapons cannot be trusted to discriminate themselves between civilian and noncivilian targets, and therefore humans need to make initial targeting decisions. Contexts in which the issues of autonomy and discrimination would arise less at seatthen and more in stability and support operations, or where AWS are being used as sentries in border areas.

AUTHOR: Mike Innes

TITLE: Challenge: From the Small Wars Council

STATUS: Publish

ALLOW COMMENTS: 1

DATE: 04/02/2009 10:44:12 AM

BODY:

All - see the comments below, from SWC council member William F. Owen, asking "How Relevant Is This?":

<blockquote>

Just looked through some of the posts on CTlab, and a couple of points spring to mind.

Closely observing the one military to make extensive use of "unmanned vehicles" in a recent conflict, I can safely say that NO ONE is talking about autonomy, in the terms currently being discussed and especially when it comes to lethality.

The primary uses of "unmanned systems" are pretty well codified and pretty well understood, based on recent experience. None of the items raised so far are in any way much relevant to how the actual user communities see the capabilities developing.

The current areas of discussion have very little to do with law (other than ROE) and everything to do with application within the battle space, where ever that maybe.

</blockquote>

This is more for some participants than for others, but worth addressing one way or the other. Discuss (please).

COMMENT:

AUTHOR: Drew Conway

EMAIL: agc282@nyu.edu

IP: 128.122.79.157

URL: http://blogs.nyu.edu/blogs/agc282/zia/

DATE: 04/02/2009 01:52:03 PM

My initial reaction is two-fold. First, simply because no one on the ground is talking about autonomy now does not devalue this discussion in any way. As I pointed out in one of my posts, the reality is that research and development are pushing the autonomy envelope, so in fact, now is exactly when these questions should be brought up. Also, at the risk of sounding dismissive, which is certainly not my intention; however, given that most of us are academics with no experience in the field these macro consideration are precisely where we can make out largest contribution to the discussion. As for Will's second point, on the application to the battle space, it seems to me that robotics are most applicable to the intelligence and reconnaissance area. As nanotechnology continues to reduce the physical size of these machine, their ubiquitous extension into all ISR seems inevitable; though again, this push must be predicated on a serious discussion of the legal and ethical boundaries of development and application of these machines.

COMMENT:

AUTHOR: William F. Owen

DRAFT

EMAIL: fireteam51@gmail.com

IP: 89.139.166.122

URL:

DATE: 04/05/2009 06:06:32 AM

Wow. I didn't know anyone would take my comments that seriously. I like what you guys are doing, but, as originally intended, I would like to inject a note of caution, from the guys actually using these things TODAY. What the users want is better and more reliable control. They don't want ROBOTs thinking or acting by themselves. The one area I have seen where autonomy is valuable to an extent is logistics, but that is set in a "follow me" me type function. To put this in perspective, some 80-90% of the cost of one of the current operational ground crawling robots, with a combat record, is in the communications package, it carries. Not sensors, not chassis, or anything else. The effort is going into ensuring control.

AUTHOR: Antoine Bousquet

TITLE: The ethical dilemmas of the robotic revolution

STATUS: Publish

ALLOW COMMENTS: 1

DATE: 04/02/2009 11:53:57 AM

BODY:

After the more instrumental concerns of command and control, I would here like to consider the ethical issues raised by the development of robotic systems and the consequent removal from harm of military personnel (one of the recurrent claims made in Wired for War is that these machines are saving the lives of young Americans). Precision-guided munitions were seen to make possible the vision of an ethically superior form of warfare, in which the lofty humanitarian ideals invoked for a conflict such as Kosovo would not be tainted by messy collateral damage, or undermined by military casualties that domestic audiences will not countenance. Similarly, robotics appears to offer the tantalising prospect of freeing warfare from some of its most thorny ethical dilemmas. A contrario, I wish to argue that it is neither desirable nor feasible to expunge such dilemmas from war (indeed it is what makes war such a profoundly human activity, even in the midst of its sometimes searing inhumanity) and that robotics will in fact raise a whole gamut of new ethical problems.

