

Risk-cosmopolitanism:

How the UK Government and news media structure the order of security discourse to impede challenges on torture and abuse

Mark Pope

Royal Holloway University of London

Department of Politics and International Relations

Thesis submitted for the degree:

D. Phil in Politics and International Relations

2014

Declaration of Authorship

I, Mark Pope, hereby declare that this thesis and the work presented in it is entirely my own. Where I have consulted the work of others, this is always clearly stated.

Signed: _____

Date: _____

Abstract

This thesis explores UK news discourse on counterterrorism. News discourse on counterterrorism involves representations of history, space and identities in order to frame risks, threats and responses. To gain analytical purchase on this, this research considers the forms of cosmopolitanism that emerge in this context and how they are constructed. The concept of cosmopolitanism not only provides critical purpose and a benchmark to evaluate how the order of discourse could be different, but it is utilised here as an analytical tool. Recognising diverse interpretations of the concept of cosmopolitanism, a review of academic literature delineates cosmopolitan perspectives pertinent to a study on counterterrorism that are then located in the news discourse.

The first case study centres on discourse surrounding interrogation techniques used in Northern Ireland in the 1970s and adds a comparative perspective for three 21st century case studies on UK complicity in torture, the use of Unmanned Aerial Vehicles in Pakistan and the passage of the UK Justice and Security Bill (2012-2013) through parliament. Through assessment of texts and the use of interviews and ethnographic methods this critical discourse analysis explores the dialectical relations between juridical, academic, governmental and activist fields, denoting strategies employed by key actors.

This study finds that in contemporary discourse risk-based cosmopolitanism is most prominent. Discussion of transnational and diffuse terrorist threats and counterterrorism measures have reinforced risk discourses and impacted on the cosmopolitanism that has emerged. A focus on risk has been reflected beyond government and news media fields thereby diminishing concerns for the Other. Despite the rise of transnationalism, risk discourses are supported through a national pride that has remained constant surrounding security since the 1970s. Overall, this thesis demonstrates how actors from government and news media fields have influenced political communication, thereby minimising, although not categorically precluding, the imperative for policy change.

Contents Page

Declaration of Authorship	2
Abstract	3
Contents Page	4
List of figures and pictures	7
Abbreviations	8
Acknowledgments	10
Prologue	11
Chapter 1: Introduction	17
1.1 The Puzzle and why it should be investigated	17
1.2 Existing literature and unexplored avenues	21
<i>a) Political communication models, discourse and securitisation</i>	<i>22</i>
<i>b) Themes relevant to analysis of news discourse on security</i>	<i>25</i>
1.3 Unsolved questions	31
1.4 My research questions	32
1.5 Key concepts	33
1.6 Introduction to the methodology	35
1.7 Contributions to the field	38
1.8 Chapter summaries	38
Chapter 2: Methodology derived from Critical Discourse Analysis	43
2.1 Introduction	43
2.2 Literature Review of Critical Discourse Analysis	45
<i>a) Teun van Dijk's sociocognitive application of CDA</i>	<i>46</i>
<i>b) Norman Fairclough's Dialectical Relational Approach</i>	<i>48</i>
<i>c) Ruth Wodak's Discourse Historical Approach</i>	<i>54</i>
2.3 Pilot study on UK news media coverage of complicity in torture	60
2.4 Application of my methodology in further chapters	64
Chapter 3: Academic perspectives on cosmopolitanism	74
3.1 Introduction	74
3.2 Moral cosmopolitanism	77
3.3 Cosmopolitanism and Law	80

3.4	Deliberated cosmopolitanism	83
3.5	Post-universal and cultural cosmopolitanism.....	87
3.6	The cosmopolitan outlook through risk collectivities	91
3.7	Conclusion.....	95
Chapter 4: Counterterrorism in Northern Ireland - 1971-1979.....		99
4.1	Introduction	99
4.2	The development of the 'five techniques' outside of the UK.....	102
4.3	Revelations regarding 'the five techniques': August 1971 – November 1971	107
4.4	The Compton and Parker Enquiries.....	113
4.5	<i>Ireland vs. UK</i> and the European Convention on Human Rights	118
4.6	Counterterrorism discourse leads to surreptitious Government policy	125
4.7	Revelations of Ill-treatment of detainees by the RUC 1976-1979.....	131
4.8	Conclusion.....	134
Chapter 5: UK Government complicity in torture after 11th September 2001.....		140
5.1	Introduction	140
5.2	Discourse on torture – maintaining identity while cultivating risk.....	142
5.3	Transnational complicity and responsibility for the Other	148
5.4	News values: comprehensibility, authority, 'newness' and relevance	155
5.5	The case of Binyam Mohamed – challenging the order of discourse.....	159
5.6	The announcement of the Detainee Inquiry on 6th July 2010	163
5.7	Risk discourses surrounding an imminent attack.....	168
5.8	Conclusion.....	173
Chapter 6: The UK Justice and Security Bill 2012-2013.....		179
6.1	Introduction	179
6.2	Open justice and natural justice.....	182
6.3	Argumentation on the Justice and Security Bill.....	185
6.4	The securitisation of justice.....	190
6.5	The weaker rule: democratic accountability through open justice	195
6.6	Defence of particular communities.....	197
6.7	Legislative Scrutiny	202
6.8	Conclusion.....	210

Chapter 7: The use of armed Unmanned Aerial Vehicles in Pakistan and Yemen	215
7.1 Introduction	215
7.2 Reporting uncertainty, anonymity and contradiction	218
7.3 Providing certainty through reports of the killing of ‘high-value’ targets	222
7.4 Argumentation on drones	226
<i>a) Images</i>	<i>228</i>
<i>b) Looking for certainty: the turn to numbers and categorisations.....</i>	<i>231</i>
<i>c) Reductionist categorisations</i>	<i>232</i>
7.5 Connecting with the disconnected - ‘Living Under Drones’ report	235
7.6 Drone strike in Datta Khel: challenging the order of discourse	238
7.7 Cosmopolitanism through law	242
7.8 Conclusions	245
Chapter 8: Conclusion	249
8.1 Cosmopolitanism	249
8.2 Counterterrorism	253
8.3 News Discourse.....	254
8.4 What are the merits and weaknesses of using a discursive approach to investigate cosmopolitanism, counterterrorism and news and the relations between them?.....	257
8.5 The resulting thesis.....	259
8.6 How can this thesis contribute to understanding of discourse surrounding radicalisation?.....	263
8.7 Adjustments, reflections and areas for further study	265
8.8 Political implications of this thesis.....	266
Bibliography	268
Appendices A and 1-12.....	302

List of figures and pictures

Figure 1: Political Communications-Counterterrorism Policy Cycle	15
Figure 2: Norman Fairclough's framework for a communicative event	49
Figure 3: UK Joint Intelligence Committee Directive calling for 'a psychological attack'	105
Figure 4: <i>The Times</i> and <i>The Guardian</i> front-pages 11 th August 1971	108
Figure 5: <i>The Sunday Times</i> Front Page 17th October 1971.....	111
Figure 6: <i>The Sun</i> and <i>The Daily Mail</i> reports on 3 rd September 1976.....	119
Figure 7: Cartoon featured on <i>The Guardian</i> back-page on 3rd September 1976	121
Figure 8: <i>The Sun</i> and <i>The Daily Mail</i> articles on 19 th January 1978	122
Figure 9: Political Communication-Counterterrorism Policy Cycle 1960-1980	138
Figure 10: UK Government Generic Risk Assessment Guidelines (FCO, 2011).....	153
Figure 11: 'Interrogation policy', <i>The Guardian</i> and <i>Guardian Website</i> , 4 th August 2011....	167
Figure 12: Op-ed published by <i>The Daily Mail</i> newspaper and website, 7th July 2010	171
Figure 13: Political Communication-Counterterrorism Policy Cycle 2001-2010	177
Figure 14: <i>The Sun</i> , 16th November 2010.	198
Figure 15: <i>Daily Mail</i> website excerpts on 5 th April 2012 (left) and 29th May 2012 (right) .	201
Figure 16: Political Communication-Counterterrorism Policy Cycle for closed hearings	213
Figure 17: <i>BBC News Website</i> articles, 17th March 2010 and 22nd March 2013	229
Figure 18: Political Communication-Counterterrorism Policy Cycle Related to Drones.....	248
Figure 19: Political Communication-Counterterrorism Policy Cycle.....	262

Abbreviations

CDA – Critical Discourse Analysis

CIA – Central Intelligence Agency of the United States Government

CIDT – Cruel, Inhuman and Degrading Treatment

CMP – Closed Material Proceeding

CSS – Critical Security Studies

CTS – Critical Terrorism Studies

DHA – Discourse Historical Approach

ECHR – European Convention on Human Rights

FATA – Federally Administered Tribal Area

FCO – Foreign and Commonwealth Office

FFR – Foundation for Fundamental Rights

GCHQ – General Communication Headquarters

IBA – Independent Broadcasting Authority

IRA – Irish Republican Army

ISC – Intelligence and Security Committee

ISI – Inter-Services Intelligence of the Pakistan Government

ITV – Independent Television

JCHR – Joint Committee on Human Rights of the UK Parliament

MEP – Member of the European Parliament

MI5 – The Security Service

MI6 – The Secret Intelligence Service

MOD – Ministry of Defence

MP – Member of Parliament

OIRA – Official Irish Republican Army

PII – Public Interest Immunity

PRONI – Public Records Office Northern Ireland

PIRA – Provisional Irish Republican Army

Provo – Provisional Irish Republican Army Member

RUC – Royal Ulster Constabulary

SDLP – Social Democratic and Labour Party

TNA – The National Archives of the United Kingdom

TBIJ – The Bureau of Investigative Journalism

TTP – Tehrik I Taliban Pakistan [Pakistani Taliban]

UAV – Unmanned Aerial Vehicle

Acknowledgments

There are a number of people I would like to acknowledge for their support. Firstly I would like to thank my supervisor Professor Ben O'Loughlin who has provided inspiration and clear guidance throughout my four years of study. His perceptive feedback, insightful suggestions and enthusiasm have ensured this project has progressed productively and enjoyably throughout the last four years.

The Department of Politics and International Relations at Royal Holloway and its New Political Communication Unit have created a stimulating and supportive research environment that I am grateful to have been a part of. In the Department specific academics have been particularly helpful. Professor Chris Rumford has provided insightful advice along with opportunities to work with the Global Studies Association and Dr Stephanie Carvin's feedback was much appreciated. Other scholars, such as Dr Alister Miskimmon and Dr Nicholas Allen and colleagues on the PhD programme at Royal Holloway, including geographers such as Leonhardt van Efferink, have given constructive criticism and collegiate support.

Thank you also to all of the interviewees who gave their valuable time: including Sir Malcolm Rifkind MP, Ian Cobain and Dominic Casciani, and to Donald Campbell, Clemency Wells, Katherine O'Shea and Crofton Black at Reprieve who also allowed me to work in their office for three months.

I would also like to express my appreciation to the Autonomous University of Barcelona for allowing me to study as a visiting doctoral researcher from 2012 to 2013. Particular thanks go to Dr Mike Jensen and Associate Professor Eva Østergaard-Nielsen for facilitating my contribution to the programme of doctoral research activities. I owe a special thank you to Dr Rob Leurs for giving me directions on a tram in in 2009 – not only around The Hague, but also towards discourse analysis.

None of this would have been possible without my family and friends. My mum, dad, sister and nieces, Millie and flatmates and friends in Mile End, Fortis Green, Twickenham, Barcelona and London have been excellent. And finally, thank you to Claudia for everything.

Prologue

The Other is defined by its distinction from the Self and so those different to 'me', or 'us', constitute the Other. If cosmopolitanism is about openness and a positive disposition towards the Other, is it possible for cosmopolitanism to emerge in discourse on terrorism and counterterrorism? How do people connect with each other in this context? And what do such connections between the Self and the Other lead to? In answering these questions this thesis investigates the form, if any, that cosmopolitanism takes in UK news discourse on counterterrorism and then the impact it has on UK Government policy.

This thesis will argue that discourses of risk and potential danger are central to connectivity and it is a cosmopolitanism derived from risk that is most prominent in UK news discourse. This form of risk-based cosmopolitanism evolves from a mutual affinity based on the shared threat of a future attack. The day following the attacks on the United States on 11th September 2001, *The Guardian* editorial proclaimed that 'the British people, no strangers to terrorist outrages, will do all in their power to assist the American government'. Subsequent counterterrorism measures have seen cooperation between security agencies – some with previously hostile relationships – including those from the United States, United Kingdom, Pakistan and Libya. This can present a problem for the UK Government because aggressive counterterrorism measures do not sit comfortably with notions of a British identity that is associated with respect for human rights. However, this thesis argues that strategic modifications to policy and discursive constructions of counterterrorism practice allow for British ontological security and cooperation between security agencies to be simultaneously maintained.

It is not easy to make sense of interactions related to the complexities and diffuse practices of contemporary counterterrorism. However, by utilising the concept of cosmopolitanism to study news discourse this thesis goes further in explaining how particular dispositions towards the Other develop and ultimately impact on counterterrorism policy. The concept of ideology, as employed by other critical discourse analysts - as a 'coherent and relatively stable set of beliefs or values' (Wodak and Meyer, 2009: 8) - is viewed in this context as promoting overly rigid analyses that do not fully interrogate the interactions and inconsistencies that occur at multiple levels. Through the use of cosmopolitanism and its

questioning of self-other relations at differentiated levels this study provides a more dynamic framework for critical discourse analysis.

Specifically, this thesis makes three claims concerning the discourse surrounding UK counterterrorism in the last half-century: firstly, that since the 1970s the interaction between counterterrorism, news discourse and cosmopolitanism has changed and emphasis on risk has intensified, particularly through a temporal focus on the future and a demand for urgency; secondly, that a national pride in a perceived cosmopolitan approach to ethics, law and deliberation has persisted across the decades; and, thirdly, that the interactions and contradictions within and between counterterrorism, news discourse and cosmopolitanism can be explained by reference to what I have called a 'political communications-counterterrorism policy cycle'.

1. Interactions since the 1970s: development of risk discourses.

Simply put, risk articulates the likelihood of the occurrence of an unwanted event. Where sociologists Ulrich Beck (1992) and Anthony Giddens (1991) announced the onset of 'risk society' in late modernity, Beck (1999:3) sees risk as concerning 'the modern approach to foresee and control the future consequences of human action'. However, in the context of counterterrorism, controlling the future is especially problematic. Since the 1970s, terrorism and counterterrorism have operated through increasingly transnational networks. Communication has always been central to issues of terrorism and the progressively ubiquitous nature of communications media has further enhanced the diffuse character of contemporary terrorism and counterterrorism. In combination with this, news media discourse has promoted a heightened awareness of the unknowable nature of these issues and thereby amplified calls to control the potentially catastrophic future.

This thesis considers risk largely using a 'risk society' approach similar to that described by Beck and Giddens and considers the implications of discourses of risk. I will argue that the perceived need to control risk and the temporal focus towards the future that this entails has impacted on modes of interaction and consequently on self-other relations. Awareness of a mutually-faced threat has led to promotion of shared fears and shared objectives between people and governments alike. However, collaboration between actors to counter

threats has resulted in aggressive and less accountable security measures. With transnational cooperation, responsibility and authorship of counterterrorist measures becomes less clear. Furthermore, by providing mutual assistance and collaborating in counterterrorist practices, actors become complicit in each other's abuses, ensuring they are less likely to criticize them. In the 1970s, the Republic of Ireland and United States Governments lobbied the UK Government for a counterterrorism policy more respectful of human rights. In contrast, in the 21st century these Governments work together.

With an emphasis on the future, the past becomes irrelevant to political elites and it is therefore not necessary to discuss previous abuses. Moreover, as attention is focused on future risks to the Self, concern for the abuse of the Other becomes less necessary. In contemporary counterterrorism discourse though, risk is largely perceived to be related to an imminent danger. This is not to argue that in the 1970s there was no awareness of risk, but even when calls for brutal counterterrorism measures were made – for instance, through the introduction of the death penalty - the demand for urgency was less pervasive. In the 21st century, risk discourses concerning an imminent catastrophic threat have spread beyond the UK Government's security personnel to include the news media and also the legal field. Affective discourses highlighting a fear that exists *now* are more prominent and therefore the long-term future has become less relevant. This deprioritises medium and long-term goals related to engagement with the Other as attention is focused on the imminent future. As such, a lack of understanding between Self and Other in 21st century UK counterterrorism discourse has increased and, in turn, this enhances the perception that the Other will act incomprehensibly and irrationally.

II. Sociocultural context: National pride.

Despite the emergence of risk-based cosmopolitanism, national pride in the British institutions of government and civil society have persisted since the 1970s. British national identity demands advocacy of aspects of cosmopolitanism and, reflecting academic literature on cosmopolitanism, it promotes the reification of rationality and the autonomous individual. Ontological security for the British nation has acquired an ever-increasing cosmopolitan element yet chapter five shows how the issues of UK complicity in torture could be discussed without necessarily posing a substantial threat to this identity.

This is partly because UK Government actors did not carry out the violent acts themselves. Instead foreign actors, whose degree of autonomy was not ascertained, were framed as being most responsible for the violence. Another case study that supported this identity was that outlined in chapter seven, on the use of unmanned aerial vehicles, or drones, in Pakistan. Here British actors were largely absent from the discourse, except through indirect references to the threat they faced from potential terrorists.

Nonetheless, chapters five and six demonstrate that, on occasion, the news media demands attention for allegations made against the British Government. The chapters will show that a form of cosmopolitan nationalism is present. Cosmopolitan nationalism refers to patriotic support and even pride in a nation's advocacy of fair treatment, connectivity and openness towards the Other. British cosmopolitan nationalism calls for some form of 'rational' deliberation of credible accusations of human rights violations, particularly concerning the rights of individuals to be free from abuse by the state. Furthermore, British cosmopolitan nationalism advocates reference to law and morals when deliberating on how to act against allegations of abuse. However, these are largely determined through the system of governance in the United Kingdom and this provides a particular deontological legitimacy and constructed notion of rationality. The national system of governance, with its accompanying principles pertaining to the rule of law and individual freedoms, was respected in all the case studies. There were some surprising critical voices, such as the editorial line adopted by the newspaper *The Daily Mail* - not widely recognized for their opposition to Government security measures. Yet the capacity to be self-critical is deemed to be a national quality, as is the defence of the freedom of the press. However, closer examination reveals a failure to criticize the broader structural power inequalities and the potential for the executive to act in an authoritarian manner, particularly when acting within a transnational counterterrorism network. In Britain, despite the blind spot surrounding accountability for transnational practice 'our' modes of governance and deliberation are applauded in the news discourse. Moreover, the Other, even in the form of cooperative foreign states, such as the United States or Pakistan, is viewed as inferior, more violent, more abusive and less rational. Nonetheless, the political communications framework to which news discourse is central, does provide some opportunities for the promotion of cosmopolitanism, as is detailed in the third and final section of this prologue.

III. Political communications-counterterrorism policy cycle.

I argue that interactions between cosmopolitanism, news discourse and counterterrorism follow a cyclical process where the Government is largely in control. This cycle is discussed further in the chapters below, but here I want to underline the point that on occasions the UK Government does adjust policy following allegations related to human rights violations.

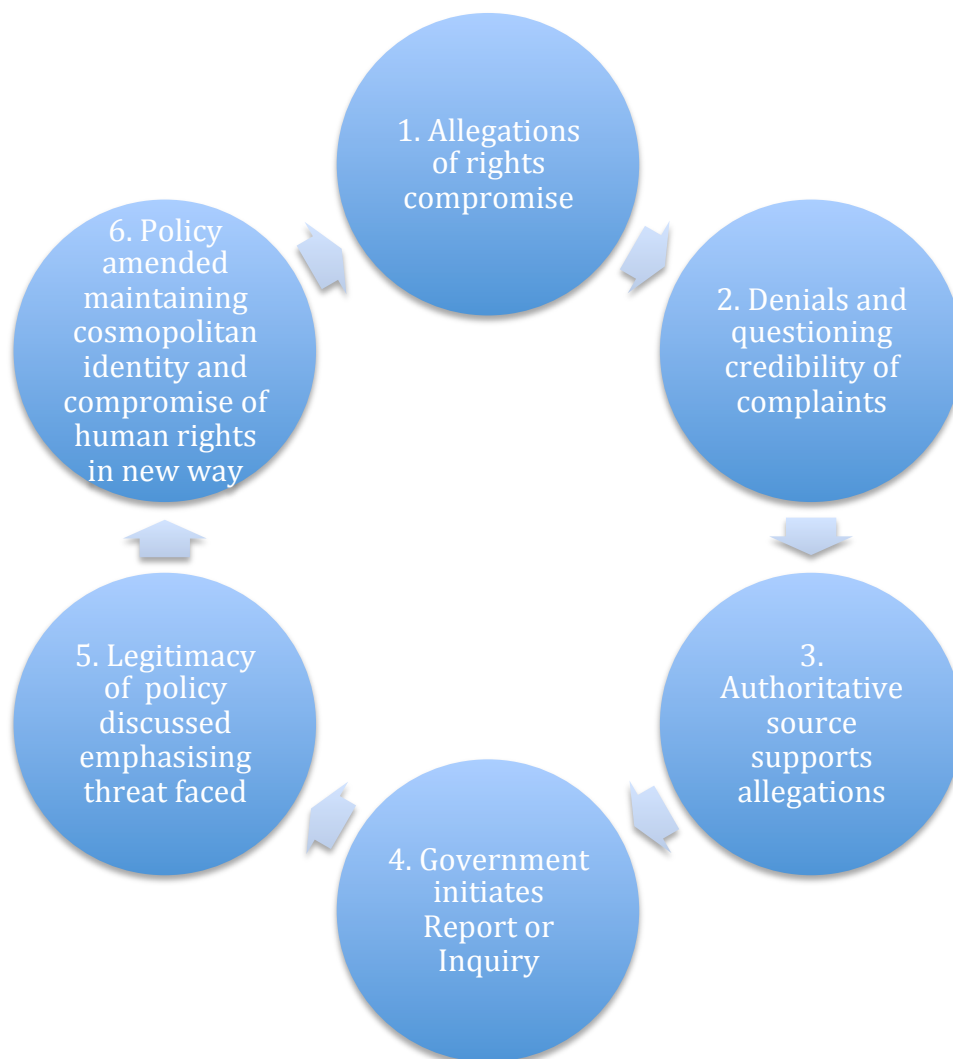


Figure 1: Political Communications-Counterterrorism Policy Cycle

Although policy may be amended, pressure and challenges to the government are limited. This is because the discursive order is exclusionary of voices that are perceived to be less credible - particularly those that are not vouched for by an authoritative source. Therefore, as chapter seven on CIA drone strikes demonstrates, often allegations are not attributed

with sufficient credibility for the discourse to develop. Moreover, as chapter six on the Justice and Security Bill shows, the Government's capacity to strategically act as an authoritative source and to mould the framework and the entire genre of debate, is less recognised in news discourse. The Government's strategic use of sources may be through an inquiry or an independent reviewer or even a refusal to confirm or deny allegations. Pressures for policy change are mitigated through the creation of such credible sources as they can cast doubt on the credibility of allegations and provide legitimacy for previous policy. However, the lack of self-reflexivity in news discourse regarding the structuring of this order of discourse ensures that strategic discursive power remains largely unexposed and unchallenged and the representation of an accountable system of governance that upholds cosmopolitanism can be maintained.

The idea that the rights of the Other are protected by systems of UK governance and its adherence to cosmopolitan moral and legal obligations are therefore preserved. As such, notions of cosmopolitanism can be used for self-approval rather than protection of, or deeper engagement with, the Other. This makes this thesis and its use of critical discourse analysis all the more pertinent. It develops a model of strategic discourse interaction used by actors in four fields to reveal these mechanisms; and, cosmopolitanism not only provides an analytical framework, but gives a critical purpose and a benchmark to evaluate how the order of discourse could be different and more politically and ethically open.

Chapter 1: Introduction

1.1 The Puzzle and why it should be investigated

This thesis investigates cosmopolitanism in news discourse on counterterrorism. Through the investigation of these three phenomena and the relations between them, understanding can not only be improved in each area, but also, to some extent, more broadly into how power is discursively contested in late modernity. Where counterterrorism has been chosen as a fundamental issue concerning the struggle for power, the news media is significant in the construction of political discourse; and, cosmopolitanism poses apposite questions about the development of contemporary relations between the Self and the Other. The three phenomena are intrinsically related: communication, particularly through the news media, is central to both terrorism and counterterrorism, and Othering is integral to this process. Cosmopolitanism, as it is used here, not only provides a dynamic analytical framework for case studies of news discourse spanning the late 20th to the early 21st century but it also creates a new academic discourse offering critical purchase on conceptualisations of cosmopolitanism.

Globalising trends, such as those related to mediation and technology, have prompted fundamental questions regarding the nature of connectivity today. Accordingly, developments in self-other relations from the local to the global level have promoted new consideration of cosmopolitanism in academia. The challenge to the state and the nation as institutions central to politics and international relations is integral to what Robert Fine terms 'new cosmopolitanism' (2007). However, beyond the questioning of methodological nationalism in social sciences and an interest in self-other relations, consensus on what definitively constitutes cosmopolitanism is lacking. This is not viewed here as a weakness when adopting cosmopolitanism as an analytical tool, but rather a strength. The cannon of literature on cosmopolitanism has been divided into cultural, political and moral strands (Delanty, 2009). Alternatively, but not necessarily contradictorily, cosmopolitanism can be viewed as a disposition, a practice, or a set of normative prescriptions. However, what is of interest to this study is how these theoretical constructions of cosmopolitanism are explicitly and implicitly reflected in contemporary political discourse; and, following this, what impact cosmopolitanism has on practice.

A researcher might expect to find little evidence of cosmopolitanism in counterterrorism discourse. Terrorism and the actions taken to counter it are intuitively associated with fear, violence, and a negative approach to those who apparently pose a threat to 'us' - those who are particularly likely to be considered as the Other in the context of terrorism. However, discussion of political violence and abusive acts can also lead to sympathy for the victims. Victims can be victims of terrorism or those subject to harsh counterterrorism measures, who are likely to be members of different cultural communities. Such a cosmopolitan concern for the Other as a victim of violence leads to an ethical assessment of counterterrorism practice and lends weight to arguments advocating counterterrorism measures that are less abusive of terrorism suspects. If and how this moral concern for fellow human beings manifests in the discourse can impact on whether or not the practice is legitimised and therefore the potential for a continuation of harsh acts of counterterrorism.

By challenging aggressive counterterrorist measures, cosmopolitanism can offer an alternative to approaching terrorism as a war of attrition where violence is met with violence. This is not to suggest that cosmopolitanism merely advocates more focus on psychological operations or on the 'winning of hearts and minds' - as has been attributed to the British approach to counterinsurgency and counterterrorism practice since World War II, albeit with varied accuracy (Dixon, 2012; Mumford, 2012). Cosmopolitanism can promote connectedness with the Other in ways beyond pacifism that lead to greater understanding. Cosmopolitanism can promote a more complete inclusion of the Other in deliberative, legal and policymaking procedures.

In practice counterterrorism can lead to cooperation between actors in attempts to stop particular threats. This research project was embarked upon in 2010 when details surrounding the UK Government's involvement with harsh counterterrorism measures employed by the Bush Administration were still emerging. As chapter five demonstrates, these revelations not only demonstrated the aggressive nature of counterterrorism policy but also how this provoked considerable controversy. A pertinent question addressed by this thesis is whether it is the threat of an imminent attack, or of a deterioration of civil liberties that builds relations between Self and Other?

Clearly the transnationalisation of counterterrorism practice involves a transnational array of actors. These include the subjects of counterterrorism measures, communities and societies affected by these measures, and also the governments and agencies that coordinate them. Systems of accountability, legal and otherwise, surrounding transnationally networked and politically sensitive counterterrorism operations can be better informed with input and rights and responsibilities given to the Other. The question is whether and how this is provided in counterterrorism discourse? If contributions from the Other are inhibited, accountability and deliberation will likely be inhibited too. Even if the Other is misunderstood, framed negatively or ignored, the extent to which this occurs and how this occurs is of interest.

Unquestionably, political violence represents a challenge to established legal and ethical norms opposing violence or norms concerning deliberation, but it does therefore also offer an opportunity for these norms to be defended. The ensuing discourse can reveal much about the structuring of discourse in such high stakes contestations, as influential actors, fundamental principles and discursive strategies become relevant. The theoretical benefits of selecting such key moments of contestation, known as 'cruce moments' for analysis, is discussed further and in more detail below (see p.36 in section 1.6).

It is clear that in 21st century politics, the state and other powerful institutions continue to be challenged by political violence. Acts of terrorism such as those in the United States on 11th September 2001 offer spectacularly violent examples of material threats that can be discursively constructed, re-constructed and even pre-constructed before they happen (Grusin, 2010). Discourse analysis on issues of counterterrorism, however, examines the discursive constructions related to acts countering terrorism. Allegations of UK Government involvement in transnational security networks deploying new methods of detention, interrogation and even killing suggest new paradigms in counterterrorism. The UK Government Home Office (2011: 110) counterterrorism strategy states that the United States Government is the most important ally and liaison partner for intelligence sharing. However, cooperation with other foreign governments in Europe, North Africa and the Middle East are noted. How these collaborations have been communicated through news media is of interest to this study. Not only does counterterrorism policy potentially cause or

prevent great harm; but, when such networked transnational governmental policy is challenged discursively it provides a key moment in the contestation of security and power for analysis.

As already stated, communication is integral to terrorism and counterterrorism, as they are definitively constituted by the promotion of terror and the countering of that terror. This is why the news media is chosen as the focus for this critical discourse analysis. The news media plays a role as a meta-field, and conduit for communication between other political fields in the consideration of issues of rights and terrorism (Nash, 2009). Moreover, a focus on mediated communications is justified because contemporary political communications are to such a large extent mediated and political actors are acutely aware of this. Indeed, scholars have argued that politics pertaining to conflict is 'mediatised' (Hoskins & O'Loughlin, 2007; Cottle, 2006). In other words, the media are integral to how all actions are performed and 'events cannot be said to exist without their media dimension' (Hoskins & O'Loughlin, 2007: 13), further justifying my focus on mediated communications. Specifically I have chosen to focus on the mainstream news media, as opposed to social or alternative media, because it is more likely to provide a coherent authoritative discourse. Such a coherent discourse is more conducive to the construction of national identity and therefore this is a useful field to examine in this study of cosmopolitanism and terrorism. However, the contextualised nature of this study demands that I will make some references to other media texts outside of news media.

To summarise, this thesis interrogates the forms that cosmopolitanism takes in the academic field and then how they are discursively constructed in news discourse on counterterrorism. Although counterterrorism discourse is intuitively an unlikely place to find cosmopolitanism, asking how cosmopolitanism does, or does not, emerge in the discourse creates a more complex puzzle. Insight in this area is considered valuable and possible because of the centrality of Self-Other relations to terrorism and conflict. The research here investigates whether or not the interaction between counterterrorism, cosmopolitanism and news discourse leads to a particular form of cosmopolitanism is assessed and finally how counterterrorism develops in this context is considered. As stated in the prologue, I will argue that a risk-based cosmopolitanism is more prominent in contemporary discourse.

In conjunction with this, nationalism persists and policy evolves in cycles where the order of security discourse is structured so as to impede challenges on torture and abuse.

1.2 Existing literature and unexplored avenues

Issues relevant to the mediation of counterterrorism and cosmopolitanism have been covered by a range of scholars since the 1970s. In this section I start with a note on Critical Terrorism Studies followed by an overview of political communication models and the use of ethnographic studies. I then provide a summary of key themes pertinent to this thesis that emerged inductively from a review of existing literature: (i) reductionist analysis in media content; (ii) the news media and radicalisation; (iii) the significance of time and space; (iv) new elite discourse; and (v) secrecy. Finally, just a brief comment on studies of cosmopolitanism is made because chapter three is exclusively dedicated to scholarship on cosmopolitanism.

Although a diverse field itself, Critical Security Studies challenges some aspects of more orthodox security studies, particularly the focus on the state and the failure to give sufficient attention to many of the other significant actors and categorisations, such as those based on gender, class, race, religion, individuals (Peoples and Vaughn-Williams, 2010; Booth, 2005). In turn, in the 21st century, following the increased academic attention given to terrorism after the attacks on the United States on 11th September 2001, a school of Critical Terrorism Studies (CTS) was recognised as a discipline. This also consistently challenges the way security, but particularly terrorism, is viewed ontologically and epistemologically, and recognises that liberal democratic states could also commit reprehensible acts of violence (Chomsky, 2003; Jackson 2007; Jackson *et al.* 2011). Through a focus on abusive counterterrorism methods and the discourse surrounding them this thesis aims to raise awareness of such critical perspectives. Furthermore, in their advocacy of critical theory and the need to move beyond problem solving approaches to challenge fundamental assumptions, CTS scholars have advocated the use of less orthodox research methods and adapting these to reassess theories (Jackson *et al.* 2011: Chapter 2). The paragraphs below consider how CTS scholars have used methods based on discourse and language analysis to study 21st century terrorism discourse (Jarvis, 2009; Jackson, 2005). In

this study methods are derived from theories of critical discourse analysis and ethnography to reassess theories on cosmopolitanism.

As a precursor to critical terrorism studies, media scholars writing on Northern Ireland in the 1970s had already written about widely held assumptions in the news media concerning legitimate violence. Philip Elliot (1977) argued that news values evident in the texts produced by Irish and British mainstream media outlets encouraged an ideology that abhorred violence and promoted the sanctity of human life. However, according to this ideology, state violence can be delegated to functionaries and its use is only sanctioned in extreme circumstances while violence committed by Others is unconstitutional. In his ethnographic study of the production of BBC news on Northern Ireland Philip Schlesinger concurred (Schlesinger, 1978) as did Liz Curtis (1998) in her content analysis of the British press. By highlighting this, Schlesinger, Elliot and Curtis were drawing attention to the ontological assumptions made concerning illegitimate political violence being committed by non-state actors.

a) Political communication models, discourse and securitisation

A number of seminal political communication models have been put forward to explain the relationship between the news media and the government. In the 1970s and 1980s political communication scholars highlighted elite domination. In *Policing the Crisis* (1978) Hall *et al.* argued that government sources dominated news media output and in *Manufacturing Consent: The Political Economy of the Mass Media*, Ed Herman and Noam Chomsky (1988) outlined a propaganda model that suggested that the news media passively reproduced messages from governmental and commercial elites. However, Lance Bennett's (1990) indexing theory suggests that the news media will present a range of different voices reflecting the diversity of opinions amongst elites. In war or conflict, the use of government censorship and propaganda could support theories suggesting governmental and elite influence. A leading academic on propaganda, Philip Taylor, (2003: 7) defined propaganda as 'communication to convey a message, an idea or an ideology that is designed to primarily serve the self-interests of the person or people doing the communicating'. For Taylor the key element is intent, rather than the effectiveness of the message. A related term, 'black propaganda' describes material that emanates from an undisclosed source. Indeed, the

leaking or planting of disinformation by the British Army in Northern Ireland has been documented by many writers including Robert Fisk (1975), Liz Curtis (1998), Simon Hoggart (1996), Rolston (1996); and, today the UK Government still exercises control, for example through the use of D-notices, as issued with regard to Wikileaks' publication of US Cables related to UK security (Wikileaks, 2011). Yet, more recently political communications research has further recognised the potential for news media autonomy. Bennett, Lawrence and Livingstone (2007) confirm this to be the case where there is no construction of elite consensus and they argued that the news media presented more contrary positions to the US Government in their coverage of Hurricane Katrina in 2005 because government communication officials were less active at that time. In *Projections of Power* (2004), Robert Entman presented a 'cascading network activation model', arguing that it was possible for non-elite actors to influence elites before dominant ideas and frames cascaded across the political spectrum. However, in this thesis, in contrast to these scholars, in order to engage with the impact of cultural phenomena on aspects of cosmopolitanism and counterterrorism I will employ a form of discourse analysis and utilise ethnographic methods where possible. I have chosen my methods of discourse analysis instead of frame analysis because they allow for a better interrogation of sociocultural context.

There are precedents for my approach. In *Putting Reality Together* (1978) Philip Schlesinger completed an ethnographic study of the sociology of news production at the BBC on Northern Ireland in the 1970s. He undertook 95 interviews at every level of the corporation and spent 40 days in BBC Radio and TV newsrooms in 1972-3 and then two three week periods in BBC Radio and TV news respectively in 1975 and 1976. Schlesinger concluded that BBC broadcasting on Northern Ireland had not only been limited by external state censorship but by internal self-censorship too. Schlesinger argued that for Northern Ireland's crisis to be handled impartially it would have to pose questions about the persistence of British rule in Northern Ireland. Schlesinger concluded that the BBC effectively waived their impartiality as some views were considered illegitimate, an ahistorical approach was adopted and public order and 'responsible' broadcasting was prioritised. Even during elections a focus on violence was maintained and those considered extremists, particularly Republican paramilitaries, were reported with direct speech or not reported at all. Schlesinger's ethnographically informed study of the BBC did not make

assumptions regarding neat repetition of messages or frames, between elites, divided or not, and the news media, but provided an additional assessment of communication through ethnography – thereby also noting subtle forms of censorship that are enacted through cultural influence on practice rather than through direct orders.

Elements of ethnographic assessment will be repeated in this study through participant observer research at the human rights action charity Reprieve, interviews and autobiographical accounts from journalists, politicians, activists and archival information of correspondence between UK and Northern Ireland Government personnel. However, while the empirical analysis carried out on Northern Ireland in chapter four below broadly supports Schlesinger's conclusions, my approach is derived from theories of critical discourse analysis (see chapter two). Accordingly I aim to determine the relationship between the sociocultural context and discourse practice, looking for evidence of how practice and sometimes less tangible cultural phenomena are mutually affected. In order to gain insight into the sociocultural context I will include a focus on legal, governmental, activist and academic fields in addition to the news media and combine this with a comparative study of contemporary and historical cases. In addition, following critical discourse analysts' encouragement for transdisciplinary methodologies (Wodak and Meyer, 2009: 7; Chouliaraki and Fairclough, 1999) I include a substantial and reflexive consideration of the concept of cosmopolitanism.

In *Security: A New Framework for Analysis* (1998: 30) Barry Buzan, Ole Wæver and Jaap de Wilde of the Copenhagen School proposed that the way that threats are presented discursively, rather than the threat itself, should be central to any assessment of security. They advocate a move away from approaches that focus predominantly on material capabilities. Securitization is viewed as a process and Buzan *et al.* suggest that assessment of securitization involves particular questions: 'who securitizes (Securitizing actor), on what issues (threats), for whom (referent object), why, with what results, and not least, under what conditions (Ibid: 32)?' Securitization impacts on politics. It 'takes politics beyond the established rules of the game and frames the issue either as a special kind of politics or as above politics' (Buzan *et al.* 1998: 144). As such by securitizing an issue, debate can be restricted. However, a more sociological approach to analyzing securitization with a

broader focus beyond securitizing actors and referent objects, is spearheaded by scholars in the Paris School of securitization such as Didier Bigo and Elspeth Guild (2005). These authors draw on Pierre Bourdieu's concept of a field to explain the norms and practices that emerge in particular social worlds. This allows for a more relational and less individualist or essentialist mode of analysis. Didier Bigo and Anastassia Tsoukala (2008: 2-5) argue that a focus solely on governmental responses to 'new terrorism' can fail to appreciate the complexity of relations involved. Such a governmental focus can ignore practices and the routine. Therefore, Bigo and Tsoukala suggest that a general 'feeling of unease' in broader fields cannot be distinguished from the 'politics of exception' demonstrated by actors obviously within the security fields. This thesis also investigates discourse beyond the security field to gauge the role of the sociocultural context in shaping discourse on counterterrorism.

b) Themes relevant to analysis of news discourse on security

I. Reductionism

I now turn to key themes identified in contemporary literature on media discourse and security. The first is reductionism. Reductionism in news media reporting and analysis of events can lead to greater use of dichotomies and binaries and this can impact on legitimacy. Many studies in critical discourse analysis (CDA) highlight categorisations of 'us' and 'them' in political discourse. Hodges and Nilep (2007:1-12) argue these categorisations legitimise policy and Hoskins and O'Loughlin (2010: 177) ask whether more nuanced media representations beyond binary categorisations might reduce legitimacy provided for the conduct of war. In security discourse on counterterrorism, another conspicuous dichotomy is that between security and justice. Where some academics (Wilkinson, 1977) argue that a restriction of liberty can avert threats to security, others question this assumption for ignoring the mutually supporting elements of liberty and security (Jackson *et al.* 2011: Chapter 10). How binaries influence the legitimation of acts related to counterterrorism will be investigated in this thesis, particularly with regard to their impact on argumentation.

II. Contagion, radicalization and circulation of discourses

Grant Wardlaw (1982) called for censorship in reporting political violence, arguing that television coverage of terrorism provides a platform for violent groups' political aims, leads to contagion (and copycat acts), provides intelligence information for terrorists and has the effect of sensationalising and entertaining rather than informing audiences. Paul Wilkinson (1977) also argued for restraint by news media stating:

[f]ruitful co-operation between media, public, police and government, in terrorist situations, can only be achieved by informal understanding and goodwill and by voluntary restraint on the part of the media.

However, little evidence is provided for these claims. Furthermore, Awan *et al.*'s contemporary study on media and radicalization lends further doubt to simplistic causal theses that the reporting of groups considered to be terrorists increases the threat of violence. Awan *et al.*'s (2011: 124) audience studies and analysis of relations between key actors in the construction of discourse found that interpretations of messages related to terrorism was specific to individuals in their particular interactions and experiences with various forms of news media and information sources. Discourse on radicalization involved a number of agents, including jihadist media, mainstream news media, states, translation agencies, and audiences/citizens, and it was through the interactions of a set of agents that discourses (on and of radicalisation) emerged. An equivalent broad study focusing on the circulation of discourses in 1970s Northern Ireland has not been undertaken. Critical studies and evidence on media and terrorism in Northern Ireland in the 1970s was largely based on content analysis of news (Elliot, 1977; Curtis, 1998), or supplemented by interviews with journalists, the RUC and the army (Hamilton-Tweedle, 1987). Where Schlesinger (1978) undertook an ethnographic participant observer study, it was focused on news production. More critical academic comment on reporting Northern Ireland came later and was also concentrated on government discourses and censorship (Miller, 1993; 1994; Rolston 1996). As such these studies provided less insight into how discourses circulated more broadly. In this thesis, through a broader assessment of texts, I will consider how discourses are produced and received by actors within five fields – the news media, government, activist, legal and academic fields.

III. Time and counterterrorism discourse

Since the President of the United States George W. Bush announced a global 'War on Terror' on 20th September 2001, there have been a large number of CDA studies focusing on discourse surrounding the US government and its allies' counterterrorism policies. In his book *Times of Terror; Discourse Temporality and the War on Terror*, Lee Jarvis (2009) focuses on the Bush administration's heterogeneous representations of time. Jarvis (2009: 15-22) followed Laclau and Mouffe's (1985) approach to discourse and 'invents' a new reading of the text without the claims to the extra-discursive privilege of CDA. In contrast, Norman Fairclough's chapter on the War on Terror (2006: 140-142) gave background analysis on non-linguistic elements. Fairclough argued that the War on Terror and its discourse was motivated by a gradual shift from US soft power to hard power in its enforcement of ideology based on globalism. Fairclough argues that the change from soft to hard power emerged in response to the economic crises in Latin America and Asia, criticism of globalisation and finally the attacks on the United States on 11th September 2001, that all created doubt regarding globalist ideology. Jarvis and Fairclough both emphasized what they considered to be prominent themes represented in the discourse. Both reported the discourses presentation of the historical uniqueness of the events of the 11th September 2001, whilst simultaneously facing unprecedented risk – crucial for claims of moral legitimacy in dubious policymaking; and both highlighted the categorisation of good versus evil (in Jarvis' analysis a timeless quality). However, Jarvis (2009:42) added how the discourse presented a linear progression in time of increasingly successful counterterrorism policy leading to a return to normality.

In 2007, scholars Andrew Hoskins and Ben O'Loughlin argued in *Television and Terror* that news media was facing a crisis because it was failing to provide 'credible' or 'reliable' information on security events. This was precipitated by a 'modulation of terror' where the scale of threats were amplified in their repeated representation. They commented on the significance of time to news media discourse on terrorism. Their critical discourse analysis identified an 'economy of liveness' where spatial and temporal proximity to news events was valued in news reporting. Hoskins and O'Loughlin (2007) found that television would refer to a dreaded future through reference to disasters and near disasters of the past, with remediation of old stories effectively premediating potential disasters (see chapter three for further discussion on risk). How temporal and spatial factors impact on news reporting will

be considered in the analysis in this study too. Awan, Hoskins and O'Loughlin (2011: 8) pursued research into radicalisation and they show how heightened fixation on future risk has led to an increase in the 'spectre of unknowability'. Temporal frames and counterterrorism will be assessed in my empirical analysis and further discussion on the phenomenon of risk will be explored in chapter three.

IV. New elite discourse

In contrast, utilising a more text based methodology, Richard Jackson argued that the language in the 'War on Terror' has been very successful in spreading across discourses and texts (Jackson, 2005:153-179). He argues that the language used garnered support for counterterrorism policy and also quietening dissent through its legitimisation effect. The language chosen is relevant to this thesis. For instance, in place of the word 'torture' with its extremely painful connotations, UK Government ministers preferred the euphemism 'mistreatment' (Cobain, 2011). However, Jackson's book *Writing the War on Terrorism* (2005) focused largely on the texts of elites. Jackson (2007: 353-361) later justifies his focus on elite discourse, firstly, because it is through elite political discourses that policies are set, and, secondly, because it is through these discourses that the requisite social legitimacy is provided.

Indeed much of CDA focuses on elite discourse (see van Dijk, 2010) and neglects other sections of society, accommodating a 'top-down' theory of power. Wodak and Reisigl (2009: 88) provide some justification for this focus by arguing that language alone is not powerful, rather 'it is the means to gain and maintain power by the use powerful people make of it'. Therefore, analysis is centred on 'those in power who have the means and opportunities to improve conditions'. My study pushes these boundaries and goes beyond a consideration of the government-news media nexus through an assessment of reception of messages in the four selected fields of producers and receivers of news discourse (government, news media, legal and activist). However, a broader assessment focused on public attitudes, as carried out by the team of researchers for the *Shifting Securities Project* (Gillespie, 2007), is not emulated due to the resources that such a large-scale investigation requires. While some analysis of social media is undertaken, the mainstream media, policy makers, activists and the legal field have been selected for closer analysis.

