What happened to the media debate on the threats to civil liberties, the right of dissent, freedom of expression and other legal rights since 11 September?

On 10 September, the day before the atrocity at the World Trade Center, Time magazine declared: “the US is at one of those fortunate – and rare – moments in history when it can shape the world”. If they had been asked, most Americans would have agreed. After all, they were citizens of the world’s only super power, the richest, most successful country in history. They were certain that the rest of the world regarded them as they regarded themselves – kind, happy, tolerant, people who wanted to spread democracy, freedom and prosperity everywhere – the American way of life that President Bush insists is “not negotiable”. So a substantial part of the US reaction to the dreadful events of 11 September – the outpouring of patriotism, the clamour for revenge, the deployment of violent and lethal force – can be traced to the terrible shock of learning that so many people detested them and their country, some with a hatred so murderous that they could plan and execute the terrible attack on the twin towers.

But our fascination with the US reaction and then the war in Afghanistan has prevented us from realising just how profound the international repercussions of 11 September have been. The world really was re-shaped that day and we are still coming to terms with it. Many of the values and attitudes we took for granted have been called into question. People feel a deep unease, even fear, but are unable to understand why. Friends who
have always agreed suddenly find themselves occupying diametrically opposing positions.

Is Harvard professor of international relations Samuel P Huntington’s 1993 prophesy that the Cold War would be replaced by a “clash of civilisations” coming true? Is Gore Vidal right when he says the US may have to wage perpetual war for perpetual peace? And, despite assurances from President George W Bush, and Prime Minister Tony Blair that this is not a war against Islam, why do many Muslims believe it is, including Salman Rushdie, who says that to deny it is dishonest?

What is already clear is that civil liberties, the right of the citizen to dissent, tolerance of other’s opinions, polite debate, freedom of expression and all sorts of legal protections are under threat as a direct result of 11 September and the war on terrorism. Our leaders have nearly convinced us that uncivilised behaviour in defence of our civilisation is justified, that civil liberties must take second place when our liberty is under threat, that to question the war or dissent from the way it is conducted is unpatriotic, anti-American or even, believe it or not, anti-semitic.

Now these are important matters, and our media should be leading the debate on them. Some newspapers and broadcasters, mostly in the UK, have accepted this responsibility and have done their best to inform us of the issues and present a wide-variety of analysis and opinion. But others, especially in the US, have reduced the debate to abuse, incitement, personal attacks, inflammatory accusation and intimidation until many a commentator and intellectual, the very people whose voices we want to hear, have been cowed into silence. “Bomb somebody, goddamnit”, advised the host of a New York radio show, while the legendary New York Post columnist Steve Dunleavy urged “the response to this unimaginable twenty-first century Pearl Harbor should be simple as it is swift – kill the bastards ... a gunshot between the eyes, blow them to smithereens, poison them if you have to ... as for cities and countries that host these worms, bomb them into basketball courts”. And lest you imagine that these are the views only of populist journalists, here is former secretary of state Lawrence Eagleburger: “There is only one way to deal with people like this, and that is to kill some of them even if they are not immediately directly involved in this thing.” Is this what President Bush means when he talks of “bringing the terrorists to justice”? 

Certainly both the UK and the USA seem determined to ignore a lot of human rights legislation painfully and painstakingly established over the years. US defence secretary Donald Rumsfeld set the tone when he said that he would rather Taliban fighters were killed than taken prisoner, thus turning his back on the relevant Geneva Conventions. The US administration’s anti-terrorism techniques have included mass imprisonment, mandatory interviews, military tribunals that will have the right to impose death sentences and FBI monitoring of religious and political groups. After 11 September, legal rights went out of the window: no right to a lawyer because no lawyers knew where their clients were, no habeus corpus, no right to silence. One legal academic suggested that a little light torture to force some answers would be justified.

It was six weeks after the big anti-terror sweep before the justice department released figures revealing how many had been arrested (1,200) and how many were still being held (548). Only about 12 had any ties to anything that could remotely be characterised as terrorism. The rest were guilty of minor visa infringements, traffic violations – and being Muslims. One of the detainees, a 55-year-old Pakistani, died in custody. During his six weeks in jail he had had no lawyer, no visitors and no outside communication. He had been trying to return to Pakistan when arrested and charged with overstaying his visa. Another Pakistani, despite eventually getting a lawyer, has spent two months in solitary confinement beneath round-the-clock fluorescent lights. His offence: visa violation.