One of the arguments made in favour of the ‘robotics revolution’ is that it will be possible to intervene around the world in trouble spots such as Sudan without the fear of military casualties which presently holds back such operations (Somalia was in this sense a watershed moment). Assuming for now that such a proposition is technically feasible, I believe it poses some major ethical questions. In a

DRAFT

fascinating article on the Kosovo war, Paul Khan argues that the riskless form of war that was waged there was morally perilous. For Khan, war cannot be simply reduced to a cost-benefit analysis but in itself communicates certain messages about the society that wages it. In the case of Kosovo, the clear message sent by the practice of bombing from 40,000 feet and the refusal to commit ground troops was that the lives of the Kosovars on the behalf of which the West claimed to be intervening were worth less than those of NATO soldiers.

<blockquote>

Riskless warfare in pursuit of human rights is, therefore, actually a moral contradiction. If the decision to intervene is morally compelling, it cannot be conditioned on political considerations that assume an asymmetrical valuing of human life […] Our uneasiness about a policy of riskless intervention in Kosovo arises out of an incompatibility between the morality of the ends, which are universal, and the morality of the means, which seem to privilege a particular community.

</blockquote>

Kahn goes on to argue that “outside of our own community, the right to intervene, even in a good cause, is never clear” and that intervention on the grounds of universal rights therefore entails a claim that those we are intervening on the behalf of form part of a new enlarged community that exceeds existing boundaries. Such a claim must however be cashed out in the way we intervene in and cannot express a manifest asymmetry in the valuing of life without moral contradiction. Robotics threaten to further reinforce this asymmetry while communicating to the world that the US will defend values it views as universal only insofar as it does not entail a willingness to accept real sacrifice in upholding them.

The second ethical aspect I want to look is that which pertains to autonomous killer robot systems and how they may or may not be able to make ethical decisions on the battlefield. The capacity for ethical self-reflection is one of the key characteristics that distinguishes us from other living beings, and as an activity in which death is dealt out in the name of higher communal principles, war is shot through with ethical quandaries. The ability of an autonomous robotic system to act ethically thus seems like a necessary pre-requisite if we are ever to grant them a free rein in the decision to kill.

What then does it mean to be an ethical being? Can it simply be the automatic and unambiguous application of a certain number of rules of behaviour in accordance with some pre-established values? Can we formalise such behaviour into a set of programmable instructions? I confess to being highly sceptical of any attempt seeking to do so.

While we do of course elaborate certain ethical codes, these only offer general rough principles as every ethical situation will be unique and demand an individual choice to be made within the particular circumstances and setting of the situation. Ethics therefore cannot be reduced to a fixed set or rules to be applied to any given situation. Nor can a decision be made merely on the basis of a series of logical propositions. Jean-Paul Sartre famously narrated the moral dilemma faced by one of his students during the Second World War in occupied France. The said student felt that it was his duty to join the resistance forces and fight for the liberation of his country but was torn by the knowledge that if he did so the sick mother he was caring for alone would likely suffer and perhaps die. How is one to determine what the ethically superior decision is in this situation? Sartre demurred from advising any particular course of action to his student, arguing that the eventual choice constituted a quintessential existential commitment that would define the individual making it. I would argue that such dilemmas abound in war, in which lives are risked every day,

uncomfortable choices confront all those involved, and predetermined rules provide only general guidance.

All this seems to pose insuperable problems for the way in which logic-based computer systems operate. Some claim that one of the advantages of robots is that they do not suffer from the emotions which so debilitate human soldiers – but is emotion and empathy not one of necessary requirements for an ethical being? I am aware of course that here I am touching upon the thorny issue of the fundamental nature of human consciousness, and some scientists and philosophers would argue that it can be essentially broken down to discrete logical processes and thus will one day be emulated by artificial systems. I have profound doubts about such claims but I recognise it is still an open question, and any definitive statements about what machines may or may not one day be capable of is premature.

So let us suppose for a moment that it will become possible to design artificial intelligences which display an ability to make the same complex ethical choices that humans do (and thus a exert a recognisable measure of free choice – and individual existential commitment as Jean-Paul would have it)? In what sense would the internal life of such machines actually differ from ours? Would such entities therefore not be entitled to all the rights we accord to humans? It might no longer be ethically permissible for us to use robots as cheap cannon fodder substitutes for their flesh and blood brethren. We might have to allow for robots that refuse to go to war or carry out certain orders, or try in court those that commit war crimes.