V. Secrecy

The issue of secrecy is central to discourse on counterterrorism, but creates problems for researchers in terms of access to information. In her study entitled *Torture, Intelligence and Sousveillance in the War on Terror* Vian Bakir (2013) provides a rare analysis of how previously classified issues related to torture and counterterrorism can become public and reported on by the news media. Bakir herself avoids ethnographic interviews and research due to the difficulties in gaining access to key actors in this area. Instead she adopts a 'protagonist directed approach' looking at a large amount of source material referred to by official oversight bodies, the news media, NGOs and 'sousveillance'. Bakir explains how the term sousveillance, derived from the French for 'sous' (below) and 'veiller' (to watch), refers to vigilance of higher authority. Sousveillance involves the presentation of a personal first-hand account of an event and can be defined as 'human-centered capture, processing, storage, recall, and transmission of sensory information' (Mann, 2005: 636 cited in Bakir, 2013: 59). Therefore, while video footage or photographs such as photographs depicting events at Camp Breadbasket or Abu Ghraib are obvious examples, a diary of flight logs may also constitute sousveillance. Bakir's analysis reveals how reporting of single events, though important, is dependent on a receptive environment and affirmations from other sources in order to make a significant impact on the news agenda. Through its tracing of the 'journey' of messages across and between governmental, legal, activist and news media fields (see below pp. 49-51 for discussion of intertextuality and interdiscursivity) and with some consideration of images, this study's approach has some similarity with Bakir's. However, these will be supplemented with some ethnographic research, interviews, autobiographical accounts and correspondence from government archives to look beyond the role of the ostensible protagonists. Indeed, while broader studies of security practices have been undertaken (Bigo and Tsoukala, 2008; Bigo and Guild, 2005; Gillespie *et al*, 2010) specific studies on counterterrorism with a comparative historical perspective are rare (Fisher, 2012), and there is a clear lacuna in the literature with regard to security and cosmopolitanism.

VI. Cosmopolitanism

Explicit analysis of cosmopolitanism related to security has received some attention. Ulrich Beck (1992, 2006, Beck & Levy 2013) has written extensively on the emergence of risks in late modernity. These risks have led to a cosmopolitanisation where shared notions of risk have created risk based communities and a form of risk-based cosmopolitanism. This thesis argues that a similar form of cosmopolitanism is prominent in contemporary discourse on counterterrorism but that it mostly creates divisiveness and supports argumentation for abusive security measures. Anthony Burke (2013) recently suggested a 'security cosmopolitanism' could provide a bridge between liberalism and post-structural critiques if global security was viewed as a 'universal good' to be promoted by and for everyone. However, despite initiating a worthwhile debate Burke still does not resolve problems concerning the historically embedded power imbalance inculcated in the very institutions of civil society and global governance that he proposes can promote the 'universal good' of security. Security cosmopolitanism is therefore at an embryonic stage as a theory and requires further elaboration. This study utilising discourse analysis goes further to bridge the chasm between liberalism and post-structural critiques by raising awareness of the exploitative power of discourse. However, outside of these articles and Mary Kaldor's work on war and cosmopolitanism intervention (2013), there is little academic discussion on cosmopolitanism and security in the literature. In response, this thesis builds on the limited attention that other studies on cosmopolitanism have given to issues relevant to security.

Drawing on a review of the academic literature in chapter three, in this study I will amalgamate the most relevant aspects of cosmopolitanism, to provide an analytical framework that probes the various ways that self-other relations are pertinent to counterterrorism news discourse. The lack of empirical studies of cosmopolitanism has been noted elsewhere and calls have been made for more studies in this area (Beck, 2006: 23, 47-9) with some academics obliging (Robertson, 2010; Skrbis and Woodward, 2013; Nowicka and Rovisco 2009, 2011). Kate Nash (2009) provided a study on approaches to a range of human rights across news media, activist, governmental and legal fields, with chapters pertaining to counterterrorism and poverty. Nash's study noted the prominence of national forms of cosmopolitanism across all fields. This study will also be vigilant for forms of cosmopolitan nationalism, but will focus specifically on security and on the impact of discursive practices. The lack of empirical studies on the grand theory of cosmopolitanism

is particularly conspicuous in the area of news media discourse and counterterrorism, especially given the importance of self-other constructions in these areas.

This section has demonstrated a need to consider (i) reductionism in news media content, (ii) an awareness of diffuse causal relations, (iii) issues of time and space, (iv) the strategic use of elite language, (v) the problems investigating secrecy and (vi) cosmopolitanism. All of these issues are integral to the construction of legitimacy yet remain relatively unexplored avenues. It is proposed that through the use of critical discourse analysis and cosmopolitanism to investigate these issues some key unsolved questions can be addressed providing contributions across several literatures and fields of research.

1.3 Unsolved questions

The current literature on news media discourse and security has tended to prefer simplistic causal explanations. Even discursive approaches such as the Copenhagen School's approach to securitisation have adopted highly focused studies, failing to provide attention to the potential for the broader sociocultural context to impact on security discourse. Questions remain unanswered surrounding how discursive relations develop across news media, governmental, activist, academic and legal fields in the field of counterterrorism. Chapters two and three will demonstrate how theories of critical discourse analysis and cosmopolitanism can be used to construct a methodology that broaches questions surrounding how discursive practice interrelates with the sociocultural context. By utilising a form of discourse analysis the often diffuse causal relations in communication on counterterrorism can be further investigated.

For this study on counterterrorism, broader discourses of division and connectedness from the local to the global level necessitate a consideration of perspectives on cosmopolitanism. Through this engagement with notions of humanity and (dis)connectedness between the Self and the Other, key argumentation of relevance to counterterrorism can be highlighted. Discourses on cosmopolitanism encompass questions of morality and justice and their related modes of political practice, deliberation and law. The diverse and dynamic nature of theories on cosmopolitanism, with their normative prescriptions and descriptive analyses, when employed within carefully chosen parameters, offer a nuanced and productive toolkit

on which to base social scientific research here. Analysis of discourse surrounding transnational terrorism and counterterrorism, could clearly benefit from inquiry into self-other relations on an individual and collective basis from the local to the global level. Three unsolved questions emerge from this: firstly, regarding which forms of cosmopolitanism are relevant to a study on news media and counterterrorism; secondly, surrounding which forms of cosmopolitanism emerge in news discourse and how they were constructed; and, thirdly, what difference they make to policy and practice in counterterrorism.

1.4 My research questions

The research question of this PhD is: 'Cosmopolitanism in UK news discourse on counterterrorism: What form(s) does it take and how are they constructed? What impact do they have on policy and practice in counterterrorism?' The following ancillary research questions and objectives have been identified:

- What forms does cosmopolitanism take in academic literature? More specifically, investigate the interdisciplinary forms cosmopolitanism takes in literature relevant to a study on counterterrorism discourse, including moral cosmopolitanism, legal cosmopolitanism, deliberated cosmopolitanism, cultural cosmopolitanism and risk-based cosmopolitanism.
- What are the key 'moments of crisis' in UK news media discourse on counterterrorism? Examine a range of popular mainstream UK news media outlets with distinctive ownerships and editorial lines.
- What forms of cosmopolitanism are most prominent in news discourse and how were they constructed?
- What is the effect of dialectical relations between social fields on the political order of discourse and on the representation of cosmopolitan perspectives? The fields assessed in this thesis include the news media field, the governmental field, the activist field, the legal field and the academic field. Dialectical relations are considered to involve elements that are different but not discrete and where each internalises aspects of the other (Fairclough, 2009: 163).
- How are discursive strategies by actors within the governmental, activist, legal and news media fields used and what actions by governmental actors do they lead to?

1.5 Key concepts

The concepts of discourse, power and terrorism and counterterrorism are central to this thesis. Although they are addressed in other sections below and chapter two is focused specifically on critical discourse analysis, an explanation of how they are applied in this study is useful at this stage.

a) Discourse and non-semiotic social relations

Following the critical discourse analyst Norman Fairclough (2003), this study views language and discourse as dialectically related to non-semiotic social relations. It considers some actions to lie outside of discourse and that it is possible to study them as such, but it considers social relations to be in part semiotic and therefore that the semiotic dimension of social relations cannot be ignored. While language and semiotics alone do not cause change or maintain stasis, they provide the means by which decisions can be reached and justified – and they can determine whether actors act at all. So, discourse or language is not only an indicator of change and stasis, but an important constituting factor of change or stasis itself.

b) Discourse and power

This thesis views power as maintaining a dialectical relationship with discourse, as proposed by Michel Foucault (1979). Through its relationship with knowledge and discourse, power is seen to have constituting capacity for discourse across society. In this vein, Fairclough (1989) has written about the ‘power behind discourse’ and this is the capacity to constrain and coerce the choices of others through broader sets of beliefs and values. As such, in this thesis, power is seen to encompass all three of Lukes’ (2005) dimensions of power, but, in keeping with Foucault and Fairclough, to hold a particular interest in Lukes’ third dimension. In the first dimension, Lukes notes the ability to determine the decision making of others; the second dimension is the capacity to determine what the potential choices or options to be decided upon are; and, the third refers to less conspicuous processes related to the changing of values and ideals that can ultimately influence decision making. In keeping with this third view of power, this study sees power as inculcated within discourse.

In contrast to Foucault (1972, 1979, 1984) though, I do not view the subject as being relatively helpless to resist such pervasive power inculcated within discourse. Indeed Foucault can be criticised for overly focusing on structure and for not sufficiently recognising the possibility that social practices can resist structural forms of power. Discourse is one such social practice that can be considered and a linguistic analysis can illuminate power struggles at a more micro level.

I am also uncomfortable with Fairclough's (1992: 87) view of ideology in discourse as 'significations/constructions... which contribute to the production, reproduction or transformation of relations of domination' because it too assumes that a form of totalising 'domination' occurs and, further, that this can be identified by an analyst. The notion of hegemony, where thinking alike and the forgetting of alternative ideas becomes widespread, is more helpful (Wodak and Meyer, 2009: 8). If the concept of hegemony is used as an 'unstable equilibrium' (Fairclough, 1992: 92) where alliances are constructed and consent emerges, it suggests a less totalising domination that better incorporates the possibility of dissent and change. I will be searching for the inculcation of power within discourse through hegemony. Hegemony, in its discursive form, has been termed the order of discourse (Fairclough, 1992: 93) and I will be investigating the order of discourse (see p.51 in section 2.2b for further discussion of the 'order of discourse').

c) Terrorism and related terms

Defining key terms surrounding terrorism is problematic because of their value-laden nature. While it is largely agreed that the terms 'terrorism' or 'terrorist' are pejorative, beyond this definitions are disputed (Schmid and Jongman, 1988; Hoffman, 2006; Jackson *et al.* 2011). Schmid and Jongman (1988: 6) counted 109 definitions of terrorism that covered a total of 22 different definitional elements. Violence, fear and political elements appeared in the majority of definitions provided by Schmid and Jongman. The label terrorism or terrorist can therefore be used to infer the illegitimacy of coercive political practice of actors. As such the term counterterrorism can bring a value-laden assumption that it comprises acts that are acting against illegitimacy. Andrew Silke defines counterterrorism as the 'policies, strategies and tactics that states use to combat terrorism and deal with its consequences' (Silke, 2011: 3). This could imply that terrorism is only committed by non-

state actors, but while I use the term counterterrorism in this way in this study, no such implication surrounding terrorism is intended here. Furthermore, Paul Dixon (2012: 6) holds that counterinsurgency differs to counterterrorism because the term counterinsurgency suggests there is 'popular support for insurgents'. Again the negative connotations associated with terrorism are emphasised, as opposed to a popularly supported insurgency. Determining levels of popular support is potentially problematic, however, and distinguishing between counter-insurgency and counterterrorism also cannot be achieved without a degree of subjective judgement. Therefore, in this study where the term counterinsurgency is used, these problems are not assumed to have been overcome.

Also, of relevance to this study is the differentiation that has been made between 'new' terrorism and 'old' terrorism. Walter Lacquer (1999) suggested that 'new terrorism' held apocalyptic objectives to annihilate whole societies through the use of weapons of mass destruction, as opposed to the 'old terrorism' that was less potent. The notion of a 'new terrorism' was rejuvenated after the attacks on the US on 11th September 2001. 'New terrorism' had greater weapons capability, was constituted by fluid networks of activists and had a global reach (Bakir, 2013: 8). However, while Peter Neumann (2009) and Bruce Hoffman (2000) have suggested that Lacquer's claims are overstated and do not appreciate many of the complex structures involved in the varieties of terrorism in the 21st century, there is still a suggestion amongst scholars that 'old' terrorism such as that carried out by the IRA had clearer political goals. Alternatively, Hoskins and O'Loughlin note the significance of the media in what they describe as a 'shift from order to chaotic mediation of terror and terrorism' (Hoskins & O'Loughlin, 2010: 150). The new media ecology is central to the formation of opaque political discourses surrounding terrorism. Therefore, assessments of the discursive construction of terror or terrorism must consider the role of the media communications too.

1.6 Introduction to the methodology

A methodology has been designed in order to answer the above research questions. Firstly, recognising the potentially diverse interpretations of cosmopolitanism relevant to this study, five perspectives are delineated (see chapter three) and then searched for in the news media output in order to assess the applicability of academic notions of the concept.

A critical discourse analysis that explores the dialectical influence of juridical, academic, political and activist fields on the news media is then employed. My typology of five cosmopolitanisms is used as an analytical framework to reveal more about the actors, their actions and the structures involved in the creation of political discourse. This study and its methodology have been created to ask what kinds of cosmopolitanism emerge in UK news media discourse and, importantly, consider how - how they are produced and then received by a range of relevant actors.

As a discursive study interrogating power relations, the overall research question and direction of investigation within the thesis have been influenced by existing theory on discourse analysis. When selecting communicative events for analysis Norman Fairclough (1992:230) suggests the researcher identifies 'cruces' and 'moments of crisis' from a large corpus of text: for example, a moment of disagreement where opposing views engage in argument. Such moments of conflict in the discourse are often the best occasions to observe various modes of power acting to dominate discourse, or, also, conversely, a successful challenge to the hegemonic power structure. They provide an opportunity to focus on the 'actual ways in which people deal with the problematization of practice'. Fairclough (Ibid: 230) explains '[t]hese are moments in the discourse where there is evidence that things are going wrong: a misunderstanding which requires participants to 'repair' a communicative problem' and they may be responded to by participants correcting others, with silence or with shifts in style.

Where Fairclough was referring to small samples of texts, this thesis will look for cruces on a larger scale. As such, the 'corrections' may come in the form of an entire editorial, or the 'silence' may be noted over a period of weeks or months. A focus on a broader range of texts and the extrapolation of Fairclough's notion of a 'cruce' mitigates problems of bias in the selection of data. Furthermore, by bringing ideational clashes into sharper focus cruce moments serve as rare opportunities to expose evidence of the less observable elements of Lukes' third dimension of power concerning values and ideals (Lukes, 2005). Foucault's (1984) genealogical writings support this focus when he shows how the regime of truth is produced. Foucault (1984: 56) suggests the focus should be on 'relations of power, not relations of meaning'. By focusing on aspects of *power* being enacted analysis can reveal

how a regime of knowledge and truth have been produced - just describing the framework of symbolism does not go far enough. Following on from this there is a need to consider what happens at points of conflict and the strategies that are used.

Discourse on counterterrorism provides numerous cruxes where government actions are challenged or supported within the discourse. The concept of a cruce moment was influential in selecting the overall research question, investigating the dialectical yet, at times, contrary relations between cosmopolitanism, news discourse and counterterrorism. It has also directed the selection of case studies on counterterrorism discourse related to Northern Ireland in the 1970s, UK complicity in torture, the passage of the Justice and Security Bill through parliament (2012-2013) and the use of Unmanned Aerial Vehicles (see section below in this chapter).

Chapter two includes a literature review of Critical Discourse Analysis and a pilot study of discourse on UK complicity in torture with further justification and a more detailed outline of the chosen methodology. The methodology is designed to not only consider how semiotics are constructed but how they impact on the form of cosmopolitanism, news discourse and counterterrorism practice that emerge. Fairclough (2003) terms the structure that determines the semiotic order of social relations the 'order of discourse' (see p.51 in section 2.2b for further discussion of this term). I will analyse the structure and positioning of actors within this order and how cosmopolitan discourses are recontextualised in different contexts. This project will follow Ruth Wodak (2009) by researching a wide range of fields in a way that allows a greater consideration of reaction, reception and resistance to power. This will involve a combination of textual analysis, elements of ethnographic research and interviews.

This study will assess texts from across UK news media, the juridical, governmental and activist fields. The reoccurrence (intertextuality) of perspectives will be assessed across the discourses and the hierarchical patterns (orders of discourse) in the discourse will be evaluated. Intertextuality will be considered beyond analyses that outline straightforward deterministic relationships between texts and specific sources (see pp.49-51 for more detailed discussion). As per Fairclough's theory, intertextual analysis will be broadened by looking at a number of texts across a variety of fields' discourses (representations of aspects

of the world), genres (the ways discourses are communicated) and styles (identities and ways of being). I will search for manifest intertextuality – where the repetition between texts is explicit, such as through reported speech, but I will also look for elements of ‘diffuse intertextuality’ - where the repetition of discourses, genres or styles are not attributable to specific sources in a linear deterministic manner (Meinhof and Smith, 2000). Assessment of intertextuality, particularly diffuse intertextuality, will benefit from the combined analysis of text and practice, situated within a broader cultural context, that this study provides.

1.7 Contributions to the field

This thesis adds a consideration of cosmopolitanism to the field of security studies. Where empirical studies of cosmopolitanism are rare, in the field of security studies using a methodology based on discourse analysis they are unprecedented. With its contextualised focus on the news media, this study provides an insight into mediatisation and other phenomena that are intertextually repeated across discourse on counterterrorism. How security issues, particularly those involving secrecy and intelligence become public, are given scant attention. The form of critical discourse analysis deployed facilitates an understanding of cultural factors and their impact on discourse practice. In selected cases this study shows how policy is formed and amended on counterterrorism and how in others causality is more difficult to identify. The discursive analysis is conducted across time facilitating the identification of trends in news media discourse, cosmopolitanism and counterterrorism.

1.8 Chapter summaries

Chapter two probes deeper into critical discourse analysis. It provides an overview of the application of critical discourse analysis on studies of political discourse by three key scholars - Norman Fairclough, Teun van Dijk and Ruth Wodak, and evaluates how their work can inform my study. The methodologies used by these scholars are adapted to assist in the design of my pilot study on discourse surrounding the announcement by UK Prime Minister, David Cameron, on 6th July 2010 of an inquiry into allegations of UK involvement in torture. Finally it outlines how critical discourse analysis will be applied in the empirical chapters.

Chapter three considers academic perspectives on cosmopolitanism relevant to discourse on counterterrorism. The chapter is divided into five sections. Firstly, it outlines moral cosmopolitanism and approaches that promote the universal, the individual or the collective and the relevance of rationality, posing questions about responsibility towards the Other. Secondly, it discusses cosmopolitanism and law, including the rise of human rights regimes and international law and its challenge to domestic law. The role of politics in the creation of law is addressed with reference to the work of Carl Schmitt and Giorgio Agamben and the state of exception. Thirdly, deliberated cosmopolitanism is considered, assessing Seyla Benhabib's work on jurisgenerative iterations and offering criticism of theories of discourse ethics particularly within the context of news media discourse. Fourthly, cultural cosmopolitanism is covered with recognition of post-universal approaches including cosmopolitan nationalism. Fifthly, the role of risk in promoting collectivities in the context of security threats is addressed. The work of Ulrich Beck is considered and critiqued as notions of temporality, risk and emotions are discussed. Finally these five perspectives on cosmopolitanism are used to design the coding criteria for textual analysis in the subsequent empirical chapters.

All the case studies selected in chapters four to seven provide insight into cruce moments with sociocultural settings and discourse practice from different conflicts in different eras. The case study on UK complicity in torture was chosen first. Following a review of texts in the legal, activist, news media and governmental fields I identified it as a key cruce moment in UK counterterrorism discourse in the decade before this research commenced in 2010. Torture is forbidden by international and UK domestic law and has been described as an inviolable norm (see *A & Ors v. Secretary of State for the Home Department* [2005]); however, the exact definition of 'torture' and of 'cruel, inhuman or degrading treatment or punishment' and indeed 'complicity' in torture are highly contested (JCHR, 2009). The case study involved fundamental ethical questions concerning torture and terrorist threat and there was substantial disagreement amongst actors in legal, activist, news media and governmental fields. Furthermore, UK complicity in torture in the 21st century is operationalized through transnational actors and affects a transnational range of subjects, thereby providing a number of opportunities to assess the contestations surrounding contribution and treatment (or lack of) the Other in the discourse. However, the analysis of

discourse in Northern Ireland is presented first because it is the first chronologically and sets the context with a clear presentation of adjustments to counterterrorism policy that fit my model of the political-communication-counterterrorism cycle.

Therefore, chapter four considers counterterrorism discourse in Northern Ireland between 1971 and 1979 and provides contrasting news media events to those of the 21st century cases on UK complicity in torture and unmanned aerial vehicles. This case was chosen because it provides a historical contextual and comparative case study to the other three studies on 21st century counterterrorism discourse, with particular relevance to the issue of UK complicity in torture in the 21st century through its focus on interrogation practice in the 1970s. In addition, the chapter enhances the longitudinal perspective of the thesis, with some background commentary on the development of counter-insurgency and counterterrorism practice during decolonisation. Terrorism and counterterrorism in Northern Ireland presented the UK state with challenges from a domestically based enemy, yet as the analysis demonstrates, Othering still occurred – again allowing comparisons with other case studies. Furthermore, international actors were significant at key points, legally through the institutions of the European Convention of Human Rights and politically, particularly through the Republic of Ireland and the United States Governments, and historically through the development of UK counterterrorism practice in its colonies.

Chapter five covers what my original review and then pilot study (see chapter two) revealed was a key cruce in 21st century coutnerterorrism discourse: allegations surrounding UK complicity in torture. An initial review of texts in activist, governmental, legal, academic and news media fields facilitated the identification of key events. The subsequent counting of articles in the news media related to counterterrorism in the 21st century related to torture and abuse (see Appendix 11 and Appendix 12) suggested that there was more news discourse on issues related to complicity than on British Government personnel's direct acts of abuse such as those related to the death of Iraqi citizen Baha Mousa in British custody in 2003. Furthermore, the issue of UK complicity in torture brings into sharp focus the transnational cooperation between Governments in counterterrorism efforts. The transnational network of actors and locations used to detain, transport and interrogate during the 2000s represented a new paradigm of counterterrorism activities. The UK

Government was repeatedly implicated in the human rights abuses committed by foreign actors and prompts questions concerning authorship and responsibility. In turn, how governments, legal, activist and news media actors responded to these raises questions concerning the relationship between the Self and the Other.

Chapter five and the case of Binyam Mohamed and also ethnographic research at the activist group Reprieve demonstrated how important litigation was to ensure that the voice of the Other was recontextualised to a position of credibility and authority. As such proposals in the UK *Justice and Security Bill (2012-13)* to limit open hearings in court were controversial and highly contested. Chapter six on the Justice and Security Bill therefore provides a broad overview of security discourse through its focus on a key cruce – the contestation over how future discourse on security will be undertaken. By assessing discourse surrounding the passage of the Justice and Security Bill through parliament the chapter examines how long standing constitutionally protected laws are challenged by argumentation promoting security. Theories of securitisation are employed to demonstrate how legal norms are restricted according to the weakness of support for them. Ultimately the passing of the Bill with minimal amendments provides insight into the Executive's ability to control the genre of discussion on security matters, legislating against the most potent challenges.

Chapter seven assesses discourse on the use of unmanned aerial vehicles (UAVs) in Pakistan and Yemen. Following criticism of the interrogation programme operated by the Bush Administration, by 2011 the United States had refocused its efforts towards the use of UAVs (Intelligence and Security Committee Report, 2012: 5 & 7); and Pakistan and Yemen were identified as countries where the main threat to the UK was emanating from (UK Home Office, 2011: 1.9). As such this offered an opportunity to compare discourse on an alternative counterterrorism measure, and one that, at the time of researching from 2012-2013, represented international counterterrorism efforts in the era following criticism of enhanced interrogation techniques. Furthermore, with its focus on Waziristan and Yemen this case provided an opportunity to investigate another comparative study of discourse, this time in areas that are less accessible for news media, activists and governmental actors. Highlighting the role of uncertainty in discourse surrounding Waziristan and the Yemen, this

chapter also notes the heightened importance of issues that represent a discernable threat to the readership or audience of the news media. However, through assessment of a drone strike killing a number of civilians and Pashtun tribe members in March 2011 - that were not apparently opposed to the Pakistani Government – it is revealed how one particular case posed a greater challenge to the order of discourse and generated some criticism in the news media.

Overall, the amalgamation of the four case studies allows for conclusions to be drawn in Chapter eight concerning the development of interactions between news discourse, cosmopolitanism and counterterrorism policy over time and in differing contexts. The conclusions support the argument that in the 21st century a risk-based cosmopolitanism has emerged. This has encouraged a focus on the Self and on the near future. Engagement with the Other has diminished and this has coincided with a weakening of the credibility and authority of the Other in news discourse, thereby discrediting allegations of human rights violations. However, cosmopolitan nationalism persists and restricts aggressive security policies towards the Other, particularly related to credible allegations of abuse and torture of individuals. Nonetheless, restrictions and policy change are limited because uncritical faith in modes of deliberation allow for a greater structuring of communication that largely mitigates criticism.

Chapter 2: Methodology derived from Critical Discourse Analysis

2.1 Introduction

Critical Discourse Analysis exposes unjust relations in the social world by revealing the discursive practices that perpetuate them. Norman Fairclough proposes that Critical Discourse Analysis (hereafter CDA) should identify a problem or misrepresentation that would benefit from social change (Fairclough, 1992). In this thesis the posited problem concerns news media discourse on counterterrorism and the forms of cosmopolitanism that both constitute and are constituted by this discourse. This is considered a problem because without a cosmopolitan approach, or with particular forms of qualified cosmopolitanism, abusive and counterproductive counterterrorism practice is more easily legitimised and potential causes of division are overlooked or exacerbated. By employing a methodology based on CDA this study aims to reveal the ways in which discursive practice can perpetuate or alleviate this.

Commencing with this introduction, this chapter is divided into five parts. In order to ensure I maximise the potential of my CDA based methodology I provide a three-part literature review of recent applications of Critical Discourse Analysis on political discourse. This will be followed by a pilot study on UK news discourse of UK complicity in torture. The pilot study and the preceding discussion in this chapter will be used to inform my methodology and, finally, I will outline how I intend to apply my CDA to more in-depth case studies in later chapters. Ultimately this chapter traces how a methodology has been designed to best consider the relationship between text, discourse practice and sociocultural context. It is argued that the methodology chosen is well designed to investigate intertextual relationships and argumentation across various fields, through the analysis of text and practice, all situated contextually.

Critical Discourse Analysis replaced *critical linguistics* (Fowler *et al.*, 1979; Fowler, 1991) as the term used by a network of scholars to describe research on language and power in the early 1990s. It has never been one specific methodology or theory and has emerged from a variety of disciplines ranging from Text Linguistics to Anthropology (Wodak and Meyer, 2009:1). Therefore, I will start by defining the features integral to all CDA, combined with

brief indications on how this chapter will assess their application. I will then focus on three influential CDA scholars. Firstly, I assess Teun van Dijk's application of CDA using his sociocognitive approach; secondly, Norman Fairclough, who with Lillie Chouliaraki has developed a dialectical-relational approach; and, thirdly, Ruth Wodak's discourse-historical approach; before comments are made on Lene Hansen's (2006) seminal discourse analysis on the Bosnian War, *Security as Practice*, who like Ruth Wodak has written about the discursive construction of identity.

CDA views discourse as written or spoken language use, or other signs. Any language or semiotic material used in a discursive event is 'text' and CDA performs a systematic analysis of such texts. CDA is concerned with naturally occurring discourses above the level of the sentence and its extra-linguistic focus is influenced by Michel Foucault's philosophy on discourse (1972, 1979, 1984). Broadly put, Foucault's archaeological writings proposed that particular statements are meaningful and coherent in their own historical era, as each era holds a distinct knowledge regime or *episteme*, where particular rules and structure dictate what can and cannot be said with meaning (1972). Critical discourse analysts add a consideration of Foucault's genealogical phase, which can be contrasted to this rather structured archaeological account (Jørgensen and Phillips, 2002: 13). Foucault's genealogical phase provides a focus on knowledge-power relations (1979, 1984) and more insight into how knowledge and discourse came to be. Power is considered to constitute knowledge and discourse and also to be constituted by knowledge and discourse. Critical discourse analysis adopts this conceptualisation of power and utilises both Foucault's genealogical and archaeological approaches. Foucault did not provide details on methodology but many CDA studies have and these will be explored in this chapter. These have typically combined a linguistic focus with a more Foucauldian post-structuralist view of discourse as knowledge (Fairclough, 1992: 1; 1995: 18). However, I argue that a more detailed consideration of context is needed to complement linguistic analysis in order to better facilitate a revelation of the operation of power through discourse.

In relation to this, a key tenet of CDA, that I argue should have more influence on the choice of research methods employed, is that it does not see discourse as an entity that can be described independently. It views discourse as one form of 'social practice' that can only be

understood by looking at relations between the discursive event and the situations, institutions and social structures in which the event is situated (Fairclough and Wodak 1997:258; Fairclough 2010:5). For example, it is through legal discourse that the practice of 'a trial' and attendant institutions and roles are knitted together and made sense of by those participating in the practice. Therefore, CDA looks beyond the text of discourse and analyses the relations between the discourse and other non-discursive elements of social practice and sociocultural context. In the literature review below I examine which applications of CDA are most effective in revealing details about the relationship between language and society.

Another principle part of CDA is its critical approach. CDA does more than describe discourse, it offers normative assessments to address social wrongs – CDA assesses what exists, what might exist and what ought to exist, based on a set of values (Fairclough, 2010:10-11). CDA aims to identify ideology and power relations that both constitute and are constituted by the discourse. Wodak and Meyer (2009:8-9) repeat the core definition of ideology as 'coherent and relatively stable set of beliefs or values', but highlight how CDA is interested in the dominant, unchallenged ideologies that appear neutral and allow assumptions to go unchallenged. CDA researchers are typically interested in the power abuse of one group over others and focus on a view of power determined not by actors' resources and ability to coerce others, but in the structural features of social fields or society. For instance, studies by Norman Fairclough have highlighted the exploitative potential of neoliberal discourses on globalism (2006) and Teun van Dijk (1991) and John Richardson (2004) have demonstrated racism in the UK press. Nonetheless, CDA continues to recognise both structure and agency by considering them to be co-constituting and therefore agency is not deemed to be redundant (Chouliaraki & Fairclough, 1999).

I follow Wodak *et al.*'s (2009: 3) definition of 'political' discourse in broader terms than solely the language used by elites. Political discourse can occur in various contexts, official or unofficial, formal or informal and can be challenged at various levels. However, given the large amount of texts available, those that are clearly related to affairs of government and power will be prioritised.

2.2 Literature Review of Critical Discourse Analysis

a) *Teun van Dijk's sociocognitive application of CDA*

Teun van Dijk's application of CDA has centred on racism and the media (1988, 1991, 2000), ideology (1998) and context (2008). He has also focused on Spanish discourse and, unusually for CDA, Latin America (2005). Van Dijk adopts a 'sociocognitive' approach that sees the link between text and society as cognition. Van Dijk defines cognition as 'the set of functions of the mind, such as thought, perception and representation' (2009:64). His work shows racism, ideology and context to be both mental and social phenomena. Accordingly, van Dijk studies the mental representations and processes of both those producing and comprehending discourse. His works are theoretically sophisticated but focused on texts, with less evidence of detailed empirical consideration of the production or reception of discourse.

Nonetheless, van Dijk's analysis of text for newspapers is valuable. Van Dijk (2009:68) advocates an in-depth consideration of semantic macrostructures. Semantic macrostructures are the main topics and themes of a text. They may be represented in titles, abstracts or summaries; they are largely intentional and controlled by the producer of discourse (that is, through their prominent placement in the headline or lead paragraph); they express information that will most likely be used to construct readers' mental modal (their subjective representation of the text), and they represent the meaning or information that most readers will memorize best. In van Dijk's 1991 book *Racism and the Press* about Dutch and British newspapers he investigates 'schematic super-structures' that determine which macrostructures are foregrounded – with prominent placement, for example in headlines. The book also provides quantitative analysis of the lexis featuring in the texts, the types of sources used and how they are used.

The consideration of macro and microlinguistic (choice of lexis) structures and the combination of quantitative and qualitative methodology allowed Van Dijk to persuasively argue that racism in the press was still present - often through the use of stereotypes or defining particular races as a 'problem' or even as a 'threat' - and that ethnic minorities were more likely to appear in reports on negative topics (1998; 1991:245-7). However, like much CDA, van Dijk focuses largely on text and 'only occasionally relates these with their

cognitive, societal, political, or cultural contexts' (1991:5) and Richardson (2004), like many CDA analysts, argues a contextual focus is essential for CDA.

Pertinent to this study's focus on cosmopolitanism, van Dijk (1998b: 33) has proposed the concept of an ideological square where socio-cognition is formed around positive in-group description and negative out-group description. The ideological square manifests itself through (i) emphasis of our good properties/actions; (ii) emphasis of their bad properties/actions; (iii) mitigations of our bad properties/actions; and, (iv) mitigation of their good properties/actions. However, Greg Philo (2007) critiqued van Dijk's application of this concept for failing to consider the production and reception of news, that Philo claimed could override ideological concerns.

Recently though, van Dijk has developed his theoretical approach specifically on contexts (2008) through what he terms *context models* – a form of *mental model* concerning subjective mental representations of a communicative situation (mental models are subjective interpretations of any situation). This cognitive device is necessary to ensure that language users adapt their discourse to the particular social environment. Context models are organised by relatively simple categories including the spatiotemporal setting; the participants involved (and their identities, roles, relationships, goals, knowledge and ideologies); and, the ongoing social action (van Dijk, 2009:74).

In van Dijk's (2009:67-85) analysis of a text on the website of *The Center for the Moral Defense of Capitalism* entitled 'A Petition Against the Persecution of Microsoft', van Dijk analyses the context models. The setting is the internet website on a pro-market website in the business sector; the participants are the author (who is a defender of Microsoft) and the addressee, who is referred to as a 'Fellow American' at the beginning of the text, creating the 'we' or 'us' grouping for which the Center claims to defend; the ongoing social action is the proposed petition to the government and judiciary. Van Dijk claims the context models promote anti-government attitudes to anti-trust legislation. This is compounded by an argumentative strategy that pushes the reader to feel they belong to the author's in-group fighting against the government's (the out-group) attack on the principle of freedom of the market – a principle that 'Fellow' Americans should defend.

The difficulty in the sociocognitive approach is in determining for certain what the context or mental models are. In the above Microsoft case van Dijk's assertions that readers' context models are based on neoliberal arguments is highly plausible –but, how is it possible to know that is what the creators of the text were basing the context model on, and perhaps more problematically, without some form of assessment of the readers, how do we know what their context model was? On the Microsoft text, van Dijk is persuasive, but in other cases where context models may be more subtle, this approach may require further evidence. The assessment of knowledge (individual or group), attitudes (from ideological beliefs) and ideologies is a challenge for cognitively based CDA. More reliable analysis may be provided by research/interviews of the various groups who produce and receive media messages and from a more detailed analysis of the contextual sources where arguments and attitudes for the contextual models are drawn from. The methodology adopted in this thesis will therefore probe the context models of producers and receivers of media output. Through a consideration of key sources that the news media interact with, including the government, members of the legal field, academia and activists this study will provide insight into both the sources drawn upon for the production of news discourse and how it is received in pertinent fields.

b) Norman Fairclough's Dialectical Relational Approach

Norman Fairclough's explicit aim for CDA is to 'develop ways of analysing language which address its involvement in the workings of contemporary capitalist societies' and much of his work is aimed at exposing how neo-liberal ideology has dominated discourse since the early 1980s (2010:1). In contrast to van Dijk, Fairclough (1992, 1995:28-29) does not assess cognition. Fairclough's (1995:29-30) concern is to show 'how shifting language and discursive practice ... constitute social change', and he criticised van Dijk's work for presenting news making practices as stable structures. The dialectical relational approach was developed by Fairclough with Lilie Chouliaraki (1999) and it sees semiotic events as maintaining dialectical relations with non-semiotic ones. It views discourse, like any other social practice, as involving interplay between social structures, practices and events. Practice mediates between more general social structures and concrete social events.

Fairclough provided a visual representation of his 'framework for critical discourse analysis of a communicative event' where he depicts the relations between texts (as the semiotic dimension of events), practice and broader social structures (Fairclough, 1995: 59).

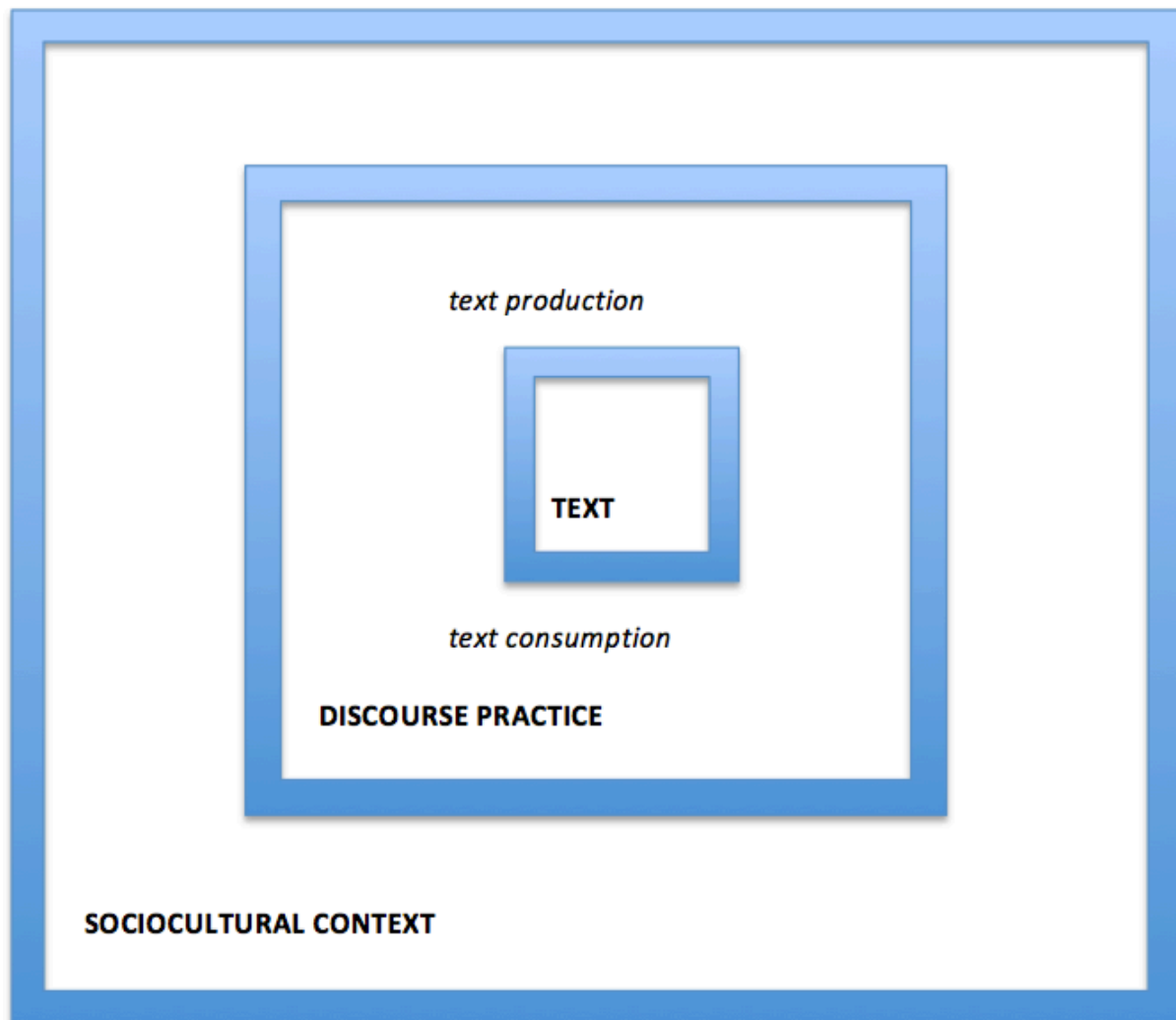


Figure 2: Norman Fairclough's framework for a communicative event

As you can see Fairclough views discourse practice as the link between the sociocultural background and texts. In order to assess the varied relationship between the sociocultural context and text, Fairclough advocates looking at discourse practice and the relations between texts. Fairclough (2003: 219; 1992: 84-86) draws on Mikhail Bakhtin (1981) and Julia Kristeva's (1986) use of the concept of intertextuality. For Fairclough (1992: 84) intertextuality describes:

the properties texts have of being full of snatches of other texts, which may be explicitly demarcated or merged in and which the text may assimilate, contradict, ironically echo and so forth.

In other words, intertextuality concerns the phenomenon where texts draw on other texts and voices. Where many texts and voices are engaged with, the text is considered to be *dialogical*. However, where a text is 'univocal' and only has one voice, this can be a sign of assumption and hegemony – where particular representations are widely accepted and naturalised (Fairclough, 2003: 61). While it is sometimes possible to ascertain which texts have been drawn on with precision – for instance, when reported speech is used in a news report - it is often not. Fairclough (1992:85) is therefore interested in more than just these manifest and explicit forms of intertextuality and is also concerned with what Meinhof and Smith (2000) have termed 'diffuse intertextuality'. Diffuse intertextuality looks beyond straightforward deterministic relationships between texts and specific sources. Fairclough (1992: 85) calls this form of intertextuality 'interdiscursivity' and more recently (Fairclough, 2003; 2009:166) he has broken down this form of intertextuality analytically in three ways: (i) it is concerned with the repetition of discourses (representations of aspects of the world); (ii) with genres (the ways discourses are communicated); and (iii) styles (identities and ways of being of those creating the discourse or of those represented). These three features may not be attributable to specific sources in a linear deterministic manner and when certain texts or voices that might have been included are actually excluded, this is often even more difficult to identify (Fairclough, 2003: 39-61). The solution to these problems adopted by this thesis is to engage in rigorous contextual analysis, thereby systematically looking for patterns and noting dissimilarities and omissions.

In the intertextual process of placing an element of a text into another text, the element is recontextualised in the new text with potentially significant effects on its meaning. For example, in an analysis of a Radio 3 interview with the then UK Prime Minister Margaret Thatcher, Fairclough (1995:178-191) demonstrates how Thatcher combines discourses of liberalism (individual freedom and self reliance) with conservatism (family values). Fairclough also shows how the media genre of a political interview is combined with a more casual and conversational approach to form a hybridised genre that allows her to subtly

convey her desired message. Like many linguistic forms of CDA, Fairclough highlights her use of pronouns. Thatcher uses 'we' to convey solidarity with listeners and 'you' (in its general sense) in part of her attempt to adapt her style so that she would be considered by listeners as one of them. Fairclough argues the effect might be that listeners might drop the cynicism that they would normally have for a Thatcherite discourse in an overtly political address. Consideration of the intertextual, and in this example specifically the interdiscursive, use of styles, genres and discourses can therefore facilitate assessment of relatively intangible sociocultural influence on political events. However, with a limited amount of texts and no information on how the message is received, such intertextual analysis is very difficult to prove. Reliable conclusions require more analysis - in this case more texts and contexts regarding Margaret Thatcher's discursive output and its reception.

To assess how intertextuality and interdiscursivity affect discourse Fairclough utilises the concept of the 'order of discourse', borrowed from Foucault (1970). Foucault's 1970 lecture entitled the 'order of discourse' outlined the rules, norms and systems that form this order and determine what could be said or thought and therefore what could constitute discourse and knowledge. In a similar vein, for Fairclough the 'order of discourse' is the semiotic social order and hierarchy – where networks of social practices in communication are established. This is a site of potential domination and the domain of struggle for cultural hegemony – where power depends on consent or acquiescence, not force (Fairclough 2003). In *Media Discourse* (1995) Fairclough states that the assessment of the order of discourse requires a full consideration of both production and consumption of discourse. Nevertheless, as with much of Fairclough's work, and CDA in general, the focus has largely been on the primary text of analysis and the reception and production of the texts have received less attention, particularly with regard to ethnographic aspects of this practice.

However, Chouliaraki and Fairclough (1999:113 and 99-116) are open to consideration of non-linguistic analyses and they encourage critical discourse analysts to engage with 'social theoretical accounts of late-modernity', providing insight into one possible methodological solution by considering the similarity between the order of discourse and Bourdieu's (1990; 1991) category of a 'field'. Both are 'more or less bounded institutional complexes' (Chouliaraki & Fairclough, 1999: 114) that map the network of positions and practices of

actors within that field. Their similarity means that the legal field could also be studied by mapping the legal order of discourse – but the order of discourse would be the particular discursive aspects of this field. Bourdieu's concepts of *habitus* and *capital* are integral to field analysis. *Habitus* concerns the set of dispositions to act, or the 'game' that actors play, and is determined by actors' positions within the structure of that field. Actors are endowed with *capital* – and this can be an economic, social or cultural form of capital, even 'media capital' – but most importantly for this study it can be transformed into 'symbolic capital'. This capital is not solely determined by structure but strategies of agents (for example, in this study argumentation) can determine how their capital can reinforce structures, or bring about social change (Chouliaraki & Fairclough, 1999: 101).

Where Bourdieu (1990) noted that the boundary between fields are at the centre of struggles, Fairclough and Chouliaraki argue that the discursive aspects reveal more about these intersections between fields, or orders of discourse. Kate Nash (2009) utilised Bourdieu's concept of a field to analyse the cultural politics of human rights across government, media, legal and activist fields in the UK and US. However, CDA compliments Bourdieu's approach by adding an interest in local discursive interactions and the genres of communication that occur within and on the boundaries between fields. In this thesis, by focusing on processes of interaction, 'CDA can trace the emergence of a journalistic order of discourse (and field) from the articulation of orders of discourse (fields), which Bourdieu's analysis misses' (Chouliaraki & Fairclough, 1999: 115). This is possible because through discursive analysis CDA can better evaluate the effects of variable strengths of such boundaries and how they are progressively transgressed. This study on counterterrorism has many boundaries, including those between legal, governmental, media and activist fields but also between themes such as justice and security, the parochial and the global and so on. Furthermore, in relation to Bourdieu, Chouliaraki and Fairclough (1999: 115) have noted:

In terms of research design, incorporating Bourdieu's concepts in CDA implies more detailed (large-scale, including ethnographic) empirical projects than CDA has engaged in so far.

Building on the work of Wodak (see below) I aim to provide such an ethnographically informed project that analyses texts, context and their intertextual relations.

Various studies utilising Fairclough's methodology of CDA have highlighted exclusionary practices in the political arena, suggesting the general public have a lowly position in the political order of discourse. Fairclough (2010:385-7) carried out CDA on genres of government to assess how New Labour's policies have been operationalised. They focused on situations where government claimed to be consulting citizens on policy making. However, in Fairclough's analysis of 'consultation' he found the genre adopted by the government was not conducive to giving voice to non-governmental actors. For instance, prior to the release of a Green Paper (a consultation document) on Welfare Reform a series of papers were published by the Department of Social Security supporting the reform argument. These contained many summaries of proposed reform where particular representations were selected. The Green Paper itself was 'univocal' with only pro-reform arguments featuring. Also, the Green Paper was prepared for indirect reading by the public with press releases, a summary, a foreword (all of which were summaries) for the journalists, containing many categorical statements, not questions, on uncertain matters, to ensure the public are told, not consulted – it also used bullet points and while being reader friendly was clearly reader directive (Fairclough 2010: 386). Here the genre of the press release, the repeated selective summaries and categorical statements ensured that consultative procedures consult much less than they should. The focus on genres was revealing and in this thesis different genres will be considered, for instance through examination of government consultation processes in chapter six on the Justice and Security Bill.