We can imagine how, in normal times, the US media would have treated such stories. Yet for the latter part of September, October and most of November, they caused not a ripple of concern because no journalist wanted to risk being labelled a “terrorist sympathiser”. It was only when the Senate Judiciary Committee gave the assistant attorney general a rough ride at the end of November that the US media begin to recognise what had been happening.

The British media at least showed more concern about the loss of civil liberties – even if the result was almost as bad. The government had to declare a state of emergency in order to opt out of one part of the European Convention on Human Rights. This was necessary in order to include in the Anti-Terrorism Crime and Security Bill the right to detain indefinitely anyone suspected of terrorist activity. Yes, suspicion not proof is the operative word. If the Bill becomes law then a foreigner could be arrested for behaving in a
suspicious manner or for having links with suspicious people. No open court need approve the arrest, no jury would ever hear the case, no evidence need be produced, no proof provided. I await the outcry when the first arrests under this new law take place. In justifying all this, home secretary David Blunkett used the “we need to lose liberty to defend liberty” argument: “How best to protect ourselves effectively while maintaining the maximum freedoms,” he said, “is one of the biggest issues facing all democratic governments in the aftermath of September 11.” What has happened to anyone concerned about these issues, or who has been worried about the morality of two of the wealthy industrialised countries bombing the daylights out of a poor agricultural one that has been at war for 25 years and is in the grip of a major famine?

In the USA, they have been battered into silence. Writer Susan Sontag made some mild criticism of her country for its reaction to 11 September. She was stunned to receive lots of letters calling her a traitor. “There’s a serious attempt to stifle debate”, she says. “The big media have been very intimidated ... who decided no gruesome pictures of the World Trade Center site were to be published anywhere? I don’t think there was any directive but there was an extraordinary consensus, a kind of self-censorship by media executives who concluded that these images would be too demoralising for the country”. She says the US media sees its role as that of shoring up the president’s image, and that debate equals dissent and dissent equals lack of patriotism. And she worries that another terrorist attack would lead to martial law. “Many Americans, who are so used to not being afraid, would willingly accede to great abridgements of freedom”. The author Gore Vidal criticised the US media and the administration for not even trying to explain the reasons behind the 11 September attack. A US magazine commissioned him to write an essay doing just that but when he delivered the copy the magazine refused to publish it because of its “uncompromising criticism”. He included it in his new book The End of Liberty, which has a dust-jacket illustration of the head of the Statue of Liberty, her mouth gagged by an American flag.

UK media commentator Roy Greenslade points out that all this is the result of the furious retaliation faced by those few writers and journalists who have dissented from the White House line. The fact is that the US media has taken a commercial decision to give Bush an easy ride over the war – “We are only reflecting the mainstream viewpoint” – and has failed to put his policies under proper scrutiny. US journalists themselves have chosen self-
censorship over that freedom of expression set out in the First Amendment. Strange that they have always been eager to wave the First Amendment in the face of all those not lucky enough to enjoy the same guarantees and yet at the very moment when it is most necessary to use it, they have put it on ice for the duration of the war.

Even US academia fell into line to strut its patriotism. The London Review of Books ran a series of essays from 29 leading writers, “Reflections on the Present Crisis”. One contributor, Mary Beard, a Cambridge classics don, dared to suggest that the USA had it coming: “World bullies, even if their heart is in the right place, will, in the end, pay the price.” The response, led by Professor Marjorie Perloff of Stanford University, California, was one of spluttering outrage and threat of a boycott of the magazine. One US reader of the LRB wrote: “It sickened me to read some of the letters in your November issue that attacked Perloff and continued their bending-over-backwards placating of the bin Laden lunatics”. Another spoke of “your vile publication that supports those filthy Muslims”. As often happens, it was the underground current of jokes that summed up the national mood. An American manages to squeeze four stars and stripes on to his car and drives downtown with them fluttering in the breeze. At the traffic lights, another car pulls alongside. It is flying five flags. The two drivers look at each other’s displays of patriotism for a second or so and then the driver of the car with five flags snarls at the other: “Get back to Afghanistan, you fucking terrorist”.