Therefore either it will never be possible to endow AI with a consciousness akin to ours, in which case robots will always fall short of the ethical imperatives of war, or it will become possible, at which point the role of robots in war and their status within human societies will become highly problematic. Whatever the outcome, the introduction of unmanned killer robots in war will not be the panacea that frees us from making the difficult ethical choices that war entails.</p>

EXCERPT:

After the more instrumental concerns of command and control, I would here like to consider the ethical issues raised by the development of robotic systems and the consequent removal from harm of military personnel (one of the recurrent claims made in Wired for War is that these machines are saving the lives of young Americans). Precision-guided munitions were seen to make possible the vision of an ethically superior form of warfare, in which the lofty humanitarian ideals invoked for a conflict such as Kosovo

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AUTHOR: John T. Fishel

TITLE: Sci-Fi and the EMA: Evolution in Military Affairs

STATUS: Publish

ALLOW COMMENTS: 1

DATE: 04/02/2009 03:18:54 PM

DRAFT

BODY:

Robert Goldich’s review of Wired for War, published in the Small Wars Journal a few days ago, makes the point that if the revolution in warfare that Singer sees actually takes place, it will take much longer to come to fruition that envisioned in the book. To which, I would add that the revolution will probably not look at all like anything Singer projects as on the horizon. William F. Owen, writing on the discussion board of the SWJ this morning notes that the armed force that makes the most use of robots, the IDF – with which he is intimately familiar – has no intention to make use of autonomous robots in the foreseeable future.

My comments here begin from a point of deep skepticism about technological revolutions in general and the robotics “revolution’ in particular. As Singer points out, the future is often seen in works of science fiction. And, as a science fiction fan of long standing, I have enjoyed, been amazed, and enthralled by the possible worlds of Asimov, Heinlein, and more recent writers like John Ringo, David Sherman and Dan Cragg, and Ian Douglas. The latter three have focused intently on military sci fi with some really neat technological stuff for their soldiers and Marines. That technological stuff is, of course, much advanced over the technologies Singer discusses – yes, Virginia, sci fi has again surpassed reality. Douglas, in particular, makes great use of artificial intelligences (AI) as both critical to the success of his Marines and, in nightmarish form, as the entire focus of his non-human, unalive (?), “robotic” enemy. But Douglas deals with the good robotics and AI by means of addressing the man/machine interface based on the implantation of electronic receptors in the brains of the human characters. Thus, while his AI have personalities – one of the more memorable is Chesty, named for General Lewis “Chesty” Puller – they remain at the service of the human commanders. The reasons for this are inherent in the quote that Goldich uses in his review from Poul Anderson about how humans are the product of evolution, instinct, and reason. This is also why Douglas’ Marines will defeat the robotic Xul at the end of the Inheritance Trilogy (third book still to come).

Most science fiction, however, is not revolutionary. At its best, it extrapolates already visible trends and poses human problems in dealing with new technologies and non-human cultures. The technology is clearly evolutionary. Let us take, for example, faster than light (FTL) travel. Much sci fi simply assumes away the absolute speed limit imposed by Einstein in his theories of Relativity. When it is assumed away, so too is the problem of time lags in communication. Some of the more scientifically accurate sci fi, however, takes the Einstein universe and posits a way of achieving FTL travel by warping the very fabric of the universe – perhaps, the only way that FTL could be achieved if Einstein was correct. In that case, we are left with the notion that the fastest means of communication is a messenger ship that can travel FTL by warping space.

My point is that technological change is, itself, rarely revolutionary; it is most often evolutionary. The revolution in military affairs (RMA) tends to be seen after it has happened as a result of the accumulation of many small changes over time. And many of these so-called RMA are not revolutions at all, but are profound nevertheless. Let me cite an example from the relatively recent past that I was associated with:

In 1986, during the El Salvador insurgency, the major sources of Salvadoran army (ESAF) casualties were small anti-personnel mines scattered by the FMLN insurgents.

SOUTHCOM’s Small Wars Operations Research Directorate (SWORD) was tasked to find a solution to the problem. Our approach was 3-pronged. First, we bought the ESAF commercial metal detectors and trained their soldiers to use them. Second, we provided the ESAF with blast chaps and blast booties developed by the US Army’s Natick Lab. Third, we introduced a mine awareness, detection, and avoidance training program. As a result, ESAF casualties due to land mines fell off dramatically – for about three months. In 1987 they began to rise again. In a subsequent assessment of the ESAF (late 1987–88) we discovered the reasons. First, the ESAF rotated all its officers on 1 January. With new people who were not aware of the program, the equipment went on the shelf and the countermine training ceased. Second, the ESAF had no personnel program at the national level, other than a draft for that impressed peasant conscripts as soldiers. Third, the ESAF had no centralized personnel records system. Together, these failings meant that a promising anti-counter-mine program failed to survive. In the larger picture, the ESAF had to train an entirely new army every two years. One of the successes of US military assistance to the ESAF was the institution of a computerized central personnel system in the next year or two. That system bore fruit in 1995 when, during Hurricane Mitch, the ESAF was able to activate the military reserve that the system had made possible for disaster relief efforts. This, I submit, was the real “RMA” for the ESAF. To return to the original point, it both took longer and came about in a way that was totally unanticipated.