In *Language and Globalisation* (2006) Fairclough argues that much language is embedded in a 'cultural' approach to political economy. He argues that there is an internationally dominant strategy encouraging ideas of 'globalism'. 'Globalism' is an ideology that advocates economic neoliberal globalisation through the liberalisation, integration and rescaling of markets. Globalist discourse is recontextualised throughout the world and Fairclough does assess discourses from a wide range of fields, including Malaysia and Romania (and its entry into in the European Union). In a chapter entitled 'Globalization

from below' he gives an example of how unemployment in North East England is adapted to by workers appropriating neo-liberal principles of being 'flexible' and 'cheaper' labour – thereby demonstrating recontextualisation of neo-liberal discourse through intertextuality. However, as with many of the examples in the book the examples are thin on detail and without concrete evidence that the traits revealed are widespread or derived from a global ideology. This limited range of in-depth analysis of discourses limits the consideration of the production and circulation of language and its use by different audiences.

As mentioned above in chapter one, Fairclough advocates the selection of 'crucial moments' to facilitate the concentration of research on moments where power is challenged and modes of power become more visible. However, Fairclough, in his analyses, very rarely critically analyses power relations and ideology of texts produced by left leaning political actors. This weakness in Fairclough's applications of CDA will be rectified by analysing a range of representative texts across the political spectrum and by putting them into context. For example, Hugh Tyrwhitt-Drake (2005:43) criticises much of Fairclough's work on the language of 'New Labour' (2000) for focusing on short texts with questionable representativeness and failing to provide sufficient contextual analysis. Many CDA studies, however, have focused on a variety of texts with different political viewpoints, particularly on studies of newspapers (Doyle, 2010; Richardson, 2004). Doyle stressed how pro-Iraq war arguments dominated coverage in eight UK newspapers at key times (for instance, just after inspectors presented their weapons dossier) and Richardson assessed racism across various newspapers. The variety of texts studied meant these critical claims were less vulnerable to accusations of partial data selection and this thesis will follow their example, whilst still looking for issues that constitute 'crucial moments'.

c) Ruth Wodak's Discourse Historical Approach

Ruth Wodak and Martin Reisigl (2009) follow *The Discourse Historical Approach* (DHA). The DHA also assumes a dialectical relationship between discursive acts and the 'situations, social structures and institutions in which they are embedded' (Wodak *et al.* 2009). Applications of the DHA therefore consider texts, intertextual relations between texts, extralinguistic social variables and institutional frames. However, the DHA places more emphasis on the socio-political and historical context (Reisigl and Wodak, 2009: 93). It is

more *inductive* than Fairclough's or van Dijk's approaches. Therefore, the empirical data from the texts and contextual fields leads the research more, rather than a *deductive* approach where the theory leads the research. Accordingly, the DHA is more likely to focus on a meso-topic like right wing populism, rather than a macro-topic like globalisation (see Fairclough 2006); and, because of this Wodak and Meyer argue the DHA is suited to the field of politics (Wodak and Meyer, 2009:19-26).

In *The Discursive Construction of National Identity* (2009:3-8) Wodak, Cillia, Reisigl and Liebhart provide an empirically thorough and theoretically informed discourse analysis of the construction of Austrian national identity. Like other CDA it does not pretend to assume an objective, socially neutral analytical stance and from a survey of social scientific and historical literature Wodak *et al.* make clear the hypotheses that form the basis for their study. In line with Fairclough and Chouliaraki (1999: 112), the DHA actively encourages a consideration of 'methodological and theoretical perspectives taken from various disciplines' – for example, Wodak *et al.* referred to Paul Ricoeur's work on the 'dynamic relational complexity of identificational processes' in combination with other non-linguistic analyses pertaining to Austrian identity and this aided the construction of their hypotheses (Wodak *et al.* 2009: 9). The hypotheses that Wodak *et al.* searched for in the discourse included the following: (i) the notion that national identities are formed discursively; (ii) that national identity is a complex array of conceptions; (iii) that discursive constructs largely ignore intra-national difference but emphasise inter-national differences and (iv) that discursive constructions of a common past, present and future were significant. Overall, Wodak *et al.*'s comprehensive methodology facilitated well-supported conclusions that could be drawn regarding the discourse. Wodak *et al.* (2009:48-70) provide an overview of the often contradictory scholarly literature on Austrian Identity, followed by analysis of speeches by elite politicians, seven focus group discussions with members of the public, 24 qualitative interviews (again with members of the public) and excerpts from media discourse in the news. This analysis of a large quantity and variety of texts also limits the possibility that the analyst skews results to fit their hypotheses. Also, by interviewing members of the public and conducting focus groups their research incorporates their broad conception of the political to include power and its resistance and facilitates a consideration of reception and recontextualisation of discourse.

Wodak *et al.*'s (2009:187-192) results confirmed that while there were numerous constructions of national identity, there were commonalities to the constructions of national identity that reoccurred in their recontextualisations in every day discourses. For example, the authors concluded that discursive constructions of nationality ignore intra-national differences and exaggerate foreign nationalities' differences. The historical approach highlighted how politicians attempted to create the idea of a common political past, which had to deal with National Socialism - often by using discursive strategies that mitigate the force of statements, for example by depersonalising issues, or through the use of metonyms/euphemisms or the passive tense. Politicians continued their unifying discourse through a discussion of Austria in the EU, a common political present and future. As such Wodak *et al.* demonstrated that temporal constructs were important to Austrian national identity. At times Wodak *et al.*, reported almost literal repetition by the public of key commemorative addresses by politicians and articles by historians and scholars. However, they described this repetition as 'hackneyed' suggesting an element of banality in the recontextualisation that limits their significance. Conversely, completing the circularity of interdiscursivity, they argue that discursive constructions of national identity provided by media and political elites were based on what the audiences demanded in the interviews and focus groups (2009:30-47 & 187).

Ethnographic study of the political field

In *The Discourse of Politics in Action* Wodak (2009) assesses the everyday lives of Members of the European Parliament and contrasts them with fictional media representations of everyday lives in the popular US TV programme *The West Wing* about the White House. This is a pertinent object of research as it allows a further consideration of depoliticisation. It follows Fairclough's (1995) insight into the blurred interdependent relationship between politics and the media, between entertainment and information, public and private, and, traditional and new media.

Like Fairclough in his consideration of the *order of discourse* of the mediatised political sphere, Wodak draws on Pierre Bourdieu's (1991) theory of *habitus*, *fields* and *capital* (see above discussion) in her study of the European parliament. This leads to a more inductive approach that uses more empirical research and can serve to moderate an over reliance on

rigid theories. On the theme of depoliticisation Wodak argues that the virtual world of *The West Wing* contributes to depoliticisation. In comparison to the fictional politicians of the *West Wing*, real leaders are seen as comparatively helpless and lacking charisma, thereby leaving the public/audience angry and amenable to simple solutions from charismatic leaders. Wodak bases this on her ethnographic study that demystified politicians' work (Wodak, 2009:38-45 and 186). Wodak concluded that politicians' work was complex and demanding and not amenable to such simple solutions. Wodak and Reisigl (2009:120) point out that the extralinguistic interdisciplinary aspects of this research should avoid use of theoretically incompatible or unreliable scientific resources for the discourse analysis. Although Wodak (2009:119 & 194) consulted experts in neighbouring fields, Anna Horolets, writing for *The Qualitative Sociology Review* (2010) argued experts in ethnographic research would spend more than the 'several weeks' invested by Wodak when conducting research on subjects' everyday working lives; indeed, Wodak's colleague spent three days shadowing the MEP, indicating a weakness in an otherwise insightful study utilising ethnography within CDA.

I consider the analysis of the discourse-historical approach to offer a greater consideration of the sociocultural context because of its deeper consideration of contextual fields. Yet in 2009, Ruth Wodak and Michael Meyer (2009: 11) conceded that complex historical processes, identity politics and research employing intertextual methods were still major challenges for the CDA research agenda. This thesis aims to meet these challenges. Another study of discourse that has already done so was conducted by Lene Hansen. In her analysis of identity and foreign policy discourse surrounding the Bosnian War, Hansen deploys a methodologically rigorous form of discourse analysis employing intertextuality and a sophisticated notion of the Other. Hansen advocates four analytical steps when examining identity. Firstly, she argues that the national Self constitutes 'the Other' through degrees of difference, 'ranging from the radically different to the familiar'. Secondly, identity does not just involve difference, linkages are also important. Thirdly, the spatial, temporal and ethical constructions surrounding identity are important. Finally, these factors are drawn together in discourses related to a particular debate and the analyst must choose which texts to consider when assessing identity (Hansen, 2006:12-13).

For intertextual analysis Hansen stresses the importance of going beyond the principal texts studied (Hansen, 2006: 59-63). The reception of texts, or in her terms – ‘the reading of readings’, can be assessed through consideration of the wider foreign policy debate including political opposition and the media; popular and high culture; and, marginal political discourses including social movements. This wide focus thereby calls forth various genres and Hansen suggests a link between genres, authority and knowledge, noting that what constitutes knowledge and therefore authority differs in each genre. As such the variety of fields from which texts are drawn serves as a good method to investigate a key element of intertextuality also noted by Fairclough - genre.

Hansen (2006: 73-92) outlines a generic research design in which she suggests four key research questions for poststructuralist discourse analysis: (i) which texts are to be studied to provide insight into intertextuality; (ii) how many events are to be studied; (iii) what temporal perspective is to be focused on; and finally, (iv) how many Selves are to be examined in their relationship with Others? In her study, Hansen focused on official discourse, wider foreign policy debate and marginal political discourses (academic), leading to a conclusion that a generic uniform Balkan identity ultimately stabilized debate, deflecting attention from discourses about Bosnian Muslims and allegations of Genocide (Hansen, 2006:220). This thesis also considers issues of identity in the context of UK counterterrorism policy and can draw on Hansen’s research design in the following respects. It will study texts from the news media, the government field, the activist field, the academic field and the legal field. This wide consideration of context will allow a greater consideration of assumption and omission - a key indicator of established, unchallenged hegemonic ideas. Nonetheless, consideration of linguistic characteristics will be maintained in this thesis and, most significantly, a focus on challenges and potential challenges to exploitative aspects of the order of discourse will ensure that my approach, unlike Hansen’s, should still be classed as a form of *critical* discourse analysis.

Thus far in this chapter, the utility of van Dijk’s analysis of semantic macrostructures and ideological squares for a study on cosmopolitanism in the UK press has been highlighted. Where we have also seen the difficulties inherent in attempts to learn about the cognitive process related to discourse, the potential for interviews or ethnographic research to reveal

more about production and reception is clear. It has been demonstrated by Norman Fairclough, Lilie Chouliaraki and Ruth Wodak that the concept of *intertextuality*, combined with the *order of discourse*, and Bourdieu's *social field* can explain exclusionary practices within discourse, particularly through ethnographic research but also through the assessment of genres and discourse and their hybridisation. Hansen's work on identity in the Balkans and allegations of genocide can clearly be linked to policy surrounding foreign humanitarian intervention and lack thereof, however documenting causal relations between discursive and non-discursive acts can be problematic - the hackneyed repetition of phrases that Wodak *et al.* identified on Austrian identity suggests discursive repetition might not lead to actions following up the enunciations. Therefore, combining Fairclough and Chouliaraki and also Wodak's concern with recontextualisations and argumentation, I will pay particular attention to observing how discourse and argumentation is affected by the recontextualisation of discourses through intertextual repetition.

With regard to the selection of events, I will use Fairclough's concept of a 'cruce' moment to select events that provide insight into the power relations behind important moments of intertextuality and the selected case studies will be chosen to provide a broad temporal perspective. Hansen's temporal focus was seven moments during the Bosnian war where large numbers of texts were produced. This thesis will follow Hansen in her recommendation to study:

[The] body of key texts that are frequently quoted and function as nodes within the intertextual web of debate, as well as a larger body of general material that provides the basis for a more quantitative identification of the dominant discourses' (Hansen, 2006: 82).

My assessment of these can be observed in the appendices of this study. While clashes and 'cruce' moments in the text facilitate exposure of hegemony and challenges to it, a wider range of texts and greater contextual work can provide more insight into the intertextual creation of discourses and also rebuke criticism of case selection bias. Where the 'Self' focused on by Hansen was the West, in my study utilising cosmopolitanism and therefore focusing on a number of relations between Selves and Others, the selves considered will be determined by the data.

How these discourse analyses will inform my analysis

Like Wodak, Fairclough and van Dijk, I see the link between text and context as particularly difficult to determine. However, I found Wodak's detailed empirical and contextual studies, supported by aspects of ethnography, to be most successful in achieving an explanation of how discourse works intertextually and interdiscursively. While I will emulate elements of van Dijk's textual analysis, Wodak's method of detailed examination of texts in contextual fields will be used as well. I will also follow Fairclough's analytical breakdown of genre, discourse and style to assess interdiscursivity. Through my assessment of four separate fields, I expect to find distinctive genres, discourses and styles of communication and, as Fairclough and Chouliaraki (1999: 59) advocate, I will look for interdiscursive impact across fields and through 'networks of orders of discourse'.

Following Fairclough (2009: 63) and also the DHA (Wodak *et al.*, 2009: 9) I embark on this study with the view that social practice is possible outside of discourse and that a consideration of extra-linguistic context is both possible and beneficial. This view of discourse, shared by myself and other critical discourse analysts, encourages researchers to engage in interdisciplinary approaches (Wodak and Meyer, 2009: 2). For my study on counterterrorism I will draw on social theory. The key theory chosen here is related to cosmopolitanism and this informs my normative and critical position: that cosmopolitanism has beneficial impact on news discourse on counterterrorism.

Despite drawing on the theory of cosmopolitanism in my analysis of texts (see chapter three), I will adopt an inductive focus, recursively informing the theoretical thrust of the study (as per Wodak and Reisigl, 2009), I will start with a pilot analysis of UK news media coverage of UK complicity in torture before a final outline of the methodology is made.

2.3 Pilot study on UK news media coverage of complicity in torture

I chose the issue of UK complicity in torture as a potentially informative pilot study in the context of my broader research question on cosmopolitanism and UK news discourse. In 2010, discourse surrounding UK complicity in torture was prominent in the news media with a high profile Court of Appeal Judgement in February commenting on UK Government

involvement in torture (*Binyam Mohamed vs. Foreign Secretary Court of Appeal (Civil Division) [2010] EWCA Civ 65 and Civ 158*) and on 6th July 2010 UK Prime Minister, David Cameron, announced an inquiry into UK involvement in torture would be led by Sir Peter Gibson. The legal, government, activist and media fields produced significant material on these matters and there was discussion of issues related to cosmopolitanism, such as human rights norms.

I designed a six-point plan for a pilot study testing how effective my methodology is in locating discourses in the text and the intertextual contexts they are drawn from; and, also, for drawing conclusions about the order of discourse in the news media on counterterrorism. The six stages for my pilot study were as follows:

I. Initial data collection

To commence with an inductive approach I started with a systematic collection of data and contextual research. I recorded the discourse topics related to UK complicity in torture that appeared in a range of contextual news media coverage and legal, activist, academic and governmental fields in 2010. I then compiled a chronology of key dates in the development of the discourses in the above fields and focused my research on news media coverage around those dates. I made a quantitative record of articles published by each outlet for the key events (see Appendix 3).

II. Selection of cruce moments

As I recorded discourse topics, I looked for moments of conflict or crisis in the news media where actors and discourses clashed – what Fairclough (1992) termed ‘cruce moments’. I aim to use discourse analysis of such moments to reveal more about the order of political discourse and the intertextual and interdiscursive elements that it draws from. With regard to UK complicity in torture in the UK news media in 2010, the overarching clash was between (a) discourses promoting the prohibition of complicity in torture and (b) discourses claiming the UK national interest superseded concerns over such complicity.

III. Communicative event selection

I reduced the timeframe for the principle news media texts to be analysed to July 6th- July 7th 2010. This timeframe was selected because it met two criteria:

- (i) it provided sufficient news media coverage of arguments and cruces pertaining to my topic
- (ii) it provided sufficient contextual discourse on the arguments and cruces for my intertextual analysis of four fields: juridical, governmental, academic, activist and media fields

IV. Contextual study

I conducted an analysis of non-discursive topics relevant to the study and of discursive texts in the four contextual fields to compare with the news media texts on July 6th – July 7th.

V. Analysis of texts

At first, I planned to analyse news media texts found on the 5 most popular UK based news websites in 2010 (Alexa.com, 2010): www.bbc.co.uk; www.guardian.co.uk; www.telegraph.co.uk; www.thesun.co.uk; www.dailymail.co.uk. These were selected not only because they were five of the most popularly read news outlets, but because they represented a range of opinion with *The Daily Telegraph*, *The Sun*, *The Times* and *The Daily Mail* providing more right wing editorial lines than *The Guardian*, or the public service broadcaster the *BBC*. Furthermore, aside from *The Sun* and *The Times* that are both owned by News UK (a subsidiary of News Corp) they are owned and funded by different organisations. However, the content on the websites is sometimes reedited and I found some of their search engines to be unreliable. Therefore, I chose to study the newspaper media texts from the newspaper publications themselves rather than their websites and took the information from lexisnexis.com, whilst still using the BBC website for its output.

Textual analysis in the pilot study placed particular attention on two discursive strategies identified by Ruth Wodak and Martin Reisigl in *Methods of Critical Discourse Analysis* (2009:94): firstly, argumentation and secondly, intensification and mitigation. In order to assess argumentation I recorded which *topoi* were used (parts of argumentation or premises used to reach conclusions) and which justifications and questioning of truth claims

were adopted; for example, the premise that classified information is justified for national security reasons. Secondly, the intensification/mitigation of the force of statements were also recorded; for example, through linguistic devices such as hyperbole, obfuscation, tropes (or metaphors), qualifications, direct or indirect speech and speech marks.

Furthermore, an indication of *intertextual* influence on news media texts from other texts was searched for. In addition to explicit reference to language used in other texts, I assessed the interdiscursive repetition or omission of genres, styles and discourses between texts and the contextual fields. Intertextuality was systematically recorded to show evidence of intertextual influence on each news media text (see Appendix A).

VI. Compile results of the analysis and draw conclusions.

I recorded the results from my CDA regarding: (i) the order of discourse (ii) the representation of discourses (iii) style (iv) genre and (v) intertextual omissions or assumptions. These revealed evidence of governmental prominence in the order of discourse, but with possibilities for national security discourses promoted by the government to be challenged when actors' discourses were recontextualised through different fields. For example, Binyam Mohamed, a victim of torture, gave testimony alleging UK complicity in his torture and this received significantly more media coverage after it had been recontextualised through activist and legal fields. Topoi related to the case of Binyam Mohamed therefore supported argumentation in favour of more accountability for government actions although support for detainees was still mitigated by concerns for security risks. Other issues, including the UK Government's guidance to intelligence officers relating to detainees, also of relevance to international human rights violations and thereby legal cosmopolitanism (see next chapter), were not recontextualised with such a high profile. Moreover, the order of news discourse led to their omission in favour of national security discourses as news outlets gave prominence to the Prime Minister's announcements. The genre of news promoted a focus on the future and soundbites, with *The Sun* and *The Telegraph* echoing David Cameron's comments on the potential for the security services to be 'paralysed by paperwork'. The failure to publish previous interrogation guidelines recognised by activist groups (Reprieve, 2010) and the courts (see *Al Rawi & Ors v Security Service & Ors* [2010]) was omitted from most news media coverage

though as government and news media actors' style was future orientated.

As such, even though this pilot study restricted its focus to a limited number of texts, the methodology was revealing of the order of discourse. Furthermore, the effect of genre, style and discourses on aspects of cosmopolitanism was evident. With some modification the methodology was deemed worthy of using again for the case studies below.

2.4 Application of my methodology in further chapters

Following the insights from my pilot study I decided to replicate much of the methodology. Primarily, case studies will be selected after a feasibility assessment based on there being a sufficient quantity of news texts and contextual data to fully assess cruce moments within the broader issue (see chapter one). I will then follow the six-stage methodology.

- I. Initial data collection
- II. Selection of cruce moments
- III. Communicative event selection
- IV. Contextual study
- V. Analysis of texts
- VI. Compile results of the analysis and draw conclusions.

There were however, some substantial modifications to the methodology used in the pilot study. For the pilot study the research objective was to identify prominent discourses and why they were prominent. However, the documentation of causal relations between discursive and non-discursive practice was weak. I attributed this partly to the research question at that point: 'Cosmopolitan discourse in the UK news media. What form(s) does it take and how are they constructed?' For this question no consideration of counterterrorism was required. Therefore, the research question was subsequently changed to 'Cosmopolitanism in UK news discourse on counterterrorism. What form(s) does it take and how are they constructed?' This underlined the necessity to provide a greater consideration of the practical impact of the discourse. Furthermore, it gave the entire thesis a clearer focus and thread.

In the chapters below a more detailed CDA will be used. Following Fairclough, it will analyse three key interrelated dimensions of a communicative event: (i) *text*, (ii) *discourse practice*, and (iii) *sociocultural context* (Fairclough, 1995: 56-68; and see Figure 2). These aspects of discourse are not discrete, but they are useful for the purpose of breaking down the methodology. Primarily I will focus on texts produced by the news media on the two days following selected communicative events, but in addition to these I will inductively select relevant contextual texts from the news media and other field for further analysis. I argued that Fairclough's own empirical work would have benefitted from more focus on the sociocultural context and the production and reception of texts - as provided by Ruth Wodak's applications of the discourse-historical approach - and I aim to give additional weight to context, including extra-linguistic context, as Wodak and the DHA does.

Firstly, in order to assess *texts* I will follow van Dijk (2009) in his investigation of the semantic macrostructures of texts. Semantic macrostructures are the main topics and themes of a text represented in titles, abstracts or summaries. I will also make an assessment of the discursive strategies used in texts. Following Ruth Wodak's discourse-historical approach that stresses the importance of argumentation to political discourse analysis, argumentation will be assessed. This is developed and added to by reference to Fairclough & Fairclough's later 2012 work on *Political Discourse Analysis* (see below on p.71 and also section 6.3). I will assess argumentation as a key component in discursive strategies, but with more attention placed on intertextual repetition of topoi supporting particular argumentative strategies to provide a fuller insight into the broader force of argumentation across discourse, rather than solely focusing on one event or construction of an argument. Attention to the mitigating or intensifying force of the particular statements or topoi will be given.

Critical discourse analysts encourage engagement with critical social theory at macro and meso levels (see Fairclough, 2009, and Reisigl & Wodak, 2009 respectively). With my focus on cosmopolitanism (see chapter three) I provide a theoretical framework that works on micro, macro and meso levels. Indeed, following the writing of chapter three on cosmopolitanism I developed a more detailed coding criteria for cosmopolitanism.

Therefore, the coding criteria used for the first case study on Northern Ireland (see Appendix 2) differs from the coding criteria used in the pilot (Appendix A).

Secondly, the *discourse practice* of text production involves consideration of text production and text consumption. The 'intertextual' analysis of texts is central to this; Fairclough, Wodak and Hansen were strong advocates of the investigation of intertextuality. Explicit examples of reference and influence from other discourses (manifest intertextuality) including 'direct' and 'indirect' reporting from other sources and discourses will be looked for. As in the pilot study an analysis will be carried out on the *text* that focuses on three factors: the style (ways of being, an identity, social or individual), genre (a way of acting in a discourse, a socially recognised format – for example, an interview, an editorial) and how they affect the discourses represented in the text. Presuppositions, assumptions and implications (often by what is not said) will also be looked for (Fairclough, 2003: 39-63). In addition to searching for manifest intertextuality (for example, reported speech), what has been termed 'diffuse intertextuality' will be investigated. For instance, where the repetition of discourses, genres or styles may not be attributable to specific sources in a linear deterministic manner, but there is nonetheless repetition (Meinhof and Smith, 2000).

This project will follow Ruth Wodak's (2009) work in that a range of actors will be researched ethnographically to allow for a greater consideration of reaction, reception and resistance to power. Elements of ethnographic research are employed here to generate a 'first-hand understanding of what people do in their social environment' (Halperin and Heath, 2012:287-8), what Bourdieu (1990) would term their 'habitus', 'capital' within their field – or for my purposes order of discourse - crucial to understanding the relationship between text, social practice and socio-cultural context.

Ethnography has also been employed to reveal more about the construction of theoretical concepts pertinent to cosmopolitanism. For instance, in *Rationality and Power* (1998) where Bent Flyvberg carried out an ethnographic study planning in the Danish town of Aalborg, in northern Jutland, he drew deeper and broader conclusions concerning the practices of politics and administration. Specifically he looked at the planning of a new bus terminal. Although ostensibly without broader significance and a rather innocuous project, for Flyvberg, the town of Aalborg was taken as a metaphor for modernity, and as a

reference point to which rationality, power and democracy could be tested. Through an ethnographic study involving detailed participant observations, Flyberg demonstrated how decisions based on particular political interests and viewpoints were presented as rational ones. For example, on ratification by the City Council the Aalborg Project is presented as a rationally constructed project and this is evidenced in Flyvberg's interviews and archival analysis (Flyvberg, 1998: 83 & 98).

In 2012, I spent three months working four days a week in the central London offices of the legal activist charity Reprieve observing actors from within the activist sector. Reprieve is a 'legal action charity' that represents and advises prisoners held 'beyond the rule of law in the 'war on terror,' whether in Guantánamo Bay or rendered to secret prisons elsewhere' (Reprieve, 2012c). Discursive output from Reprieve, through press releases and other statements, are regularly reported in the UK news media. In addition, Reprieve represents high profile clients involved in litigation against the UK Government concerning complicity in torture (see chapter five) and drone warfare (see chapter seven). Reprieve was also at the forefront of the campaign against the Justice and Security Bill (chapter six). Therefore, Reprieve was chosen as an appropriate organisation to undertake ethnographic observation of actors involved in the construction of news discourse related to counterterrorism.

I signed an agreement not to disclose any documents or classified information, including those pertaining to Guantanamo Bay Naval Base detainees, and I made a verbal agreement not to publish anything without showing it to Reprieve first. On completion of the thesis I sent a full draft to the employees that I had interviewed at Reprieve. I did not use any documentation or information that was covered by confidentiality agreements and employees did not raise any objection to me using their interviews or my references to ethnographic study with them. Therefore, I did not need to anonymise any citations.

I carried out the tasks of an Intern employed by the Communications Team and thereby observed the practices of those focused on the communications policy of the organisation. Ethnographers have highlighted the benefits of the writing of field notes as soon as possible after observations to maintain accuracy (Halperin and Heath 2012:304). Accordingly during the three months spent working at the activist group Reprieve a diary was maintained (see Appendix 10). I found the experience of fieldwork to be enlightening and I learned more

about how an activist group and their clients could gain a voice in the news media. I believe my relations with the employees were good because I fulfilled the tasks of an intern for some time. However, in 2012, I was still deciding on my case studies and I spent substantial time working on cases that would not be covered in this thesis. On reflection as a new academic researcher in summer 2012 I took on too diverse a workload in addition to this internship. I convened an international conference on a separate project and presented four conference papers at separate academic events just before and during the observation period. This prevented me from spending evenings and weekends thinking more about the ethnographic research. I was employed on the agreement that I should work as an intern and I accepted that, but if I was to undertake such a study again I would embark on it with a more intense focus and suggestions on how to gain more from it – for example, by clearly selecting cases, researching them and asking to be more involved in working on them through my participation in the organisation. However, I had negotiated access by agreeing to work as an Intern with the tasks associated with that role. I therefore spent time working in all the areas that Reprieve works on – not only on counterterrorism, but also death penalty work in other countries including the United States. It was therefore, to an extent, a participant observation of all areas of Reprieve’s work, but I did not refer to many of my observations in the write up.

The importance of interviews was stressed by Stephen Hopgood in his ethnographic study of Amnesty International *Keepers of the Flame*. From September 2002 to September 2003 Stephen Hopgood spent twelve months inside the International Secretariat (IS) of Amnesty International (AI) in London and he interviewed present and former members of staff in addition to observing meetings at all levels (Hopgood, 2006). Verbatim reporting can provide a better insight into how people work and give a better feel of the emotions and points they are expressing (Halperin and Heath, 2012:304; Latour, 2010; Hopgood, 2006; Flyvberg, 1998) and in my study all interviews have been recorded and where possible direct quotes are cited.

Interviews have been conducted with pertinent actors from each of the fields under investigation: communications staff and researchers within Reprieve, with key journalists writing on counterterrorism from the BBC and the *Guardian*, and Sir Malcolm Rifkind MP.

Interviews were conducted mostly face-to-face or by telephone following a semi-structured format.

Interviewees were chosen from the *Guardian* and the BBC because these news media outlets contributed the most articles in the 21st century case studies. After detailed liaison with the interviewees, times and dates were agreed for the interviews. Other journalists, from the other news media outlets surveyed, including *The Sun* and *The Daily Mail*, did not respond to interview requests and journalists from *The Daily Telegraph* were less forthcoming in agreeing a date for interviews. I wrote to five parliamentarians from all the major parties asking for interviews and only Sir Malcolm Rifkind agreed.

Questions followed the key points suggested by the coding criteria for the analysis of texts, but were aimed at gauging the practice of actors relevant to their role in the construction of news discourse. As such there was an ethnographic element to the interviews – for example, each journalist and member of Reprieve was asked what made an item newsworthy. The questions and answers from email interview with Sir Malcolm Rifkind and the notes made for the interviews with staff at Reprieve have been included in Appendix 9.

For internal validity attention is paid to how the information is coded (Halperin and Heath, 2012:292). This would appear to be a weakness across other studies, particularly ethnographic ones, as clear references to coding were not made (Flyvbjerg, 1998; Latour, 2010; Hopgood, 2006). A coding form was designed for the analysis of media texts (Appendix 2) and this was developed only very slightly after each chapter (Appendices 4, 6 and 8), for example to take more detailed notes on issues observed in previous chapters. However, although this coding form informed contextual analysis, interviews and ethnographic study, time constraints prevented me from using it systematically for the thousands of contextual texts that were analysed outside of the news media.

a. Ethical issues

Undertaking ethnographic study can make the researcher vulnerable to bias. However, while Hopgood (2006:221) was aware that his account would be unpopular with some Amnesty members, he refused to 'sanitize the story' and his accounts detailing criticism

were unpopular. Bruno Latour (2010: xi), however, highlights how his ethnographic study of the French Council of State over a period of four years is critique-free. He argues that to stand any chance of representing the passage of law he could not engage in critique. His focus is on *how* law is constructed through associations. This study also focuses on *how* discourse is constructed through the actors in question, but it aimed at placing it within the context of the broader research questions on cosmopolitanism and counterterrorism. Less censorship and normative bias on the part of the ethnographer did appear to benefit analysis of *how* law and culture were constructed respectively for Bruno Latour. I will employ participant observation and interviews aimed at developing a deeper assessment of the social practice and socio-cultural context involved in the creation of texts. Whilst I will also not sanitise my account, it will be focused on how texts are constructed rather than on providing normative evaluations of the observed practices. Also as my principle focus was on assessing news discourse, a normative assessment of activism was not central and made any 'observer effect' biasing evaluation of Reprieve less relevant. My main aim was to assess how Reprieve achieved their impact on discourse. My key finding from the internship and the interviews was on the importance of litigation to achieving an impact on news discourse. This influenced the choice of my case study on the *Justice and Security Bill* with its proposal for closed material procedures in court hearings. However, the principle reason why the observer effect was limited was because, in keeping with my critical approach, I was openly supportive of cosmopolitanism and opposition to the torture of detainees prior to my undertaking of the internship. Therefore, I was already in agreement with Reprieve's defence of the rights of detainees before I started the position.

Interviewees were asked for permission to record and all were happy to be recorded. Furthermore, a draft of this thesis will be sent to all interviewees who requested one. In addition, Reprieve were given the right to refuse me permission to publish any information that I obtained from my time working with them. I informed the interviewees and Head of Communications at Reprieve that my thesis was to be sent for final examination and gave them a draft to read. The Head of Communications was most concerned to check that there were no references to classified information and confirmed that they had no objections with regard to their citations in the thesis.

b. Further modifications

This methodology aims to facilitate an assessment of the relationship between cosmopolitan perspectives, news discourse and counterterrorism, and how it is formed. Ultimately, the 'order of discourse' between the media and juridical, academic, governmental and activist fields will be assessed. This should help determine which *sociocultural* (political/ideological or cultural/identity based) factors have influenced the *text*, particularly those concerning cosmopolitanism. This necessitates a consideration of the forms of cosmopolitanism that are to be searched for. This will be carried out in the following chapter, where it is demonstrated that the application of cosmopolitanism not only stimulates contention but that the very definition of cosmopolitanism itself is contentious and one that can be approached from a range of perspectives. However, a closed ideological approach will be avoided by following Ruth Wodak's more inductive approach. The focus will move recursively between theory and empirical data throughout the process. For example, the codebooks used to code texts were modified slightly after chapter five to accommodate Fairclough and Fairclough's (2012) approach to argumentation.

While researching chapter six on the Justice and Security Bill it was clear that a more sophisticated approach to deconstructing argumentation would be beneficial and, as such, Fairclough and Fairclough's 2012 model was employed. Fairclough and Fairclough's (2012) model of practical argumentation views argumentation as leading to action. This form of argumentation is seen as central to political discourse and moves away from CDA focused more on representations. In the context of a Bill passing through parliament where votes would be taken in the Houses of Parliament there was a clear action at the end of the process of argumentation. This helped ensure that claims surrounding the link between discursive and non-discursive acts were strong ones.

Furthermore, in 2012, Fairclough and Fairclough's writing on legitimation was influential. Fairclough and Fairclough argued that CDA until then had used the term legitimacy in a broad and undefined sense. Legitimation is a form of justification, usually where reasons are based on publicly justifiable claims; and it is inherently more useful for argumentation than explanation because it involves issues where a proposition is controversial and not

necessarily accepted – a point that van Leeuwen (2007) overlooks. Where Weber (1978) saw legitimacy as being determined solely by people's belief in this legitimacy, other scholars argue that legitimacy requires 'good reasons', or that there should be a 'rational consensus' (Habermas 1984). Beetham (1991) suggests legitimacy is based on an argument that can be publicly justified based on established rules, norms and values, with some evidence of consent.

John Searle (2010) can provide further insight into how power impacts on reasoning behind argumentation and action. Searle discusses 'desire-independent' reasons. He sees these reasons as based on deontic facts that promote duties as an ethical obligation. Deontic reasons can emerge even when publicly justifiable reasons are not possible. Deontic reasons may be based on norms, institutional rules, or orders from a person in a position of authority. These reasons for acting may not be backed by binding coercive force, however, in contrast to received wisdom on legitimacy, despite lacking public justification they can provide legitimacy. Institutions' legitimacy is often taken for granted and it may be assumed that decisions and actions are taken based on rational decision making processes. Yet the ethnographic research of Flyvberg (1998) has demonstrated that such legitimacy would not stand up to scrutiny. If and how these notions of legitimacy are evident in the texts was retrospectively assessed in all the chapters.

c. Limitations

This study would have benefited from more investigation into public perceptions. However, I did not have the time or resources to research these. Furthermore, the majority of the data collection took place between 2011 and 2013. Therefore many of the recent developments regarding the leaking of documentation by Edward Snowden concerning the operations of the United States National Security Agency and the UK GCHQ (General Communications Headquarters) could not be included in this study.

Discourse analysis also requires the researcher to ascertain the boundaries of the discourse and its context. In the finite time and space available for this written thesis, I had to delimit my study of counterterrorism discourse and therefore some of my generalised quantified findings should be considered with an awareness of this. My case studies were related to

torture, targeted killings and civil claims associated with these. Other cases pertaining to other rights violations may yield different results.

I appreciate that my own normative position advocating for more cosmopolitanism within the discourse on counterterrorism could lead to accusations that I was reading into the texts what I - as a researcher – wanted to find. I aimed to mitigate this potential by considering a range of texts from news media outlets with editorial lines that were more supportive of UK Government policy (*Daily Telegraph*) to those that were more critical (*The Guardian*). Secondly, I methodically coded texts to provide consistency in my assessment of a range of approaches to cosmopolitanism. Thirdly, in each case study I provided contextual examination of texts from within governmental, activist, legal and academic fields, all of which had differing modes of analysis and perspectives on the situation. Fourthly, I engaged in interviews with actors with varying views, including the Chair of Intelligence and Security Committee, Malcolm Rifkind MP and a number of activists from the charity Reprieve. I appreciate that my interviewees may not have been candid. However, where possible I corroborated their accounts with other texts and interviews. By interviewing people from government, activist, legal and news media fields I consulted a range of sources from which to draw upon. Finally, I make it clear that my position advocates more cosmopolitanism within the discourse on counterterrorism.

Chapter 3: Academic perspectives on cosmopolitanism

3.1 Introduction

While recognising the influence of historical thinking on cosmopolitanism, this chapter concentrates on contemporary academic texts. It aims to provide a framework in which to locate the cosmopolitanisms that will be identified in the analysis of news media discourse on counterterrorism in later chapters. Specifically the chapter will inform the design of coding criteria applied to the news media texts and their contextual fields. It finds that some form of normative approach to cosmopolitanism is evident in most academic perspectives on cosmopolitanism. Furthermore, while post-universal approaches are increasingly encouraged there is a tendency to reify rationality and the autonomous human individual. Theories of cosmopolitan law, deliberation and community, and notions of risk are clearly relevant to cosmopolitanism in counterterrorism news discourse, yet their articulation remains relatively abstract in academic literature.

As stated in the introduction above, it is posited in this thesis that a cosmopolitan approach to counterterrorism would see a greater openness and engagement with the Other. An obvious way of achieving this would be through communication and, in counterterrorism, through the discussion of counterterrorism policy. Cosmopolitan counterterrorism policy itself would be more directed at engagement with those perceived as potential Others, instead of aimed at coercing them. Furthermore, as this chapter will show, cosmopolitanism with its origins in rationality and concern for individuals beyond those who are members of 'our' community, stands in opposition to abusive violent counterterrorism measures.

How can such a diversely interpreted concept as cosmopolitanism be conceived as discourse?

There is a long history of scholarship on cosmopolitanism and Diogenes the Cynic of Ancient Greece (400-323BC) is first recorded to have used a form of the word cosmopolitan. He was to claim that he was a 'kosmopolitês' - a citizen of the world, or one whose polity was the

cosmos, as he rejected the border of the Greek city. Today, from a 21st century perspective even a brief etymology of the term 'cosmopolitanism' reveals a range of cosmopolitanisms throughout history and across academic disciplines. Other contemporary studies have divided cosmopolitanism into moral, political and cultural schools of thought (Delanty, 2009; Robertson, 2010), or noted distinctions between global justice, cultural, legal, political and civic cosmopolitanism (Brown & Held, 2010). However, for the purposes of the discourse analysis that will be undertaken below, in this chapter I provide a breakdown of perspectives on cosmopolitanism specifically relevant to my research questions, begging a more general question of how cosmopolitanism can be conceived as discourse?

Discourse is concerned with power and critical discourse analysis is concerned with the power abuse of one group in society. I am interested in the lack of cosmopolitanism in discourse that allows for this to happen. There are, however, particular elements of cosmopolitanism and the promotion of openness to the Other that are more relevant to cosmopolitanism as discourse, and specifically cosmopolitanism in discourse on counterterrorism.

As outlined in the above chapter, a discourse influences what can and cannot be said in a given situation. Whose voices and which issues are included or excluded and how can be determined through discourse analysis. If the Other is excluded from communicative practice, discourse analysis can reveal this, with implications for the prospects for cosmopolitanism in that situation. As a study focused on counterterrorism policy, its *deliberation* is of key importance. Therefore, in this chapter, I will consider how cosmopolitan deliberation has been considered in academic literature.

For the Other to be genuinely included within a discourse they must not only be allowed to speak, but to be both heard and understood. This requires comprehension of the broader position of the Other, and often the cultural perspective from which a point is being made. Accordingly, it will be also be a high priority to consider cultural cosmopolitanism and the relations between cultures that might emerge in counterterrorism discourse, from the local to the global, or perceived universal level of humanity.

Deliberated cosmopolitanism and cultural cosmopolitanism therefore affect who speaks and

how they are understood and this is important for the legitimation of policy that this thesis is concerned with. In this study, the policy of interest is counterterrorism policy. Legal and ethical codes are likely to be referred to in legitimation processes related to violence and politics and the cosmopolitan nature of the law or morals that underpin these also become relevant. Therefore, I shall also consider legal and moral cosmopolitanism.

Discourse can be understood by looking at relations between the discursive event and the social situations, institutions and structures in which the event is situated. In the context of counterterrorism the discussion of the risk of terrorism is prominent. Furthermore, risk assessments can legitimise decision-making and actions. Therefore, academic discussion of the potential for risk-based cosmopolitanism requires analysis too.

Relative importance of elements of cosmopolitanism and outline of the chapter

It is difficult to determine the relative importance of the elements of the topology on cosmopolitanism in this chapter because of their interrelated nature. However, for the review of academic literature in this chapter, the sections on deliberation and cultural / post-universal cosmopolitanism are considered most important to this study on discourse. Key elements that are referred to in argumentation within deliberation – including law, morality and risk – will also be allocated space in this chapter, for consideration of scholarly discussion on their cosmopolitan nature. In the empirical chapters below I will assess whether strands of cosmopolitanism are mutually supportive of each other or not. If connectivity is enhancing Self-Other relations related to counterterrorism a consideration of the interrelations between these strands will help determine how. Indeed, the section on risk-based cosmopolitanism emerges as a particularly influential strand in the analysis.

The chapter starts with a consideration of the conflict inherent in moral perspectives on cosmopolitanism. It discusses the tensions between the individual and the collective, notions of universal humanity and the potential for exclusivity, and between negative rights and positive responsibilities. The second section on law and cosmopolitanism has considerable overlap with the first and discusses similar issues in relation to the law and highlights the political nature of jurisprudence. Thirdly, the potential for institutions at state, inter-state, non-state or local levels, to facilitate deliberation on cosmopolitan norms is

considered. Critiques will be offered in response and attention will be given to the news media. Fourthly, this leads into a section considering cultural cosmopolitanism that discusses the impact of nationalism on cosmopolitanism and how the nation state limits or, alternatively, contributes to cosmopolitan perspectives. Fifthly and finally, collectivities of risk and the significance of emotion are discussed. These five overlapping sections have been chosen to cover discourses germane to cosmopolitanism, counterterrorism and news construction and the discussion throughout the chapter leads to a breakdown of the questions that need to be asked in order to assess whether each of these five perspectives on cosmopolitanism are manifest within the news discourse and its contextual fields.

3.2 Moral cosmopolitanism

In keeping with the classical cosmopolitanism of the Romans and Greeks, and the enlightenment cosmopolitanism espoused by scholars such as Immanuel Kant or John Locke, much contemporary literature on cosmopolitanism stresses commitments to individual human beings (Pogge, 1992; Caney, 2005; Held, 1995; Brown & Held, 2010: 1) and a notion of moral personhood is central. Held and Brown state that ‘cosmopolitans believe that the primary units of moral concern are individual human beings, not states or other forms of communitarian or political association’. From a more critical perspective, Bill Bowring (2008) posits that a phenomenon of methodological individualism is now present amongst scholarship on cosmopolitanism and rights and Tony Woodiwiss (2005:11) contends that leading scholars writing on cosmopolitanism in the Post-Cold-War era do not provide enough qualification for their support of the individual. Woodiwiss argues that contemporary literature on cosmopolitanism that professes to be Kantian inspired (see Held, 1995; Brown & Held, 2010; Ignatieff, 2001), fails to recognise the importance of reciprocal responsibilities of the social contract that republican liberal thinkers are also very aware of. In the academic literature negative freedom is in the ascendancy over positive freedom. As such, a libertarian form of cosmopolitanism that stresses the autonomous individual is a limited one even for some liberal scholars (Beardsworth, 2011: 203-4).

The Stoical notion of individual human beings’ rationality as central to the constitution of moral cosmopolitanism (Nussbaum, 2010) is still influential amongst cosmopolitan scholars. This is particularly evident in the work of Jurgen Habermas (1998) and Seyla Benhabib

(2006) who highlight the importance and potential of a form of discourse ethics where human beings are able to discuss issues rationally leading to optimal decision making. The tendency to champion the universal rationality of individual human beings has been challenged by post-structuralists and also by non-Western cosmopolitan literature that highlights the Western reification of the individual and selfhood (Nandy, 1995), and these critiques will be expanded upon in more depth in the sections below on law, culture, deliberation and risk. Furthermore, the notion of rationality standing in opposition to violence is relevant to terrorism discourse. I will assess whether such a dichotomy is evident and its implications for cosmopolitanism and the cosmopolitan identity of actors within counterterrorism discourse.

Also pertinent to moral cosmopolitanism, and all aspects of cosmopolitanism in this chapter, is the disagreement evident with regard to the universality of cosmopolitanism. Thomas Pogge (1992: 48-9) stresses the universal and egalitarian nature of this moral concern for individual human beings irrespective of communal groupings. In contrast, for other scholars such as Thomas Nagel (2005) political community remains largely sub-global, limiting the need for a universal moral cosmopolitanism or global cosmopolitan democracy (Held, 1995) and thereby encouraging a focus on responsibilities through more local politics. Furthermore, Chris Rumford's critical cosmopolitanism advocates consideration of a postwestern perspective and a recognition of the idea that there are a multiplicity of worlds and a multiplicity of Europes or framings of the 'West' (Rumford, 2008), or indeed of the cosmos. This perspective challenges the notion of a unified world or of a unified 'West' in the way we think of Self and Others. It frees cosmopolitanism from being inherently linked to European identity (Boon and Delanty, 2007) and recognises non-Western approaches to cosmopolitanism, so often neglected by Western constructions of the universal or the cosmos, but highlighted in post-Colonial and anthropological scholarship on cosmopolitanism (Nandy, 1995, 1998; Watson, 2011).

While critical cosmopolitanism scholars have challenged the exclusive nature of universal cosmopolitan rhetoric, others such as Onora O'Neill (1999) have argued that as humanity becomes more economically interdependent responsibility to prevent suffering for others has also grown. Sociologist Norbert Elias (1996, 2000) argues that broader interactions

between previously introspective communities could cultivate perceptions of responsibility towards humanity as a whole. International relations scholars such as Richard Beardsworth (2011: 29) and Andrew Linklater (2007) are optimistic about this possibility. Media scholar Roger Silverstone also suggested that increasing interconnectedness extends responsibility for the Other beyond previously established local political communities (Silverstone, 2007). Silverstone shows how developments in 21st century communications and increased interaction bring assumptions about the divide between a local social justice and global justice into sharper focus.