It has been different in the UK. The debate has been sophisticated and, apart from some tabloids, without excessive rancour. Columnists on the same newspapers have disagreed with each other and often with their employer’s editorial line but as far as I can ascertain, their has been no censorship. Any reader or viewer looking for analysis and explanation of events of 11 September could find it with little effort. In fact, analysis and opinion have been better than the actual reporting of what went on in Afghanistan. The main complaint from the peace and anti-bombing lobby has been that the size of their protest marches has been deliberately downplayed which is probably true. But what happened with the Guardian over this issue is worth recounting because it could never have occurred in the USA. When readers of the Guardian wrote complaining that anti-war marches were not mentioned in the paper, the readers’ editor reported that he had raised this at an editorial meeting only to be told that it was not the paper’s policy to cover marches. The next day the paper carried a correction saying that it
was the paper’s policy to cover anti-war marches if newsworthy and it would do so in future. And it did.

No one would say that the UK government has had an easy ride from the its media. On the contrary, the persistent questioning of the government’s war aims, its motives, strategy and tactics and the progress of the war provoked columnist Polly Toynbee to question why there was “an epidemic of pessimism in the British media, relishing any prospect of failure”. This brought Alistair Campbell, Downing Street’s director of communications and strategy, rushing to condemn “the corrosive negativism of so much of today’s print and broadcast media”. He put this down to the “competitive pressure of 24-hour TV, the fact that newspapers and broadcasters now care more about being noticed than being informed and the fact that taking things to bits has always been easier than building things up”. But even criticism like this had a positive outcome. It provoked questions about the British character and national identity. Are we pessimists by nature? Does the English imagination prefer not to dwell on its achievements and is it, instead, almost obsessed with its moments of disaster? Reviewer Philip Hensher says, “Tales of triumph are impressive, but none, I think, has the mythic resonance which the English routinely attach to noble catastrophes or near-catastrophes like Rorke’s Drift or the charge of the Light Brigade.” So were we all secretly willing that everything would go dreadfully wrong in Afghanistan so we could to bask in another great British failure?

The one failure that the media on both sides of the Atlantic should own up to is that in the years leading up 11 September they did not report foreign news adequately. The steady running down of foreign news coverage, particularly by broadcasters, left Americans unaware of the growing hatred felt for the USA in the rest of the world and thus contributed to the shock of the twin towers attack. And in the UK, it left many ignorant of the rising tensions between Islam and the western world. Richard Tait, editor-in-chief of ITN, compares this failure to what occurred in the years before World War II when the mass media did an appalling job of explaining the rise of fascism. One could argue that this ignorance is behind the growing phenomenon of Islamaphobia. British commentators have noticed that this phobia is as culturally deep-rooted and now more pervasive than anti-semitism. Columnist Madeleine Bunting considers that “the casual contempt now directed at Muslims would be widely regarded as completely unacceptable if targeted at Blacks, Jews or the Irish”.

During the Cold War, communism was the monster that helped unify the West against an external threat and communists were ready-made villains for Hollywood movies. The downfall of the Soviet Union sent scriptwriters looking for other easily-identifiable “baddies”. Drug producers and dealers filled in for a while but audiences found them predictable and boring. Then, in 1994, along came True Lies directed by James Cameron and starring Arnold Schwarzenegger. Schwarzenegger is an officer in a top secret organisation charged with protecting the USA from nuclear terrorism. The terrorists, a really detestable bunch, are, of course, Muslims, who in the end get their come-uppance from clean-shaven, brave American boys. This was the first major effort to demonise Muslims that I have been able to trace but its influence on audience perceptions must have been enormous.

What is still missing from the public debate after 11 September are credible answers to the question: why did they do it? Unless we can come up with better answers than “because they are mad” and “because they are Muslims” then we shall be stuck with Gore Vidal’s perpetual war and all the restrictions on our freedoms this will entail. Our governments argue that freedom in any democracy is not absolute and has to be balanced against our security according to the circumstances. But if ugly decisions have to be made about where that balance is to be struck, we should have a say: we should be allowed to participate in the debate. So the one essential freedom that should never be curtailed is our freedom of expression. There is a danger that this is happening, that we will get the balance wrong, and that the means we shall be forced to use to protect ourselves will eventually corrode our values and change our society so fundamentally that, in effect, the terrorists will have won.