EXCERPT:

Robert Goldich’s review of Wired for War, published in the Small Wars Journal a few days ago, makes the point that if the revolution in warfare that Singer sees actually takes place, it will take much longer to come to fruition that envisioned in the book. To which, I would add that the revolution will probably not look at all like anything Singer projects as on the horizon.

AUTHOR: Mike Innes

TITLE: Rewired For War: Militant Operating Environments

STATUS: Publish

ALLOW COMMENTS: 1

DATE: 04/02/2009 09:15:31 PM

BODY:

I just came out of a conversation with an editor at a major magazine, in which I was embarassingly incapable of intelligently relating my own alleged expertise on insurgent and

terrorist sanctuaries to an open discussion that just threaded its way through the blogosphere over the last few days. The conversation forced me to think hard about what my issues were with the debate, which earn said editor an acknowledgments whenever I get my damn book on the subject written. What initiated all of this was Andrew Exum's (a.k.a. Abu Muqawama) short article entitled "No Place To Hide" in The New Republic. Ex made a lot of smart points about safe havens, and as I wrote in an email to him, it's good that he's addressed this publicly and sparked some straight thinking. No one has seriously addressed the problem of militant sanctuaries in years – really, not since the post-911 Bush Administration’s first term, when it was still all about hunting down Al Qaeda honchos and "smoking them out of their holes."

Unfortunately, Ex's write-up, which took the Obama Adminstration's new policy on Afghanistan and Pakistan to task for its "obsession" with physical sanctuary (among other things), was also heavily flawed, for reasons I'll get into below. I've always maintained that most of the policy on denying sanctuary to terrorists has been distracted and partisan, and the scholarly literature, with few exceptions, too misguided or constrained by disciplinary stovepipes to be useful. Likewise any popular understanding of what havens, much less the safe kind, actually mean. All sorts of aphorisms and buzzwords have been bandied about, without much consideration to whether they actually apply to the specifics we have to deal with in Afghanistan, Iraq, and a few other trouble spots. I'm highly skeptical, for example, that slapping some pomo jargon or sexed-up architectural theory on the problem will help fix things. I'm equally skeptical that a classical COIN model of sanctuary can be faithfully applied to transnational terror groups without some sort of adaptation.

I want to pursue the theme during this symposium, partly because I think sanctuary in militant thought and practice - particularly in this age of cybernetic and chaoplexic warfare - is at the heart of battlespace regulatory regimes (be they social, legal, or technological). In this, I'd like to push Antoine and Rex in particular to respond (though all are obviously welcome to weigh in). Both, to my mind, have distinct expertise that's relevant here - Antoine on how military managers think about the shape and order of battlespace, and Rex on how a militant organization can exploit the cracks and seams in such systems in order to survive.

Back to Exum's article. There's a lot that's good about it: there's more to safe havens than just the physical dimension; virtual issues need to be dealt with; safe havens have been part and parcel of both COIN and CT missions; and we need to look beyond the Afghanistan/Pakistan horizon to what's next. All sensible points, and I don't have any serious disagreement with his general thrust. For Matthew Yglesias, one take away - quite incorrectly - was that terrorists don't even need a sanctuary. An anonymous commenter observed at Exum's blog that it was next to imposible to see the army in his article for all the straw men populating it. I'll try to address as many of these points as possible in this post. They don't necessarily weave well into a whole, so I'll just deal with them in a sort of stream of consciousness, and try to avoid rambling.