Silverstone (2007:152-3) suggests mere 'formal responsibility' is no longer sufficient - formal responsibility being responsibility for your own actions. In contrast to the libertarianism mentioned above, now a 'substantive responsibility' is required where a responsibility for the condition of the Other is upheld, regardless of whether their condition is caused by your actions or not. Silverstone argues that advances in technology have increased temporal and spatial consequences of actions. This, combined with the diffuse causal relationships of today's mediatised world, mean these consequences are not something that can be ignored, nor can their causal or moral relationship to us be denied. However, Daniel Dayan (2007) suggests this pushes responsibility too far. No approach can ask the impossible – that all events that affect the Other are covered; but consideration should not be excluded outright solely on the basis that the causal relationship between 'us' and 'them' is unclear. A pertinent example of the formal vs. substantive responsibility argument lies in the case of the UK Government's alleged complicity in torture and cruel, inhuman and degrading treatment of detainees after the attacks on the United States of 11th September 2001. The causal relationship between the UK Government and acts of torture committed by foreign governments is not clear. On occasions UK agents accepted information without questioning the source's methods of obtaining it; but, whether this means that the UK Government has no responsibility for such actions and the UK news media no interest in reporting is contested. An investigation of this issue is potentially revealing of contemporary approaches to cosmopolitanism.

How individual rights and responsibilities are derived from these contested elements of moral cosmopolitanism will be considered further in the empirical chapters below. This

study will investigate whether the construction of news discourse replicates the tendencies in academic discourse for the universal to dominate over the particular, for reification of rationality and of autonomous individuals, or whether through radical development of interconnectedness significant challenges are made to these notions. Now the chapter turns to cosmopolitanism and law.

3.3 Cosmopolitanism and Law

Reference to law is common in discourse on counterterrorism and many of the themes outlined above concerning moral cosmopolitanism are also significant in the literature on the law. This section will draw on arguments concerning the political nature of law. Clearly the level of political association or institutions from which law is derived is relevant. Outside of the domestic institutions, law, particularly international law may be considered 'soft' because it lacks a coercive enforcement mechanism and is therefore of questionable efficacy. Although much law outside of domestic jurisdiction is weak in this respect, the empirical chapters below will investigate if and how various forms of law impact on the discourse through their authoritative value. Here context will be provided on the authority, political or otherwise, vested in different manifestations of cosmopolitan law. But, first this section will discuss what constitutes cosmopolitan law.

Public international law is predominantly concerned with the actions of states. However, many advocates of cosmopolitanism critique state-centric models of international law. For them cosmopolitan law, in contrast to traditional international law, seeks to transcend international law by challenging state sovereignty and granting minimum standards for the treatment of all individuals, thereby prioritising individuals above states (Hirsh 2003; Nussbaum, 1994). This view fits with that of 'solidarists' in international relations who suggest that human rights should be given precedence over state sovereignty (Wheeler, 2000). Accordingly, cosmopolitan scholars David Hirsh (2003) and lawyer Geoffrey Robertson QC (2006) display solidarist qualities by enthusing over the potential of international human rights in the 21st century. Their viewpoint is challenged by 'pluralists' who defend state sovereignty and argue that the diverse range of societies and nation-states in the world should be free from external intervention. A pluralist view advocating municipal legal sovereignty allows the law making bodies to hold a closer relationship to the

people to whom the law will apply, and have been democratically elected by them (Waldron, 1993). However, the potential for municipal bodies to favour their own citizens is clear. Whether solidarist advocacy of international law promotes cosmopolitanism through law is therefore open to debate although many scholars (see below on Benhabib, 2006; and, Habermas, 2006) are optimistic about the possibility of cosmopolitan law through deliberation or government (see Held, 1995).

Thomas Nagel (2005: 131) argues that universal moral cosmopolitan obligations are limited to 'basic rights and duties'. Ulrich Beck's (2006:49) cosmopolitan realism (see section 3 below) also stipulates a 'universalistic minimum' regarding 'substantive norms that must be upheld at all costs' thereby suggesting certain natural rights or natural law is desirable. 'Basic rights and duties' could constitute those related to grave human rights violations. This is clearly relevant to counterterrorism discourse. There is evidence that unchallengeable peremptory norms of international law hold for rules such as the prohibition of torture, genocide and slavery. The House of Lords ruling that the ex-President of Chile, Augusto Pinochet could be extradited to Spain was one high profile example - in that case through the application of a peremptory norm of international law prohibiting torture (in *Regina v. Bow Street Magistrates ex parte Pinochet Ugarte* (No.3) 1999). However, whether universalistic minimums extend to other 'lesser' rights should be adjudicated beyond the local domestic level is contestable. For example should a universalistic minimum standard be applied with regard to the right to a fair trial, such as civil claims against a government's security services (as is analysed in Chapter 6). Of particular relevance to modern counterterrorism practices, the significance of law becomes more opaque when the actors in question are complicit in transnational acts, rather than being the perpetrators of the acts themselves. What a cosmopolitan legal response to these situations would be may depend on the specifics of the situation, requiring empirical investigation and these questions therefore demand further exploration in the empirical chapters below.

The political nature of law is stressed by many scholars. Where humanity is the subject of concern for moral cosmopolitan theorists (Nussbaum 1994) and in law through human rights law, political philosophers Douzinas and Gearey (2005:196) argue that use of the

word 'human', particularly when used in human rights discourse, is a floating signifier that gives the term semantic flexibility. In addition, in security discourse, Douzinas and Gearey suggest 'national security' has become another privileged term and gives the state discretion to trump human rights concerns. Therefore terms can be co-opted by a variety of causes, and proclaimed to be essentialist, when in fact they have a 'deeply agonistic character'. By assuming answers, political matters may be depoliticised. Human rights can therefore depoliticise 'the political' (Mouffe, 2005) impacting on the form of cosmopolitanism that emerges.

For Carl Schmitt (1932) the agonistic nature of politics was desirable. But, Schmitt went further and suggested a sovereign, or sovereign state, should be derived from a political community based on a friend-enemy distinction where the Other could be treated with hostility. Schmitt (1922) argued that by investigating when exceptions are made to the rule of law, revelations are made concerning the location of power. Schmitt famously proclaimed that it is the sovereign who can declare the state of exception to the law. The creation of law pertaining to counterterrorism will be examined in chapter 6 through an analysis of terrorism legislation passed in the UK.

Giorgio Agamben (2005) takes up Schmitt's work on politics and affirms that the state of exception is located at the point of the intersection between the legal and the political but Agamben is sceptical of the impact on human life when the sovereign invokes the state of exception. Agamben (2005) suggests that the law employs the exception as a means 'of referring to and encompassing life'. By abandoning and binding living beings to law, the state of exception facilitates control of life. Through the state of exception 'biopower' - the control of humanity through the control of individual human lives - is achieved (Foucault 2003). Such a state of exception is evident in the inhumane treatment of the detainees held by the US military after the attack on the United States on 11th September 2001, where the administration derogated from international and domestic law (Douzinas, 2007: 117-120). Costas Douzinas argues that the Bush administration's assertion that their actions were carried out for humanity's protection serve to demonstrate the clear division between humanity and the non-human - with detainees categorised as non-human. Where biopower is in operation biopolitics emerge. In biopolitics the question is not whether an

act is moral, but whether a person is human, or not. According to Douzinas' interpretations of legal responsibilities under the state of exception, detainees were not recognised as humans. However, for Giorgio Agamben this would be inevitable as politics has always excluded certain people (Agamben, 1998). He gives the example of the Roman legal system where some people were designated as *homo sacer* (bare life or naked life), distinct from *bios* (a life recognised in the public sphere) and slightly more than *zoe* (mere biological existence). For Agamben, rights, such as the proclamation of the French 'Declaration of the Rights of Man and the Citizen' politicise *zoe* and bring it into the polis – where its political value can be considered. The politicisation of life or *zoe* is arguably exacerbated by human rights discourse and human rights law and by manipulating law, life may be manipulated. However, liberal cosmopolitans maintain that the rule of law, if applied equally is still the best solution. For them there is nothing inherently dominating or normalising about this principle (Beardsworth, 2011: 203). Whether such domination and norms exist concerning the creation of bare life through law warrants empirical examination in chapters below.

Therefore, these first sections have shown that in academic discourse what constitutes a cosmopolitan legal or a moral approach is largely determined by notions of a universal humanity, the individual and that individual's rights. Furthermore, amongst cosmopolitan scholarship on law solidarist approaches are prominent advocating minimum standards in the protection of human rights. Whether or not certain basic rights and duties are prioritised in law, as suggested by cosmopolitan realism, is especially relevant to a study on counterterrorism. The empirical analysis will consider these factors, giving particular attention to the political construction of legal cosmopolitanism and indirectly also moral cosmopolitanism - investigating their implications for control from the domestic to the global level.

3.4 Deliberated cosmopolitanism

Deliberation is a precursor for action and this section focuses on cosmopolitanism and deliberation. Argumentation is a type of deliberation and forms an integral part of my methodology making this section all the more pertinent. In this section, an outline of Seyla Benhabib's jurisgenerative thesis advocating an advancement of cosmopolitanism through

discourse is provided. Bruno Latour and Matthew Watson's alternative approaches are then considered. Finally, the relevance of news values and cultural awareness are addressed.

Seyla Benhabib (2006:19-20) expresses concerns about processes of exclusion in domestic politics. Benhabib disagrees with communitarian arguments that moral claims will always be particular to non-universal communities and realist or postmodern claims that politics cannot be judged in the light of morality. She argues for a 'dialogic universalism' where moral particularities and universalisms are mediated. Through such jurisgenerative politics on a global scale a morality of the law can be recognised and pushed for, regardless of community groupings. The boundedness of democratic authority, often in national territories, can be adjusted through democratic deliberation over time. Benhabib's belief that the populace will increasingly internalise cosmopolitan norms appears to be based on the idea that such norms are internally valid and therefore likely to be accepted (Post, 2006: 5). While Benhabib recognises that 'democratic rule and the claims of justice may contradict one another' she argues that democratic majorities can incorporate universal principles into their deliberation processes. However, she concedes that the growth of cosmopolitan law will not be linear and will require extensive negotiation. Cosmopolitanism, in this sense, is based on contestations.

Habermas sees law as the bridge between politics and morality and advocates the juridification of international relations through international law (2006), but this assumes a rational debate has been instrumental in the formation of that law. However, it is conceivable that the 'jursigenerative' processes advocated by Benhabib and Habermas do not lead to normative learning. Instead the process could be reduced to strategic bargaining, or simply to a neglect of the rights of the minority or the losers in argumentation. In *Between facts and norms* (1996) Habermas suggests deliberative democracy can ensure agreement is reached and, even when consensus cannot be reached, a constitutional arrangement could be found to guarantee rights for minorities. In contrast, Bowring argues that history is full of examples of where this has failed and where minorities have been discriminated against (Bowring, 2008:106-7). The legitimacy wielded by reference to the law in deliberation on counterterrorism will therefore be considered too (see the discussion on legitimacy in chapter one).

Benhabib concurs with Jurgen Habermas (2010) and David Held's (1995) proposition that cosmopolitanism is a normative philosophy for extending universalistic ideals of discourse ethics beyond nation states. The discourse theory of ethics demands that every person who may be affected by an action is a potential moral conversation partner. However, Benhabib alleges that others (Held in particular) have not sufficiently considered the discursive scope beyond bounded communities. Benhabib argues that through iterations facilitated through democratic institutions (including governments, NGOs, intergovernmental organisations and the public sphere) cosmopolitan law can be incorporated through its constitutionalisation in codified law. Will Kymlicka concurs with Benhabib and sees representation in public institutions as necessary at statal, interstatal and transtatal levels if cosmopolitan norms are to be achieved (Kymlicka, 2006: 129). These institutions provide sites where debate can take place and, importantly, be remembered. However, non-governmental organisations (NGOs) and other groups with consultative status at the UN are not democratically appointed (Chandler, 2003) and, like states, are subject to the same pressures of co-optation by powerful interests.

Whether all those affected by policy contribute sufficiently to its deliberation is questioned by scholars critical of the Habermasian faith in the possibility of rational debate. Bruno Latour (2004) commends Beck (2004) for going beyond humanistic discourse ethics boundaries to defend the contribution of those that are not widely considered rational. However, Bruno Latour (2004) criticises the tendency amongst writers on cosmopolitanism to assume there is one cosmos and one humanity. Latour suggests the ontological assumption that nature and society are distinctive phenomena and that nature is not socially constructed is incorrect. According to Latour the construction of the cosmos has always been undertaken through arguments based on rationality. Latour laments the failure to consider religious perspectives that may have different views on humanity or the cosmos. The assumed agreement on what constitutes the cosmos, a fundamental part of any cosmopolitan debate, is therefore incorrect. Latour advocates further problematising the definition of the cosmos by politicizing it; hence Latour's use of the term cosmo-politics. The universal, or the cosmos, should not be assumed. Instead, Latour proposes a recognition of the political role that both human and non-human actors have and how these are constructed through networks. Non-human actors are termed 'actants' and their role is

determined by their position in the network and their relations between the corresponding actors or actants in that network. Therefore, the social construction of claims concerning rationality will be considered in the empirical chapters below and in line with Latour the role of non-human actors in creating networks through which deliberation takes place will be given particular attention.

However, Matthew Watson argues that Latour's proposition is limited in its failure to consider forms of difference that 'remain unintelligible to both actual and imagined institutions of politico-scientific representation'. He argues Latour's methodology perpetuates exclusionary modernist practices. It tends to stress the possibility of relational networks to expand and does not appreciate how some objects are cut from '[s]cientific and political practices ... refusing to represent them, constituting them as subaltern' (Watson 2011: 58). Watson concludes that Latour ignores postcolonial or feminist perspectives and he proposes deeper historical studies of their marginalisation to limit such omissions.

In contrast, Roger Silverstone considers this debate from the point of view of the Other. Silverstone suggests a right to be understood would provide a more holistic approach to concerns about deliberative potential and freedom of speech (Silverstone, 2007:103 & 34-6). This would recognise the necessity of hearing and grasping other perspectives. Therefore, news media reports should facilitate coverage for a plurality of voices *and* be presented in a manner that ensures they are understood. Silverstone adds that this may include enemies, including 'terrorists'. In the empirical chapters I will therefore assess whether and how those deemed to be extremists are included in deliberation. Following Watson and Silverstone the more fundamental marginalisation of the subaltern will also be looked for by considering the voice of Others who are not listened to and why their voices are not heard.

Echoing van Dijk's (2009) cognitive approach Silverstone draws heavily on the works of Hannah Arendt (1977) who argued that 'active thought' helps avoid banal evil and inhumanity. Silverstone stresses the importance of people's constant engagement with thought, including the thought of others and reflexive thought about oneself. In order to ensure that thought, speech and action do not become disconnected the news media must provide context, stimulate memory and analytic rigour. A cosmopolitan news report should

contribute to the provision of appropriate context and analysis and stimulate memory – a difficult practice in an increasingly large and heterogeneous media environment – but through my methodology considering the context of texts and their intertextuality, I will endeavour to assess this.

News reports, however, cannot report on everything. So how do they decide what is included in their reports – what criteria is used in this gatekeeping role? Lillie Chouliaraki (2006) suggests news values ensure that suffering in particular areas of the world, of particular people, in particular circumstances is more likely to gain coverage. Hoskins and O’Loughlin (2010:43) present interviews with British journalists and NGO workers that suggest which particular practices explain why this hierarchy exists. Media practitioners suggested that news had to be new, captivating, intelligible, linked to the West, and ‘catchy’, perhaps through a gimmicky tone, style or celebrity; but they also depended on practical matters regarding media access. This provides an insight into how news selection is not necessarily guided by cosmopolitanism.

The empirical analysis in chapters below will consider how cosmopolitanism in news media deliberation is constructed and the actions this leads to. Whether dialogue meets the standards of discourse ethics promoted by Benhabib, or whether the exclusionary nature of actors, practices, networks and their socio-cultural context compromise this will be assessed. This will be complemented with a consideration of news values and news culture. Bearing these questions in mind and aware of significant overlap between the sections, I now turn to post-universal and cultural approaches to cosmopolitanism.

3.5 Post-universal and cultural cosmopolitanism

The level at which the collective is constituted in matters on counterterrorism is significant when ascertaining the cosmopolitan nature of the discourse. Political forms of association, such as civic nationalism, or more romantic or cultural forms are significant to cosmopolitanism and will be considered in this section. Incorporating political and cultural aspects, sociologist Gerard Delanty highlights how much contemporary scholarship on cosmopolitanism attempts to reconcile the universality of classical cosmopolitanism (of Greece or Rome) with narrower ideas of the community. These approaches have been

labelled as 'post-universal' (Delanty 2009:18).

A solely national focus has been challenged by Ulrich Beck (2006: 24-32) in his critique of the methodological nationalism that he argues is present in the social sciences. He argues it is essentialist and overlooks historically interwoven political and cultural realities. Methodological nationalism does not recognise various transnational phenomena including global inequalities; or, the banal cosmopolitanism of everyday life occurring transnationally; or, the risks that exist across the world; or, the side effects of risk such as non-governmental organisations' politics and the blurring of traditional boundaries that have all led to post-national politics. However, Ulrich Beck (2006:32) argues that where previously 'either/or' approaches dominated the social sciences and a national approach precluded a cosmopolitan one, a methodological cosmopolitanism can allow a 'both/and' approach to include national and cosmopolitan approaches. Varying degrees of support for both a national or a global focus ensure that a declaration of 'post-universalism' has not, I argue, invalidated further investigation regarding the influence of national or universal perspectives and the degree of opposition or complementarity between the two. Beck's 'cosmopolitan realism', appreciates the contribution of both cosmopolitanism and nationalism and by highlighting the role of transnational phenomena offers a critique of methodological nationalism (Beck, 2006:102). Even an 'international' focus still considers states to be the principal units of analysis and compounds methodological nationalism. It can be difficult to escape such thinking as the concepts and vocabulary of politics are based on the nation-state; but, according to Beck, reality demands that analysis is adjusted.

Martha Nussbaum was a pioneer of scholarship on cosmopolitanism in the post-Cold War era and she adopted a more universalistic approach that strongly challenged national frames (1994). She argued that humanism and cosmopolitanism lead to an improvement in our ability to understand and empathise with other groups and cultures. In contrast, in *Nations Matter* Craig Calhoun (2007) stresses the importance of nations to cosmopolitanism and states that both have roots in liberal individualism. Calhoun highlights how the wave of nationalist sentiment in the French and American Revolutions was accompanied by much cosmopolitan sentiment (through reference to natural law and ideas such as the Rights of Man (Paine, [1791] 1999).

Benhabib (2006:168-172) argues that there is a 'political community of fate' of people whose culture and heritage is defined and this can be the 'nation' of the nation-state. Collective memories and collective fate facilitates the construction of national identity, as demonstrated by Wodak *et al.* (2009) in the previous chapter, and can be relevant for communities constructed around shared concerns surrounding terrorism. However, Benhabib warns that nationalism could easily lead to discrimination against those not considered a part of their community of fate, thereby limiting cosmopolitan potential.

In her research on human rights in the UK and the US, Kate Nash found that a cosmopolitan nationalism was repeatedly evident in political discourse. This cosmopolitan nationalism advocated legal and political action for both domestic and foreign human rights violations and evoked a national pride for this defence of rights. However, the selective political application of international law related to counterterrorism measures ensured that cosmopolitan nationalism actually displayed characteristics of 'imperialism' (Nash, 2009: 187-8). The impact of national, cosmopolitan and cosmopolitan national discourse and their mutual impact will therefore be closely considered in the discursive analysis. Where British identity is found to be inclusive of cosmopolitanism the potential for contradiction and implications for self-other relations will be assessed.

Critical of methodological nationalism in approaches to security, Anthony Burke (2013) argues for a new paradigm of 'security cosmopolitanism'. Burke critiques the predominant focus on national security practices and calls for a greater recognition of transnational insecurities and state abuses. Burke (2013: 14) considers global security to be a 'universal good' where the 'security of all states and all human beings is of equal weight' and argues that actors are therefore obliged to consider the global consequences of their actions, rather than harbouring a narrow concern for particular nations or individuals. Mary Kaldor (2013) praises Burke's concept of security cosmopolitanism, but where Burke claims his proposals to move away from state-centric models provides a bridge between affirmative liberalism and post-structural critiques, Sjoberg (2013) suggests Burke's proposals for new security institutions do not account sufficiently for massive historical inequality and subordination. Under Burke's proposals the marginalisation of particular groups apparently becomes *more* possible as they are subordinated by a constructed version of the 'universal'.

While I applaud Burke's call for a move away from state dominated approaches to security, I concur with Sjoberg's criticism that he does not sufficiently appreciate the potential for further subordination. The need for an empirically informed critical study to examine this potential is again underlined and this thesis aims to provide this through its examination of intergovernmental counterterrorism operations.

Cultural cosmopolitanism attempts to overcome the clash between the universal and the particular by embracing both. By being open to alternative behaviours, beliefs and values of the Other, a homogeneous global approach is rejected, but respect for local cultural particularities is simultaneously maintained. Kwame Anthony Appiah argues for both a recognition of a common humanity and for a dialectic of understanding where local identities are not dispensed with (Appiah, 2006). Ulf Hannerz (1990) considers cosmopolitanism to be an orientation that is disposed to engagement with the Other and a search for contrast and difference. Hannerz calls for diversity to be embraced and organised, not for it to be replaced with uniformity. As stated above, such engagement may not be expected in counterterrorism discourse, nonetheless there is still potential to learn about foreign societies – such as Waziri communities in Chapter 7, or even Northern Irish communities in chapter 4 – and I will examine the extent to which this occurs in the empirical chapters below.

Gerard Delanty (2009) titled his book 'The Cosmopolitan Imagination'. For Delanty the 'cosmopolitan imagination' has become unavoidable through the disclosure that people have to the world. However, he distinguishes his approach by asserting that 'cosmopolitanism is more than the simple cross fertilisation of cultures'. Delanty (2009:86) identifies four 'dynamics' that he suggests demonstrate a cosmopolitan orientation: first, the capacity to understand one's own culture or identity through interactions with the Other; second, a capacity to view the Other positively; third, the capacity of cultures to mutually learn from each other; fourth, the capacity to create a shared normative culture. Delanty's form of cultural cosmopolitanism will be considered. However, Delanty gives less insight into how identity can be assessed. I will turn to Lene Hansen's and Ruth Wodak's work on the discursive construction of identity for guidance (see above chapter).

Other scholars highlight the importance of a 'cultural competence' (Gillespie, 2006; Hoskins

& O'Loughlin, 2010: 82; Robertson, 2010: 20; Chouliaraki, 2006:98), particularly where mediation through news is concerned. Lilie Chouliaraki argues that in some situations moral obligations are avoided where the sufferer is placed in 'discourses of insurmountable cultural difference as an Other and thereby frees the spectator from the moral obligation to act on the sufferer's misfortune'. However, Hoskins and O'Loughlin state that a 'competent cosmopolitan' makes 'comparisons and contrasts of culturally diverse news sources as a matter of course in their every day lives' and suggest that news media, likely to be assessed in various languages, is used to build connections between cultures often by communicating these connections to Others themselves. This suggests something more than just openness or a willingness to engage is required. The competence to engage with the cultural Other could be significant in the construction of discourse on counterterrorism, especially where news discourse presents reports on distinctive cultures as it does in chapter seven.

In summary, while the relationship between cosmopolitanism and nationalism is recognised, how discourses on nationalism reinforce or restrict cosmopolitan dispositions merits further investigation. Openness to engagement with the Other and a subsequent degree of self reflexivity is integral to cosmopolitanism, in media discourse contextual knowledge or other competencies may be necessary. However, in security discourse, risk is a common factor behind many connections between Self and Other and that is the focus of the next section.

3.6 The cosmopolitan outlook through risk collectivities

This section addresses risk-based cosmopolitanism, starting with a paragraph on cosmopolitanism related to Beck's risk society thesis. This leads into a comment on how disruptions to perceptions of time impact on societies in late modernity and how the news media compensates for these in relation to terrorism. How policymakers utilise risk discourses is then discussed with further critiques of Beck's thesis before the impact of emotions is considered.

Ulrich Beck (1992, 2002, 2006) argues that there is an experience of crisis in world society resulting in an awareness of interdependence and a 'civilizational community of fate' from the risks faced by everyone in the 21st century. Beck (2006: 21-4) suggests mutual

awareness of risk is leading to a globally shared cosmopolitan outlook as ‘the question concerning the causes and agencies of global threats sparks new political conflict’ and necessitates cooperation. Beck uses the term ‘cosmopolitanisation’ to describe the increasing cosmopolitan nature of reality driven by risks that the world faces and responds to. These risks emanate from ecological, economic and, significantly for this study, terrorist threats. Spatially, they cross national borders; temporally, they can be latent for long periods; and socially, the actors responsible can be difficult to specify. Beck is clear that these risks do not necessarily lead to cosmopolitanism. He demarcates his ‘cosmopolitan outlook’ from normative cosmopolitanism (theory) and explains that his analytical-empirical approach can be used to assess whether normative designs like cosmopolitan democracy or cosmopolitan law are possible. However, Gerald Delanty (2009:82-3) alleges Beck’s notion of cosmopolitanisation is ‘contrived’ and difficult to discern from the concepts of globalisation and transnationalism. In discarding a normative approach, Beck’s cosmopolitanisation appears similar to transnationalism or globalisation (globalisation in the sense of ‘glocalisation’). This thesis, however, will assess how risk based cosmopolitanism meets normative prescriptions.

Where historically religion and nation-states provided secure images of the future, in late modernity awareness of insecurities stifles such images. Benedict Anderson (2006: 22-26) outlined how the context for building imagined national communities was established through the concepts of temporal simultaneity. Anderson demonstrates how this concept was different for people in the pre-modern religious, Middle Ages, where temporal simultaneity was maintained even as time passed. Aural and visual communication was integral to imagined realities and mediators such as parish priests could relay imaginations that brought spiritual universalities from disparate times to the particular or the local and, most importantly, to the moment now. Where in the Middle Ages, such communication allowed simultaneity *along* time and therefore for the past and future to be in the present, in the modern era, through the use of calendars and clocks there existed simultaneity *across* time through a ‘homogenous, empty time’. Anderson (2006:24) suggests that the

...idea of a sociological organism moving calendrically through homogenous, empty time is a precise analogue of the idea of the nation, which also is conceived as a solid

community moving steadily down (or up) history.

However, in the current period of late modernity, certainty surrounding temporality has been fundamentally challenged. Where the advances of man have created ecological, financial and terrorist threats, Beck and Levy (2013: 6) ask: how can we refer to our recent past for stability and confidence about the future? Beck and Levy (2013: 20) argue that in the absence of confidence towards the past or the future, risks have become enmeshed 'in an age of post-catastrophe' through Richard Grusin's principle of *premediation* (Grusin, 2010). Where remediation characterizes insistent remediation of previous media practices and output, it is *premediation* that characterizes mediality of today, where the production and consumption of media texts is part of people's everyday lives. With a fixation on future risks, it is pre-mediation that is significant to the relationship and practices between people and the mediated objects. Therefore, in contemporary communications the future has often been pre-mediated before it occurs. Premediation is not necessarily about prophesizing the future accurately and is therefore particularly appealing because of the cultural context of uncertainty surrounding risk. Indeed, to an extent, uncertainty is a prerequisite for premediation, but repeated premediation can provide some form of routine and a form of protection against the unexpected. It maintains 'a low level of fear in the present and to prevent a recurrence of the kind of tremendous media shock that the United States and much of the networked world experienced on 9/11' (Grusin, 2010: 4). Indeed, Awan *et al.* (2011: 21-22) found evidence of premediation to be heightened in terrorism discourse through consultation with 'experts' and journalists within the field of security journalism repeatedly commenting on the likelihood and proximity of a future attack.

However, Beck's work is critiqued for providing less discussion on the ways in which thinking about risk can impact on policy. Security scholars who draw upon Michel Foucault's (1991) governmentality thesis, argue that Beck's original 1992 'risk society' thesis did not appreciate the way in which risk can become a 'social technology' through which the uncertain future is rendered knowable and actionable and how this can impact on practices of government (Aradau *et al.* 2008; Amoore and de Goede, 2008). Amoore and de Goede (2008: 6) note how risk-based calculative models and practices are increasingly being used

in governance across society - for instance in the identification of suspicious populations and vulnerable spaces in the 'War on Terror'.

The universality of Beck's risk based cosmopolitan outlook can also be questioned. In the context of risk discourses there is potential for exclusionary policy to emerge. Defining risk is widely recognised to entail value judgments that can differ widely (Giddens, 1999; Bakir, 2010: 13). Awan *et al.* (2011: 11-12) ask whether everyone holds fears of terrorism and how afraid people really are of 'global risks'.

Richard Grusin's (2010) concept of premediation regarding fears of insecurity and risk accords with Stjepan Mestrovic's (1997) post-emotionality thesis that society is not in touch with its emotions and therefore creates faux-emotions, that are often recycled emotions from the past. The relationship between emotions and the ostensibly more rational concept of risk is worth exploring. Risk is the probability of the potential of a future circumstance and it is often rationally, sometimes statistically, calculated. However, denial of the dialectical relationship between emotion and reason has been challenged. Jack Barbelet (2002) asks how a person could deal competently with a problem without the emotion of confidence in their actions. Furthermore, without risk, or the threat of destabilization emotions are likely to lie dormant (Berezin, 2002: 47). As such Barbelet is damning of rational choice theories based on individuals calculation of the cost-benefits of any particular decision. Of particular relevance to discourse on the complexities of contemporary counterterrorism, where urgency is considered to be of paramount importance, Barbelet notes that accurate calculations are often impossible in the limited timeframe available for decisions. In contrast, emotions happen in the moment, they happen 'now'. An emotional approach based less on calculated outcomes and more on instantaneous emotions can help delimit solutions and the decision can be reached much quicker (Barbelet, 2002).

The academic literature suggests collective identity and the significance of risk are dependent on mediated temporal constructions, values and emotions. The policy that emerges in the context of discourse with these variable characteristics demands further investigation. The empirical analysis below will therefore also investigate how risk contributes to cosmopolitanism and, ultimately, the actions this leads to in the context of

counterterrorism.

3.7 Conclusion

I stated in my introduction that there are many perspectives on cosmopolitanism and the analysis of some of the scholarship on cosmopolitanism in this paper has confirmed this to be true. It has, however, also emphasised the overlapping and complementary nature of the different perspectives, but there has, nonetheless, been some discernable trends and largely common factors.

In the empirical analysis below the interrelated and, at times contradictory relationships within and between the five approaches will be explored in more detail. A brief delineation of five overlapping approaches, pertinent to this study, along with the questions I will be asking in my research is now provided. They are largely as they were discussed in this chapter, however, due to significant overlaps and the interrelated nature of these five perspectives, some questions do not appear in the order they were reviewed above.

1) Moral cosmopolitanism

How are moral approaches to cosmopolitanism constructed?

a) Universal vs. particular

- i) Is the notion of the universal evident?
- ii) Are notions of an essential humanity significant?
- iii) Is rationality a significant factor?
- iv) Who is excluded?

b) Rights vs. responsibilities

- i) Are rights of individual autonomy promoted?
- ii) Are reciprocal responsibilities promoted?

iii) Is there a distinction between substantive and formal responsibilities?

2) Legal cosmopolitanism

How are legal approaches to cosmopolitanism constructed?

a) Universal vs. particular

i) From which level of polity is law derived – subnational, national or supranational?

ii) Are notions of an essential humanity significant? Is there evidence of biopower?

b) Rights vs. responsibilities

i) Which rights or responsibilities are prioritised?

ii) Are basic rights and responsibilities advocated as absolute?

3) Deliberating cosmopolitanism

How is deliberation surrounding issues of counterterrorism conducted?

a) Dialogic universalism vs. exclusion

i) Do all those affected by policy contribute to its deliberation with a potential to be understood?

ii) Which actors are most prominent in the construction of news media discourse?

(1) Are those from the UK Government evident?

(2) Are those from legal fields evident?

(3) Are those from activist fields evident?

(4) Are those from academic fields evident?

(5) Are those from outside of the UK evident?

(6) What role do non-human actors ('actants') play?

b) News discourse

i) How is deliberation affected by news values and news practice?

ii) Is compassion fatigue evident?

4) Post-universal approaches - cultural cosmopolitanism and cosmopolitan nationalism

How does the national impact on cosmopolitanism?

a) Nationalism vs. cosmopolitanism

i) Is methodological nationalism evident? Is the state reified? Is the nation reified?

ii) Are transnational phenomena overlooked?

iii) Are (civic or ethnic) national discourses complementary or contrary to cosmopolitanism?

b) Openness to engagement with the Other

i) Is there a space where cultures learn from each other?

ii) Is there evidence of a reflexive capacity through interactions with the Other?

iii) Are actors competent cosmopolitans?

iv) Is a shared normative culture evident?

c) Cosmopolitanisation

i) Is banal cosmopolitanism evident?

ii) Is risk integral to cosmopolitanisation? (see below)

5) The cosmopolitan outlook through risk collectivities

a) Do notions of crisis and risk lead to discourses of interdependence or division?

i) Is discourse on risk evident?

ii) Which collectivities are formed through risk discourses?

b) Do temporal perspectives on the past, present and future impact on discourses of risk or notions of community and identity?

i) Who is excluded?

ii) Does the news media remediate or premeditate discourses of risk?

c) Do emotions contribute to news discourse on risk and the formation of collectivities?

i) Is the construction of risk affective?

ii) Is the construction of group affiliation affective?

An assessment of the cosmopolitan perspectives present in UK news media discourse will inductively reveal the need for consideration of elements not mentioned in this conclusion, but this provides an outline of cosmopolitan perspectives evident in academic literature to look for. On the basis of the last three chapters a coding form was created (see Appendix 2) and this was used to analyse discourse related to counterterrorism on Northern Ireland.

Chapter 4: Counterterrorism in Northern Ireland - 1971-1979

4.1 Introduction

This chapter, like all the empirical chapters below, sets out to analyse news discourse, cosmopolitanism, counterterrorism and the relationship between them. Through its analysis of news media output on events related to counterterrorism in Northern Ireland it provides a comparative case study with a distinctive sociocultural setting to the contemporary 21st century cases considered in chapters five to seven. In this introductory section, I will first put forward the key argument and then provide a brief contextual background, before outlining the structure of the chapter. This chapter argues that in the order of discourse in the UK news media on Northern Ireland, national identity as constructed by domestic and international actors was influential in channeling deliberation on counterterrorism. Where actors contributed to the discourse with authority their voices were repeated intertextually across fields and if the discourse challenged national identity counterterrorism policy was likely to be modified. The Other was characterized as less rational and more barbaric but risk discourses promoting urgency were not repeated in the news media, allowing a relatively more considered approach to risk than in contemporary cases considered in chapters below.

Historically, nationalism and constitutional issues have long been at the crux of Northern Irish politics, arguably neglected by the British news media (Curtis, 1998; Schlesinger, 1978; Elliott, 1977). Expropriation of land and political control has been a source of conflict since the Anglo-Norman invasion of 1169 (Dixon, 2008: 3; Wichert, 1999; Tonge, 1998); and, the war of independence from Britain and the partition of Ireland in 1921 that created Northern Ireland and its minority Catholic community was, and still is, a fundamental grievance for Irish nationalists and republicans. However, it was not until the civil rights campaigns on housing, elections and employment and the ensuing sectarian clashes that British news media interest in the province developed (Schlesinger, 1978: 207). UK news media interest was further exercised after the British army's deployment onto the streets of Derry/Londonderry to quell the rioting between Catholics, Protestants and the RUC at the Battle of the Bogside on August 14th 1969. The following day *The Times* front-page headline reported that '400 troops bring peace to devastated Bogside', presenting the British as

neutral arbiters between two communities divided by opposing unionist and nationalist ideologies. However, this representation soon lost credibility amongst the local nationalist community, as the British army, then deployed to follow the command of the Protestant dominated Stormont Government of Northern Ireland, focused its efforts on defeating republican paramilitaries - the Official Irish Republican Army (OIRA) and the Provisional Irish Republican Army (PIRA) (Taylor, 2002: 39).

However, any analysis that depicts the conflict as solely between the Catholic community and the British state ignores the multitude of different actors between and within communities and governments – both within the UK and beyond. While discourses surrounding Northern Ireland have demonstrated an eclectic range of opposing positions, Didier Bigo and Emmanuel-Pierre Guittet (2011) have argued that a ‘political economy’ of mutual suspicion was consistent. Certainly, the use of propaganda and disinformation by paramilitaries was widely recognised. However, mendacious communications emanating from agents of the Government, especially the military, have been widely documented as well (Fisk, 1975; Curtis, 1998; Hoggart, 1996). More subtle internal censorship also occurred in media institutions where senior executives and editors prevented voicing of particular views (Curtis, 1996; Schlesinger, 1978). Restricting voices has obvious negative implications for the potential for an inclusive deliberated cosmopolitanism. In Schlesinger’s (1978) ethnographic study of the production of content by the BBC in Northern Ireland he concluded a concern with ‘public order’ influenced choice of content and justified censorship. How this concern with public order influenced discourses on risk will be examined below through my analysis related to selected events.

Throughout the 1970s the prominence of violence in news coverage of Northern Ireland was clear and Philip Schlesinger’s (1978: 236) ethnographic study of the BBC found that events related to Northern Ireland were framed as an irrational anomaly in British political discourse because of this. Liz Curtis argues that in the British news media state violence was routinely presented as a response to Republican violence, denied or blamed on other parties (Curtis, 1998:29-88). Such reporting in the news media has been critiqued by critical scholars of terrorism studies for its normative assumptions concerning the legitimacy of state violence (Jackson *et al.* 2011). For this study focusing on state violence and

counterterrorism measures, Bloody Sunday on 31st January 1972 stands out as a key news event. Bloody Sunday saw the killing of 14 unarmed civilians by British paratroopers in Derry/Londonderry and the British Government inquiry into this by Lord Widgery was widely covered in the news media (see Appendix 1, Row 12 and 15). However events surrounding interrogation reveal more about the evolution of policy related to counterinsurgency and counterterrorism and have therefore been preferred for detailed examination here. In addition, their deliberation brings into sharp focus legal and moral codes and questions of culture and identity in the context of risk surrounding terrorism.

Following my aforementioned methodology, I will consider how discourses are produced and received by actors within the news media, government, activists, legal and academic fields. Through an assessment of output in these fields I recorded a list of events directly and indirectly related to counterterrorism in Northern Ireland (see Appendix 1). From these I selected 'crucial moments' - moments of conflict or crisis in the news media, where actors and discourses clash (Fairclough, 1992). I ensured that for all the cases chosen a significant quantity of texts from across legal, governmental, activist and media fields were available for assessment. Principally, news media articles from *The Times*, *The Guardian*, *The Daily Mail*, *The Daily Telegraph* and *The Sun* pertaining to the events selected were coded (see Appendix 1 & 2). Firstly, I consider the genesis of the interrogation techniques used by British security forces outside of the United Kingdom in areas then more disconnected from news media journalists. These techniques would go on to provide a crucial moment where actors and discourses clash on issues of law, morality, culture, deliberation and risk. Secondly, I examine the development of discourse surrounding the use of five coercive interrogation techniques on internees arrested on 9th August 1971 and, thirdly, discussion surrounding two government enquiries. Fourthly, I assess the discourse surrounding the 1976 European Commission of Human Rights and the 1978 European Court of Human Rights judgements on the five techniques. Fifthly, the rise of suspicion will be considered through an assessment of loyalist violence at the time of the Ulster Workers Council in 1974. Where much of the news media was accustomed to reporting on Republican and British animosities, loyalist violence presented another crucial moment. Finally, the ill treatment of detainees by plain-clothes members of the RUC at Omagh, Gough and Castlereagh between 1976 and 1979 is considered, largely for its comparative value to the discussion of the five

techniques, and also in demonstrating the impact on government policy that developments in political discourse resulted in.

4.2 The development of the 'five techniques' outside of the UK

After the introduction of internment (imprisonment without trial) on 9th August 1971 enhanced interrogation procedures were used by RUC officers with the advice and support of the MOD Joint Services and Interrogation Wing on 14 men (The National Archives (hereafter TNA) PREM 15/485, 1971). The following five techniques were applied to 12 men in August and then to two more men in October 1971: (i) stress positions (including standing against a wall with arms spread-eagled); (ii) hooding (sensory deprivation); (iii) 'white noise' (continuous high pitched sound); (iv) sleep deprivation; and (v) food deprivation (a round of bread and pint of water every six hours) (UK Home Office, 1971: 15-17). This section looks at how the UK Government developed these enhanced interrogation techniques.

Whilst the importance of winning the support – the 'hearts and minds' – of the local population, and the use of 'minimum force' are considered to be an integral part of British *theory* on counterinsurgency and imperial policing, it is also widely recognised that in practice the British approach was more pragmatic (Mumford, 2012; Dixon, 2012; French, 2011). Before Northern Ireland, Aden had been the British Army's last substantial deployment from 1963 to 1967 and doctrines of 'minimum force' and the primacy of political concerns had proven unpopular amongst the Army (Sanders, 2013: 464-7; Mumford, 2012: Chapter 4 and Chapter 5). In 1972 a UK Ministry of Defence review found the entire British Army doctrine in the early 1970s was still 'heavily Aden-orientated' (TNA DEFE 48/256). Lieutenant General Sir Alistair Irwin, who served in Northern Ireland and in Aden, described the Aden approach to public order and policing:

Aden was the last gasp of imperial policing ... which was on the whole not frightfully friendly, it's regrettable to say, but it was part of the ethos of the time . . . it's just the way things were. We tended to regard the natives around the world as being our subjects and if they were misbehaving, they should be clobbered and told to behave. (Sanders, 2013: 466).

Accordingly, the dominant approach to British policy in Northern Ireland, as advocated by Brigadier Frank Kitson, the commander of troops in Belfast from 1970, favoured coercive methods over political ones (Dixon, 2012: 267). However, a corporal in the Gloucester Regiment who served in Aden spoke of some modification after deployment to West Belfast because of an awareness of news media and accountability to observers of military practice (in Taylor, 2002: 32):

We weren't governed by the same rules that we were in Ireland. The lads over there could be a lot rougher, a lot harder because we never had the newspapers there and we never had the Press there or anyone else who could actually see what we were doing. It made a lot of difference because you were given a freer hand right across the board, from commanding officers right down to the corporals in charge of the men on the ground.

Counterinsurgency and counterterrorism practice were modified in Northern Ireland, if inconsistently, as this chapter will show. Where policies used in Aden such as internment and curfews were criticised when used in Northern Ireland (see the Ministry of Defence Review, 2006), the belief in the importance of intelligence endured throughout the conflict in Northern Ireland, with interrogation being a key means of its procurement (Dixon, 2012; Mumford, 2012).

The UK Government's own 1972 Parker Enquiry found that the five techniques had been developed during decolonisation. The Enquiry and MOD records list the following countries as places where they were utilised: Palestine (1945-1948), Malaya (1956-1960), Kenya (1953-4), Cyprus, the British Cameroons (1960-1), Brunei (1963), British Guyana (1964), Borneo/Malaysia (1965-6), Aden (1964-7) the 'Persian Gulf' (1970-1) and in Northern Ireland (Parker, 1972: 2-3; TNA DEFE 23/109, 1971). While physical assaults continued in later operations, testimony given to the Parker Committee by the Inspector of the Intelligence Corps in the Ministry of Defence, Brigadier Bremner, showed progressively more use of sensory deprivation techniques that left less physical marks. Systematic physical assaults under Superintendent Duff in Palestine (where the term 'Duffing up' was coined to describe grievous and actual bodily harm), extreme torture such as castration in Kenya (Cobain, 2012: Chapter 3) and public floggings in Cyprus had constituted conspicuous

forms of abuse. The 'five techniques' left less marks and evidence of mistreatment and they are first documented to have been used together in Brunei (TNA DEFE 23/109, 1971; Newbery, 2009: 108-9). The solicitors firm Public Interest Lawyers have argued that historically there has been a move towards 'torture by stealth' to avoid accountability (Baha Mousa Report, 2011: 411); certainly, the use of sensory deprivation techniques before the 1970s was not officially proscribed.

Allegations of mistreatment of detainees in Aden between 1964 and 1966 had been reported in an Amnesty International Report (1966) and a UK Government report, entitled the Bowen Report. Although the Amnesty Report referred to sleep and food deprivation and stress positions, it also referred to abuse not related to sensory deprivation and as such the Bowen Report focused on those physical abuses and the three interrogators who used them (TNA DEFE 23/109). These reports were covered in the news media, although not to the extent that the Compton and Parker Reports on interrogation in Northern Ireland would be (see Appendix 1, rows 1, 2, 9, 10 and 13). The *Guardian* and the *Daily Mail* were critical, with *The Times* less so (see issues on 20th December 1966), and they led to a minor change in interrogation guidelines. Amendments to the 'Joint Directive on Military Interrogation in Internal Security Operations Overseas' did not comment on the five techniques. They included provisions that interrogations must be carried out 'humanely', that medical officers should examine detainees daily and complaints should be reported promptly to senior civilian or military authorities. Despite the five techniques being used (TNA DEFE 23/111; TNA DEFE 23/109), there was insufficient discussion to stimulate a debate about the use of sensory deprivation involved in the five techniques and the directive governing interrogations that called for a 'psychological attack' was maintained (Parker Report, 1972: 23-4; TNA WO 32/21776).

Extract
JIC(65)15(amended)
17th February 1965
(as amended 10th February 1967)

JOINT DIRECTIVE ON MILITARY INTERROGATION IN
INTERNAL SECURITY OPERATIONS OVERSEAS

INTRODUCTION

Persons arrested or detained during Internal Security operations or in near emergency situations are likely to be valuable sources of intelligence. They may be the only sources of intelligence at a time when it is urgently required.

2. Successful interrogation depends upon careful planning both of the interrogation itself, and of the premises wherein it is conducted. It calls for a psychological attack. Apart from legal and moral considerations, torture and physical cruelty of all kinds are professionally unrewarding since a suspect so treated may be persuaded to talk, but not to tell the truth. Successful interrogation may be a lengthy process.

Figure 3: UK Joint Intelligence Committee Directive calling for 'a psychological attack'

Although the training and advice given on enhanced interrogation and specifically the five techniques was not recorded in writing, its use in Northern Ireland was carefully planned. In March 1971, on the orders of the Ministry of Defence, RUC Special Branch were given training on interrogation techniques by the UK Government's Joint Services Interrogation Wing (TNA DEFE 23/109). That same month Dick White, the Coordinator of Intelligence at the Cabinet Office in the UK Government, reported to ministers that individuals would be 'liable to be subjected to a measure of fatigue, isolation and noise' (TNA WO 32/21776, 1971; Cobain, 2012: Chapter 5). In his prescriptive work on counterinsurgency for the British army going into the 1970s, Brigadier Frank Kitson, had stressed the importance of intelligence (1971: 72) and stated: 'Quite rightly preference is given to the development of a small number of really good sources as opposed to a larger number of more superficial ones'. Accordingly, it was recommended that only 'high grade subjects should be selected for interrogation in depth' (TNA PREM 15/485). Through the use of sensory deprivation on fewer detainees, enhanced interrogation techniques were designed to be particularly coercive but to leave less evidence.

However, despite their use in colonial settings, it is noticeable that retrospective criticism of the five techniques in the governmental field and news media (see below) was largely directed at the decision to use the 'five techniques' in the UK. Having interviewed various senior policy makers, journalist Peter Taylor concluded: '[t]here is no indication that the fact ever occurred to them that the province was part of the United Kingdom and not some far-flung outpost of Empire' (Taylor, 2002:65). Indeed, Sir Robert Andrew, Private Secretary to the Defence Secretary, claimed (in Taylor, 2002: 73):

One was aware that methods of this sort had been used in places like Aden and it only became clear, certainly to me and I think to most people in the Ministry of Defence, at a fairly late stage exactly what was being done in interrogation centres in Northern Ireland.