Although terrorists plan and train in the real world, Exum writes, the "common denominator that has emerged from domestic terror threats in places like the United Kingdom is that their staging ground was actually on the internet rather than in a physical 'safe haven'." I'm pretty confident he wasn’t trying to paint a picture of wetwired ji-

hackers uploading themselves into the net to wreak digital havoc in ethereal form, and he later redressed the editorial misstep that led him referencing the internet per se, rather than web-based propaganda. It's important to acknowledge the role of web technologies and social media as idea-sharing platforms, but the point is frequently – and easily – overstated or miscommunicated. Thomas Hegghammer, for example, in response to No Place to Hide, noted that "at the end of the day, the Internet is just the messenger." Well, no, no it's not. It's a vehicle, nothing more, unless you consider the stratcom implications of the message being in the medium - but even so, the messenger as active agent is a third party to all this. Perhaps, in a rewired-for-war robotics sense, the Internet could become the messenger at some point down the road, but that's a distracted aside.

People communicate through the web, and learn from resources hosted on it, and sometimes that communication and learning can lead down the road to extremism. But those features don’t really make the web any more an "operating environment" or "staging ground" than text messaging, the radio, or the local library. As Tim Stevens put it in his response to Exum, there's a "rather insidious tendency amonst the security establishment to parse the virtual/physical relationship clumsily, many people preferring to focus on one at the expense of the other."

The point about terrorist use of the internet that’s consistently glossed over is that it’s just as "physical" a resource as training camps in Waziristan, cave complexes in Tora Bora, or safe houses in London. It's anchored in real world hardware and it takes real people to interface with it – but it’s organized, distributed, and accessed in ways that don't look anything like the macro territorial havens we’re used to thinking about. The distributed internet is, essentially, a reflection of the transnational networks that exploit the medium. To borrow from Hegghammer, they are the messengers, riding its ruby rails.

That’s the difference: physical space can be organized in many different ways, and different kinds of organizations have differing requirements. Guerrilla field armies need controllable territory to go about their business, but transnational networks made of up of linked individuals don't. They need physical space, to be sure; that's not the same thing as territory, in its political sense. So when Ex argues that the new White House policy "betrays an obsession with physical space at the expense of virtual space," it’s a fair point, but it misses a more important one: destroy a guerrilla sanctuary, and you may soon have to contend with the networked kind – small, scattered, more of them, harder to find.

I don't mean to suggest that the world of ideas doesn't count or is even necessarily subsidiary here. I'm in full agreement with Rex Brynen's comment on No Place to Hide: "There are two issues here. The first is the importance of the net for propagandizing and recruitment, which I don't doubt. The second, however, is the extent to which havens may be socially constructed rather than (or as well as being) spatially determined." There's an important corollary argument, for example, in the Orwellian relationship that old school jihadis have with "safe" havens. Some of the early cohort of Afghanistan's anti-Soviet fighters, for example, had been on the run from persecution in their home countries: Osama bin Laden from Saudi authorities, and Al Qaeda no. 2 Ayman Al Zawahiri was a 1970s Egyptian dissident who went on to volunteer his medical skills to the mujahedin in the 1980s. So in a

limited sense, they were "safe" in Afghanistan and Pakistan, at least from Egyptian and Saudi lock-up. Zawahiri's own writings suggest that what we think of as sanctuary - conventially, a protected rear area - AQ considers to be front line. The key here is that professional jihadis have consistently sought out the next battlefield, the next arena of jihad, and some of the same names pop up in the wars in Afghanistan, Bosnia-Herzegovina, Chechnya, and so on. The safety they’re looking for has never been physical, by any stretch of the imagination. It’s spiritual, a sort of preservation of the faith, and it’s the kind of connection that’s enabled repeated link-ups between transnational networks and local armies.

So where does that leave us? Echoing Antoine Bousquet's writing on closed worlds and cyberneticism, Yglesias writes "You need to be wary of a strategic concept which implies that the security of American citizens requires the United States to achieve effective physical control over 100 percent of the world’s land area." This has some bearing on what the White House should reasonably be trying to achieve. Its obsession, Ex argues, is a direct legacy of the Clinton era. He writes: " The policy-makers who crafted the White House strategy largely belong to the generation that cut its teeth in the Clinton White House, when physical havens were in fact the only havens that mattered." That's not exactly accurate. Yes, the Clinton Administration dealt with terrorists holed up in miserable parts of the world. But to the extent that anyone was thinking about "safe havens" or "sanctuaries", it had very little do with the terrorist variety. In the 1990s, "safe havens" were a completely different kind of political football. The liberal internationalism of that era was preoccupied with the plight of civilians caugh in the crossfires of nasty little wars. It established UN safe cities in Bosnia, France’s humanitarian enclave in 1994 Rwanda during the genocide, and implemented no-fly zones over Kurdish Iraq. These were a sort of variation on an extraterritorial theme, of the kind of middle ground in international relations that allows for state neutrality, among other things. One might argue, based on that legacy, that acknowledging shades of intermediacy in foreign relations is exactly the recipe driving Obama's rapprochement with the world - the kind of middle-ground-enabling philosophy that can allow for finer grained differentations in COIN and CT operations and leverage greater opportunities for diplomatic engagement.

EXCERPT:

I just came out of a conversation with an editor at a major magazine, in which I was embarassingly incapable of intelligently relating my own alleged expertise on insurgent and terrorist sanctuaries to the open discussion on the subject that just threaded its way through the blogosphere over the last few days. The conversation forced me to think hard about what my issues were with the debate, which earn the editor in question a mention in the acknowledgments whenever I get the damn book written

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COMMENT:

AUTHOR: Jengnameh

EMAIL:

IP: 70.112.185.52

URL: http://jengnameh.wordpress.com/

DATE: 04/03/2009 10:06:11 PM

This is to my point, at my blog, that global insurgent networks need disaggregation. Focusing on physical space (Pakistan) is insufficient.

AUTHOR: John Matthew Barlow

TITLE: Response to Innes: The Medium is the Message?

STATUS: Publish

ALLOW COMMENTS: 1

DATE: 04/03/2009 05:54:11 PM

BODY:

[Ed's Note: In a rather ironic twist, part of this post got lost in cyberspace somewhere, so it is now updated and in its complete form.]

Marshall McLuhan famously declared that "The Medium is the Message." By this, McLuhan meant that "This is merely to say that the personal and societal consequences of any medium -- that is, of any extension of ourselves -- result from the new scale that is introduced into our affairs by such extension of ourselves, or by any new technology." (Unfortunately, McLuhan's prose is insanely dense and obscurantist at times). In terms of the internet, this means that the net is an extension of ourselves and, well, the societal consequences of the net seem pretty obvious.

Yesterday, Mike Innes, in discussing terrorist sanctuary, takes Andrew Exum to task for suggesting that "common denominator that has emerged from domestic terror threats in places like the United Kingdom is that their staging ground was actually on the internet rather than in a physical 'safe haven'." Mike then paints an image of terrorists uploading themselves into the net, and suggests instead that is is web-based propaganda that Exum refers to. In response to Thomas Hegghammer's declaration that the medium is the message, Mike argues: "It's a vehicle, nothing more, unless you consider the stratcom implications of the message being in the medium - but even so, the messenger as active agent is a third party to all this. Perhaps, in a rewired-for-war

robotics sense, the Internet could become the messenger at some point down the road, but that's a distracted aside."

Mike, I am afraid, is being a bit too literal here, no doubt on purpose. It is not a question of Osama Bin Laden uploading himself so that he can float around somewhere in cyberspace on the information superhighway. Rather, it is a question of using the internet as a staging ground to hatch plans as the terrorists are dispersed, in different parts of a city, or a country, or in different nations, and so on. Indeed, this isn't so different than how most of use the net. So in the simple McLuhanite sense, the internet is central, it is the staging ground, it is the message, at least in a sense.

Mike also notes that the

People communicate through the web, and learn from resources hosted on it, and sometimes that communication and learning can lead down the road to extremism. But those features doesn’t really make the web any more an "operating environment" or "staging ground" than text messaging, the radio, or the local library...The point about terrorist use of the internet that’s consistently glossed over is that it’s just as "physical" a resource as training camps in Waziristan, cave complexes in Tora Bora, or safe houses in London. It's anchored in real world hardware and it takes real people to interface with it – but it’s organized, distributed, and accessed in ways that don't look anything like the macro territorial havens we’re used to thinking about. The distributed internet is, essentially, a reflection of the transnational networks that exploit the medium.

Here he is both correct and incorrect, I think. The internet, due to its pervasiveness and the virtual world it creates, is very different than the local library, the radio, or txt messaging. It is more interactive than either txt messaging or the radio, and it is more virtual and therefore, wider spread than the library. However, I agree that it is just as real a resource as Warzistani training camps and caves in Tora Bora. Note, however, that I use the term "real" and not "physical." While the internet does indeed require human interaction, it is a different beast than those training camps or caves, precisely due to the fact that it is virtual.