The Northern Ireland Prime Minister Brian Faulkner justified his approval of the interrogation practices by referring to the assumption that the British Government would not engage in 'dubious' activities: 'The possibility that Her Majesty's Government would authorise anything of dubious propriety did not, given the background of exaggerated caution on security, occur to me' (Faulkner, 1977: 124). In the 'background' of Northern Ireland, certain standards were expected, or at least claimed to be expected. Rights related to interrogation were dependent upon the context - they were not, in that sense, universal human rights or universal cosmopolitan rights of individuals. A moral cosmopolitan concern for the welfare of the Other as a detainee appears to have been relatively neglected in the discourse of policymakers and journalists when abuse occurred outside of UK territory in the 1960s. In contrast, policymakers assumed, or at least claimed to assume, that detainees would not be subjected to the five techniques on UK soil. Assumptions were made surrounding the efficacy of UK systems of accountability to prevent abuse of individual human beings on UK territory and when this accountability was not realised it was met with surprise.

In the retreat from Empire - where legitimacy, the social contract and the rule of law were weak under fading colonial authorities - there was potential for dehumanising counterterrorism techniques to develop in environments where the social and political impact was less of a concern. Nonetheless, a move towards sensory deprivation techniques

demonstrated a preference for progressively sophisticated and secretive interrogation methods after the Second World War. While the techniques changed and scrutiny increased in the context of Northern Ireland what did remain constant was the Othering and dehumanisation of detainees. Despite the illegitimacy of the techniques in the UK and the increased scrutiny, the military culture of dehumanising the enemy continued and this created a clash. This created a cruce moment in the discourse that I will examine in this chapter. As this chapter will show there were more modifications to policy in Northern Ireland, but many of these took place after British deployment to Northern Ireland and policy had been subject to substantial commentary from actors in the activist, legal, governmental and news media fields - not all of which were critical of such techniques though, as the following sections demonstrate.

4.3 Revelations regarding ‘the five techniques’: August 1971 – November 1971

This section follows the development of accusations surrounding the use of five coercive interrogation techniques during internment in Northern Ireland in 1971 and finds that authority, credibility and legitimacy were integral to the intertextual development of discourse. Here authority in discourse is taken to be a more acceptable or justifiable position to comment. Credibility is determined by trust and on whether a source is believed and seen as truthful. Legitimacy is provided through a publicly shared, or a deontic (Searle, 2010) source of justification. The section investigates how widespread misinformation and propaganda impacted on the credibility of allegations concerning enhanced interrogation techniques. By tracing the intertextual repetition of internee accounts of events, from local activist groups to elements of the British media, it is shown how both implicit and explicit censorship failed to prevent the spread of the story beyond a limited minority once an authoritative source had endorsed it. After the credibility of allegations had been established, their challenge to the cosmopolitan identity of the UK Government and the British was more conspicuous and cosmopolitan discourses became more significant.

After the instigation of internment at 4am on 9th August 1971 initial UK news media reports focused on the riots, public disorder and death it had led to. *The Times* (11th August 1971) reported a ‘war of attrition’, *The Guardian* (11th August 1971) described a ‘shocked’ Prime Minister Mr Faulkner.



Figure 4: *The Times* and *The Guardian* front-pages 11th August 1971

Despite the focus on the breakdown of public order and lethal rioting, on 12th August 1971, small articles had appeared in the inner pages of *Daily Telegraph* and *The Guardian* reporting allegations of beatings on internees. *The Guardian* gave the issue most coverage with seven articles muting the possibility of an inquiry up until the British Home Secretary announced the Compton Enquiry on 21st August 1971. Yet, even *The Guardian* was careful to report the claims of abuse as just that – unconfirmed claims. For example, (in ‘The charges of brutality’, 18th August 1971) allegations relayed by Cardinal Conway, the Roman Catholic Primate of Ireland, were even qualified by the point that no ‘British newspaper’ had yet seen *prima facie* evidence, thereby highlighting the nationalistic and exclusionary nature of the deliberation process surrounding allegations of abuse.

A level of scepticism was justified because of the amount of misinformation emanating from paramilitary and governmental sources. Reports from members of civil society including the church and civil rights groups were doubted when their own sources were considered to be unreliable. The Association of Legal Justice, established by Father Denis Faul and Father

Raymond Murray, was one particularly significant organisation. It was their extensive collection of signed detainee statements and publications (1972) that would be a key source of evidence for *The Sunday Times* and the Compton Report. However, the 1970s *Guardian* Northern Ireland correspondent Anne McHardy later commented on Father Faul's 'naivety' and his role as a 'pivotal conduit for the IRA' ensuring he was labelled a 'Provo-Priest' by the British' (*The Guardian*, 22nd June 2006).

Evidence from Fathers Faul and Murray (1972) and the Association for Legal Justice would be used in the international legal field when complaints were submitted to the European Commission for Human Rights to support the complaint of *Donnelly and others vs United Kingdom*. This application alleged mistreatment whilst held in police custody after the introduction of direct rule on 24th March 1972 (Dickson, 2010: 142) and through their reference to an Amnesty International Report (1972) the application referred to 157 specific cases of ill-treatment. However, the Commission ruled that administrative practice could not be demonstrated by the Association for Legal Justice's evidence. This contrasted starkly with the claim in *Ireland vs. UK* (see below) where administrative practice had been demonstrated by the UK Government's own Compton Report (Dickson, 2010: 148-152). Sources from Northern Ireland were treated with suspicion by the Council of Europe's institutions until their evidence was supported by authoritative British institutions.

Jonathan Dimpleby, then writing anonymously in the *New Statesman* on 31st December 1971 as a BBC Radio journalist, asserted that the BBC was more than ignoring allegations: 'it was made quite clear that all interviews with ex-internees were to be presented in as sceptical a manner as possible ... the BBC's intention was to discredit the allegations and those who made them' (Dimpleby, 1971). There was recognition of the 'novel' fluidity of the communications environment in the conflict zone of Northern Ireland. A BBC 'senior editor in Television News' told Philip Schlesinger in 1972:

We have to control the basis on which the protagonists see each other ...for the first time in BBC history we are confronted with a situation very close to urban guerrilla war, and not some colonial area but on home British soil. We have a situation in which British, English-speaking soldiers are facing British English-speaking inhabitants (in Schlesinger, 1978: 235)

The BBC ensured that this did not lead to an open flow of information and discourse on counterterrorism. In September 1971, the BBC declined to use an interview with the leader of the activist group People's Democracy, Michael Farrell, detailing his internment. Roland Fox, the Chief Assistant to the Editor for BBC News and Current Affairs defended the decision at an internal BBC meeting:

It had not been possible to make the item's treatment defensible as a whole on the grounds of fairness...It had in any case been an item of marginal importance, being a description by an admitted extremist (quoted in Curtis, 1998:33).

The identification of those making allegations as 'extremists' justified their exclusion from the discourse – even if their claims were related to their treatment and not directly to their group's activities. The Othering and exclusion from the news media of those involved in activism deemed as 'extremist' again challenged the cosmopolitan nature of the deliberation.

However, where sources were deemed to be credible they were not ignored and thorough investigative journalism could verify the credibility of sources. The greatest contrasting example of news making practice is provided by the *Sunday Times* editor, Harold Evans in his description of how the story surrounding the five techniques broke through his newspaper (Evans, 2009:411-7). *Sunday Times* researchers interviewed Catholic lawyers including some working for the Association for Legal Justice and obtained handwritten statements smuggled out of prison. One letter was written by Michael Farrell who complained of being forced to run barefoot over broken bricks and having his sleeve bitten off by Alsatian dogs. When investigators hired a helicopter to reveal broken bricks in Army grounds and forensics found saliva on Farrell's coat, *The Sunday Times* gave the testimonies more credence. Further allegations were corroborated and *The Sunday Times* published 'How Ulster Internees Are Made to Talk' on 17th October 1971. Evans (2009: 415) describes how he was concerned that his report might 'incite retaliation', but in a reference to moral cosmopolitanism, he explained that 'Immanuel Kant's maxim that one should act as if the principle one followed would become a universal law' convinced him that there was a public interest argument to publishing a major breaking news story, even if the internees were IRA members or if the publication led to public disorder. Therefore, even at this stage, when

accusations were unsubstantiated, some references to a moral cosmopolitan opposition to torture were evident.

17 OCTOBER 1971 No 7741 Price 8p

THE SUNDAY TIMES

How Ulster internees are made to talk

THE GROWING success of the British Army's efforts in Ulster to force internees to talk has been made more certain by the discovery of a new method of interrogation. This is the use of a 'psychic' device which is said to be used by the Army to force internees to talk.

The Army's new method is said to be a 'psychic' device which is said to be used by the Army to force internees to talk. It is said to be a 'psychic' device which is said to be used by the Army to force internees to talk.

Arms plane held in Holland: Top IRA man sought

Schiphol Airport, Amsterdam, Dutch police examine gun taken from the Belgian DC8

Heath will need Labour rebels to win Europe vote

By Lewis Chester and Hugo Young

THE GOVERNMENT's narrow margin of victory in the European vote will be made up by a coalition of Labour rebels and Conservative Party members who will vote against the Government.

Details of the coalition are said to be in the hands of the Prime Minister, Mr. Edward Heath. It is said that the coalition will include a number of Conservative Party members who are said to be in the hands of the Prime Minister, Mr. Edward Heath.

Soldier killed in Ulster stone riot

A SOLDIER was shot dead in a stone-throwing riot in Ulster. The soldier was killed by a stone thrown by a young man who was caught in the act of throwing the stone.

The soldier was killed by a stone thrown by a young man who was caught in the act of throwing the stone. The soldier was killed by a stone thrown by a young man who was caught in the act of throwing the stone.

THE FACTS are these. The conquest of Police Barracks in Londonderry was a success. The British Army's efforts in Ulster to force internees to talk has been made more certain by the discovery of a new method of interrogation.

The Army's new method is said to be a 'psychic' device which is said to be used by the Army to force internees to talk. It is said to be a 'psychic' device which is said to be used by the Army to force internees to talk.

'We can beat the world'

The British Government has a message for the world. It is that we can beat the world. We can beat the world because we are the only country in the world that has a Prime Minister who is a member of the House of Commons.

We can beat the world because we are the only country in the world that has a Prime Minister who is a member of the House of Commons. We can beat the world because we are the only country in the world that has a Prime Minister who is a member of the House of Commons.

Two die in blast on freighter

Two people were killed in a blast on a freighter. The blast occurred in the hold of the ship, which was carrying a large quantity of explosives.

The blast occurred in the hold of the ship, which was carrying a large quantity of explosives. The blast occurred in the hold of the ship, which was carrying a large quantity of explosives.

Poridge oats can stop you smoking

By Bryan Black

IT IS said that a bowl of porridge can stop you smoking. The porridge is said to be made from a special type of oat which is said to be made from a special type of oat.

The porridge is said to be made from a special type of oat which is said to be made from a special type of oat. The porridge is said to be made from a special type of oat which is said to be made from a special type of oat.

BEGIN NEXT WEEK THE LBJ MEMOIRS: 1 THE KENNEDYS AND ME

By John F. Kennedy

THE MEMOIRS of John F. Kennedy are a masterpiece of history. They are a masterpiece of history because they are the only memoirs of a President who was a member of the House of Commons.

They are a masterpiece of history because they are the only memoirs of a President who was a member of the House of Commons. They are a masterpiece of history because they are the only memoirs of a President who was a member of the House of Commons.

PLANET EARTH

4. RUSSIA

Where more nuclear war heads are in the air and 100 more in the ground than in any other country.

COLOUR MAGAZINE

CHILLER MADAME

Erica Carter on Helen Robinson 41

THE CABDAN DIARIES 3

Tomlinson on Gullin 33

THE UPSIDE DOWN WORLD OF BOB SMITH

David Smith on the prospects in Russia 37

THIS BRITAIN

in New 8 Month Wags 18

1981 COSTS TO LEAVE

Italy 43

STAGES FOR THE PEOPLE

Samuel Beckett's society of the new Theatre in London 25

THE BEST CARS AT DIFFERENT PRICES

Expert's choice before the Motor Show 21

THE CAR THAT MISSED

53

Exclusive to Harrods by Cojana

Harrods's new Fall line for Autumn-TL. Beautifully tailored coat in double-breasted, flared sleeves and dainty high pleated skirt. In black, grey, blue, or white. Size 12-18. £82.

From Model Coats, First Floor.

Bombers strike as Spiro arrives

The British Government has a message for the world. It is that we can beat the world. We can beat the world because we are the only country in the world that has a Prime Minister who is a member of the House of Commons.

We can beat the world because we are the only country in the world that has a Prime Minister who is a member of the House of Commons. We can beat the world because we are the only country in the world that has a Prime Minister who is a member of the House of Commons.

Figure 5: The Sunday Times Front Page 17th October 1971

111

In this news article the enhanced interrogation techniques were described vividly and the article featured on the front page - although it was placed lower than an article titled 'Arms plane held in Holland: Top IRA man sought', where arms imports from Czechoslovakia were reported. As such, the revelations concerning the interrogation methods were still contextualised against the threat of IRA violence and even the broader discourse surrounding the Cold War and this concern would be repeated in a private meeting between the UK Prime Minister Edward Heath and the Leader of the Opposition Harold Wilson two days later (PREM 15/485).

Nonetheless, allegations were now established in British political discourse as credible, if still disputable, and the report was subsequently widely cited by actors in all fields (for example, *The Guardian*, on 18th October and November 10th; The Association For Legal Justice and Campaign for Social Justice in December 1971; the Compton Enquiry Report, 1971; Lord Carrington, 1971). The *Sunday Times* report changed political discourse on the issue significantly. In contrast to his previously censored approach, after the report Jonathan Dimbleby did ask senior politicians to comment on the allegations. The Northern Ireland PM Brian Faulkner appeared on *BBC Radio 4's* 'The World This Weekend' to be interviewed by Dimbleby. Faulkner responded: 'There has been no brutality of any kind against either a detainee or a internee' (17th October 1971). This was still the key counter-claim - that allegations could not be believed - and it was made until the publication of the Compton Report, thereby justifying the failure of other publications to significantly follow up the *Sunday Times* revelations.

The consensus amongst senior politicians to defer to the Compton Report was demonstrated by the Shadow Home Secretary James Callaghan's question in the House of Commons on 19th October 1971 (Callaghan, 1971):

Is not the essential need now to secure what are the facts of the situation? Has not the Home Secretary now the responsibility, if he has not already done so, to ask the *Sunday Times*, which printed the allegations, to send them to Sir Edmund Compton?

Although waiting for the Compton Report had successfully deferred a parliamentary debate and maintained consensual bipartisanship in the UK parliament, the leader of the opposition Harold Wilson and the Shadow Home Secretary James Callaghan contacted the UK Prime Minister Edward Heath the day after the *Sunday Times* article was published. They privately agreed on the potential for an additional enquiry once the Compton Report was published (PREM 15/485). The second enquiry would consider the validity of the techniques. The Prime Minister Brian Faulkner (1977: 124) stated that this was 'in view of the seriousness of the allegations in a reputable newspaper'. The esteem in which the *Sunday Times* was held ensured that it was an authoritative source in British political discourse and could not be ignored by other authoritative fora. After the authenticity of allegations was endorsed other issues concerning the legitimacy of the techniques were addressed and these involved more references to issues of cosmopolitanism.

4.4 The Compton and Parker Enquiries

The Compton Enquiry's (1971: 1) remit was to 'investigate allegations by those arrested on 9th August and, on 16th of November 1971, the Enquiry published a report that established that the five techniques were applied to 11 internees. Once the Compton Report had established that the five techniques had been utilised, argumentation surrounding the legitimacy of the techniques developed. This section demonstrates how in this context the notion of an identity of British state actors as rational and opposed to violence materialised. This was paradoxically enhanced as the Government's use of violence was brought into question through the argumentation on interrogation. Of note was the declassified documentation of discussion within government concerning the need for enhanced interrogation techniques and urgency, but only the partial repetition of this discourse within the UK news media.

Compton made no judgement on the credibility of 18 of 20 separate individual allegations, citing problems of conflicting evidence (Compton Report, 1971: 26 & 30 & 71). As such the report supported the claim that enhanced interrogation techniques were the exception and had been performed on a relatively small number of people. Furthermore, Compton found that the techniques did not constitute 'physical ill treatment' and he refused to label the treatment 'brutality'. Compton's assertion that the treatment should not be labelled

'brutality' was repeated intertextually at key points. For example, after the European Commission on Human Rights judgement (see section 4.5) *The Times*, *Daily Telegraph*, *The Guardian*, and *The Sun* (3rd September 1976) reported this assertion. Recognition of the specific brutal and torturous nature of sensory deprivation techniques was omitted through language. Instead the imperative to procure information was emphasised.

At the suggestion of the Prime Minister Edward Heath (Newbery, 2009: 116) the Compton Report included a statement that

When combating a terrorist campaign time is of the essence; information must be sought while it is still fresh so that it may be used as quickly as possible to effect the capture of persons, arms and explosives and thereby save the lives of members of the security forces and of the civil population. Information can be obtained more rapidly if the person being interrogated is subjected to strict discipline and isolation, with a restricted diet (Compton, 1971: para 46).

The claim that there was a need for intelligence was clearly supported in the press, but while the need to interrogate was repeated in the news media, the time sensitivity was not. A *Guardian* editorial (17th November 1971) praised the Compton Report and whilst questioning the most extreme interrogation methods, it supported the additional Enquiry and argued 'a vigorous and tough questioning of suspects must go on'. Although there is an assumption that there is a need to use coercive techniques to obtain intelligence to mitigate risk posed by Republicans, no clear reference was made to time sensitive nature of interrogation. Instead there was a chilling reminder of the importance of 'terror' - 'there is no doubt what is the most effective method of fighting an urban guerrilla war such as this: it is terror'. The editorial later highlighted the lives that would be lost if security forces did not receive a flow of intelligence. This order of statements – the macrosemantic structure – suggested that the news media preferred the notion of a British Government that was terrifying and not rash. The worse case scenario or imagined future situation was the potential for Britain 'to withdraw and allow Ireland – probably both parts – to fall into civil war'. It is this imaginary of a breakdown of order that justifies enhanced interrogation methods.

The Daily Mail (17th November 1971) editorial 'Nothing to be ashamed of' was supportive of the report but suggests that now important intelligence may not be forthcoming and their front-page headline reads: 'NOW THE ARMY FACES WALL OF SILENCE'. The *Mail* suggests the *fear* of possible coercive interrogation was integral to effective interrogation. However, the time-sensitive nature of intelligence procurement and consequent risk was not even mentioned in the argumentation structure adopted by the tabloid paper. Like *The Guardian* its editorial focused on the necessity for 'intensive interrogation' but ultimately rejected torture suggesting that measures adopted by a democratic country must be limited. Both publications advocated deliberated and limited acts of state terror to maintain order – but did not mention urgency. The willingness to countenance extreme state sanctions was evident intermittently throughout the 1970s in unheeded, although much discussed calls made in the news media and political fields for capital punishment for terrorist offences (for example, see the front-pages of *The Guardian* on 22nd November 1974 '[Home Secretary] Jenkins gets hanging call' or *Daily Telegraph* on 5th June 1978 'TORY CALLS FOR HANGING REFERENDUM'). The prospect of the British state directly employing violent and punitive counterterrorism measures was not rejected as strongly as in the contemporary cases examined in chapters five to seven. A rational but 'tough' and possibly violent approach was favoured over a rash and impetuous reaction to threatening Others.

However, after reporting on the Compton Report in November 1971, once more debate in British media and governmental fields was significantly deferred because the day the Compton report was published the Government announced an additional inquiry to be chaired by Lord Parker of Waddington. The Parker Inquiry's remit was to consider 'whether, and if so in what respects, the procedures currently authorised for interrogation of persons suspected of terrorism and for their custody while subject to interrogation require amendment' (Parker, 1972). The quasi-judicial Parker Report was published on 2nd March 1972, with a majority report from Lord Parker and Boyd-Carpenter and dissenting minority report from Lord Gardiner highly critical of the five techniques. This broke the bipartisanship policy of consensus within the UK parliament and thus prompted action.

The British Prime Minister Edward Heath's statement to the House of Commons highlighted Parker and Boyd-Carpenter's conclusion 'that the use of the methods involved could be

justified in exceptional circumstances subject to further safeguards which they recommend' (Heath, 1972). Nonetheless, having recognised their illegality in Britain and dubious legality in Northern Ireland, Heath proceeded to announce that 'the techniques which the Committee examined will not be used in future as an aid to interrogation' without consulting parliament, but that 'interrogation in depth will continue' (Heath, 1972). As such, Heath apparently concurred with the majority of the Parker Committee's finding that British violations of the norm against ill-treatment had been illegal, although justifiable, and banned the five techniques.

Press coverage was led by Heath's statement and focused on the future and future policy. *The Times* and *The Guardian's* (3rd March 1972) front-page headlines 'Ill-treatment is ended in Ulster but questioning in depth stays' and 'Interrogation ban a move nearer deal' followed the lead given by the Prime Minister. The press reflected the debate evident in the quasi-judicial field of the Privy Council on the committee, effectively reproducing divided elite opinion in the news media – what Lance Bennett has since termed indexing (1990). For example, further reports in *The Guardian*, *The Daily Mail* and *The Times* on 3rd of March 1972, highlight the disagreement between the majority and minority reports; and, also of MPs in the Commons in the debate that day – with exchanges between the Prime Minister, the Leader of the Opposition and SDLP MPs detailed. Criticism of the UK Government was therefore contested.

It was notable however, that there was evidence of pride in a rational and considered approach. When the use of the five techniques in Northern Ireland were criticised in the minority report by Lord Gardiner, he criticised their efficacy, immorality and illegality. In addition, Gardiner suggested they were anathema to British democracy. He wrote:

The blame for this sorry story, if blame there be, must lie with those who, many years ago, decided that in emergency conditions in Colonial-type situations we should abandon our legal, well-tried and highly successful wartime interrogation methods and replace them by procedures which were secret, illegal, not morally justifiable and alien to the traditions of what I believe still to be the greatest democracy in the world (Parker, 1972: 12).

Gardiner's paragraph demonstrates nationalist pride in British traditions and democracy, and suggests that the five techniques were an aberration from British norms. His phrase 'the greatest democracy in the world' was repeated across the news media with direct quotes in *The Guardian* and *The Times* on 3rd March 1972 and would also be cited in by key politicians such as the then UK Secretary of State for Northern Ireland Merlyn Rees (Rees, 1985: 11) and retrospective researchers (Cobain, 2012: Chapter 5). The faith and pride demonstrated in the perceived high standards of the nation were deemed to be worth repeating verbatim. For Gardiner, an emergency situation did not warrant change from 'well-tried' methods, suggesting moral treatment of individuals detained by British authorities was the norm and characteristic of the nation.

Stuart Croft (2012: Chapter 3) has argued that reference to World War II and differentiating British from German identity was integral to the construction of post-war Britishness. This could further reinforce pride in a British identity of cosmopolitan nationalism because the Nazi regime was the antithesis of a cosmopolitan nation-state. On publication of the Compton Report *The Sun* (17th November 1971) editorial noted that 'There was no brutality in the sense which would be recognised by victims of the Nazis - or even the IRA'. Yet although recent research of declassified documentation at The National Archives by Ian Cobain (2012: Chapter 1 and 2) suggests that the British Government authorised torture of captured prisoners during the Second World War, Second World War interrogation practices were more likely to be praised in the news media in 1971. This reinforced the notion that British practices of interrogation have long been less brutal than their enemies' methods (see 'Traditional tactics used by British soldiers' in *The Times* on 17th November 1971).

Gardiner himself did not differentiate between the differing demands for intelligence in wartime and other situations and neither did the news media, but actors within the government field did. Correspondence in February and March 1972 between the Ministry of Defence and senior civil servant Sir Burke Trend at the Cabinet Office shows that Gardiner's paragraph was singled out as an inaccurate description. The Cabinet Office and Ministry of Defence demonstrate a concern to show the situation in the urban guerrilla warfare of Ulster was distinct to methods used during World War II and was more 'urgent' (TNA WO

32/21776). However, Gardiner evidently did not change his report and, as in the coverage of the Compton Report the news media, did not repeat the discourse or style of urgency. Ultimately though, discourse surrounding the Compton and Parker reports did lead to a change in policy.

The news media gave significant attention to the illegality of the techniques under domestic law. *The Times* headlined an article 'Interrogation procedures are unauthorised and against the law' and their editorial was titled 'Government under the law', outlining the importance of the security forces not using unrestrained brutality in order to remain as 'the forces of law and order'. *The Mail* headlined an article 'Hooding and noise ordeal in Ulster were illegal'. Yet details were not given on references to their previous illegal use in colonial situations and both the Report and the news media itself largely avoided questions of international law, or referring to the forthcoming European Commission on Human Rights case. Indeed, irregularities during decolonisation prompted very little comment and the focus was on their lawfulness in the UK now. The *Daily Mail* editorial (3rd March 1971) significantly, pointed out that 'once they had been publicly discussed they either had to be made legal or abandoned' – apparently public violation of law was of greater concern than moral wrong of the act itself, thereby suggesting that any innate moral cosmopolitan concern was irrelevant compared to the necessity to publicly adhere to domestic law. This form of legitimacy was deontic, as described by John Searle (2010), where the institution provided the legitimacy without any further public justification being required. Where the Compton and Parker Enquiries had facilitated debate on legitimacy, the European Commission on Human Rights would bring this to an international stage. Although discussion of cosmopolitanism was still considered through legal institutions or jurists, and the deontological legitimation provided by an authoritative legal judgement, the international institutions now prompted inclusion of perspectives beyond that of one nation.

4.5 Ireland vs. UK and the European Convention on Human Rights

Where the Enquiries had dismissed international law, international law could not be dismissed when the European Commission on Human Rights adjudicated on the Republic of Ireland's complaint concerning the United Kingdom. The consideration of international and

ostensibly cosmopolitan law through the European Convention of Human Rights challenged the domestic systems of accountability in the UK and this brought with it a concern for British identity. The notion of human rights developed and the global context of the situation were referred to across all fields. The UK was compared to other nations and British identity was promoted through contrasts and comparisons.

Following a complaint by the Irish Government in December 1971, on 2nd September 1976 the European Commission on Human Rights ruled that the five techniques, when used in combination, constituted torture. The British news media was compliant with the government's attempt to shift focus towards the Irish Government and in promoting pride in British identity. On the day of the European Commission on Human Rights ruling, the British Secretary of State for Northern Ireland Merlyn Rees called several broadcasting and newspaper editors into his offices and primed them for the following day's publications (Curtis, 1998: 32; Cobain 2012: Chapter 5). An analysis of the macrosemantic structure of articles reveals the ruling highlighting torture was clearly newsworthy, but Rees was successful in ensuring the focus was on his criticism of the Irish Government.



Figure 6: *The Sun* and *The Daily Mail* reports on 3rd September 1976

The Sun's front-page headline read 'Torture Turmoil; Britain Lashes back over the 'guilty' verdict'. The quotation marks around 'guilty' provides some distance and mitigation with regard to culpability for acts of torture, but criticism of the ruling is highlighted as Britain is described as lashing back and the headline refers to the political 'turmoil' that has been

created now. *The Times* front page headline read 'Angry Rees attack as Dublin charge of torture is upheld'; 'Tortures: Anger over Dublin Action' announced *The Daily Mail*; and, 'Rees angry as Eire presses torture issue' reported *The Daily Telegraph*. Rees' quote 'We regret the Irish persistence in raking over the events of five years ago' is repeated across three publications. Rees had written what he described as a 'carefully prepared press statement' (Rees, 1985: 309):

This case is about events which took place five years ago. It could have been settled long ago. I can see no justification for the Irish government's persistence in it. The fact is the interrogation techniques... were stopped unilaterally by the British government of the day over four years ago, and relevant compensation awarded

Again an attempt to shift temporal focus away from the past not only avoids legal accountability, but meets the news value of 'newness' and is presented as the rational way to approach these issues. The rational focus on the future is contrasted with the Irish Government's apparently irrational focus on the past and Rees describes this as having 'no justification'. *The Daily Telegraph* subheading on their front page read 'Little new revealed' and *The Daily Mail* was particularly critical of the Irish Government in this regard. In an editorial entitled 'The fatal flaw of the Irish' it cited the emergency laws that Dublin is currently passing against terrorism that restricted rights. The piece refers to the 'tragic ambiguity of the Irish Government', thereby inferring that the British are comparatively unambiguous. Furthermore, while an op-ed by Derek Brown in *The Guardian* on 3rd of September and *The Observer* editorial (6th September) lament the domestic political pressures on the Dublin government to act in this way, *The Guardian* cartoonist Les Gibbard highlighted the peculiarity of the lack of cooperation between the UK and Irish governments in their opposition to the IRA.



Figure 7: Cartoon featured on *The Guardian* back-page on 3rd September 1976

The notion that cooperation and rationality are required in the face of risks posed by irrational non-state actors runs through the news media. The Irish Government is presented by the UK news media as another state linked to the UK state through their rational battle against extremist violence. However, emphasis on the political capital gained by the Dublin Government by making the complaint to the Court (*The Guardian*, 19th January 1978) suggests 'a degree of difference' (Hansen, 2006) with the UK Government in terms of rationality. Implicit in the discourse is the notion that governments should be more united behind state violence against the ultimately irrational violence of the paramilitary groups and this became more explicit in the above cartoon. Cultural cosmopolitanism is lacking as the Irish are presented negatively as incomprehensible and irrational. Nonetheless, state violence is not always treated so uncritically when other nations are the perpetrators, as news media comparisons between Britain and South Africa showed in 1978.

In contrast to reporting on the Commission's judgement, in coverage of the European Court of Human Rights the British news media focused on the ruling itself. *The Times* editorial (19th January 1978) stated plainly: "Torture' never was the right word'. Again the idea that

British agents engaged in acts of torture were rejected. Where the definition of torture was uncertain, the practices of interrogation in other countries were referred to, to emphasise what could be categorised as torture. On 19th January 1978, *The Sun* and *Daily Mail* provide contrasts with South Africa and Britain. Page two of *The Sun* has two headlines on the same page: firstly 'CLEARED ! Ulster troops not guilty of torture claims' and secondly 'GUILTY! Dossier of death raps the Vorster butchers'. The second paragraph notes that 'we' were condemned by the Court for 'inhuman and degrading treatment', although the *Sun* describes the methods as 'quizzing'. In clear contrast, directly below this article is the 'GUILTY !' article on South Africa. Its first paragraph states how: 'Premier John Vorster's regime is guilty of being the busiest executioners in the world' – showing a clear focus on what is happening now. The first sentence also provides political context regarding an Amnesty International report: 'A DOSSIER of death and horrific torture in South Africa was published yesterday to launch a world wide campaign against apartheid'. The allegations of torture are placed in the context of a global activist campaigns, of which the UK was not included. *The Sun* is suggesting human rights activists need not be concerned with the UK's actions.

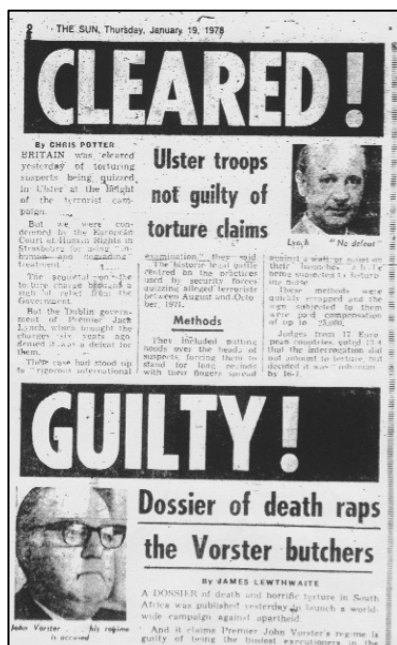


Figure 8: *The Sun* and *The Daily Mail* articles on 19th January 1978

The Daily Mail (19th January, 1978) article 'No torture' is featured next to an article entitled 'The dossier of death in South Africa'. The articles are surrounded by a border with a title for the two articles: 'World wide focus on the inhumanity of man – in two continents'. While the guilt and innocence contrast is again stressed, *The Daily Mail* also notes the condemnation by the Court of 'inhuman and degrading interrogation techniques', after a 'six year legal battle'. The sensory deprivation techniques are listed as 'hooding, making them lean against walls for long periods and harassing them with endless noise' but not giving comment on the psychological distress possible from these techniques. A cartoon picture is provided with a man hooded and standing against a wall, but with no visible stress evident. This contrasts with the methods used in South Africa detailed from an Amnesty International report including 'beatings, electric shocks... murder threats...and psychological disorientation through long-term solitary confinement'. The broader political context of the South African Government's aims is also included: 'to consolidate white political power and social and economic privileges, and to prevent the formation of effective black political opposition'. In contrast to Britain again, in South Africa '[t]he detention laws are not merely a restraint to be used in times of crisis or national emergency. Rather they are for everyday use in shoring up political control says the report.' Again the implication of this comment is that the UK's actions occur within a different context, where it is a crisis and national emergency. The chaos of the situation forces the hand of the UK actor, where the foreign actor is endemically accustomed to using them in 'shoring up political control'. As such the identity of the UK is constructed through comparison with the less measured and rights abusing 'Other'. As allegations of human rights violations are made, the defence mounted by the news media is to make comparisons with worse countries. Therefore, the UK is presented as a nation that stands out by observing minimum standards of human rights and moral cosmopolitanism.

The European Commission of Human Rights and the European Court of Human Rights both found that the UK lawfully derogated from Article 5 (Right to liberty). As such, the legal field ensured that rights pertaining to discrimination, or liberty, could be trumped by the perceived 'public emergency threatening the life of the nation', as per Article 15 of the European Convention of Human Rights (Dickson 2010: 145-153). The European Court highlighted that the UK was acting against the 'most formidable organisation of all' and both

bodies found that given the circumstances the UK did not discriminate in its implementation of internment of solely republican suspects. However, even in the newspapers supportive of the British Government the focus of attention in the headlines and the editorials was on the guilty verdict on torture, rather than the exoneration of other charges. The focus was therefore placed on the visceral and explicitly violent theme of torture against the individual rather than discrimination against a community. Discourse in the supranational legal field and subsequently the news media focused on the most credible, extreme accusations and other abuses were overlooked, and the vindication of counterterrorist measures aimed solely on the Catholic community was assumed not to be newsworthy. Instead issues of barbarity were broached through the issue of torture. In this respect, while UK politicians and news media reports highlighted how the UK was exculpated from acts of torture on individuals by the ECtHR, the notion that the UK discriminated against the Catholic community did not become an issue.

The division between 'Us' and 'Them' was made in relation to barbarity and civilisation by some news media outlets. *The Sun* editorial on 3rd of September 1976 stated: 'it is right that torture should be barred as a weapon – even against torturers and murderers. Only the civilised can defend civilisation.' In other words, that the Other may commit reprehensible violence is to be expected, but the British have higher standards. Civilisation was attributed to democratic states and evidence of a democracy vs. non-democracy divide existed in other articles in all newspapers and broadcasters assessed across the decade. During the hearings of the cases at the European Court of Human Rights *The Times* (19th April 1977) located the story within international relations discourse and reported the Russian Government's attempts to use the case as anti-Western Cold War propaganda in 'Russian interest in hearing of torture against Britain' headline and *The Sunday Telegraph's* (24th April 1977) in 'Ireland's Gift to Russia' suggested 'human rights missiles' could 'be used not only against Britain, but by inference against the entire Western democratic structure'. Again this reinforced the notion that Western political systems were more civilised, superior and less worthy of criticism than other potentially violent organisations. Once more the issue was located within the broader discourse of the Cold War.

The UK news media was hostile to attempts to frame the British state as a barbaric actor, but rulings that the UK Government committed torture from an internationally authoritative source were too credible to ignore. Accordingly, attention was diverted and the British state was largely promoted in the governmental, news media and legal fields as a rational and democratic actor committed to reducing violence, by reference to its 'degrees of difference' to other states (Hansen, 2006). The international legal field was a space for contesting the identity of the UK as a nation-state that respects cosmopolitan law related to the prohibition of torture. A cosmopolitan nationalism emerged in defence of the UK's cosmopolitan values and actions, yet paradoxically this was accompanied with a failure to engage deeply with foreign or Other political situations, particularly those of states deemed to be undemocratic. Furthermore, the notion that the state of the United Kingdom of Great Britain and Northern Ireland was a democratic one was problematic because of the particular constitutional conflict in Northern Ireland with the UK. This discourse was ostensibly omitted from the news media coverage and it was even implicitly opposed through the comparison of the UK to less democratic states. Once more the idea that the British Government might discriminate against an entire Other community was ignored.

4.6 Counterterrorism discourse leads to surreptitious Government policy

In British news media output, violence perpetrated by the Provisional Irish Republican Army, particularly on the British mainland, received substantial coverage. The bombing of Birmingham pubs in 1974 that killed 21 civilians was the most reported event in the sample considered (see Appendix 1, row 23). The British Government considered the PIRA to be the primary threat to security, as deliberations surrounding the then classified 'Way Ahead' report on security by the UK Government's Bourn Committee reveals (Public Records Office Northern Ireland (PRONI CENT/1/5/5), 1976). Furthermore, the British Army had originally been deployed to support the civil power and reliance on local institutions such as the Royal Ulster Constabulary and Ulster Defence Regiment fostered a structural bias in British policy against the nationalist community and towards the unionists (Dixon, 2012: 282). The reporting of violence committed by loyalist paramilitary groups supportive of the union therefore provides a testing moment for dichotomous frames, particularly in a discourse with an ideology opposed to non-state violence. Through a consideration of discourse at

the time of the 1974 Ulster Workers Council (UWC) strike, this section demonstrates how moves away from dichotomous frames triggered exasperation, Othering and the failure of cultural cosmopolitanism. Furthermore it provides an insight into how distrust spread and why more surreptitious policy developed. The following sections also show how international opinion, especially from the United States, became significant.

The UWC strike in May 1974 challenged the dichotomous presentation of conflict in Northern Ireland as being between the British Government and republican paramilitaries, but promoted notions of intractable, incomprehensible local politics. Following elections to a power-sharing assembly in June 1973 and an agreement signed at Sunningdale in December 1973, on 1st January 1974 a power-sharing executive took office to govern Northern Ireland. The Executive was led by Ulster Unionist Party (UUP) leader Brian Faulkner but included ministerial positions for the nationalist Social Democratic and Labour Party (SDLP) and the moderate Alliance Party. However, unionist fears, particularly surrounding powers for a Council of Ireland, led to protests and on 15th May 1974 a strike was organised in opposition to the executive by a coalition of unionists called the Ulster Workers Council (UWC) (McKittrick and McVea, 2012: 106-115).

On 17th May 1974, three car bombs exploded in Dublin and another in Monaghan killing thirty-two civilians. UK news media output reported the alleged involvement of loyalists paramilitaries from the Ulster Volunteer Force (UVF). *The Observer* headlined its front-page article (19th May 1974) 'Bombs: Army blames UVF'. *The Daily Mail's* (16th May 1974) front-page story gives substantial space to explaining why the police are investigating protestant terrorists. The articles on page one, two and three outline the horrors of the bomb and Irish Prime Minister Liam Cosgrove is reported making a pronouncement of unity against non-state violence. Despite the cosmopolitan affinity for the loss of life, reporting of Protestant bombs highlighted the dissatisfaction of the loyalists with the power sharing agreement. This added complexity to the situation and appeared to spread confusion and anger. On 25th May 1974, Harold Wilson broadcast a speech on BBC television and radio where he attacked loyalists as 'people who spend their lives sponging on Westminster and British democracy and then systematically assault democratic methods. Who do these people think they are?' The speech would become known as the 'spongers speech' but in Northern

Ireland it was thought to have created support for the strike and increased animosity between Protestants and the British Government (see 'Mr Wilson breaks holiday for crisis talks' *The Times* 27th May 1974). Nonetheless, its criticisms were echoed in some of the popular press: *The Sun* (29th May 1974) editorial wrote 'the rest of us cannot and will not go on forever trying to save a people who seem intent on destroying themselves'. This exasperation would be repeated by the British public in years to come as opinion polls found that the British public consistently supported withdrawal up until the peace process in the 1990s. In 1978 the key reasons given were the cost to the public purse, the futility, and concern for British soldiers (Gallup, 1999). An enthusiasm to connect with the Northern Irish community was clearly dwindling amongst British mainland politicians, press and publics, and with it elements of cultural cosmopolitanism were too.

Philip Elliott's content analysis of news output on Northern Ireland found that violence was often decontextualized (Elliott, 1977; Miller 1993). Major constitutional events, such as the return to Direct Rule from Westminster in 1972 and 1974 were given substantial coverage (Appendix 1, rows 14 and 21) but Elliott (1977) found in-depth engagement with constitutional issues over time was lacking. Failure to consider the roots of the conflict, the goals of the key actors, possible policy solutions and the broader unreported effects of violence has been strongly criticised by advocates of 'peace journalism' (Galtung and Fisher, 1996). This failure could contribute to the Othering of Northern Ireland as incomprehensible, irrational and violent. The Ulster Workers Council Strike suggests that where the discourse presented more than a simple dichotomy this led to confusion and more suspicion. The policy that followed ostensibly placed some distance between Westminster and Northern Ireland as the UK Government sought to deflect domestic and international criticism.

Following the UWC strike and its success in bringing down of the power-sharing government derived from the Sunningdale Agreement, the Secretary of State for Northern Ireland, Merlyn Rees wrote 'If Sunningdale had been too orientated to London and Dublin, I would have to bring policy back to Ulster... This was the real lesson of the Ulster workers' strike' (Rees, 1985: 90). Moving policy back to Ulster formed part of a three-part policy pursued by Rees and his successor as Secretary of State, Roy Mason. The policy consisted of (i)

normalisation, where detention was adjudicated on through the courts rather than through internment, (ii) Ulsterisation, where the RUC, as opposed to British or military agents, were responsible for security, and (iii) criminalisation, where the IRA and other paramilitaries were to be apprehended by the police and treated as criminals without political status when detained. Passing responsibility to Ulster could assuage domestic British concerns over the financial burden and danger to British soldiers' lives. Also the normalisation and criminalisation could present the situation internationally as criminal and distinct to a decolonisation situation where oppressed people were denied their rights. Rees wrote in his autobiography that he was keen to 'show the world, and give a message to the South of Ireland, that the blame did not all lie with the British' (Rees 1985: 107).

Ulsterisation could also serve to present the conflict internationally as an internal one to Northern Ireland. It promoted a discourse surrounding a reluctantly paternal Britain assisting in keeping the peace. William Shannon, the United States Government's Ambassador to Ireland, summarised the position of prominent US politicians in 1977 to *The Times* (27th September 1977):

Senator Kennedy is typical of most Irish Americans, and myself, in his change of views about the problem in Northern Ireland. When it started in 1969 the civil rights issue burst into flames, and Irish Americans tended to think of it as the final act of the drama which began in 1916. There was an instinctive desire to rally behind the Irish, kick the British out, and reunite the country. That type of feeling was inflamed further by 'Bloody Sunday' in 1972. But as the guerrilla war has ground on, people have become much more conversant with the realities and complexities of the situation. Now Irish Americans realise that if the British withdraw it would be nothing like the withdrawal from Dublin in 1922. On the contrary, if Britain was to withdraw now, there would be more violence.

Crucially, US political opinion was sympathetic to rights issues, but welcomed a degree of British presence to protect against violence. By showing a concern for minimum standards of human rights and protection against violence to the person the US position demonstrated a moral cosmopolitanism. Paul Dixon (2008: 152-154) cites evidence that the British Government did consider withdrawal options in 1974, but that both Labour and

Conservative parties were also concerned that this would lead to a severe deterioration of public order and civil war. However, whilst ostensibly limiting involvement through Ulsterisation, the British Government would oversee more secretive UK counterterrorism measures. These measures violated human rights through the abuse of individuals and contravened minimum standards of individual autonomy that are characteristic of moral and legal cosmopolitanism.

Although the imposition of internment from 1971 to 1975 on predominantly Catholic suspects and the shooting of 14 civilians on 'Bloody Sunday' in 1972 were implemented in the context of rising violence and suspicion they were widely criticised, even by the MOD for having 'serious operational and strategic consequences' (Ministry of Defence, 2006: para 829). In contrast, the centrality of intelligence to British counterterrorism policy in Northern Ireland has been consistently affirmed (Kitson, 1971; Mumford, 2012; Dixon, 2012; Kirksmith and Dingley, 2009). The demand for this focus was reinforced by suspicion and a lack of understanding between actors, combined with the perceived benefits of less conspicuous involvement from Westminster. By 1976, the complexities of Northern Irish politics, the apparently intractable nature of the constitutional impasse and the deep distrust of the Republican and also the Loyalist Other promoted a move away from high profile security or political initiatives, particularly those involving Dublin or Westminster, towards the use of surreptitious coercive interrogation methods aimed at neutralising the threat from paramilitaries, principally the IRA (PRONI CENT 1/5/5, 1976).

Despite its recognised counterproductive nature (Ministry of Defence, 2006: 2-8), it was not until 5th December 1975 that Northern Ireland Secretary Merlyn Rees announced the end of internment. However, by the time internment was ended, an alternative and less conspicuous policy for detaining and interrogating suspects was already in operation. UK Government Ministers had already considered the potential for intelligence to be gained through 'questioning conducted much more thoroughly' (Mason, n.d.). Edwards (2010: 311) notes how an undated letter from 1974-1975 from Mason to Rees stated:

there could be no going back on the previous Government's undertaking that there will be no further recourse to the particular techniques which were examined by the Compton and Parker Committees, nor any encouragement to the RUC to go outside

the law in their questioning. There may nevertheless be scope, acting entirely within the law, for questioning to be conducted much more thoroughly and hence more productively if the organisation and facilities are right –and if the will is there. (DEFE 13/838 Draft minute from Defence to Northern Ireland Office (n.d.)).

The development of the new interrogation system was incorporated within a broader revision of the system of law and order since 1972. In 1972, after Prime Minister Edward Heath had told the House of Commons that the five techniques were banned, Lord Diplock had headed a commission that proposed radical changes to the criminal justice system in Northern Ireland. Diplock supported internment as an interim measure, but recommended that trials related to terrorism verdicts were to be determined by judges and not juries and, crucially, that during interrogation information no longer had to be given voluntarily (Dickson, 2010: 56 & 205). The Diplock Commission (Diplock Report, 1972: para 72) recommendations were incorporated into the 1973 UK Emergency Provisions Act and, furthermore, the Prevention of Terrorism (Temporary Provisions) Act of 1974 gave the UK Home Secretary the power to detain a person ‘reasonably suspected’ of the acts of terrorism for 48 hours and then for a further five days interrogation (Dickson, 2009: 154). With UK statute law giving interrogators more flexibility, the Courts were to interpret their obligations under the ECHR regarding prohibition of torture and inhuman and degrading treatment quite narrowly. In May 1977, five defendants appeared before Lord Justice McGonigal at Belfast City Commission charged with terrorism offences. The Senior Justice distinguished between acts prohibited by Article 3 of the ECHR and a ‘certain roughness of treatment’, which he stated ‘may take the form of slaps or blows of the hand on the head or face’ (in Taylor, 1980: 72-4) and in *R v McCormick* [1977] NI 111 the judge allowed ‘a moderate degree of physical maltreatment to induce the making of a statement’ (Dickson, 2010: 155).