According to McLuhan, the medium affects how the message is interpreted, that there is a symbiotic relationship between the communicators and the message itself, according to the medium. McLuhan suggests that the more interesting thing here is the medium, not the message. From this angle, we end up back where Exum started, in suggesting that the internet was the staging ground for terrorist threats in the UK, at least. This is where their plans were hatched, this is where they made arrangements to meet, to put plans into action. Thus, the medium is the message, at least in the sense that McLuhan meant it.

EXCERPT:

[Ed's Note: In a rather ironic twist, part of this post got lost in cyberspace somewhere, so it is now updated and in its complete form.]

Marshall McLuhan famously declared that "The Medium is the Message." By this, McLuhan meant that "This is merely to say that the personal and societal consequences of any medium -- that is, of any extension of ourselves -- result from the new scale that is introduced into our affairs by such extension of ourselves, or by any new technology."

AUTHOR: Mike Innes

TITLE: Wired For Sanctuary: Technology, Threat, Agency, and Intent

STATUS: Publish

ALLOW COMMENTS: 1

DATE: 04/04/2009 10:07:23 AM

BODY:

I'll keep this brief, since I'm running short of time before flying out. The short version, Matt, is that you've misread my points and missed the mark on the ones that you make.

You write that I take "Andrew Exum to task for suggesting that 'common denominator that has emerged from domestic terror threats in places like the United Kingdom is that their staging ground was actually on the internet rather than in a physical 'safe haven'.' You then write that I subsequently paint "an image of terrorists uploading themselves into the net, and suggests instead that is is web-based propaganda that Exum refers to." You've badly misread this. I wrote quite clearly, of Exum's originally worded New Republic, that

<blockquote>

I'm pretty confident he wasn’t trying to paint a picture of wetwired ji-hackers uploading themselves into the net to wreak digital havoc in ethereal form, and he later redressed the editorial misstep that led him referencing the internet per se, rather than web-based propaganda.

</blockquote>

What's more, I'm not suggesting that this is what Ex meant. I'm relating clearly and directly that this is exactly what Ex himself had to say about his own piece. Straight from the horse's pen:

<blockquote>

I made a mistake in the TNR piece... I did not correct the following sentence when it was edited:

The foiled 2006 transatlantic aircraft plot, for example, was allegedly plotted almost entirely within the confines of my old neighborhood in East London. And while some terrorists--such as Mohammed Sadiq Khan, who is believed to have masterminded the 7/7 bombings--travelled to Pakistan and trained in militant camps, the common denominator that has emerged from domestic terror threats in places like the United Kingdom is that their staging ground was actually on the internet rather than in a physical "safe haven."

Allow me to offer a slight correction. The common denominator I was trying to talk about is internet-driven propaganda rather than the internet more generally. I should have caught this when the sentence changed during the editing process. My bad.

</blockquote>

This is distinct from your suggestion that that's the picture that I myself am painting. I'm most certainly not. In fact, I'm pointing out, as others have, what a profoundly misunderstood and commonly miscommunicated thing "virtual" havens really are; symptomatic of the sort of occultation of covert terrorist networks that makes its way into mainstream media inquiries and into cults of personality around which radical networks sometimes gel. We frequently know little about their actual locative dispositions at any given time, so basically we just imagine the spaces they occupy and describe them accordingly.

All of this lends itself to poor understanding of "virtual" havens in general, which have more to do, incidentally, with their social construction than they do with the media through which they operate. To be perfectly clear, the internet is a resource like any other, and its capacity for multimedia delivery of information doesn't change the fact that it's an element of Command, Control, and Communications (C3), nothing more. There are other, more complex variations on this scheme - Command, Control, Communications, and Information (C4I), or Command, Control, Communications, and Computers (C4) - that make this even more clear.

You then go on to correct me by offering a contradictory set of statements that serve only to support my point - largely by mixing and matching terms. You write: "it is not a question of Osama Bin Laden uploading himself so that he can float around somewhere in cyberspace on the information superhighway." Right, like I said, and I don't see how you've made this any clearer. You go on to write, "Rather, it is a question of using the internet as a staging ground to hatch plans as the terrorists are dispersed, in different parts of a city, or a country, or in different nations, and so on."