Moreover, the RUC interpreted the rules for ‘interrogation’ for intelligence procurement widely. Kenneth Newman, an officer who had joined the force under the aforementioned Superintendent Duff in Palestine, was selected to become RUC Chief Constable on 1st May 1976. A directive from Newman on 26th July 1976 stated that the ‘Judges Rules’ invalidating involuntary statements only applied to interviews when criminal charges were being

prepared and did not apply to interrogations *per se* (Taylor, 1980:39 & 68). These interpretations ostensibly conformed with judicial institutions of Northern Ireland, and ostensibly, with the European Convention of Human Rights, thereby providing policy with the credibility of being compliant with the minimum standards of the institutions of domestic and cosmopolitan law.

The political and legal fields, combined with the RUC, had worked together within the context of suspicion and distrust to create a sophisticated system of intelligence procurement. Kirksmith and Dingley (2009) argue that British counterterrorism was successful in neutralising the IRA because of that and the next UK Northern Ireland Secretary, Roy Mason, attributes the fall in deaths from terrorism in Northern Ireland from 295 in 1976, to 113 in 1979 to these policy measures (Mason, 1999: 226). However, further allegations of widespread ill treatment of detainees emerged in the news media, accusing plain clothed officers of the Royal Ulster Constabulary at interrogation centres in Omagh, Gough and Castlereagh. The pushing of boundaries in RUC interrogation centres was initially a less conspicuous human rights violation than internment or the employment of the five techniques. In that sense, it met British Government objectives to avoid domestic or international criticism and maintain ontological security as a nation that respected human rights and was therefore apparently adhering to a form of cosmopolitan morality and law.

4.7 Revelations of Ill-treatment of detainees by the RUC 1976-1979

The Secretary of State for Northern Ireland, Roy Mason (1999: 172) recognised the slow building of momentum supporting allegations, criticising a BBC *Tonight* programme as a catalyst and highlighting how '[s]tories about police 'brutality' were being circulated in just about every bar in Northern Ireland, and grew in the telling and retelling'. Like the interdiscursive repetition of allegations surrounding the five-techniques, at first allegations were dismissed as incredible. This time once credibility was established by authoritative sources, discourse related to their legitimacy was less prominent and a change in policy was required, particularly after high profile pressure from international sources.

As with claims concerning the five techniques, journalists with contacts with the local community offered a route for the dissemination of the story. Again the materialisation of a form of deliberative cosmopolitanism where voices of the Other were heard in UK news discourse was dependent on reporters visiting the local communities concerned. BBC journalist Keith Kyle was in Fermanagh, Northern Ireland, when a local councillor informed him of the complaint that led to the BBC *Tonight* programme investigating the methods. Peter Taylor was in Northern Ireland researching the UWC strike when he heard the allegations. Taylor then made a documentary for ITV's *This Week* entitled 'Inhuman and Degrading Treatment' in November 1977. A week after *This Week* was broadcast, Amnesty International announced they would be sending a mission to investigate allegations (Taylor, 1980: 220-224). The Amnesty International report (1978) presented 78 cases of alleged ill-treatment, including complaints from the Ulster Defence Association and 39 with medical evidence from local General Practitioners, thereby rebutting claims of Republican bias.

The story was given additional news value through the censorship of an ITV *This Week* programme focusing on the Amnesty Report. Thames Television planned a half-hour *This Week* programme focusing on the Amnesty Report for 8th June 1978 but the Independent Broadcasting Authority (IBA) eleven lay members met on 8th June and banned its broadcast (Curtis, 1998:62). That evening members of the ACTT (Association of Cinematograph Television and Allied Technicians) supported by the NUJ (National Union of Journalists) blacked the screen in protests at the censorship. *The Guardian* (9th June 1978) published an article entitled 'How Mason leaned on Thames Television'; James Isaacs, the Thames Programme Controller agreed for the BBC's *Nationwide* to show extracts of the programme the following night; and, *The Sunday Times* (11th June 1978) reported that the IBA was 'one of the biggest menaces to free communication now at work in this country'. In this case, the news media largely rallied in defending its own independence to report or broadcast criticisms of government.

With no official confirmation from the UK Government the allegations were still contested, but ultimately, two days after the publication of the Amnesty Report on 13th June 1978, critical momentum against the RUC and the Government led to the announcement of a further inquiry to be led by Judge Harry Bennett. Similar to the Parker Inquiry, the Bennett

Inquiry's remit was forward looking, concerning the future use of police procedures and practice' relating to interrogation, and the operation of complaints procedures (Bennett, 1979: para 1). *The Times* (14th June 1978) gave detailed focus to Amnesty's report and supported its call for an inquiry, but its editorial and *The Daily Telegraph* (14th June 1978) highlighted the propaganda value of an inquiry for the IRA, with an article entitled 'Inquiry on terror treatment will encourage IRA'. Elements of the news media were still highlighting the advantages of limiting government scrutiny, as proposed by terrorism scholars Paul Wilkinson (1977) and Grant Wardlaw (1982).

However, international political pressure added to domestic pressure for investigations into abuse of minimum human rights standards and violations of moral and legal cosmopolitan principles. Declassified documents from the United Kingdom Government's Northern Ireland Office reveal that senior politicians from the United States, specifically the Democrat Speaker of the House of Representatives, Thomas O'Neill, were lobbying the UK Government for information on the allegations, specifically on the Bennett Enquiry's progress (TNA CJ 4/2541, 1978). Keeping to his original remit, Bennett only made recommendations concerning future practice but by making 64 recommendations his implicit criticisms of the previous practice was clear. The Bennett Report gained additional authority through the testimonies that the official police doctors gave. Furthermore, the week before its publication, the secretary of the Association of Police Surgeons, Dr Robert Irwin was broadcast on London Weekend Television reporting that in the past three years he had seen 150-160 injuries on detainees that were not self-inflicted (Taylor, 1980: 319). The international pressure on the UK Government increased when Edward Kennedy and Daniel Moynihan, Leader of the House of Representatives Tip O'Neill, and Governor of New York Hugh Carey issued a statement declaring that: 'it appears that the British Government has violated the spirit of its recent pledge to the European Court of Human Rights', and US Congress embargoed 6,000 pistols ordered by the RUC. This ensured that the UK featured in the US Department of State's annual Country Reports on Human Rights Practices alongside South Africa and the Soviet Union. The political repercussions continued as Social Democratic Labour Party (SDLP) MP Gerry Fitt refused to vote for the Government in the Vote of Confidence on 28th March 1979 that would bring down the Labour Government by one vote (Taylor 1980: 329-336).

In the context of a reduction of fatalities caused by political violence there was support for the Government. However, as criticism from both communities in Northern Ireland combined with condemnation from activist groups, opposition politicians and the Government's own inquiry, political pressure on the UK Government grew. The UK Government's identity as a human rights-respecting institution had been challenged from within Northern Ireland and from key foreign governments. This discourse required a change in the security policy. In 1980, a new Chief Constable of the RUC and a new regime of CCTV cameras and solicitors access were introduced and eventually complaints fell (Cobain, 2012: Chapter 5).

Complaints related to treatment during interrogation would not reach the same levels again. However, this did not demonstrate a lack of interest in intelligence. Indeed, Ian Cobain's interviews with senior RUC officers revealed that MI5 had placed bugs in their interview rooms throughout the 1970s (Cobain, 2012: Chapter 5). However accurate the phrase 'primacy of policing' was, primacy of intelligence did not relent. By March 1980 high profile trials had begun involving supergrasses – where paid informants gave information to police and gave evidence to be used in court. In 1985 the Northern Ireland Secretary Douglas Hurd announced that the UK Government had spent just under £1 million paying for informers to testify (Pat-Coogan, 1995: 519).

4.8 Conclusion

The final section of this chapter makes concluding comments on counterterrorism, news discourse, cosmopolitanism and the relations between them. During decolonisation British counterterrorism and counterinsurgency policy had been developed with little scrutiny from the news media, activist or legal fields. The interrogation techniques that emerged violated basic human rights. The procurement of intelligence, including intelligence through interrogation, was central to UK counterterrorism policy throughout the 1970s and enhanced interrogation methods were systematically deployed over two periods. Reports from activist groups, investigative journalism and litigation ensured discourse developed in the news media that was followed by amendments to policy.

The deliberation in news discourse surrounding UK counterterrorism policy in Northern Ireland was highly contested. This chapter finds that the order of discourse determines which voices are couched as credible, legitimate and authoritative. Despite holding a high position in the order of discourse the Government could not comprehensively control the discourse. Explicit and implicit censorship in the Government and media fields surrounding allegations made by detainees did not prevent discourse developing interdiscursively through activist, then media and legal fields and eventually having a significant impact on Government policy. Argumentation was primarily focused on credibility of human rights allegations, but once this had been established through authoritative sources, the legitimacy of the policy was deliberated and in the cases above this was followed by policy amendments. News media discourse was clearly both shaped by and shaped discourses circulating in all fields. For example, *The Sunday Times* revelations concerning the five techniques were based on their sources in Northern Ireland in the legal-activist group the Association for Legal Justice, and the scoop would contribute to the decision to hold further governmental investigations that would lead to a change in policy.

Various forms of cosmopolitanism were evident, although the need to channel complaints through an authoritative source suggests deliberative cosmopolitanism was qualified. Nonetheless, it was not impossible even for an 'extremist' or perceived enemy of the British state to have their voice heard. There was a particular interest across all fields in torture and, despite sympathy for some coercive counterterrorism measures, there was support for the notion that minimum standards on the prohibition of torture should not be broken, particularly emanating from foreign states, such as the Republic of Ireland and the United States. Criticism of extreme forms of violence towards any victim showed signs of a moral cosmopolitanism. Although the news media and governmental field showed some willingness to support brutal measures, where an ethical stance was evident it was often related to national identity.

Promotion of Britain's cosmopolitan identity was most evident when framed in an international context through the genre of international law. When the ethical credentials of the British state were challenged, all domestic fields responded with discourses of national pride. Notions of British rationality and claims that policy minimised violence

underpinned much of the discourse, often through reference to the degrees of difference between the UK and other states – including similar Governments such as the Republic of Ireland, but also less democratic institutions such as the Soviet Union, South Africa, paramilitary organisations and even Nazi Germany. Pride was evident in the British system of government that effectively upheld the rule of law and was characteristically evoked by Lord Gardiner when he criticised the use of the five techniques.

Risk did play a part and the focus in the government and news media field was on future risk, ensuring they were hostile to retrospective legal claims. However, discussion of risk was distinctive in different fields. Where civil servants in the MOD and Cabinet Office showed concern for the imminent risk of attacks, this was not readily repeated in the news media. The news media concern was more focused on public order discourses. Actors adopted a fearful manner and, in the tabloid press, a sensationalist style. This exacerbated suspicion and distrust but not panic or urgency. There were some calls for more brutal measures, including capital punishment, but the suggestions in the news media were related to the need to be harsh, rather than fast. Newspapers and government made references to the threat from the Soviet Union and its allies, but again this was without obvious panic surrounding an imminent threat, rather to the broader context of risk in the Cold War managed by states. The ultimate risks to be avoided were related to breakdown in public order and possible civil war, rather than an imminent attack.

What does this analysis entail for relations between cosmopolitanism, news discourse and counterterrorism? The decontextualization of violence served to support the image in the UK news media of Britain as a rational nation that acts to minimise violence and maintain order. The notion that the rational British were dealing with an irrational 'Other' was repeatedly perpetuated by political discourse and this impacted on policy. However, international actors were key sources of cosmopolitan discourse, particularly with regard to universalistic minimums and human rights. The Republic of Ireland was influential in stimulating discussion on the use of enhanced interrogation techniques through its complaint to the Council of Europe, although in this case torture and inhuman and degrading treatment was the only counterterrorism measure the European Commission on Human Rights and European Court on Human Rights considered to be absolute.

A phlegmatic and moral perception of the national self, fits with the stoical and ethical traits of cosmopolitanism outlined in chapter three and an identity constituting a form of cosmopolitan nationalism. This identity and values of the British nation-state did not permit torture, particularly when the identity was challenged in an international context, and this compelled some amendments to policy. Reports of extreme violence sustained for a period of time and repeated through influential actors and institutions in the order of discourse created sufficient opposition to impact on Government policy. Where dehumanising techniques of sensory deprivation were used with little scrutiny during decolonisation, in Northern Ireland these were ultimately amended after two Government Enquiries and the launch of a complaint to the Council of Europe. When systematic mistreatment reoccurred another Enquiry was launched and following international criticism this policy was also amended.

Relations between news discourse, cosmopolitanism and counterterrorism policy during the 1970s followed the sequence outlined below. First, claims of abuse by the Government were reported. Secondly the credibility of allegations was denied. Thirdly, allegations were repeated by more authoritative sources, including activists, news media and foreign states until they were considered to be too credible to ignore. The allegations were described as brutality, torture or fundamental human rights violations, thereby implicitly referring to a cosmopolitan immorality and illegality between human beings. Fourthly, the Government called an inquiry or inquiries. The remit of the inquiry was likely to focus on the numbers and extremity of allegations, although depending on the extent of these it could be considered preferable to focus on the suitability of current procedures. When current procedures were considered issues of legitimacy of abusive techniques were contested. Sixthly, once allegations were established as credible and lacking legitimacy, often by a legal or quasi-legal body the Government was likely to amend policy. Even though the Government was not coerced into amending policy, not to do so would be incongruous with many of the statements made in all fields surrounding the rational non-violent aims of the Government.

This cycle was first evident from the uncovering of abuse in Aden in 1966 by Amnesty International and the Bowen Report and subsequent minimal change to policy. Second, the

process was also evident in the discourse surrounding the ‘five techniques’, the Parker and Compton Reports and subsequent ban by the Prime Minister Edward Heath. Third, the cycle was repeated again when policy on internment and detention without trial was discontinued in 1975 and the rules for detaining people on the basis of involuntary confessions were relaxed. In 1978 allegations led to the Amnesty Report, the Government’s Bennett Report and ultimately the overhaul of RUC interrogation procedures.



Figure 9: Political Communication-Counterterrorism Policy Cycle 1960-1980

Evidence of suspicion and mutual lack of understanding were prominent in the sociocultural context and in comments made by actors across all fields. This was exacerbated by complexity in the news discourse. However, the suspicion of the Other in the British news media was complemented by some recognition of actors’ political motivations and added to this was some awareness of the potential for policy to antagonise the Other and provoke

retaliation. Moves towards a counterterrorism policy centred on intelligence and secrecy can partly be explained by these factors. However, secrecy could also avoid accountability for rights violations until the secrets were revealed.

Ultimately, the UK Government did not ignore the legal institutions of the Council of Europe, the US and Irish Governments and local actors to Northern Ireland that channelled their complaints through the UK news media. To do so would have defied the national brand of cosmopolitanism and modes of engaging with the Other that were espoused as central to the legal and deliberative procedures of the UK and the legitimacy they provide.

Chapter 5: UK Government complicity in torture after 11th September 2001

5.1 Introduction

The UK government is alleged to have been involved in the abuse of detainees by various foreign governments after the attacks on the United States on 11th September 2001. Credible allegations have been made that British Government actions, and also their failure to act, amounted to complicity in torture and cruel, inhuman and degrading treatment (CIDT) in a number of countries including Morocco, Libya (Human Rights Watch, 2011), Egypt, Pakistan, Uzbekistan and the United States (Joint Committee on Human Rights, 2009). The UK Government has admitted assisting in the operation of the rendition, detention and interrogation program of the United States (Straw, 2006). Rendition was considered by the UK Government to be 'rendition to justice' where there may be an extra-legal transfer of individuals from the jurisdiction of one state to another, but the purpose of that transfer is to stand 'trial within an established and recognised legal and judicial system' (Intelligence and Security Committee, 2007:6), thereby allowing the Government to continue to deny complicity in torture or CIDT. In response to mounting allegations, on 6th July 2010, Prime Minister David Cameron announced the UK Government would establish an inquiry that would answer 'questions over the degree to which British officers were working with foreign security and intelligence agencies who were treating detainees in ways they should not have done' (Cameron, 2010). The 'Detainee Inquiry' was to commence on the completion of criminal and civil litigation related to allegations. However, following the discovery of documents by Human Rights Watch (2011) showing MI6 to have been instrumental in the rendition of Libyan dissidents, including Abdel Hakim Belhadj, back to the Gaddafi regime in 2004, the Metropolitan Police initiated further investigations and eventually the Detainee Inquiry was postponed indefinitely on 18th January 2012.

This chapter finds that the rejection of torture is widely considered to be integral to UK national identity and therefore ontological security. As in the discourse surrounding Northern Ireland where Lord Gardiner proclaimed that the UK was the 'greatest democracy in the world', again there was evidence of national pride in the nation's adherence to universal legal and moral norms. However, while the definition of torture has broadened, a concern surrounding urgent risk of an imminent terrorist attack compromised the absolute

nature of this rejection. While government engaged in increasingly transnational security practices that were likely to constitute complicity in torture, scrutinising institutions in all fields were slow to hold them to account. The foreign Other was presented as the actor responsible for violent actions, through terrorism or counterterrorism measures and once more the British could be presented as rationally pursuing security. Despite activist endeavours the news media was driven by news values and focused on concerns surrounding imminent threats. The case of Binyam Mohamed served as an exception where culpability for rights abuses held significant news value. This overcame doubts about providing victims of state violence with a voice in the UK news media. It is argued here that while the discourse exhibits a range of contradictory perspectives related to cosmopolitanism, the urgency of a perceived threat was ever present. This promoted a desire to return to more stable modes of thinking related to security and the nation. This ensured that a risk-based cosmopolitanism and a form of cosmopolitan nationalism were most prominent in the news discourse.

At first, I planned to analyse news media texts found on the 5 most popular UK based news websites (Alexa.com, 2010): www.bbc.co.uk; www.guardian.co.uk; www.telegraph.co.uk; www.thesun.co.uk; www.dailymail.co.uk. However, the content on the websites is sometimes reedited and I found some of their search engines to be unreliable. Therefore, I chose to study the newspaper media texts from the newspaper publications themselves and took the information from lexisnexis.com, as I did for chapters six and seven too. In the following paragraphs I again trace the intertextual repetitions (reoccurrence of aspects) of discourse on UK complicity in torture through legal, activist, academic, governmental and media fields, but focusing ultimately on the texts from the above outlets in the media fields.

I made a chronological list of events related to news media discourse on UK complicity in torture, focusing on 2010 in more detail, when the coverage was most intense (see Appendix 3). I identified 7th July 2010 as a cruce moment on which a broad range of relevant issues were addressed and contested in news media. This was because on 6th July 2010 Prime Minister David Cameron made his 'Treatment of Detainees' statement to the House of Commons announcing an Inquiry into the treatment of detainees in overseas counterterrorism operations, alongside a number of other measures. I performed a

systematic textual analysis of the news media output on 7th July 2010 (see Appendix 4). From this textual analysis noting intertextual references related to aspects of cosmopolitanism, and my research in fields other than the news media, I selected the following events as particularly relevant to the construction of cosmopolitan news media discourse on UK complicity in torture. All these events were considered to be significant to complicity in torture, risk, the order of news discourse and challenges to this order, possibly implicitly or even through their omission.

I start the analysis with a consideration of the House of Lords judgement in *A and Ors v The Secretary of State for the Home Department (No.2)* [2005] UKHL 71. The discourse surrounding it is particularly insightful with regard to approaches to the prohibition of torture and national legal identity and it is often cited in texts in other fields. Furthermore, a cruce moment is revealed concerning the use of information derived from torture. Secondly, I examine the obligations imputed to the term 'complicity'. This explores the expanding legal reach of the anti-torture norm in the context of transnational security and law. Thirdly, news values pertinent to complicity are assessed including those related to relevance, authoritative sources, comprehensibility and 'the new'. Fourthly, the exceptional challenges made to the order of discourse by the Binyam Mohamed case is addressed. Fifthly, I analyse the announcement of the Detainee Inquiry on 6th July 2010 and then finally I consider how concerns surrounding risk lead to a 'self-other' differentiation, noting the relationship between emotions, the nation and security.

5.2 Discourse on torture – maintaining identity while cultivating risk

This section considers how discourse on torture has been constructed in key fields in the 21st century, providing some opportunity for comparisons with the 1970s discourse on Northern Ireland. If and how an absolute universal rejection is promoted is investigated, with particular attention given to the impact of discourses of risk.

As in the 1970s, torture was widely viewed with abhorrence in the UK. This was reaffirmed in the UK legal field in the highest court, the House of Lords, in the landmark ruling of *A & Ors v. Secretary of State for the Home Department [2005]*. This ruling found that evidence derived from torture could not be used in a court of law and would become a respected

judgement cited across all fields in this study. In it Lord Nicholas of Birkenhead stated plainly: '[t]orture is not acceptable. This is a bedrock moral principle in this country' (Para.64), and the most senior judge, Lord Bingham, suggested that the rejection of torture holds such a status that it is a 'constitutional principle' (Paras 11-12). Here torture prompts a discourse on principles and morality that are considered so entwined within the juridical-political identity of the state, that the most senior law lord described them as 'constitutional'. As will also be seen again in chapter six, Lord Bingham highlights a genealogy of pride in the superiority of the English judicial system citing Sir William Holdsworth's (1945) writing on 17th century English law: 'Torture was not indeed practised so systematically in England as on the continent', noting 'the revolting brutality of the continental criminal procedure'. Furthermore, in *Binyam Mohamed vs The Secretary of State for the Foreign Office* [2010] EWCA Civ 65 the Lord Chief Justice of England and Wales makes references to chapter 39 of Magna Carta's rejection of 'torture' and 'torment'. Although Lord Bingham (op. cit) questioned the relevance of references to the Magna Carta related to torture, the citation of Magna Carta is likely to resonate as a well-known symbol of the nation's pioneering jurisprudence – and in a BBC poll (2006) was voted by the public to be the event that most represented Britishness.

The governmental sphere also widely produces anti-torture discourse and regularly refers to principles and values. For instance, in June 2009 the Foreign Secretary, David Miliband, stated in evidence to the Foreign Affairs Committee (Miliband, 2009: Ev53):

The Government has been absolutely clear that the UK stands firmly against torture...There is strong cross-party support for this. It is a fundamental principle guiding our approach and that of those who work to protect us. That is not just a question of our obligations under domestic and international law... It is also a question of our values as a nation.

Categorical rejection of acts of torture based on the moral and legal practices of the nation are also evident in the activist field, epitomised in UK civil liberties activist group Liberty's *No torture, no compromise* campaign (2012). Even media outlets with editorial lines supporting the security and intelligence agencies can be expected to consistently produce statements rejecting torture. For example, the *Daily Telegraph* on 7th July 2010, in their

editorial entitled ‘Will this Inquiry Help the War on Terror?’ calling for less public scrutiny of the security and intelligence agencies, still argued that ‘[t]orture is morally repugnant and unlawful’ and praised the UK Government for ensuring a detainee’s release from Guantanamo Bay. *The Guardian* (9th December 2005) editorial is devoted to the above House of Lords judgement and acknowledges national pride, with a headline: ‘Anti-terror laws: No torture, please, we’re British’ (in a reference to the film title *No sex please, we’re British*). In summary, it is clear that in addition to exhibiting an absolute rejection of torture against any human being across all the fields surveyed, this cosmopolitan moral and legal principle is widely purported to be constitutive of national heritage and identity.

Across the different fields the definition of what constituted torture and therefore what was prohibited had broadened. In *A & Ors v. Secretary of State for the Home Department [2005] UKHL 71*, where other law lords implied reappraisal could be necessary in light of techniques used at Guantanamo Bay naval base, Lord Hoffman (Para. 97) was most forthright in concluding that the five techniques used in 1971 would constitute torture and not solely inhuman or degrading treatment. Criticism of the five techniques was repeated in the news media indicating that expectations of minimum standards concerning the UK Government’s direct actions with regard to treatment of detainees have ostensibly risen. Indeed, on 9th December 2005 following the Lords judgement in a publication where *The Mail’s* editorial criticises how ‘what the CIA euphemistically calls ‘enhanced interrogation techniques’ include forcing prisoners to stand, shackled, in the same position for up to 40 hours’. Furthermore, whereas, in Northern Ireland in *R v McCormick [1977] NI 111* the judge allowed ‘a moderate degree of physical maltreatment to induce the making of a statement’ (Dickson, 2010: 155) and this had provided scope for substantial abuse, in 2005 Lord Bingham (Para 15) opined that confessions are excluded from a court of law.

The impact of risk discourses

However, there is less clarity concerning states’ responsibility as secondary parties to acts of torture across state boundaries. When actors from news media, governmental and legal fields consider the use of information derived from torture, slippage in the absolute nature of the prohibition of torture is evident. The use of information derived from torture was commonly deliberated by reference to a ‘ticking bomb hypothetical’. The ‘ticking bomb

hypothetical' is an established ethical dilemma that asks whether it is justified to torture a detainee who knows the location of a bomb that is set to explode imminently but who is unwilling to disclose this information. For instance, the editorial line of *The Daily Mail* in 2005 was consistently opposed to torture, and also largely opposes complicity in torture (see below). However, it argues:

There could, it must be said, be an argument for the use of torture. Who would argue if an impending attack that could kill thousands was prevented by information extracted under duress? (*The Daily Mail*, 9th December 2005)

The hypothetical on the ticking bomb and versions of it were evident across the texts surveyed, very often in clearly hypothetical form with less reference to concrete examples. Reference to such imagined scenarios was more common than in the 1970s where one comment regarding a hypothetical interrogation of a terrorist with knowledge of a bomb on a bus was found (*Daily Telegraph*, 19th January 1978).

This hypothetical was relevant for argumentation advocating strong interrogation techniques. Argumentation strategies utilise *topoi* - *topoi* being simply the justifications and questioning of truth claims and normative rightness (Wodak and Reisigl, 2009:110). In the discourse on torture it is noticeable that *topoi* are often based on hypotheticals and such hypotheticals appear to coincide with uncertainty and risk. This may also be because deliberation is restricted by on-going litigation where *sub judice* rules prevent discussion of issues under consideration in a court of law and national security concerns preventing the release of classified information. Characteristically the *Mail's* comments (above) alluding to the hypothetical did not relate to a story for which there were a significant number of empirical facts to base sound risk analysis on. Rather the idea that a disastrous future was becoming ever nearer, well documented in news media, was simply being remediated and effectively potentially premediated (Grusin, 2010).

This hypothesis challenged the consensus rejecting acts of torture. However, discourse emanating from different fields was mixed. In the governmental field, the Foreign Secretary, Jack Straw's submission to the Intelligence and Security Committee's published in

March 2005 (ISC, 2005: Para 34 cited verbatim here) commented on information gained from torture:

The moment at which it is put before you, you have to make an assessment about its credibility. Because, just in terms of the moral calculus, [what] if we had been told through liaison partners that September 11th was going to happen, with all the details [of how the information was obtained]. Now, torture is completely unacceptable and [we would] query whether that was the reason why we got the information ... but you cannot ignore it if the price of ignoring it is 3,000 people dead...

The Foreign Secretary makes a reference to the attacks on the United States on 11th September 2001 and the hypothetical scenario of being presented with information derived from torture that could prevent a repeat. First Straw stresses the urgency in the 'moment at which it is put before you'. Then he refers to a 'moral calculus'- a term that suggests complex ethical considerations that have potential to change exponentially – yet although his statement includes conditionals (if's), ultimately the ISC report focuses on a constructed dichotomy between torture and '3,000 people dead'. Furthermore, Straw's use of the vernacular 'Now' - prefixing his statement against torture – frames his comment as something obvious and commonsensical, as does his reference to a generic 'you'. However, the subsequent claim that intelligence possibly gained from torture cannot be ignored belies a contradiction at a fundamental level in the styles used in Straw's statement. Awan *et al.* (2011: 21) argue that a continuum between the everyday and the exceptional, or the normal and the extreme, is pervasive in the discourse on security. This allows a linkage between extreme threat and normal every day life to be made. Accustoming ourselves to such a continuum allows the norm prohibiting torture to be linked to an extreme threat with apparent ease and seamless logic.

In 2005 when the House of Lords in *A & Ors v The Secretary of State for the Home Department* unanimously ruled against the admissibility of evidence in court gained from torture, Lord Bingham also noted:

There is reason to regard it as duty of states, **save perhaps in limited and exceptional circumstances**, as where immediately necessary to protect a person from unlawful violence or property from destruction, to reject the fruits of torture inflicted in breach of international law. (Para. 34) [My emphasis]

Lord Bingham provides thin scope for the use of the ‘fruits of torture’. However, in effect Bingham’s account is recontextualised intra-textually by himself and lesser Law Lords, and this scope is expanded through the genre of the ‘ticking time bomb hypothetical’. Lord Bingham prohibits acting on intelligence ‘obtained by officially authorised British torture’ but maintains a respect for the governmental fields sovereignty and suggests through a hypothetical example that action can be taken on ‘foreign torture evidence... [i]f under such torture a man revealed the whereabouts of a bomb in the Houses of Parliament, the authorities could remove the bomb.’ Lord Nichols of Birkenhead (Para. 70) focused on the key aspect of the case (the use of evidence derived from torture in court) to defend the principle of a fair trial yet considered the use of ‘tainted information’ to be necessary due to an ‘often’ and ‘urgent need’. An urgent need for action is part of the ‘ticking bomb hypothetical’ and Lord Birkenhead states: ‘If the police were to learn of the whereabouts of a ticking bomb it would be ludicrous for them to disregard this information if it had been procured by torture’. Lord Brown of Eaton-Under-Heywood argued against the idea that ‘the ticking bomb must be allowed to tick on.’ He continued:

[g]enerally speaking it is accepted that the executive may make use of all information it acquires: both coerced statements and whatever fruits they are found to bear. Not merely, indeed, is the executive entitled to make use of this information; to my mind it is bound to do so.

Ticking time-bomb hypotheticals clearly challenged the comprehensive rejection of torture. One key characteristic of the hypotheticals represented here is an urgent, pressing need for action and the proximity of the potential future threat to now. The ‘ticking time’ element of the hypothetical is emphasised. The above quotes infer time pressure either through reference to a ‘ticking bomb’, an ‘impending attack’, or ‘urgent need’ and result in an urgent need for action - the Foreign Secretary stated that ‘the moment at which it is put before you, you have to make an assessment’. The traditional ticking time bomb hypothetical has

been recontextualised such that the material factor – the ‘bomb’ - has been deemphasised while alternatively ‘ticking time’ is emphasised.

Fairclough and Fairclough (2012: 103-4) propose that notions of future possible worlds can be termed ‘imaginaries’. These imaginaries are distinct from representations of the actual world. Rather they offer ‘future visions, capable of guiding action’. The term imaginary is considered more appropriate than ‘hypothetical’ to describe potential future situations in this counterterrorism discourse, because imaginary conveys a greater sense of the imminent possibility that the imaginary future could happen and is much more than an abstract hypothetical ethical question.

This section has shown that while the government and legal fields rejection of the practice of using information derived from torture was qualified, there were no empirical examples provided of exactly when it could and when it could not be used. This lack of clarity helped naturalise an apparently contradictory stance where pride and identity surrounding the rejection of torture simultaneously existed alongside the acceptance of the fruits of this practice. This contradiction where the legal and moral cosmopolitan norm is challenged is justified by the need to prevent the tragic imaginary and risk of a terrorist attack from becoming reality. This imaginary is based on a notion of threats that are deemed to be transnational in nature and a consideration of fields beyond the domestic field is therefore necessary. International law, however, prohibits complicity in torture and CIDT in security practices and it is to international law that this chapter now turns.

5.3 Transnational complicity and responsibility for the Other

Academics such as Anthony Giddens (1999) recognise the link between risk and responsibility, but suggest that the rise in complex manufactured risks in late modernity has blurred attribution of responsibility and led to a turn to litigation. Roger Silverstone (2007) calls for a recognition of a broader responsibility for the Other in the context of the complicated causal relations of the 21st century. This section further explores discourse concerning the substantive responsibility held by states for the condition of the Other as a tortured detainee, where the torturer is an agent of a foreign state and it focuses on legal, academic and governmental discourse surrounding complicity in torture. In addition to risk-

based cosmopolitanism, these factors are relevant to legal and moral cosmopolitanism. The following paragraphs focus on the legal field and reveal how international jurisprudence is only just beginning to take account of 'modern trends' in torture processes in terms of the transnational networks involved.

In the UK, torture is prohibited and criminalised in Section 134 of the UK Criminal Justice Act 1988. Therefore, 'aiding, abetting, counselling or procuring torture anywhere in the world or conspiring to do so' are consequently offences under British law (Liberty, 2010). As in the domestic field, international legal discourse on torture acknowledges the particular status of the prohibition of torture in international law. Torture is widely recognised to be a 'peremptory norm of general international law' and therefore as the Vienna Convention on the Law of Treaties (UN 1969: Article 53) states, it is 'a norm from which no derogation is permitted' (JCHR, 2009: 14). Domestic and international law therefore both categorically forbid acts of torture and, in line with accounts of cosmopolitan law and cosmopolitan ethics, minimum standards concerning the treatment of individuals are protected. However, the networked nature of counterterrorism and international 'market' of intelligence sharing has led to calls from legal commentators for a more expansive view of what would constitute complicity (International Commission of Jurists, 2009: 85). Even in 1998, in a judgement for the International Criminal Tribunal for the former Yugoslavia judgement, described as 'the leading international authority' by Professor Philippe Sands (JCHR, 2009: Ev64), the jurists stressed the network of actors involved in the modern 'torture process':

account must be taken of some modern trends in many States practicing torture: they tend to 'compartmentalise' and 'dilute' ... the torture process. Thus, one person orders that torture be carried out, another organises the whole process at the administrative level, another asks questions while the detainee is being tortured... another processes the results of interrogation known to be obtained under torture, and another procures the information gained as a result of the torture... International law, were it to fail to take account of these modern trends, would prove unable to cope with this despicable practice

(Prosecutor v Anto Furundzija, 1998, International Criminal Tribunal for Yugoslavia, Case no. 17-95-17/ I-T).

This ruling was promulgated in 1998 - before the United States had established an unprecedented network of secret prisons and rendition practices involving countries involving the UK and states in Europe, Africa, Asia and the Americas (UN Human Rights Council, 2009, 2010). Yet the call for international law 'to take account of these modern trends' has not produced a consensus on what constitutes complicity in torture and CIDT. The UN Convention Against Torture, ratified by the United Kingdom in 1988, is the principle codified piece of international law related to torture and does specifically prohibit 'complicity' but without defining it:

Each State Party shall ensure that all acts of torture are offences under its criminal law. The same shall apply to an attempt to commit torture and to an act by any person which constitutes **complicity** or participation in torture [my emphasis]

The UN Committee against Torture has interpreted 'complicity or participation' broadly to include incitement, instigation, superior orders or instructions, consent, acquiescence and concealment (JCHR, 2009: Ev63-4). This has a wider meaning than the 'aiding and abetting' referred to in Article 7(1) of the International Criminal Tribunal for Yugoslavia Statute. In 2009, the UK Parliament's Joint Committee of Human Rights (JCHR) took a similarly broad view of the meaning of complicity with regard to passive receipt of information. The JCHR found that if the UK has 'a general practice of passively receiving intelligence information which has or may have been obtained under torture, that practice is likely to be in breach of the UK's international law obligation' (JCHR 2009: 17-19).

Jamie Gaskarth, however, warned that the low threshold for complicity offered by the JCHR could jeopardise intelligence gathering practices (Gaskarth, 2011). Noting the number of states that practise torture/CIDT – including the United States and a number of countries from which threats to the UK originate, including Pakistan, Jordan, Yemen and Saudi Arabia – Gaskarth argues that by discontinuing the systematic sharing of intelligence with these countries 'the UK would be cutting itself off from the global effort to combat terrorism'. Gaskarth proposes that '[i]f the problem is repositioned as one of risk, we can take a more objective look at their behaviour.' By looking to risk assessments made at the time it can be determined whether it was reckless to pursue intelligence or, alternatively, reckless not to. Gaskarth suggests an assessment of the knowledge held by UK agents at the time, their level

of intent to support or acquiesce in torture or CIDT, and the contribution they made to the use of torture or CIDT should all be balanced by the degree of risk of that pursuing intelligence would alleviate (Gaskarth 2011:953-5). This approach is more appreciative of the complex and networked nature of state and non-state organisation of violence. In theory, by using risk as a technology for decision-making the potential for human rights violations could be minimised and a more cosmopolitan transnational approach to security could be maintained. However, I argue that the focus on risk does not necessarily constrain actors or mandate greater protection of human rights and in the following paragraphs this is evident in the discourse surrounding a key text concerning UK Government policy on complicity in torture.

Guidance to Intelligence Officers and Service Personnel on the Detention and Interviewing of Detainees Overseas

On 9th January 2002, UK Security Service personnel started interviewing detainees in Afghanistan at Bagram Air Base and one officer expressed concern about the treatment meted upon US detainees. Following the reporting of this concern, instructions were sent to all Secret Intelligence Service and Security Service officers regarding detainee treatment:

It appears from your description that they may not be being treated in accordance with the appropriate standards. Given that they are not within our custody or control the law does not require you to intervene to prevent this. That said, HMG's stated commitment to human rights makes it important that the Americans understand that we cannot be party to such ill treatment nor can we be seen to condone it... If circumstances allow you should consider drawing this to the attention of a suitably senior US official locally. (ISC, 2005)

On the basis of this guidance, personnel should not be 'party to' or 'be seen to condone' such ill treatment. Therefore, UK personnel could arguably continue to receive or even solicit information from tortured detainees whilst acting within the guidance. More guidance was issued in 2004, as yet unpublished, and in 2006 the intelligence agencies provided updated guidance. This 2006 guidance was eventually leaked in *The Guardian* on 4th August 2011 (see below). In July 2010 the Government issued updated guidance with

stipulations that 'serious risk' should be avoided. The Guidance stated that if it was not possible to mitigate the risk Ministers should be consulted before proceeding (see section 5.6). Risk formed a key part of Government policy and guidance for its functionaries, not only in the security services. In 2011 the UK Foreign and Commonwealth Office (FCO, 2011) published 'Overseas Security and Justice Assistance Human Rights Guidance' for all personnel.

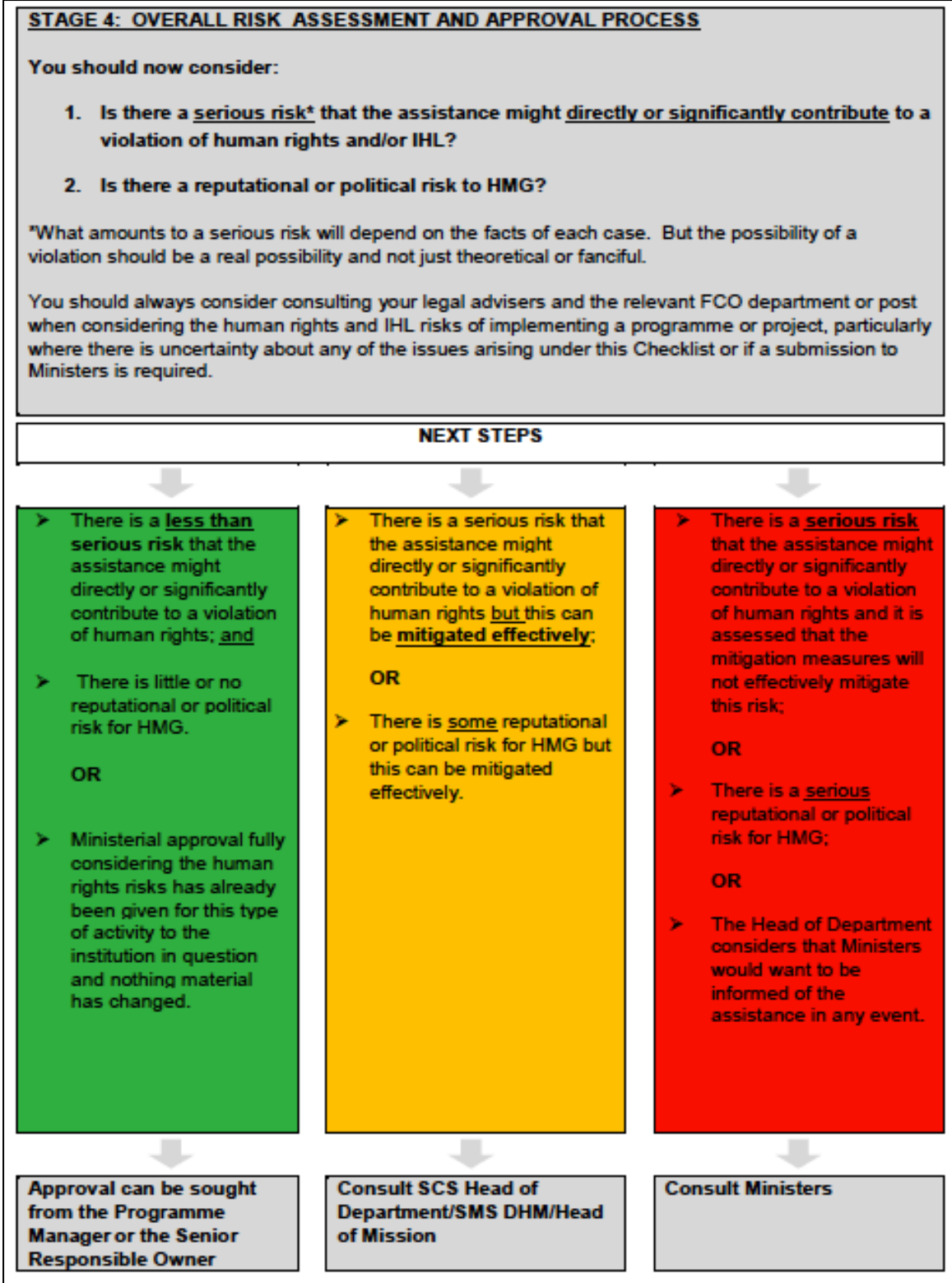


Figure 10: UK Government Generic Risk Assessment Guidelines (FCO, 2011).

This guidance has a clear traffic light colour coded risk assessment flow chart and approval process. With the instructions to consider 'reputational or political risk' it again demonstrates a concern with public image and how the UK Government is seen. This supports the argument that the construction of ontological security through the identification of the UK as a human rights respecting nation was central to policy making.

'Serious risk' was key to this generic guidance and it was the published guidance for intelligence officers from 2010 with its stipulation on 'serious risk' that was challenged in the UK courts. In *Equality and Human Rights Commission v Prime Minister & Ors* [2011], the High Court adjudicated on a challenge to the legality of the UK Government's guidance to intelligence officers relating to detainees issued in 2010. The Equality and Human Rights Commission (EHRC) argued that 'acquiescence' referred to in the UN Convention Against Torture meant that the threshold of a 'serious risk' of torture in the guidance was set too high. However, the High Court refused to be drawn on determining different categories of risk for intelligence officers' risk assessments. Where the EHRC submitted that a 'serious risk' and a 'real risk' are different in both law and in the context of the guidance, the Court disagreed. 'Serious risk' and 'real risk' were ruled to be overly subjective terms that could not be differentiated between outside of the legal field. The Court ruled that differentiation between forms of risk 'is a lawyer's or schoolman's point, not one which would carry through into the sense of this document on the ground' (Ibid: Para 62). Therefore there was no legal obligation to classify risk. As such the intertextual influence of the legal field was denied with regard to risk and in practice defining exactly what constitutes a 'serious risk' was left to individual personnel.

In contrast to demands for speed in other fields shown throughout this chapter, the Court accepted the Government's submission that 'the court should be slow to give guidance of this kind, especially in circumstances that are important to national security and at times highly controversial' (Ibid: Para 51). The UK High Court dismissed the argument that the special *jus cogens* status of torture norms was relevant to UK law. The Court found that issues of secondary responsibility were highly contested in international jurisprudence and, furthermore, accepted the Government's argument that domestic legislation on secondary responsibility already existed through the common law.

This section has demonstrated that the legal field has been slow to adapt to the practices of transnational security networks. In contrast, the governmental field has been faster in its pursuit of transnational counterterrorism measures. Although the concept of risk was readily adopted by Government actors - such as Jack Straw to justify acceptance of intelligence from dubious sources - it was not used by the legal field to restrict the security services. Therefore, the connections and cosmopolitanism promoted by risk were more related to harsh security measures than human rights violations. Technologies of risk incorporated within Government policy and the High Court case mentioned above (*Equality and Human Rights Commission v Prime Minister & Ors* [2011]) also provided an opportunity for the news media to scrutinise such policy surrounding complicity. However, when the case was launched, during the hearings and after the judgement was pronounced a total of seven articles appeared in the news media surveyed. While *The Guardian* reported the trial itself on their website, the three articles in *The Sun* and *The Times* focused almost exclusively on the more tangible element of the case that ruled that the practice of hooding was a form of CIDT. The issues surrounding guidance were complex and apparently held lesser news value – as the next section investigates.

5.4 News values: comprehensibility, authority, ‘newness’ and relevance

This section explores the impact of news values on news media coverage on counterterrorism. News values are defined afresh with insight from practitioners working in the mediation of issues in counterterrorism. The following news values are identified: newness, relevance, comprehensibility and authority. Following on from this, how news values have impacted on discourse on UK complicity in torture in significant situations is analysed.

Through semi-structured interviews with *The Guardian* legal correspondent Afua Hirsch, BBC Home Affairs correspondent Dominic Casciani, investigative journalist Ian Cobain and Head of Communications at the legal activist group Reprieve, Donald Campbell, each gave opinions on what makes an item newsworthy. There was consensus regarding the fundamental necessity for the item to be *new*: ‘the clue’s in the name’ said Campbell (2012) and Casciani (2013) stated ‘that’s the definition of *news*’. Furthermore, tied to this, was the idea that ‘something has actually got to have happened’ (Campbell, 2012) – a new event

needs to have taken place. Secondly, journalists spoke of the need for that item or event to be 'important' (Casciani, 2013), or to emanate from an 'important ... professional within the system' (Hirsch, 2012). As such a comment from an 'important' source can become a newsworthy event in itself. In a similar vein Campbell spoke of the importance of a 'kind of authority'. Thirdly, where Casciani suggested a news item should be 'interesting', Campbell (2012) highlighted the need to consider the 'relevance' for the audience or readers. Furthermore, Cobain (2012b) more reluctantly conceded that comprehensibility and clarity were important and Casciani outlined the need to think of the audience and how the item could be presented in the format provided. Discourses that promote enhanced interrogation techniques may also be neglected if they are overly complex and may be overlooked if they do not meet the criterion of clarity. For instance, on 10th December 2005 *The Guardian* reported how Dame Eliza Manningham-Buller, then head of MI5, said in a written submission to the House of Lords: 'Experience proves that detainee reporting can be accurate and may enable lives to be saved.' She referred to the 'ricin trial' and the Algerian supergrass in the case, Muhammad Meguerba. However, this argument - that success was achieved through cooperation with the Algerian Government - was not widely referred to in the texts surveyed perhaps because its success was limited and conclusions derived from it were mixed - the 'ricin trial' led to the acquittal of 8 of the 9 defendants. Such complex stories apparently hold lesser news value.

When describing news values practitioners above spoke of stories being new, important, relevant, comprehensible and interesting. These characteristics can not only be very subjective but also dependent on what has been reported before. Indeed, Hoskins and O'Loughlin (2010:65) employ Niklas Luhmann's (2000) concept of 'autopoiesis' to describe the organic development of the body of knowledge from which journalists draw on and add to. The theory of 'autopoiesis' outlines how the functioning of the media system creates a situation where journalists and communications professionals form opinions on what is news and what can or cannot be reported. Through professional routines a system develops whereby what are considered 'facts' or 'truth' can be constructed by this system. Campbell (2012) alluded to the organic development of news and the potential for activists to use this: 'If you get a good story into the paper, or onto the radio or whatever, there's a good chance, that someone else will pick up on it, so it will run and run.' These norms and

media logics are evident in the examples below, for example in the case of Binyam Mohamed (see section 5.5).

Authoritative sources on UK Complicity in Torture

Authoritative sources, however, from within the Governmental field have not been forthcoming in providing information on concrete events related to UK complicity in torture. The UK FCO stated: '[t]here is a limit to what can be said on specific cases for various reasons, including that some are the subject of ongoing legal proceedings' (FCO, 2010). In other cases classified information prevented disclosure (see chapter six). The parliamentary committee responsible for oversight of the intelligence services, the Intelligence and Security Committee (ISC), can view classified information given voluntarily by the security and intelligence agencies or when authorised by the Prime Minister (HM Government, 2013; Leigh, 2012). It is an authoritative source and when interviewed, Malcolm Rifkind (2013) the Chairman of the Committee emphasised this:

The ISC is clearly an important player when such issues are being debated. Many of our members have held positions that involve the handling of intelligence, whether as senior Government ministers, or as senior civil servants. Furthermore, the very fact of our independence gives us a certain credibility and therefore influence in the public debate.

However, on the question concerning 'whether intelligence, which may have been obtained by other countries through torture, or through cruel or inhumane treatment, should be rejected as a matter of principle', the Committee (ISC 2005:9-10) stated:

We do not attempt to answer these difficult questions, on which opinions are divided.

In the same report, the UK Foreign Secretary Jack Straw suggested to the Intelligence and Security Committee that the problem was unresolvable:

There are certainly circumstances where we may get intelligence from a liaison partner where we know, not least through our own Human Rights monitoring, that

their practices are well below the line. But you never get intelligence which says, 'here is intelligence and by the way we conducted this under torture'.

The oversight bodies operate using a discursive genre affected by controlled secrecy. The Intelligence and Security Committee is anathema to other parliamentary committees in its subordination to the executive. Even under the reforms made by recent stipulations in the Justice and Security Act, information given to the Intelligence and Security Committee (ISC) will continue to be controlled by Ministers and its reports still subject to the Prime Minister's veto (Liberty & Reprieve, 2012). Furthermore when interviewed by the author the Chair of the Committee, Malcolm Rifkind MP (2013) made clear that the ISC has not challenged this arrangement. In addition to this the Intelligence Services Commissioner reports primarily to the Prime Minister without disclosing confidential aspects of their reporting and the Investigatory Powers Tribunal's adjudications on the security services remain secret (Leigh, 2012: 728-30). Argumentation in public discourse therefore continues to be conducted in the abstract and the news media is deprived of news events. The Government pursues a policy of refusing to address allegations of UK complicity in torture, instead issuing a blanket denial that the Government and its agencies did not 'participate in, solicit, encourage or condone the use of torture or inhuman or degrading treatment' (Miliband and Johnson, 2009: 20).

The principle that cases under legal review cannot be discussed (*sub judice* rules), prevented disclosure and public deliberation in a number of cases - for instance, following the commencement of criminal investigations by UK police into the rendition of Libyan Military Leader Abdel Hakim Belhadj (Human Rights Watch, 2011). Even the Government's own Detainee Inquiry (see section 5.6 below) into treatment of British Detainees was suspended indefinitely in January 2012. Kenneth Clarke, the Justice Secretary, said this was because police investigations and *sub judice* rules were restricting the Inquiry (Clarke, 2012b) and the Inquiry's mandate was subsequently passed to the Intelligence and Security Committee (Clarke 2013). Therefore news stories on the issue of complicity in torture are less likely to be cultivated because the news media is bereft of references on which readers could be expected to build their understanding, or what van Dijk terms 'context models' (2009:68), particularly with regard to what constitutes 'complicity' in torture and which examples

would or would not fit that definition. Without knowledge of these it is difficult for anyone to form opinion about the legitimacy of actions in terms of international law, domestic law, or otherwise. As such journalists, lawyers, publics and even activists and government actors cannot read a text critically - or with contrapunctuality, as Silverstone (2007) advocated (see section 3.4). To compensate for gaps in understanding people may refer to pools of knowledge built up through popular culture and TV series like '24' or 'Spooks' where extreme scenarios and variations on the ticking-time bomb hypothetical are commonplace, as has been noted by other scholars (such as Hoskins & O'Loughlin, 2007).

5.5 The case of Binyam Mohamed – challenging the order of discourse

However, reliance on authoritative and important sources can partly explain why the Court of Appeal judgment on the Binyam Mohamed case had such an impressive impact on discourse on UK complicity in torture, and why it posed such a challenge to the order of discourse. Binyam Mohamed is an Egyptian born, UK resident who was arrested in 2002 in Karachi, Pakistan, and in 2008 faced charges with six offences under the US Military Commissions Act related to a dirty bomb plot that were later to be dropped. Mohamed argued that evidence against him was based on confessions made whilst suffering the effects of mistreatment in Pakistan, Morocco and the US Guantanamo Bay Naval Base. While Mohamed's allegations originally received less media coverage – even the High Court ruling in 2008 was only reported in 6 articles in the publications assessed – ultimately, after an intertextual journey through the hierarchical legal system of the UK, Mohamed's testimony would become authoritative through its recontextualisation.

Binyam Mohamed, as an Ethiopian accused terrorist suspect, is not ostensibly an authoritative source. Mohamed's testimony was at times framed with the doubt that surrounds many of the accusations against the alleged victims of torture and CIDT. While some of those alleging UK involvement in torture have been convicted of terrorism offences – for instance, regarding Rangzieb Ahmed and Salahuddin Amin, who planned to attack the Bluewater shopping centre in the UK - others including many of the detainees held in Guantanamo Bay Naval Base such as Binyam Mohamed or Moazam Begg have never been found guilty of any charge (JCHR, 2009: Ev43). Nonetheless, moral judgement surrounding the treatment of detainees is often qualified with statements speculating on both the

detainees' guilt and the credibility of their accusations concerning UK complicity. For instance, on 7th July 2010 the *Daily Mail* outlined Binyam Mohamed's account of his torture in Morocco and Pakistan but then considered whether '[p]erhaps Mohamed is lying through his teeth'. In this instance the credibility of the Other as a detainee is undermined by this suggestion of deceit.

However, the recontextualisation of Binyam Mohamed's testimony through progressively more powerful actors and fields in the order of discourse ensured it made an impact. Acting on behalf of Mohamed, the activist group Reprieve sued the British Government for not disclosing details of information it held concerning the treatment suffered by Mohamed, in which the UK was also involved. This representation appeared in four UK court hearings, a US court hearing and finally a Court of Appeal judgement that affirmed his critique of UK security and intelligence agencies. In August 2008, the High Court found that the UK security and intelligence agencies 'facilitated interviews' in Pakistan of Binyam Mohamed and the court ordered the UK Government to disclose information to Mohamed's lawyers concerning his treatment, but a consensus condemning the culpability of the Government was still lacking. On February 10th 2010, in *Foreign Secretary vs. Binyam Mohamed Court of Appeal (Civil Division) [2010] EWCA Civ 65* in the Court of Appeal it was ruled that the summary of the information that the UK had been given by the US regarding the treatment of Binyam Mohamed in US custody should be published in the public interest. The judges concluded it 'to be at the very least cruel, inhuman and degrading treatment by the United States authorities'. In the course of the judgement Lord Neuberger quoted the High Court's judgement on UK complicity in torture stating:

the relationship of the United Kingdom Government to the United States authorities in connection with BM [Binyam Mohamed] was far beyond that of a bystander or witness to the alleged wrongdoing.

Furthermore the judgement challenged the veracity of security and intelligence agencies' testimonies:

as the evidence showed, some security and intelligence agencies officials appear to have a dubious record relating to actual involvement, and frankness about any such

involvement, with the mistreatment of Mr Mohamed when he was held at the behest of US officials. I have in mind in particular witness B, but the evidence in this case suggests that it is likely that there were others.

Newspapers reported these judgments with 39 articles respectively on 10-11th February 2010. The Court of Appeal appears to hold a high position in the order of discourse and when it affirmed the allegations of Binyam Mohamed a concrete example of complicity in torture from a reputable source became available. Only the Court of Appeal has sufficient status in the order to discourse to challenge the Government. This again supports Lance Bennett's (1990) theory of media indexing whereby variations of elite consensus or disagreement are reflected in the news media.

Indeed, the amount of news media coverage generated by a Court of Appeal judgement contrasts with the amount of publicity given to other alleged victims of UK complicity in torture: for example, Reprieve's client Shakar Amar, who alleged that British agents were present in the room when he was subjected to torture in US custody in Kandahar. There has been a campaign orchestrated by the activist groups Cageprisoners and Amnesty International UK to lobby for his release and return to the United Kingdom (Cageprisoners, 26th July 2010). The campaign held a 'Day for Shakar Amar' but this was ignored in the press output surveyed and only reported on by the BBC news website (BBC News Website, 11th December 2010). BBC Home Affairs Correspondent Dominic Casciani (2013) explained why this issue had less news value:

We've done an awful lot on Shaker...[but]...some of the bitty stories where things might be happening, that court cases might be launched, we wouldn't do that stuff necessarily. This comes down to broadcasting priorities. We've got to focus on things which are actually happening.

Only when Binyam Mohamed's testimony was recontextualised through his lawyers at Reprieve and then through seven court judgements and ultimately the Court of Appeal in February 2010, with the Master of the Rolls adjudicating, did it hold a sufficiently high position within the order of discourse to be a large media event and make a large impact. In the days following the hearings on 10th and 26th February 2010, 66 articles appeared in the

news media covered (see Appendix 3, rows 3 and 4). Cosmopolitan deliberation inclusive of detainees' voices was therefore dependent on this recontextualisation.

The legal field as a route for challenging the Executive

The law is central to news media and activists' promotion of discourses surrounding counterterrorism related to human rights abuses. As Casciani suggested above, a specific case is required to make an item newsworthy though. Afua Hirsch (2012), the Former Legal Affairs correspondent for the *Guardian*, pointed to the importance of litigation for journalism on cases of injustice stating 'a new legal case was behind my reporting and commenting in the vast majority of cases.' The activist group Reprieve is also dependent on legal cases and this differentiates Reprieve from other human rights non-government organisations (NGOs).

The academic Claire Moon (2012) argues that the human rights organisations Amnesty International and Human Rights Watch see the documentation of human rights violations as one of their primary roles. Moon suggests that the assumption made is that *if people knew they would act* and Amnesty and Human Rights Watch report decontextualised 'facts' about violence in the belief that this will lead to action. The NGO Reprieve also acts as a channel for the voice of the victims of human rights violations, but Reprieve is slightly different. My ethnographic research found employees at Reprieve focused not on being 'worthy', but being 'active'. Reprieve (2010) describes itself as a 'legal action charity' for whom litigation, in conjunction with education and investigation, forms a significantly large part of their strategy. Indeed Reprieve employees stressed the mutually reinforcing nature of these three communicative genres (Black 2012; Campbell, 2012; Wells, 2012). By putting information about rights violations into a legal context, news can be created: the fact that allegations are sufficiently substantiated as to warrant legal action can be news in itself (Campbell, 2012).

For example, Reprieve assists in the representation of the Libyan Military Leader Abdel Hakim Belhadj. When Belhadj issued a claim against the Former Foreign Secretary the story featured in 11 articles on the 19th April 2012 (see *The Guardian*, 'Jack Straw Faces Legal Action Over Libya Rendition Claims'). But, more than merely informing, a court case is a

form of deliberation and this goes beyond the apolitical presentation of facts that Moon (2012) suggests Amnesty International and Human Rights Watch provide in their reports. A legal focus provides the discourse with an agonistic element that can be fruitful for deliberation. Furthermore, the Head of Communications and policy officer responsible for the Justice and Security Bill at Reprieve, Donald Campbell (2012), stressed how litigation gives Reprieve exclusive and 'specific knowledge of a case'. In the context of discourse where information is restricted, this gives Reprieve the opportunity to add to the pool of scarce public knowledge on rights abuse. The Binyam Mohamed judgment in the Court of Appeal had a clear impact on the UK discourse, apparently influencing the decision to announce an inquiry on 6th July 2010 - of the 34 articles analysed on 7th July 2010, I counted 19 references to Binyam Mohamed.

5.6 The announcement of the Detainee Inquiry on 6th July 2010

The governmental field led much of the news media coverage on allegations of UK complicity in torture on 7th July 2010 and provided the news media with much of 'news value' to report. On 6th July 2010, David Cameron, the UK Prime Minister, announced: (i) an Inquiry into the treatment of detainees in overseas counterterrorism operations; (ii) the mediated settlement with those making civil claims against the Government for their involvement in their mistreatment in detention; (iii) a Green Paper outlining how problems regarding the publication of sensitive intelligence will be managed in all future judicial proceedings; and (iv) the release by the Cabinet Office (2010) of new 'Consolidated Guidance for Intelligence Officers and Service Personnel on the Detention and Interviewing of Detainees Overseas, and on the Passing and Receipt of Intelligence Relating to Detainees' – not a title that the news media could succinctly repeat.

Furthermore, the Government would have been aware that their announcements would be reported by the newspapers on the anniversary of the attacks on London on 7th July 2005 and would have known that it would be difficult to scrutinise such a large amount of news on one day's news cycle. Government archives reveal similar strategies in the 1970s. When news of the Compton Report was about to break in November 1971 the Government promoted stories about violence and deaths caused by terrorist groups by providing

interviews, press releases and videos (TNA PREM 15/485). The anniversary of an attack promotes such stories without any necessary promotion.

The Prime Minister's discursive output was widely reported on 6th and 7th July 2010. Yet, he appeared to encourage a minimal scrutiny of his own discourse, largely through his rhetorical skill and style that brushed over contentious discourses in a consensual approach. He diverted attention from substantial policy with sound bites like 'paralysed by paperwork'. This style of light analysis with a focus on the 'new' and easily comprehensible was intertextually repeated in the news media field.

The immediate deliberation surrounding David Cameron's announcement of the Detainee Inquiry followed Cameron's lead. Despite not being a full judicial inquiry, David Cameron's announcement of the 'judge led' inquiry into the treatment of detainees was initially widely welcomed in the news media. On 7th July 2010, comments in support of the establishment of an inquiry were made by activist group Liberty writing in the usually right-wing tabloid newspaper *The Sun*. Also, on 7th July 2010, *The Times* and *BBC Websites* pages reporting the Inquiry did not have any criticism of its remit, outside of secrecy issues; and *The Sun* had no criticism at all.

In order to assess the improper treatment of detainees held by other countries during previous governments, questioning foreign governments and former ministers would be an important action for an Inquiry, but this was not within the Inquiry's remit announced on 6th July 2010. On 7th July 2010, *The Guardian* does refer to the Inquiry's inability to call foreign officials to give evidence in two articles, but the *Daily Mail's* article '*Britain's Dirty Torture Secrets to be laid bare*', is the only other paper to refer to this weakness. The lack of scrutiny of foreign government policy and news media analysis of this demonstrated a fundamental methodological nationalism. This was criticised more on later dates when there was less focus on the Prime Minister's statement. Andrew Tyrie MP, Chair of the All Party Parliamentary Group on Rendition stated in 2011:

Sir Peter Gibson has stated that he will not be asking the US or other foreign organisations for information on rendition. Without this information, his examination of other aspects of rendition is likely to be incomplete. The plain and

highly regrettable fact is that the UK Government is not in possession of all the facts on its own involvement in rendition. This is what Government departments have confirmed to me. (Quoted in Cobain and Norton-Taylor, 2011)

Investigator on extraordinary rendition for the activist legal charity Reprieve, Crofton Black, stressed the networked nature of the torture process and the need to consider transnational relationships between security services:

At the end of the day, it is necessary to conceive of this operation as a network, because none of these parts can function without the whole - *nothing* can function without the whole. So having security officials signing off on things with or without the knowledge of the head of government, it's a part of the network. Having flights that can refuel in the Azores, the Portuguese archipelago in the middle of the Atlantic, that's a part of the network, Shannon in Ireland, is part of the network. Now I don't really care which is the most culpable part of the network and which is the least culpable part of the network, it's just to me a matter of showing how all the parts interact (Black, 2012).

However, revealing the transnational interactions involved is difficult if the government, legal and news media fields are methodologically focused on a national frame. Transnationalism adds a complexity that does not fit the nation-state based frameworks of understanding and authoritative sources involved in the creation of news. In this sense the methodological nationalism that Beck (2006) identified is highly prominent in news discourse, but this form of nationalism clearly restricts the facilitation of a deliberated cosmopolitanism as key voices and pieces of information are excluded.

In addition to a focus on official UK sources the news media also focused on the 'new' and the Government used this focus to divert attention from allegations about past policy allowing complicity in torture. On 6th July 2010 the Government published new consolidated guidance (Cabinet Office, 2010). When asked why he hadn't published the report containing the previous guidance of 2004 or 2006, the Prime Minister, David Cameron, replied 'because that would be slightly misleading. It is a report into guidance that no longer exists. That is the right approach.' (Cameron, 2010) Cameron's evasive

defence for not publicising the past guidance is not widely challenged by the news media outside of *The Guardian* (7th July 2010). Indeed the guidance is crucial to establishing whether complicity in torture took place and who sanctioned it. The lack of scrutiny of Government failure to publish past guidance may be because the Government led the news agenda for that day, and with the new information about the new guidance dominating stories, the failure to publish the old guidance was not focused on. While the BBC Website (6th July 2010, 'Q & A UK torture inquiry') did also note how the previous guidance had not been published (with a quote from the NGO Reprieve), all other news outlets surveyed focused on the new guidance. However, these minor variations in coverage did not appear to stimulate a significant pool of knowledge and interest surrounding UK Government overseas interrogation policy. The organic development of news value surrounding a discourse apparently requires more than scattered references to build momentum and interest in a story. Later coverage of stories on guidance demonstrated this – including the 2011 EHRC Court Case (mentioned above), but also *The Guardian* leak of the 2006 guidance.

On 4th August 2011 the *Guardian* newspaper and website reported the release of guidance given in 2006 on 'Agency policy on liaison with overseas security and intelligence services in relation to detainees who may be subject to mistreatment'. Other press did not report this.

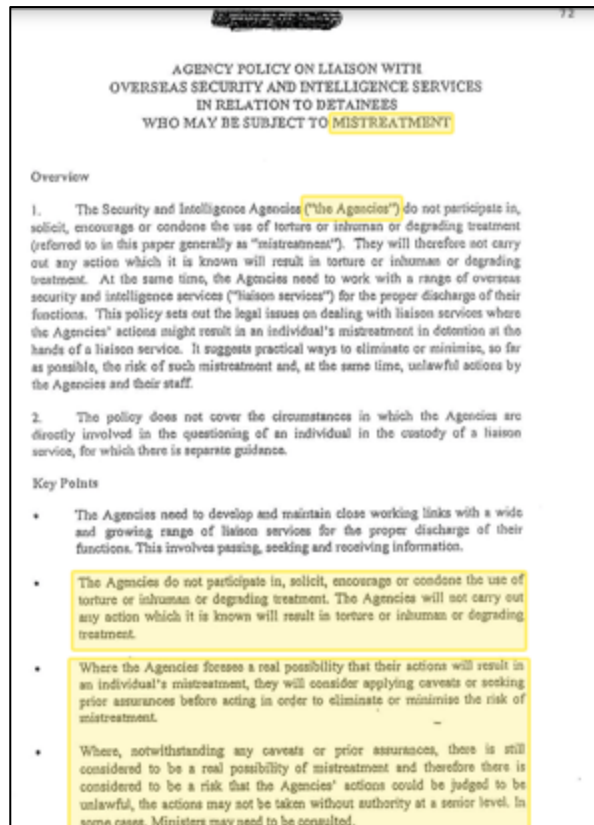
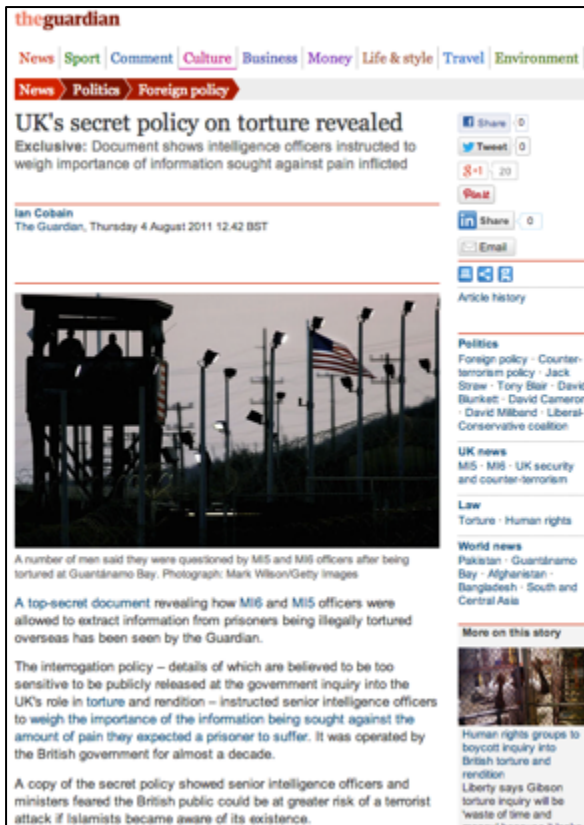


Figure 11: 'Interrogation policy', *The Guardian* and *Guardian Website*, 4th August 2011

The documents themselves were placed on *The Guardian* website. The *Guardian's* explanatory notes to the guidance revealed that political cover should be obtained for any potentially criminal act through the consultation of Government ministers. It states that where there is:

...considered to be a risk that the agencies could be judged to be unlawful, the actions may not be taken without authority at a senior level. In some cases, Ministers may need to be consulted.

This key document, suggesting that Ministers 'may need to be consulted' was not reported in other news publications surveyed and Ian Cobain explains how he filed the story in June 2011 and the *Guardian* did not publish it until August 2011.

The phone hacking scandal was ongoing and all that the *Guardian* could think about was hacking, hacking, hacking. And the fact that I had found and laid my hands on the secret torture policy – the policy that was resulting in British citizens being

tortured – was just, people just didn't want to think about it, they didn't want to look at it because it had nothing to do with phone hacking.

With phone hacking dominating the news, the story was finally published on the same day that the activist groups (Liberty, Reprieve, Cageprisoners and others) pulled out of the Gibson Inquiry. Cobain contemplated how the amalgamation of his scoop with a piece about activist groups withdrawing from the forthcoming Gibson Inquiry was sufficient to make his story newsworthy:

[E]ventually somebody looked at it and realised that these people were pulling out and said 'Oh, we'll run Cobain's story, that's the peg on which we'll hang Cobain's story on the secret torture policy off'.

The need to 'peg' the story on another news story to make it newsworthy further demonstrated the self-referentiality of news discourse in constructing its own news values and the difficulty in promoting news with regard to past policy. News values concerning 'newness', clarity and comprehensibility and the focus on UK Government sources, combined with a governmental style focused on quick soundbites and action, facilitated a focus on the future and, in the context of counterterrorism, on the urgency of risk. This ensured a Government instigated inquiry and its developments were news, but here the details surrounding past policy was not. Therefore, details concerning past policy posed less threat or risk to the Government reputation. As the next section underlines, the urgent risk that was focused on was that of an impending attack.

5.7 Risk discourses surrounding an imminent attack

Anthony Giddens (1999: 3) defined a risk society as 'a society increasingly preoccupied with the future (and also with safety), which generates the notion of risk' and Ulrich Beck (1999:3) defined risk as 'the modern approach to foresee and control the future consequences of human action'. Society's preoccupation with future risk may also have assisted government attempts to minimise the focus on accountability for past policy. In *Times of Terror*, Lee Jarvis (2009) highlights how after the attacks in the US on 11th September 2001, violations of international law were legitimised morally through a

construction of the idea that the new era was a period of time best described temporally as 'radical discontinuity'. The US Government defined the time period as exceptional and Jarvis suggests this was how they justified abnormal policies with regard to human rights. Further, Jarvis argues that the representations of time allowed discursive mechanisms to claim structural coherence – the global war on terror could therefore be depicted as a coherent response after the events of 11th September 2001. In the discourse assessed here a focus on the immediacy of future risk demands that concerns about past violations of law are given secondary importance to the problems of the present and imminent future. If there is a calculus of risk to consider, human rights violations could be subjugated to address the risk of a terrorist attack. Concern over imminent threat leads to attempts to secure the future for us now. Anxiety for the future and our future selves is prioritised over the past and any past Other that may have suffered abuses and crimes.

For instance, when he announced the Detainee Inquiry David Cameron told the House of Commons (6th July 2010):

As we meet in the relative safety of this House today, let us not forget this: as we speak, al-Qaeda operatives in Yemen are meeting in secret to plot attacks against us; terrorists are preparing to attack our forces in Afghanistan; the Real IRA is planning its next strike against security forces in Northern Ireland; and rogue regimes are still trying to acquire nuclear weapons.

The all-encompassing immediacy of his style describes the terrorists' action in the present continuous as 'meeting in secret', 'preparing to attack', 'planning its next strike' and 'trying to acquire nuclear weapons'. Cameron pays tribute to the security and intelligence agencies who also are described through the mode of the present continuous:

At the same time, men and women, young and old, all of them loyal and dedicated, are getting ready to work again around the world. They will be meeting sources, translating documents, listening in on conversations, replaying CCTV footage, installing cameras, following terrorists-all to keep us safe from these threats.

The security services at 'the same time' are 'getting ready', 'meeting', 'listening', 'replaying', and 'following'. In addition, Cameron builds on this urgency by referring to an 'us' grouping who should be kept in a permanent state of safety. By emphasising the importance of actions taking place at that moment in the present, the government discourse implies that the government is securing the future. This speech, however, was also complemented by occasional selective references to a shared past, thereby creating a discourse conducive to the construction of a shared identity (Wodak, 2009) and echoing Lee Jarvis's (2009:15) study of US counterterrorism rhetoric. *The Times* appeared aware of such strategy and published a satirical piece that observed the unifying power of the temporal constructions of the Prime Minister's speech. The article was headlined: 'For Dave, it's all our yesterdays.' Observing Cameron's references to enigma code breakers who worked for the UK during the Second World War and Yemeni terrorists who threaten the UK now, the piece conveyed the potential for group identification by portraying a shared past, present and future. This is an example of a 'strategic narrative' as outlined by Miskimmon *et al.* (2013: 5). Strategic narratives are 'representations of a sequence of events and identities, a communicative tool through which political actors—usually elites—attempt to give determined meaning to past, present, and future in order to achieve political objectives'. According to The Prime Minister, the British nation has collectively faced security threats before, continues to face them now, and is likely to face more in the future. By maintaining vigilance and adopting sophisticated pre-emptive measures these threats to the nation have been averted in the past and will be again. Miskimmon *et al.* (2013:3) note that strategic narratives articulate end goals and the means to get there. Here Cameron's strategic narrative suggests the means to the end goal of security is through vigilance and pre-emptive action.

Although Cameron makes some reference to the past to justify pre-emptive measures, the predominant temporal focus towards the present and future has repeatedly been stressed by other examples of government rhetoric, duly reported in the media (*The Guardian*, 16th November 2011; BBC Website, 16th November 2011). William Hague (FCO, 2011b) the Foreign Secretary announced in a speech entitled 'Securing our Future' that he was committed to 'drawing a line' under allegations of UK complicity in torture to improve public diplomacy. The focus on 'our' future suggests the promotion of a community based on security and emphasises the deprioritisation of the past.

Uncertainty surrounding the future can exaggerate the need to search for stability and one source of stability can be found in the discursive construction of a secure nation, in the past, present and, most importantly, the future. The UK security and intelligence agencies can therefore be integral to a representation of stability and Cameron's statement to the House of Commons (Cameron, 6th July 2010) accordingly emphasises the quality of the UK security and intelligence services. Cameron stresses the importance of their good reputation. This is repeated in much of the Press coverage and explicitly so in *The Daily Mail* the following day.

MailOnline **Daily Mail COMMENT**

Home News U.S. Sport TV&Showbiz Femail Health Science Money **RightMinds** Coffee Break Travel Columnists

RightMinds Home | News Board | Sport Boards | Showbiz Boards | Femail Boards | Health Boards | Money Boards | Polls | Columnists Login

The torture inquiry is a chance to restore our nation's good name
By DAILY MAIL COMMENT
Last updated at 8:05 AM on 8th July 2010

Comments (29) Share Tweet Like

This was a day of shame for our country. For it was the day the Prime Minister put beyond doubt the dark secret that Labour ministers fought so long and hard to hide: that agents of the British state may have been complicit in torture.

True, David Cameron stopped short of an outright admission of our Intelligence services' guilt.

But how else will the world interpret his offer of out-of-court mediation – with compensation 'where appropriate' – to the terrorist suspects who are suing the Government?

Let it be said loud and clear that the Mail carries no torch for the former detainees who have complained about their alleged treatment.

Indeed, we have little doubt that many or most of them are fanatical enemies of our country – and we're sickened by the thought that, once again, law-abiding taxpayers could be forced to pay compensation to those who wish us nothing but unspeakable harm.

Nor can it be stated too emphatically that this paper has the highest admiration for the men and women of our security and intelligence services, who daily risk their own lives to protect ours (and against whom there are no allegations of direct involvement in torture).

On this fifth anniversary of the London bombings, of all days, we should remember how vital their work is – and how much we owe them for their success, so far, in foiling similar plots.

But with equal clarity, it must be spelt out that torture is the very antithesis of the values that define us as a civilised people.

The Mail warmly applauds David Cameron's decision to call a Judge-led Inquiry

NEWS YOU'RE TALKING ABOUT

- TV will screen pro-abortion adverts as private clinics get go-ahead for media promotion Advertising watchdogs will trigger a storm of controversy
- Number of immigrants on benefits revealed Employment Minister Chris Grayling said statistics demonstrated 'chaos' under Labour
- Chris Huhne speeding case evidence WILL be handed to police Sunday Times drops High Court challenge

Figure 12: Op-ed published by *The Daily Mail* newspaper and website, 7th July 2010

In an op-ed entitled 'The torture inquiry is a chance to restore our nation's good name', (7th July 2010) *The Daily Mail* makes clear its dislike of the former British Guantanamo detainees and has 'little doubt that many or most of them are fanatical enemies of our country and we're sickened'. This unsubstantiated assertion is nonetheless followed by criticism of torture: 'torture is the very antithesis of the values that define us as a civilised people.' The

Daily Mail's implication being that for 'them' this is not so. This is an example of cosmopolitan nationalism, where the belief in the cosmopolitan qualities of one nation, here concerning cosmopolitan law and morals related to torture leads to a more nationalist mindset. Cameron's statement emphasising how UK agents have not been directly involved in committing torture or CIDT is reported, but the *Mail* does not comment in any detail on agents' actions that lead to torture through their complicity.

On 7th July 2010, *The Sun* quotes Cameron's Commons statement that 'we owe our security and intelligence agencies an enormous debt of gratitude' – 'our' referring to the in-group of the British nation-state. The *Daily Telegraph* also repeats Cameron's worry about restricting the security and intelligence agencies from their good work. Cameron's soundbite 'paralysed by paperwork' is directly quoted by *The Sun* and twice by the *Daily Telegraph*. This is another example of reductionist sound bites being repeated across the fields. Here the sound bite and articles from *The Sun* and *Daily Telegraph* assume that effective counterterrorism is best achieved without auditing against violations of cosmopolitan law. Nationalist sentiment and gratitude to the Security and intelligence agencies encourages pride, rather than mistrust and auditing of potential human rights violations.

The *Daily Telegraph* highlights the success of UK intelligence agencies since the attacks in London on 7th July 2005, on '7/7'. '7/7', like '9/11' is a soundbite that represents a date, denoting a break from the past – the pre-7/7 times, before attacks from al-Qaeda had taken place on the British mainland. The anniversary of the atrocity of 7/7 is reported in the newspapers on the same day as the announcements of 6th July 2010. *The Sun* mentions compensation to terrorism suspects, in the context of other articles in the same publication detailing lack of compensation for victims of terrorism, for example '7/7's face of hope; HEALING OF THE WOMAN BEHIND THE MASK'. Such reporting contributes further to Othering and building 'us' solidarities (as UK taxpayers and potential victims of terrorism) against 'them' (detainees and potential terrorists). As Berezin (2002) suggested emotions of anger, enmity and fear are prominent in the face of threat, this is combined with indignation for terrorism suspects contrasted with pity for victims of the attack. The pride, confidence, calm and positive emotions towards the security and intelligence agencies are those that Berezin suggested are prompted in relation to security. From these emotions, more tribal

sentiments of favour and envy concerning compensation, and shame concerning the Government's actions are promoted. As such, the news media uses '7/7' to represent the start of an era of ever improving security since the attacks of that date, to promote an emotive basis for a communal grouping. This affective evaluation and construction of 'in' and 'out' groups, contributed to a focus on the unquestioning national loyalty towards UK institutions, as opposed to a cosmopolitanism inclusive of universal human rights.

This section has shown that in the security domain risk imaginaries and the perceived urgency of threat demand a focus on the future. Furthermore, the level of uncertainty this provides is conducive to discourses of risk or security based communities, particularly surrounding the nation. These are exacerbated through reference to previous attacks, as well as the future, but also highlighting the urgency now.

5.8 Conclusion

As with the conclusion to chapter four, here I will draw together the implications of my analysis for my questions concerning counterterrorism, news discourse, cosmopolitanism and the relations between them. With regard to counterterrorism, transnational security networks have become integral to counterterrorism practice. While jurists have attempted to broaden the definition of complicity for the purposes of international law to include acquiescence and more subtle and passive forms of involvement in the torture process, the UK courts and Government have firmly rejected external imposition, even alongside the common law. Furthermore, moral and legal discourse surrounding complicity is complex. As such, the notion of risk has widely been used as an analytical tool to assess appropriateness of operational decisions. Yet, attempts to distinguish between different categories of risk were not defined in the legal, governmental, news media or activist fields, promoting more uncertainty.

Ethnographic research suggested notions of newness, relevance, comprehensibility and authority influenced news media professionals decision making. However, UK Government actors' comments on counterterrorism were vague, preventing the development of news discourse. This way of being, or 'style' in Fairclough's terms, was one of uncertainty. In

contrast, David Cameron's announcement of the detainee inquiry on 6th July 2010 showed that the Government was more certain in its promotion of national security.

While the governmental field appears to command an influential position in the order of discourse, this order was not static and a variety of factors allowed other discourses to prevail at times. For example, the Binyam Mohamed Court of Appeal judgement ruling against the government suggests the legislature and subsequently the judiciary is a field that can produce discourse that challenges the executive. The investigation into the intertextual journey that the discourse of Binyam Mohamed's testimony took shows how text can become more powerful in its recontextualisations. The deeply engrained respect for the law in all fields and the imperative to affirm this publicly ensured that once this judgment was established in the judicial field the illegality of previous government policy was regularly referred to in the UK news media.

Were discussions on counterterrorism characterised by cosmopolitanism in this period?

Throughout the coverage on UK Complicity in Torture the discourse repeatedly reinforced ideas of foreign states violating human rights – as they were apparently the primary instigators of the abuse. Anti-torture norms formed a clear part of national identity, particularly in the legal field and the definition of torture had widened to include what was previously considered inhuman or degrading treatment. Nonetheless, there was slippage in this principle regarding the use of information derived from torture when they considered discourses of risk. Consensus over responsibility to the Other was limited with regard to complicity in transnational networks or as a secondary actor – here there was no heritage to refer to, no Magna Carta – the default position was one of methodological nationalism that restricted consideration of practices of foreign governments and foreign victims and promoted a focus on 'us'.

Alexa Robertson's (2010) focus on banal practices in the constitution of a cultural cosmopolitanism prompts analysis of repeated references to UK rejection of torture and judgements in the face of a new calculus of risk. Risk discourses can be related to a violent attack by a terrorist or non-state actor or to violations of law by the state. All these discourses promote a positive representation of Self (the UK) and negative representation

of the Other (foreign states, or alternatively terrorist suspects). Furthermore, these risks have become accepted as ever present and assumed by many key actors, as was suggested by Jack Straw's use of the vernacular when discussing risk assessments and the moral hazards of violating human rights norms.

This chapter found a notion of Britishness was evident that encompassed cosmopolitanism through an assumed concern for the Other. As cosmopolitan values and ethical codes were significantly linked to Britishness, these cosmopolitan attributes could contribute to the construction of identity and ontological security of individuals related to the British nation (Croft, 2012). Yet this identity was challenged by the comments made by the Court of Appeal criticising government actors and their close involvement in ill-treatment of detainees. However in the discourse surrounding complicity, pride in the UK was partially restored as representations repeatedly inferred that the UK acts to protect human rights norms and cosmopolitan law, but is restricted by actions of foreign actors. This corresponds with the tendency for national identity and ontological security to be constructed through differentiation with the Other (as noted by Wodak *et al.*, 2009; Hansen, 2006; and Croft, 2012).

Moreover, the very ability to make criticisms that are levelled at the Government by British activists and media are a further demonstration of the superiority of 'our' adversarial system. The willingness to establish an inquiry epitomised this. Such discourse regarding our superior rational modes of governance lends itself to cosmopolitan nationalism. In addition, the victims of these violations, who were also portrayed as potential terrorists in the news media, were British, or British residents, but were often of different ethnicity to the majority of the British public, thereby allowing Othering again, and again a cultural sense of strength and superiority.

Where does this leave relations between cosmopolitanism, counterterrorism and news discourse?

There is potential for the discourse on counterterrorism to reinforce cosmopolitan nationalism and this leads to self-belief bordering on arrogance, or just a focus on the 'self' that limits perspective taking and solidarities with the 'other'. Gaps in knowledge and

unexplained complexities will inevitably be filled by reference to established, and possibly more reductionist or inaccurate discourses and narratives. This is likely to continue unless a more open approach to the Other, and the transnational networks and practices everyone is involved in, is taken by all the fields that contribute to news media discourse in the UK. Until then established discourses related to methodological nationalism are likely to be fallen back on and, where cosmopolitan values related to minimum standards and human rights are prominent, a form of cosmopolitanism nationalism based on risk emerges.

A more open approach to the Other with more self-reflexivity would help the voice of the Other to contribute to deliberation of cosmopolitan issues. This is addressed in the next chapter on the Justice and Security Bill and its importance to deliberated cosmopolitanism. Nonetheless, this chapter has demonstrated how legal discourse can pose a threat to the political and media order of discourse. The Binyam Mohamed litigation was one example, although others were evident. The case of *Al Rawi & Ors v Security Service & Ors* [2010] EWCA Civ 482 where former Guantanamo Bay detainees suing the UK Government for complicity was settled out of court stimulated a significant news media coverage and the nation's cosmopolitan reputation had been strongly challenged. Therefore, the following chapter focuses on strategic governmental attempts to amend the procedures by which legal discourse was heard and as such attempted to control the order of discourse by modifying the genre of security discourse. In this chapter, production and operation of the order of discourses can be visualised with the diagram on the following page:

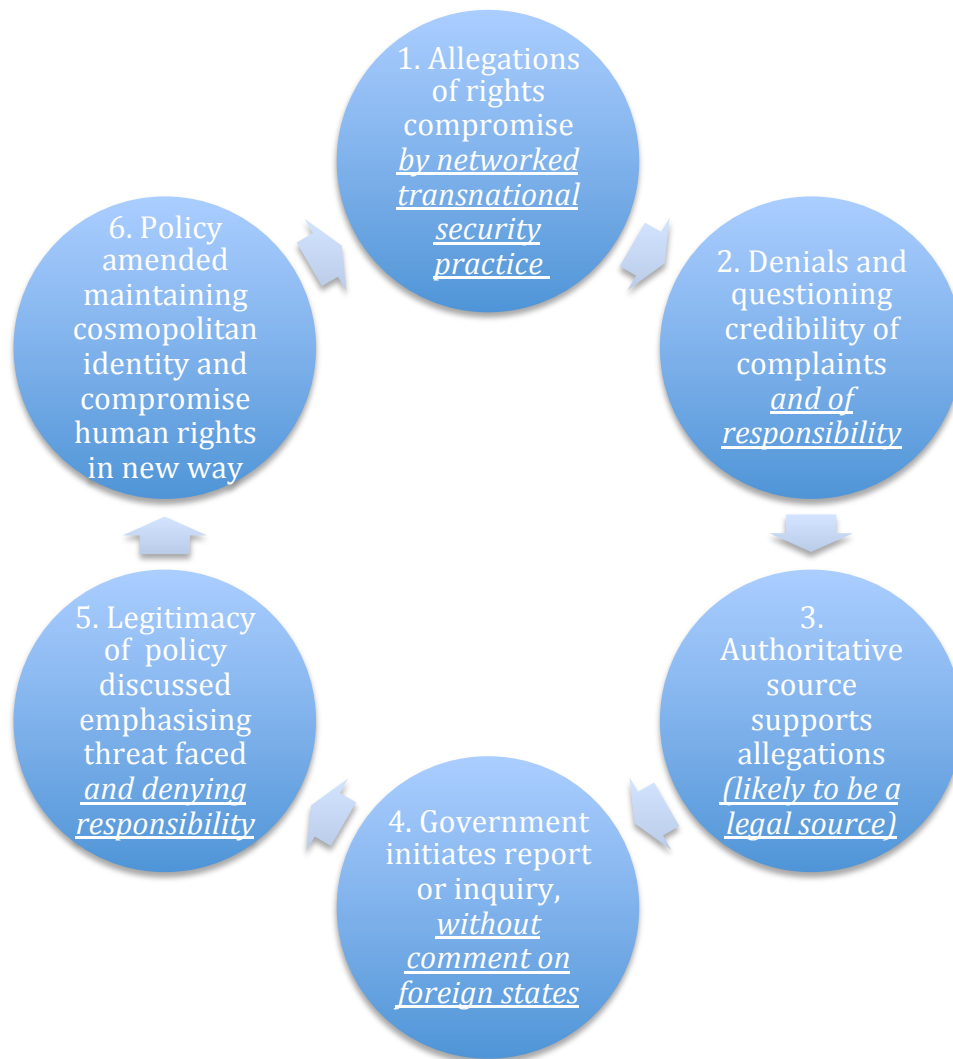


Figure 13: Political Communication-Counterterrorism Policy Cycle 2001-2010

The political communication-policy nexus is even more complex in contemporary cases than in the 1970s and a greater element of uncertainty is constant. Key foreign state actors in 21st century cases, such as the United States Government and the Pakistani Government have been working with UK Government security agencies and are accused of complicity in the human rights abuses. In turn, the UK Government could argue that UK security services and secret intelligence services had not been directly involved in human rights abuse. This networked and transnational structure of counterterrorism practice has complicated the political communication-policy model and made assessment of impact on policy actually concerning treatment of detainees harder to determine. Nonetheless, in this case study, there was evidence of modifications to operational policy on counterterrorism following a similar circular process to that in Northern Ireland. After an initial discrediting of the

credibility of claims surrounding UK complicity in torture and denials of responsibility, the authoritative judgement in the Binyam Mohamed case in the Court of Appeal in February 2010 supported claims and further amendments were made to policy. The pressure to maintain a national identity and ontological security persisted in the socio-cultural context of the discourse practice. This was sufficient to ensure that progress through the steps of the political communication-policy cycle depicted above were followed and ultimately prompted policy changes. New guidelines for UK Government agents in dealing with intelligence procurement from liaison partners were issued in July 2010. Scrutiny of these guidelines was limited due to the prioritisation of the need to minimise perceived risk of a future terrorist attack over risk of human rights violations. The complexity and opacity surrounding the use of risk as a technology of government has made it more difficult both for the news media to report on or for the legal field to assess. Without specific guidance from the legal field on the definition of risk there is broad scope for how actors use the transnational networks of counterterrorism practice to interpret risk. In the context of uncertainty, the most uncertain factors concern the potential acts of the Other, whose aims and objectives are less understood. In scenarios where risks are incalculable, emotive imaginaries of imminent attack are more likely to be referred to when making routine risk assessments, as the comments from the authoritative sources Jack Straw MP and LJ Bingham demonstrated.

Indeed, the most conspicuous policy change following the Binyam Mohamed and Al Rawi court hearings has been policy surrounding the *communication* of counterterrorism emanating from litigation. The Government acted strategically to prevent challenges to policy being made through the civil courts. As chapter six demonstrates, the UK Government legislated to enact this amendment and the following chapter examines the passage of the Justice and Security Bill that made these amendments statute law.

Chapter 6: The UK Justice and Security Bill 2012-2013

The battle to shape the genre of security discourse

6.1 Introduction

On the 25th April 2013, the Justice and Security Bill became law. While the Bill was progressing through parliament, David Anderson QC (2012), the UK Parliament's Independent Reviewer of Terrorism Legislation, effused:

Every provision of every one of our laws is routinely tested to destruction - and that says a lot to me about the very vigorous legal culture we have in this country as well as the journalistic culture and the NGOs.

In fact, the Act that was finally passed contained provisions that sections of the UK press, the activist sector, and legal commentators had been critical of since the publication of the Government Green Paper and consultation began in October 2011.

Principally, the Justice and Security Bill provided for the use of Closed Material Proceedings in civil cases concerning issues of national security. Previously in cases involving sensitive information, judges determined whether individual pieces of evidence should be removed from the trial. In the proposed Closed Material Proceedings, or CMPs, access to the evidence and reasoning would be limited to the judge and security cleared 'special advocates'. The Green Paper (HM Government 2011: para. 1.17) outlined how the 'drivers for change' were the increased recourse to judicial review and the large number of civil claims being made against the UK intelligence agencies. In addition to the high profile case of Binyam Mohamed discussed in the previous chapter, since 2001 there had been 14 such hearings in the House of Lords and Supreme Court. Perhaps most significant, was the case of *Al Rawi & Ors v Security Service & Ors*, where former Guantanamo Bay detainees had issued a claim against the UK Security Services for complicity in their torture and the UK Government argued that the volume of sensitive information necessitated a Closed Material Proceeding. However, the court found that a CMP could not be used without further legislation.

Furthermore, in 2010, in the case of *R (Binyam Mohamed) v Secretary of State for Foreign and Commonwealth Affairs* [2010] the Court of Appeal had also ruled that a court could, in theory, order the disclosure of information that the UK Government had been passed by a foreign state. However, under the Justice and Security Bill, court orders for disclosure of information by parties 'mixed up' in 'wrong doing' in cases involving sensitive information would be invalid if they breached the 'control principle' - whereby the intelligence agency that passes on information controls its divulgence.