This is muddled, at best. "Staging ground" is the physical location from which operations - the sharp, pointy end of things that result in dead people - are launched. To stretch "staging ground' to fit every phase of insurgent and terrorist operational lifecyles isn't helpful. The internet is not a staging ground - at least not yet, and not until technologies like Black ICE - variants of Intrusion Countermeasures Electronics lethal to real world operators - become a reality. It isn't even where those things are planned, but how they're planned. The internet and its associated webs are augmented C3 resources tthat enable operators, in the real world, to more easily command, control, communicate, and so on. Certainly, there are graphic simulacra of reality within the net, but these are consensual hallucinations, not the physical locations in which the human bearers of online avatars reside. In real world CT and COIN operations, this is what counts: neutralizing an email account or zapping an avatar can be useful, but the point is to locate and arrest/capture or kill the user.

Based on this, your point that "while the internet does indeed require human interaction, it is a different beast than those training camps or caves, precisely due to the fact that it is virtual", misses the point entirely. My reference to caves, camps, and safe houses is founded on an understanding that there's an important difference, per militant organizational requirements, in scale and distribution of physical resources, from macro to micro and

concentrated to networked. The internet (not the web) is one of those resources, shaped by those same dynamics.

Finally, as I noted elsewhere, there's a fundamental problem of threat, agency, and intent, that runs through the sanctuary debate - as in, for example, references to "the threat" of failed states, when what's really at issue is not threat but vulnerability. At that point, threat and agency are a function of the active intent - of terrorists, insurgents, or what have you - to exploit those vulnerabilities. Failed or failing states aren’t really capable of exercising monolithic intent, offering public goods, or precipitating a deliberate effect, in the name of a singly, unitary state- unless by "failing" we mean "rogue", which is a common enough conflation of meanings (and privileges Wesphalian presumptions). Then, it's a whole 'nother story.

My original aim in bringing up the sanctuary debate was to try to come to some understanding of what problems of refuge and intermediacy might mean in the face of ubiquitous battlespace surveillance and penetrating technologies from which little or nothing can hide. But I think there’s also a real discussion to be had on the distinctions between medium, message, and messenger, cross-referenced with corollary problems of threat, agency and intent. A large part of our Wired For War symposium has dealt with elements of artificial intelligence, autonomous battlefield robots, responsibility for their actions, and the messages they and they're use conveys. Any discussion of media and message in this sense that doesn't acknowledge a separate role of messenger, distinct from both medium and message, will suffer from the safe deficiencies as the sanctuary debate - regardless of what McLuhan wrote.

EXCERPT:

I'll keep this brief, since I'm running short of time before flying out. The short version, Matt, is that you've misread my points and missed the mark on the ones that you make.

AUTHOR: John Matthew Barlow

TITLE: From the Small Wars Council

STATUS: Publish

ALLOW COMMENTS: 1

DATE: 04/05/2009 03:57:52 AM

BODY:

Mike has already alerted us to William F. Owen's challenge to us earlier in the week over at the <a

href="http://council.smallwarsjournal.com/">Small Wars Council, but I thought I'd add to that and point out that an interesting discussion has emerged there in response to Owen.

AUTHOR: John Matthew Barlow

TITLE: Wired for War -- Closing Remarks

STATUS: Publish

ALLOW COMMENTS: 1

DATE: 04/06/2009 01:15:27 PM

BODY:

I'd like to extend our thanks to all those who participated in the Wired for War symposium -- for taking the time to read and consider Peter Singer's account of robotic technology in the battlespace and the potential consequences for warfare, the military, and, indeed, humanity as a whole. The knowledge and expertise of our symposium participants made this conversation fascinating, as they considered the legal, cultural and societal ramifications about robotic warfare.

For anyone interested, the symposium proceedings will remain a part of the archives here at the CTlab, on their own page, and the proceedings will be assembled into a single PDF file for ease of access and reference -- watch this space.

Finally, I would like to again thank Peter Singer for taking time out of his insanely busy schedule to contribute the opening remarks. And Elizabeth Calamari, Senior Publicity Specialist at Penguin in New York was especially helpful.

This symposium is now closed, but we will welcome any further comments on Wired for War or any of the issues the book raised on the Review here at CTlab.

EXCERPT:

I'd like to extend our thanks to all those who participated in the Wired for War symposium -- for taking the time to read and consider Peter Singer's account of robotic technology in the battlespace and the potential consequences for warfare, the military, and, indeed, humanity as a whole. The knowledge and expertise of our symposium participants made this conversation fascinating, as they considered the legal, cultural and societal ramifications about robotic warfare.

BACK PAGE

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