In cases concerning claims of UK Government violations of human rights or humanitarian law that are deemed to involve information sensitive to national security, the Justice and Security Act will affect which evidence is made available, even to parties to the case. The Act will impact on *how* cases are deliberated. Deliberation will not only be affected within the law courts, but in media, activist and governmental fields - where the discourse emerging from litigation is also significant. The potential for the legal field to act as a channel for the recontextualisation of detainees' testimony will be restricted, as will the agonistic deliberation that litigation brings to the discourse. In the debate surrounding the Bill, to use Norman Fairclough's terms (2003: 68), the discursive 'genre' for law on security issues was at stake.

It is argued here that manipulation of the legislative process allowed government to wield significant control over the discourse. However, governmental control was not comprehensive and use of the concept of cosmopolitanism as an analytical tool helps explain why compromise of justice in this regard was challenged with varying degrees of success. Discourse surrounding the Bill involved legal complexities, tied up with sentiments towards tradition, values and national identity - but all set in the context of transnational risk. This chapter demonstrates that communication strategies were more likely to be effective when argumentation prompts consideration of the potential effect of actions on the Self or the Self's communal grouping - 'us' as opposed to 'them' - be it through references to 'our' nation or national identity, or even a form of cosmopolitan community that 'we' or 'our' governments were part of against terrorism (Beck, 2006). It was largely therefore a risk-based cosmopolitanism that influenced argumentation and decision making on the Bill. Fears surrounding the threat of an imminent attack led to a heightened concern

for the maintenance of secrecy between international government and security personnel. These concerns justified the compromise of *open* justice. Moreover, while all individuals' rights to a hearing in the civil courts were outwardly maintained through CMPs, in fact, CMPs are likely to impact on the fairness of the trial too. Therefore, minimum standards of rights for the autonomous individual were only superficially maintained. Nonetheless, the consequent framing of CMPs as a means of maintaining justice while minimising risk, sat comfortably with the British cosmopolitan identity that demands an ostensible respect for universal human rights and the autonomous individual.

Adaptions to methodology and outline of chapter

Critical discourse analysts Martin Reisigl and Ruth Wodak (2009) maintain that argumentation is integral to political discourse analysis. As the discourse surrounding the Justice and Security Bill was very keenly focused on the passage of the legislation through parliament, I developed my predetermined methodology to make further use of argumentation analysis. Norman Fairclough and Isabella Fairclough (2012:1) propose that specifically *practical argumentation* or *means-end argumentation* (arguing for and against particular ways of acting) is the fundamental characteristic of political discourse. Investigation of a corpus of 182 news texts (Appendix 5) and interviews with activists (Campbell 2012) demonstrated a focus on key decision makers that could realize action – parliamentarians – thereby supporting Fairclough and Faircloughs' thesis. Whilst the broader sociocultural context is still acknowledged here, the analysis is also informed by an awareness of the importance of such means-end argumentation towards the voting in parliament. Again analysis is not limited to arguments that are enunciated in whole in individual texts, but also encompasses arguments formed in the discourse over time, for example through campaigns or through argumentation structures that develop as the supporting topoi are repeated across texts.

The chapter starts with three sections considering the underlying representations, principles and arguments pertaining to the Bill. First, I note the reverence emanating from the judicial field for the principles of open and natural justice (defined below) and their intertextual repetition through texts in other fields. Secondly, I assess the key arguments employed concerning the impact of the Bill on natural justice, using Fairclough and Faircloughs' (2012)

schema of argumentation to facilitate their deconstruction. Thirdly, the concept of securitisation is applied to examine how the compromise of judicial principles occurs, particularly the compromise of open justice. Fourthly, attention switches to the out-of-court settlement in the *Al Rawi & Ors vs Security Service & Ors* case where notions of community were prominent. This provides further insight into the cruce moment surrounding the inclusion of inquests or any issue related to the 'public interest' in the Bill which were campaigned on successfully. Fifthly, the focus is on the news discourse and contextual fields explicitly surrounding the passage of the Bill through parliament with a consideration of the development of a consensus. Finally, conclusions are drawn on the consequences for cosmopolitanism and I give a pessimistic prognosis on the future for deliberated cosmopolitanism and other forms of cosmopolitanism that depend on this deliberation.

6.2 Open justice and natural justice

Withholding evidence from a court of law threatens the possibility of just hearings of cosmopolitan rights claims, and in the first instance prompts questions about the importance of open justice and natural justice. This section shows how adherence to the principles of open and natural justice is integral to British legal practice and national ontological security is derived from this. These principles require definition. There are three immediately apparent prerequisites for open justice: (i) that judges give reasons for their decisions; (ii) that court hearings are held in public; and, (iii) that the media are free to report on court proceedings (HM Government, 2011: 5). Natural justice is sometimes dubbed 'fairness' and concerns the right of parties to a case to be heard and to hear the opposing party's case (*audi alterem partem*) and also for parties to cross-examine opposing witnesses. The two principles are interrelated, but as later sections demonstrate, their disaggregation in the discourse was key to justifying their compromise.

The suppression of the voice of the Other in the judicial process clearly limits their capacity to contribute to deliberation in legal hearings and to hold Governments to account for violations of human rights norms, as the previous chapter demonstrated. Therefore, open and natural justice are integral to a cosmopolitan mode of deliberation. However, in the legal field references to the importance of natural or open justice are not explicitly framed as cosmopolitan, but as an imperative of a common law judicial system in the UK. For

example, in the UK Supreme Court Lord Dyson (*Al Rawi & Ors vs Security Service & Ors* [2011] UKSC 35: para. 11) stated: 'The open justice principle is not a mere procedural rule. It is a fundamental common law principle'. On natural justice, as with legal discourse on historical torture norms, the continental Other and indeed the pre-modern Other are viewed disparagingly. In *R v Davis* [2008] UKHL 36, Lord Bingham, then the most senior Law Lord, described how in the 19th century Jeremy Bentham regarded the cross-examination of witnesses as 'the indefeasible right of each party' and how Bentham 'criticised inquisitorial procedures practised on the continent of Europe, where evidence was received under a 'veil of secrecy' and the door was left 'wide open to mendacity, falsehood, and partiality.'" Indeed, Lord Neuberger (in *Al Rawi & Ors v Security Service & Ors* (2010: Para 15)), cited Lord Bingham's (op cit: para 5) observation that natural justice 'having been abrogated during the 16th century by the Court of the Star Chamber, had been effectively established during the 17th century'.

Historically, comments noting the superiority of the British system of common law and the value of the rule of this law are conspicuous amongst senior jurists. However, crucially, judges respected the system of parliamentary sovereignty and passed the decision to parliament on when exception to these key principles - a state of exception (see Giorgio Agamben (2005) and Carl Schmitt (1922)) - could be granted. In July 2011, in *Al Rawi & Ors vs Security Service & Ors*, the Supreme Court ruled that extending closed material procedures would result in such radical departures from fundamental common law principles that further statutory legislation from the UK parliament would be needed.

Recognition of the long-standing indigenous national norms of open and natural justice was also evident in the news media. Richard Norton-Taylor reporting for the *Guardian* (19th November 2009) emphasised the break from tradition in an article headlined: 'MI5, MI6 and the police will be able to withhold evidence from defendants and their lawyers in civil cases for the first time'; and, James Slack in the *Daily Mail* (19th November 2009) suggested an uncharacteristic move by the nation: 'despite these Kafkaesque restrictions never being permitted in a civil court before...BRITAIN took another lurch towards 'secret' justice yesterday'. The activist group Reprieve (2012b) argued 'plans for secret courts will ride roughshod over centuries-old British rights to justice'. The language used stresses the break

from civil and rational traditions threatened by the Bill. Reprieve's use of the metaphor 'riding roughshod' implies an inappropriate beastlike style and the *Mail's* use of the verb 'lurch' suggests a sudden move away from tradition.

The abrogation of natural and open justice through Closed Material Procedures (CMPs) was communicated through the sound bites 'secret justice' and 'secret courts'. These epithets have been widely used in the news media (as in the *Daily Mail's* 'No to Secret Courts Campaign' for example, on 29th February 2012) and in the activist (Reprieve, 2012a) and parliamentary fields (David Davis MP, 2012b); and also on Twitter with '#secretcourts' much more commonly used than 'Justice and Security' (see analysis below). The term 'Kafkaesque' also figured in the texts across the fields (see Joint Committee of Human Rights (2009); Reprieve (2012a) or the *Daily Mail* (Ibid)) and provided those critical of the Bill with a sound bite that invokes images of oppressive and secretive bureaucracy. These epithets emphasise an approach across the media and activist fields that is opposed to the Bill and supportive of open and natural justice. Across the discourse, focus was on national systems. Although no discussion was found in the news media, there was some dispute about whether closed material procedures (CMPs) were compatible with Article 6 of the European Convention on Human Rights on the right to a fair trial. The Government argued that CMPs were compatible, but the quasi-governmental non-departmental public body, the Equality and Human Rights Commission argued that they were not (Equality and Human Rights Commission, 2012). Parliament's Joint Committee on Human Rights (JCHR 2012b: para 16) suggested the matter was immaterial as 'European Convention law should be approached through our law rather than around our law', thereby confirming the supremacy of UK law.

Therefore, while the subordination of common law and national principles to parliamentary sovereignty was not questioned, subordination to supranational bodies in the form of the European Convention on Human Rights was. The institutions referred to, in the support of principles that could protect cosmopolitan rights, were therefore largely national ones. This chapter will show the impact of such discourse on the Bill. Carl Schmitt (1922) proclaimed only the sovereign can decide where exceptions to legal principles can be made. Where the House of Lords deferred this decision to the UK parliament, the rest of this chapter will explore how parliamentary decision-making took place and how sovereign parliament was

in this case. This chapter now moves to a consideration of how argumentation on the issue was structured.

6.3 Argumentation on the Justice and Security Bill

Discourse surrounding security develops in a context of secrecy. The classified nature of intelligence and the *sub judice* rules limiting discussion of evidence currently being considered by the courts can make claims harder to support or, conversely, challenge. Furthermore, it is clear that there is an asymmetric spread of information. The following two sections, demonstrate how argumentation developed on the Bill.

The UK Government (HM Government 2011: 12) claimed that the purpose of the Justice and Security legislation was to ‘better equip our courts to pass judgement in cases involving sensitive information’ – ostensibly an aim to improve natural justice. The Justice and Security Bill (HM Government, 2012) proposed that Closed Material Procedures (CMPs) replace the current system of Public Interest Immunity (PII). The Government and security services argued for the extension of CMPs on the basis that the exclusion of evidence under the PII system restricts the ability of the court to reach a fair judgment. Under the PII system, PII certificates are issued by a judge to exclude individual pieces of evidence from the trial. In making this decision the judge considers the various public interest issues at play (for example, regarding justice in this case, national security, international relations or crime) in disclosing, or alternatively withholding, pieces of evidence from the trial. Under the proposed CMPs, where evidence is deemed sensitive to ‘national security’ it is heard in closed session. During closed sessions one party and their lawyers do not see the closed material - the closed material is seen by the judge and Special Advocates. The Special Advocates represent the interests of the excluded party, but do not have a duty to the ‘client’, instead only to the court. Special Advocates usually take instructions from the ‘client’ before they have seen the closed material but not after (House of Commons Research Paper, 2012).

On 29th May 2012, the Justice Secretary Kenneth Clarke told BBC Radio 4’s *Today Programme*: ‘You either have the judge hearing the evidence in closed material proceedings or what happens at the moment is this evidence is never given at all’ (Clarke, 2012c).

Likewise, the former head of MI5, Eliza Manningham-Buller, argued that if CMPs are not made available then there may be 'no justice at all' (*The Times* 14th November 2012). However, in the Supreme Court, Lord Kerr in *Al Rawi & Ors v The Security Service & Ors* (2011) critiqued the assumption implicit in their argument:

The central fallacy of the argument, however, lies in the unspoken assumption that, because the judge sees everything, he is bound to be in a better position to reach a fair result. That assumption is misplaced. To be truly valuable, evidence must be capable of withstanding challenge. I go further. Evidence which has been insulated from challenge may positively mislead.

Therefore, whether CMPs are beneficial or detrimental to justice is contested in statements made by differing authoritative sources.

Arguments from authority

Fairclough and Fairclough (2012:123-4) highlight the use of arguments originating from authority. But what constitutes authority and qualifies a position as more authoritative – or, a source as being in a more acceptable or justifiable position to comment - is disputable. As long ago as 1956 Hannah Arendt suggested that the modern world was bereft of any 'authentic and indisputable' authority. Indeed, while Fairclough and Faircloughs' examples of 'authoritative argument' are from established public bodies with recognized (albeit fallible) expertise such as the IMF or Confederation of British Industry; in the context of secrecy and uncertainty in security and rights discourse, claims to authoritative opinions are often based on exclusive access to information and knowledge – as the Special Advocates could in their views on CMPs (see below). It is notable that many of those who make arguments on security matters claim to hold a privileged position in having had personal access to more information than others. Yet simply by having access to more information does not necessarily ensure that people become better informed. In the House of Lords debate, former Director of Public Prosecutions, Lord MacDonald (2012: 1899) stated:

I have spent many years in criminal courts watching evidence that at first sight seemed persuasive, truthful and accurate disintegrating under cross-examination conducted upon the instructions of one of the parties.

Media practitioners are aware of this. In an interview Head of Communications at the activist group Reprieve, Donald Campbell (2012) said that Reprieve's exclusive insights came through its investigators and legal representation of clients: 'It gives you access to knowledge that maybe no one else has access to, or to information, which obviously helps in media terms.' Campbell was wary of claiming 'authority' though, continuing: 'It gives you perceptions of some sort of, not authority, that isn't quite the right word, but you have a kind of standing'. However, Campbell gave insight into how persuasive argument could be constructed in an environment where authenticity was questioned. He stressed the value of what he termed 'your unexpected allies or your kind of 'establishment figures'' to activist campaigns. He pointed to the strength of criticism that comes from those with experience operating the system themselves, such as guards at Guantanamo Bay Naval Base, or the former UK Director of Public Prosecutions (above): 'Those are your ideal figures for presenting because they've got the expertise and there's not an obvious self interest, or an 'oh, they would say that wouldn't they' aspect to it.' When an 'unexpected ally speaks', it fulfils the newsworthy criteria of 'newness' and of 'unexpectedness' (Galtung and Ruge 1965). Crucially, 'unexpected allies' allow issues concerning authenticity and trust to be put to one side. Therefore, support from a newspaper such as *The Daily Mail*, not widely referred to as liberal-progressive, could be particularly effective.

The Government apparently uses such framing too. When Kenneth Clarke MP maintained responsibility for the Justice and Security Bill, despite losing the Justice Department portfolio on 5th September 2012, Claire Algar (2012), the Chief Executive of Reprieve; suggested that it was because 'the Government feels that Ken Clarke's reassuringly liberal reputation' was integral to the Bill's success. Indeed, the relevance of values, or perceived values of those making the claim, can also be integral to argumentation.

Deconstructing the schema for practical argumentation

Reisigl and Wodak (2009) see argumentation as a strategy, a discursive strategy realised

through the use of topoi (stock topics or premises) or fallacies. Yet, their focus on the multitude of topoi and premises found in the empirical data does not allow a sufficient reconstruction of the framework of arguments, thereby making explanatory or normative critique more difficult. In contrast, Alan Finlayson (2007:552) describes the fundamental undecidability and contestability in politics and emphasises the importance of a consideration of the genealogy of rhetoric and argumentation formation. Finlayson's approach pushes the analyst to take into account how parties to a dispute:

...emerge from different contexts with different criteria of assessment, including those that specify the presence of a problem or dilemma and those that specify the persons who legitimately engage with it (Finlayson, 2007: 552).

Therefore, the means of policy may be disputed not only in terms of its success, but in terms of the validity of the desired end, and even in terms of the legitimacy of those doing the disputing themselves. This deconstruction of the genealogy of rhetorical argument is applied here through Fairclough and Fairclough's argumentation criteria in relation to the Justice and Security Bill.

Fairclough and Fairclough (2012: 51 & 124) advocate the consideration of a form of deliberation including argument and counter-argument that investigates the following aspects: goals, values, circumstances, means, negative consequences, claims and counter claims and, as mentioned above, arguments from authority. For example, in the argumentation for CMPs or PII procedure the ostensible agreed 'goal' is the maximisation of natural justice through a trial in 'circumstances' where some evidence is national security sensitive. Kenneth Clarke and Eliza Manningham-Buller argue that the 'means' to achieve this are CMPs, whereas Lord MacDonald argues against this on the basis that CMPs produce 'negative consequences' through their unreliable evidence.

As no cases to date have been dismissed as untriable because of evidence being excluded under PII, the Joint Committee on Human Rights concluded that there is no evidence that circumstances suggest a change to CMPs is needed (JCHR, 2012a). The Government argued that the 'circumstances' of ongoing cases did require change but that classified evidence and *sub judice* rules prevented them from producing the evidence. In order to substantiate

their claim, the Government created an authoritative source. They provided evidence to David Anderson QC, the Independent Reviewer of Terrorism Legislation, of on-going cases that might be put forward for CMPs. Of the 27 cases cited in the Green Paper, David Anderson was given special clearance to access information concerning seven cases (four were immigration cases) currently before the courts. As an 'independent' authority Anderson concluded that:

The cases to which I have been introduced persuade me that there is a small but indeterminate category of national security-related claims, both for judicial review of executive decisions and for civil damages, in respect of which it is preferable that the option of a CMP – for all its inadequacies – should exist (cited in Secretary of State for Justice, 2012: 4).

However, in a submission to the Joint Committee on Human Rights (2012b: para 34) the Special Advocates – who have had direct experience working with CMPs - disagreed with Anderson's conclusion. Separately, Special Advocate Angus McCullough (JCHR, 2012c: page 16) challenged Anderson's position suggesting that the cases seen by the Independent Reviewer were 'a selection of three that had been, presumably, handpicked by the Government to prove their point.'

The Special Advocates' criticisms of CMPs was put forward in their response to the Government consultation and was signed by 59 of 67 Special Advocates. The Special Advocates concluded that it 'would be most undesirable to extend CMPs any further' (Special Advocates, 2012: para. 26). They make a claim to a privileged opinion based on their experience in operating closed material procedures - many of which were related to immigration and security issues in the Special Immigration Appeals Commission. They cast further doubt on the judicial fairness of CMPs as currently practised in the immigration courts noting the 'lack of any formal rules of evidence, so allowing second or third hand hearsay to be admitted, or even more remote evidence'. The Special Advocates (2012: para. 7) also describe:

[the] increasing practice of serving redacted closed documents on the Special Advocates, and resisting requests by the Special Advocates for production of documents to them on the basis of the Government's unilateral view of relevance

The Special Advocates testimony suggests that through CMPs, standards of proof and disclosure in the intelligence services are migrating into the legal field, and they are altering judicial process in favour of secrecy and security over justice, thereby reducing the possibility of accountability for violations of human rights and cosmopolitan law.

The Special Advocates' claims had intertextual repercussions. Summaries of the Special Advocates' criticisms were repeated by the Daily Mail and by the Joint Committee on Human Rights (2012a: para 12). Indeed, the then Justice Secretary, Kenneth Clarke MP, told the Joint Committee on Human Rights on 6th March 2012 that '[o]f all the responses, the evidence of the special advocates most unsettled me.'

Much of the Government's argumentation was focused on the disputed 'circumstances' concerning the operation of trials in the context of sensitive information and the disputed 'means' to move from those circumstances to the 'end goal' of natural justice. Yet given the Special Advocates' submissions concerning dubious evidence and additional secrecy maintained by the security services operating in CMPs, it suggests that the Government's primary end goal is not 'justice', but more secrecy and less open justice - motivated by security concerns, or concerns not to implicate Government agencies with guilt. If this is so then the importance of judicial principles has been subordinated to security concerns. Indeed, Kenneth Clarke in the Green Paper (HM Government 2011) stated: '[t]he first duty of government is to safeguard our national security' and much of the argumentation justified a greater focus on security at the expense of received principles of justice.

6.4 The securitisation of justice

This section will explore how imaginaries of exceptional risk and security threat impact on argumentation. Within the British Government, the Security Services (MI5) and the Secret Intelligence Service (MI6), promote securitising discourses. A former Minister in the Foreign and Commonwealth Office, David Davis MP (2012a) argues that 'part of the problem that

we have is that we tend to believe our spooks [or spies] too easily and tend to do what they want too easily, including changing the law.’ For example, the head of MI6, John Sawers, argued for the prioritisation of the control principle over the disclosure of information related to human rights abuses. Sawers explained (in *The Times*, 29th October 2010):

...we have a rule called the ‘control principle’: the service that first obtains the intelligence has the right to control how it is used. It is rule number one of intelligence sharing. If the control principle is not respected, the intelligence sharing dries up.

Agreement to maintain confidentiality, notwithstanding human rights violations, demonstrates cooperation between intelligence agencies and is a form of cosmopolitanism derived from shared concern of risk of terrorist attack and a securitised discourse. However, Michael Williams (2003) cautions against a focus on individual announcements or events when in actual fact situations are gradually intensified and MacDonald and Hunter (2013:69) highlight the importance of the context to securitization.

Didier Bigo (2008) has highlighted the symbolic power wielded by professionals in the security services who are perceived to have exemplary access to information. Ian Cobain, Senior Investigative Reporter for *The Guardian*, suggests the engagement that takes place between the Government and the news media on a regular basis could contribute to the prioritisation of security concerns over human rights abuses. Cobain notes that it is the security and intelligence agencies - the Security Service (MI5) and Secret Intelligence Service (MI6) - that are particularly active in promoting security discourses, and, importantly, that the relationship and influence of the security and intelligence agencies is kept secret. When interviewed Cobain (2013) said:

MI5 and MI6 talk to journalists all the time. They don’t talk to a lot of journalists but they do talk to a small number of journalists all the time and they influence a lot of British journalism. The rule that they insist upon is that they cannot be seen to influence, frankly, so you can’t attribute that to MI5 or MI6 so instead you will see ‘intelligence sources’ or more often just ‘Whitehall sources’ and that sort of thing.

Where detainees could be credible sources through their proximity and involvement in the alleged human rights violations, Cobain contrasts journalists relations to government sources to the lack of engagement between journalists and detainees. Cobain (2013) suggests:

Journalists find it difficult to engage because ... I suppose they feel there is a bit of 'us' and 'them', 'they' are after all Asian, they are Muslim, they are trying to blow our kids' legs off on the tube. Whereas the British Government, they are just like us really, in fact I had dinner with them last week. So we are that much closer to the political classes who control the agencies.

The likelihood of displaying a concern for, quoting or citing a detainee or ex-detainee is diminished and therefore so is the potential for a cosmopolitan deliberation of issues. In contrast, continual liaison between security personnel and journalists could develop sympathy for a securitised approach over a period of time and contribute to a form of epistemic community across the government and news media fields. In the context of security concerns and risk, Fairclough and Faircloughs' (2012: 103-8) concept of 'imaginaries' is of use here (see chapter five). They outline how discourses can describe possible worlds, including future worlds or *circumstances* – which they term 'imaginaries'. Fairclough and Fairclough note that imaginaries can be institutionalized as a reality if they are collectively recognized. They can become an institutional fact and generate new discourses, genres and laws.

Such imaginaries can be based on risks. As stated above, sociologist Ulrich Beck suggested an awareness of risk had permeated across the world in late modernity (1992; 2013) and in the previous chapter risk was identified in the discourse on rights and security. In the field of intelligence Mark Phythian (2012:187) notes how risk is situated in the future ensuring 'it is always present and never arrives', thus providing an argument for freedom to be given to intelligence agencies to push constraints due to risk of terrorist attacks. Occasional reference to imaginaries of risk in the discourse, through references to attacks, or discussion of 'urgent threat-to-life' warnings (for example, from a 'senior British security course' see *Daily Telegraph* 4th April 2012), maintain the latent imaginary of a potential attack. This corresponds with Richard Grusin's thesis that the news media repeats (or remediates)

stories concerning the potential of attack in an attempt to premeditate and mitigate the shock from any future imagined attack (Grusin, 2010). It also invokes the hypothetical ticking time bomb referred to in chapter five – the threat of what could happen.

Risk based imaginaries become explicit intermittently in the discourse surrounding the Bill. Speaking on ‘national security’, Hazel Blears MP (2012) suggested there would be a heightened risk of an attack if the control principle was not adhered to:

I think of the information that the US has provided us with to protect our security. I think of the bomb plot in April—the second underpants bomb plot—where the liaison between the US and this country was essential to preventing an incident that could have cost many lives.

These imaginaries are not always referred to explicitly. Nonetheless the associated concept of national security (that protects against such threats) is explicitly referred to at crucial junctures. The first line of the Forward, Executive Summary and First Section of the Green Paper reaffirm that the first duty of government is to provide national security. Similar references are common in the media. For example in the face of strong criticism from the widely reported Joint Committee on Human Rights on 4th April 2012, *The Telegraph's* editorial of 4th April, explicitly supports the proposals for more secrecy in hearings with a piece entitled ‘Secrecy in the interests of national security’. On 5th April, in an article entitled ‘Cam vow to tighten security’, *The Sun* presented Prime Minister Cameron as strong on security as he ‘vowed to plug ‘significant gaps’ in UK security’, whereas Deputy Prime Minister Clegg, who opposed it, is reported to have ‘wobbled’ – a particularly unsecure adjective.

It is noticeable that different knowledge of *circumstances* are particular to different knowledge communities. These epistemic communities can be embedded within institutions affecting their values and traditions, as explained by ‘new institutionalism’ literature (Lowndes, 2002; March & Olsen, 1984). Ways of thinking may become institutionalised, for example beliefs concerning obligations to eliminate risk to national security. The critical discourse analyst, Teun van Dijk (2010:8-10), argues that knowledge is not ‘justified true belief’, or just a social psychological notion of shared belief, but it is

defined in sociocultural terms of epistemic communities and their specific criteria and standards. Those interacting in groups exposed to more intense imaginaries and notions of risk on a more regular basis, such as Hazel Blears MP as a member of the Intelligence and Security Committee, or Eliza Manningham-Buller as a former Head of MI5, are likely to develop criteria and standards accordingly. The construction and spread of discourse and practices related to risk can be shared as intelligence agencies, politicians and governments charged with protecting national security coalesce transnationally. As knowledge is constructed in a culture of risk, cosmopolitan values (expressed morally or judicially) are vulnerable to securitization.

Awan *et al.* (2011: 2 & 6) suggest that the news media promotes 'hypersecurity'. Where previously the discursive construction of terror threats was more ordered now the state of hypersecurity constructs a less controllable threat. The concept of hypersecurity has been borrowed from Masco's (2006) anthropological study on the impact of the Manhattan Project and nuclear weapons on the United States. Hypersecurity is characterised by an openness and a seemingly unrelenting set of threats. Where previously mainstream broadcast media presented more delimited threats, in the new media ecology connectivity to threats are ubiquitous, unknowable and also uncontrollable. Despite the nature of threats constructed under the conditions of 21st century hypersecurity Awan *et al.* note:

seemingly paradoxically, there occurs a reflexive institutionalization of this very contingent openness of terror in and of the contemporary era through attempts to demarcate and control perceived and potential security threats by those charged with the protection of the many

Awan *et al.* concur with Michael Dillon's (2007) thesis that a 'radical ambiguity' exists as the attempt to govern terror creates an ambiguous situation where societies themselves are governed by terror (Awan *et al.* 2011:2-3).

The cosmopolitan outlook that Ulrich Beck (2006) suggested could evolve from the collective risk faced by humanity in late modernity is, in this sense, apparently bringing governments, or at least security agencies within them, together. This is ostensibly in the manner described by Philip Bobbitt (2008) in *Terror and Consent*, where governments who

hold the democratic consent of the populace are pitted against 'terror'. Indeed, a construction of 'us' and 'them' related to the 'War on Terror' is evident in some of the news media discourse (see section 6.6 below); but, in the first place, the chapter will consider if there is differentiation in how the securitization of justice impacts on open and natural justice.

6.5 The weaker rule: democratic accountability through open justice

Jonathan Bright (2012), who researched securitisation in respect of control orders in the UK, suggests that where rules, such as human rights norms, are strongly supported they are disaggregated and only the weaker elements are broken in the securitisation. In the case of the introduction of control orders in the UK the notion of liberty was disaggregated, thereby allowing a partial restriction of liberty (through curfews, tagging and surveillance) while rules against the broader infringement of liberty, such as detention without charge, were maintained. Bright terms the selection of a weaker rule for breaking, the 'channelling' of securitisation. Bright (2012: 873) notes how electronic tagging had been used before in the UK and suggests that this shows how authorities propose measures that have been implemented in some form previously.

There are many comparisons to be drawn between the securitisation of the discourse on control orders and the Justice and Security Bill. Under the Bill the concept of justice in a court of law is also disaggregated between open and natural justice. While civil claims involving sensitive evidence will still be allowed, aspects of both natural and open justice will be compromised in the process. As with the adoption of electronic tagging for control orders, CMPs have been used before (in immigration cases involving national security).

The channelling is of particular interest to this study on cosmopolitanism. Bright (2012:878) labels the weakest rule that is vulnerable to securitisation as the 'breaking point'. The concepts of channelling securitisation and the breaking point could also be applied to UK complicity in torture. The prohibition of torture is clearly prohibited in law. However, as chapter five demonstrated, prohibition of complicity with foreign security agencies related to torture and rendition are weaker rules and possible breaking points. Furthermore, as this chapter shows, the systems set up to provide accountability for government actions related

to torture and rendition are weaker still because the principles of open and natural justice in civil claims are particularly vulnerable to compromise. However, this section argues that because some indirect access is provided to the parties to the CMP through Special Advocates, the principle that is most affected by securitisation is that of open justice and that of providing democratic accountability on government policy to the public. Despite their interdependency – and somewhat false disaggregation between open and natural justice - the breaking point in the discourse resulting from securitisation here was the notion of a discrete form of open justice.

In the legal field respect for the principle of natural justice, with its explicitly direct impact on individuals' rights was prioritised. The Supreme Court has made clear the premium status of natural justice over open justice. Comparing open justice to natural justice, Lord Dyson (*Al Rawi & Ors v The Security Service & Ors* [2011]: para. 27) stated:

It is quite a different matter to say that the court may sanction a departure from the natural justice principle (including the right to be present at and participate in the whole or part of a trial).

For its part, the Government in the 2011 Green Paper and consultation for the Justice and Security Bill failed to even consider the impact on media freedom and democratic accountability (JCHR, 2012a: para. 132). Although *The Daily Mail* at times led opposition to the Bill with its 'No to Secret Courts Campaign' (see 29th February 2012), *The Mail* also gave the principle of natural justice more weight suggesting that it was 'more sinister still' that parties to the case 'will be banned from knowing, let alone challenging, the evidence against them'. When asked how influential campaigning on 'secret courts' was on parliament, the Chair of the Intelligence and Security Committee, Sir Malcolm Rifkind MP (2012), focused his criticism on the use of the phrase secret courts, thereby avoiding comment on 'open justice':

The impact of a 'No to Secret Courts' campaign on policy-makers is mitigated by the fact that no-one is proposing to establish 'secret courts', but closed material procedures for those specific pieces of evidence, in civil cases, that cannot be presented in open court.

Rifkind, however, named concerns over 'natural justice' stating:

Legitimate concerns about possible legal and political precedents and the principles of natural justice will be taken very seriously.

In addition, Shami Chakrabati, Director of the human rights NGO Liberty, demonstrated concern for individual rights over the democratic value of open justice when she supported the claimants who negotiated an out-of-court settlement with the Government in *Al-Rawi & Ors* (see below). This prioritises individuals' rights to compensation, over the rights of the people to democratic oversight of government. If cosmopolitanism is about moral responsibility to other individuals, this prioritisation is cosmopolitan in the first instance, but the longer-term effects on other unknown individuals are arguably neglected. Consequences related to the failure to democratically scrutinise government are given less attention in the discourse. As with the discussion on complicity in torture, it appears that diffuse causal relationships are overlooked.

6.6 Defence of particular communities

In the discourse surrounding the civil courts and security issues, different notions of community emerged. On 16th November 2010, the Justice Secretary, Kenneth Clarke MP announced in the House of Commons (Clarke, 2010) that the Government had reached a mediated settlement with the former detainees who had been pursuing a civil claim for damages against the UK Government in *Al Rawi & Ors v Security Service & Ors*. The news featured in 39 articles in the six news outlets surveyed from 16th-17th November 2010 – more than any other news item related to UK counterterrorism human rights abuses that year (Appendix 5, Row 3). The focus of the press was on the cost to the British taxpayer and the reporting style was emotive.



Figure 14: *The Sun*, 16th November 2010.

The Times (16th November 2010) headline 'Taxpayers foot £10m bill for Guantánamo inmates' was typical. *The Sun* splashed its front page on 16th November 2010 with the headline 'Torture payouts' and the story featured on page 2 and its website with a headline 'We pay millions to Guantanamo Brits'. The collective pronoun 'we' is used to distinguish the in-group – 'we' as taxpayers. The 'othering' of the outsiders here is not a national one, but one based on the 'us' group being one of taxpayers and 'them' as being a certain type of Brit – a 'GUANTANAMO BRIT'. Such a categorisation is confirmed by the first line of the article: 'TAXPAYERS today face paying millions of pounds in compensation to Britons who claim they were tortured in Guantanamo Bay'; indeed the article features a quote from the Taxpayers Alliance. The semantic macrostructures of the text - the writer's intentional structuring of the text to promote aspects of it – is revealing here (van Dijk, 2009: 68). The end of *The Sun* article strikes a humanistic and cosmopolitan tone calling for the case to be heard. A 'Muslim' survivor of 7/7 is quoted in favour of continuing with the trial, suggesting religion is not a categorising or divisive factor here:

I went through 7/7 and what happened that day was inhumane. What happened to the Guantanamo Seven was also inhumane. I am totally against any form of torture. Why are the court hearings not going ahead?

However, the positioning of the cosmopolitan comment at the end of the article suggests the point is supplementary to the argument against the exploitation of the taxpayer.

In 'OUTRAGE OVER £30M TORTURE HUSH MONEY' (17th November 2010) three *Daily Mail* reporters wrote: 'Relatives of those killed in the 7/7 London attacks said the settlement was a sickening taint to the memories of the victims'. In contrast to the 'No to Secret Courts Campaign' of 2012, *The Daily Mail* was supportive of the announcement that a 'Green Paper will be published next year to impose more stringent limits on what intelligence can be used in court, to prevent the situation arising again.' Outside of the media the response to the out of court settlement was largely negative too, again with the vast majority of criticism focused on the payment. For example, in the House of Commons, but also reported by BBC News, Labour MP Ian Austin compared the claimants unfavourably to victims of '7/7' and on 16th November he asked:

If, as the Secretary of State says, it is the law that has forced him to do this, what people out there will want to hear from him are assurances that he will accelerate proposals to change the law and ensure that we never have any of this nonsense again.

Shami Chakrabarti, Director of Liberty, also lamented the situation in a quote on the BBC Website on 16th November 2010, but was sympathetic to 'torture victims' who she included in the in-group of the country:

It's not very palatable but there is a price to be paid for lawlessness and torture in freedom's name. There are torture victims who were entitled to expect protection from their country.

However, uncharacteristically for a human rights activist Chakrabarti echoed Government appeals (see above chapter) and called for a line be drawn under these particular allegations:

The Government now accepts that torture is never justified and we were all let down
- let's learn all the lessons and move on.

The rights of the individual to be compensated were prioritised over the need to scrutinise Government policy, thereby deprioritising open justice, although what exercised news media opinion most was the cost to the British taxpayer. An 'us' and 'them' disposition was evident, largely related to 'us' as potential financial victims and 'them' as terrorist suspects.

How channelling of securitisation affected the Bill

The Government Green Paper (2011) provided that CMPs could be introduced in civil cases and coroners inquests where it was in the 'public interest'. These plans presented a clear threat to open justice. However, the proposal to introduce CMPs to coroners inquests in cases deemed to be in the public interest was not a breaking point in the case of the Justice and Security Bill. Lobbying from within parliament, the news media and activists ensured the securitisation was channelled to exclude inquests from the Bill and the wording was changed from 'public interest' to 'interests of national security'.



Figure 15: *Daily Mail* website excerpts on 5th April 2012 (left) and 29th May 2012 (right)

In an article in the *Daily Mail* (29th May 2012) the Justice Secretary directly attributed his change of policy to the newspaper – his article was headlined ‘My secret justice plans were too broad and the *Mail* has done a public service in fighting them’ and he suggests campaigners highlighted ‘the threat to the UK’s tradition of open justice’. *The Daily Mail* was concerned with how the Justice and Security Bill might affect cases involving British citizens who were not terrorist suspects and their critical approach to the Bill was not based on a universal approach to rights. On 5th April 2012, *The Daily Mail* asked: ‘How can ministers justify holding inquests into police killings and military deaths behind closed doors?’ and highlighted calls for the criteria for preventing disclosure used in the Green Paper to be ‘tightened’ from ‘public interest’ to national security. *The Mail’s* (5th April 2012) pride in their own journalistic responsibility to hold the government to account is explicit in another article headline that notes ‘Victory for the *Mail’s* open justice campaign’ and reports a Ministry of Justice source as stating: ‘we will settle the question of coroners’ courts to ensure that families of servicemen are not denied proper and transparent justice.’ Indeed, the plans for CMPs related to inquests and for cases related to the ‘public interest’ were

dropped from the Bill. The claimants in such cases would have been less likely to be terrorist suspects and these cases would be more likely to involve British claimants. Open justice was defended where it could affect members of 'our' community.

The Head of Communications at Reprieve, Donald Campbell (2012) stressed how campaigning on the exclusion of inquests from the Bill 'does give it a much broader appeal'. Campbell suggested it might:

...put it in a sense that people can more easily understand: which is that this potentially affects anything that the government can claim [as] national security - so it's not just your classic 'War on Terror' cases.'

Reprieve were cited in both *The Guardian* and *Daily Mail* on 5th March 2012 criticising the Bill and on the following day the Justice Secretary stated in his own article in the *Daily Mail* that he was listening to 'the fears from many campaigners ... that the Government's proposals are too broadly drawn' (*Daily Mail*, 6th March 2012). However, concern for the rights of Others, in Other suspect communities (Hillyard, 1993), such as Muslims deemed to be potential jihadi terrorists threatening 'our' community, was less readily adopted by the news media or those in the governmental field, demonstrating how moral cosmopolitanism gained less traction beyond the activist field. In this case, the securitisation of justice and particularly open justice and democratic accountability through the law was more robustly defended against when it was the rights of the members of the majority community that were threatened.

6.7 Legislative Scrutiny

The following paragraphs consider how discourse developed specifically in relation to passage of the Justice and Security Bill through the Houses of Parliament. The news media demonstrated a short term and shallow focus on elite actions ensuring a consensus emerged in favour of minor amendments to the Bill. In this case, the executive could use its power to write the initial legislation, determine the timetable and to wield influence through the whips office. However, again, the order of discourse was challenged, from activists and members of parliament.

Jonathan Bright (2012: 874) suggests that the procedural means used by government to alter rules are integral to ensuring change and securitisation and Norman Fairclough (2010: 386) has highlighted the directed nature of government pre-legislative consultation. The Director of Liberty, Shami Chakrabati is quoted in the *Daily Mail* (4th April 2012) suggesting that the strategy of the Government was: 'to start with such an outrageous proposal that even a minor tweak seems more reasonable'. Yet such analysis of broader political communication strategy, was relatively absent in the news discourse.

The Joint Committee on Human Rights (2012: para. 29), reported how contrary to established practice, the Ministry of Justice delayed publication of responses to the consultation, significantly debilitating deliberation - including the publication of the response of the Special Advocates (2012: para. 7) criticising CMPs. Furthermore, the Second Reading in the House of Commons was scheduled for the penultimate day before the Christmas break. Attendance was low, there was no press coverage and a more relaxed atmosphere - Jack Straw MP (2012) told the Commons, 'I may have to leave if the winding-up speeches go past 6.15 pm, as I have to conduct an open-air carol service.

The Justice and Security Green Paper (HM Government, 2011) and Government consultation questions were very significant in structuring the argumentation surrounding the Bill over the following months. As Appendix 5 (Row 7) shows, on 4th April 2012 the Joint Committee on Human Rights Report (JCHR, 2012a) that specifically addressed the Green Paper received substantial coverage in the media. Having taken evidence from key politicians, journalists, activist groups and Special Advocates the JCHR (2012a: para 10-15) drew 39 conclusions. The JCHR concluded that the Government had not demonstrated that providing fairness (or natural justice) was a problem for the current system, nor that CMPs would improve the 'fairness' of proceedings. Many of the JCHR criticisms were reported in the press, even by *The Sun* which largely ignored the Bill. On 4th April 2012, *The Sun* headlined a page 2 article 'Let justice be 'public'' and repeated the JCHR's comments that the Green Paper's proposals are 'inherently unfair', based on 'vague predictions' and 'spurious assertions'.

Subsequently, however, the amended Justice and Security Bill published on 29th May 2012 was framed by the Government and some of the news media as a compromise. This version

of the Bill did remove the explicit provision for the extension of CMPs to inquests and replaced the 'public interest' criterion determining whether material should be heard in closed material procedures to one of 'national security'. On 29th May, *The Sun* headline read 'Ken does U-turn on secrecy'. The *Times* did recognise the overall impact in their headline 'Ministers row back on plans for secret trials; Security services still extend their powers', and the BBC Website and *Daily Telegraph* reported both the compromises and the remaining proposals. *The Guardian* editorial was still critical of the Bill and highlighted how broad the original proposals were. However, other articles in the *Sun* and *The Guardian* on different issues referred to the Bill as an example of a 'U-Turn'. These references to a 'U-Turn' were unsubstantiated assertions made in passing - such statements make assumptions and are noted by critical discourse analyst Norman Fairclough (2003) to be particularly revealing of actors' perceptions and also as effective in shaping discourse. The idea of a Government compromise was not only prominent and intertextually repeated, but it implicitly supported the notion that the legislative process facilitated considerable contribution from a range of actors.

The Justice and Security Bill was voted on in the Lords on Monday 19th November 2012 and Wednesday 21st November 2012. When the Bill was passed on 21st November there were significant amendments, for example, the power to authorise closed hearings was placed in the hands of a judge, taking it away from ministers. Here most of the news media coverage, particularly the headlines, highlighted the defeats for the Government, with the passing of the Bill as a whole given secondary prominence. On 22nd November 2012, for example, *The Guardian* headline read 'Secret courts plans savaged in House of Lords'. The news media gave the impression that the Bill was in jeopardy, yet the key clauses introducing CMPs remained.

Through an examination of discursive output on Twitter surrounding the Bill, the relationship between old and new media was demonstrated to be very close, to the point of being hybridised. The news cycle, traditionally considered to be a 24 hour cycle, could more aptly be described as a political information cycle as 'news' developed more quickly through *both* social and news media outlets (Chadwick, 2011). A sample of 3,031 tweets were collected between 11.54am on Monday 19th November and 13.50 on Thursday 22nd

November using Twitter's search function and R for Windows to collect tweets containing 'secretcourts', 'justiceandsecurity', 'secretjustice', 'justice and security', 'secret courts' or 'secret justice'. Given the pejorative nature of the word 'secret' in this context and the overwhelming amount of negative tweets opposing the Bill including this word, only tweets that contained the words 'justice and security' were coded. Coding on these 234 tweets distinguished between those either expressing a statement in opposition to, in favour of, or neutral to the Bill. For example, 'Secret courts, blocking inquiries into government... What was it you said about civil liberties Cameron?' was coded as being in opposition. Links to newspapers were coded as neutral unless an opinion on the article was given – so 'Ken Clarke defends 'secret courts' proposal <http://t.co/HosDNgOu>' was coded as neutral. 'David Davis: Will Lib Dems back new law that protects torturers? <http://t.co/aLz5Xx4m> < But it protects secret intelligence, not torturers!' (Cannon, 2012) would have been coded as positive had it been within the corpus of tweets assessed. Of the 234 tweets, 140 were coded as being neutral, 94 were coded as being anti, and no tweets were coded as being in favour of the Bill. Furthermore, only one argument in favour of the Bill was found across the 3,031 tweets collected (the above example).

This exercise in coding suggested there was a general equivocation combined with opposition towards the Bill and this reflected much of the diversity of opinion found in the mainstream news media. However, as in the mainstream media, the failure to throw out closed material procedures in its entirety was given less coverage than the Government's defeats (see below). Indeed, an analysis of the tweets suggests the discussion on social media precipitated the news media focus on results of who won parliamentary votes rather than on detail of the amendments. Those interested enough to tweet on the Justice and Security Bill during its debate in the House of Lords were more interested in political party conflict between the Government and opposition. There was a focus on action and conflict, on opposing and on defeating – with little detail on how the defeat took place. Of the last 2,000 tweets analysed 620 contained the word 'defeat'. The Legal Correspondent of the *Guardian*, Owen Bowcott, published an article on-line at 19.42 on 21st November 2012 and at 20.11 tweeted a link to it with a headline 'Secret courts plans savaged in House of Lords'. The story that the plans had been 'savaged'

featured in 200 tweets of the following 1,527 collected (13%), many with a hyperlink to that article. Also, a *Daily Mail* headline 'Secret courts plan in chaos: Lords reject closed hearings by crushing majority' featured in full in 94 (4%) of the tweets after it was tweeted at 23.38 on 21st November 2012. The discourse across social and news media stressed the amendments forced on the Government and the idea of rational deliberation leading to compromises.

It was largely left to activist groups to highlight the defeat of amendment 45. Amendment 45 proposed a rejection of Section 2 of the Bill and ruled out closed material procedures in any form. Reprieve stated on Twitter: 'Despite some Government defeats in Lords tonight, Britain still faces prospect of #SecretCourts. Must continue to oppose.' (Reprieve, 2012) The fact that this rejection was voted down was not widely reported. The concentration of argumentation on the number of amendments passed or defeated allowed for less comment on the fundamental amendment voting against the introduction of CMPs.

Campaigning against the Bill

Noting the lack of broader critical scrutiny against the Bill, Donald Campbell of Reprieve stated:

...you're fighting a huge kind of consensus that these things are all fine. You could argue that we take on stuff that is difficult for that reason... I think it's all rooted in the kind of principles of the work we do.

These principles are evidently universal principles advocating the application of cosmopolitan law that challenges states to uphold human rights, whether the cases are popular or not (Campbell, 2012). When asked if he thought of adopting a more compromising stance, Donald Campbell replied:

I think your responsibility as an NGO that's pushing on this is to say 'what do we actually want to happen, what do we think's the right thing to happen?' That's got to be your point. And I think if organisations like us, or Liberty aren't going to push for that, then who is?

Campbell continued in a vein true to a philosophy of discourse ethics as a means of enhancing cosmopolitanism (Habermas, 1996; Benhabib, 2006):

...you want to be constructive and you want to be reasonable. And you want to talk to people about it. I think in a way that's sometimes the way you can get the edge. If the Government's obfuscating and fobbing people off you can actually talk people through something and what something means.

However, detailed parliamentary scrutiny of legislation was not a popular media issue. After the House of Lords published the Justice and Security Bill on 29th May 2012, two reports from the Constitution Committee, the second reading on 19th June 2012 and four sittings in July had little obvious intertextual effect in the news media. Nine articles were published in the days after these seven events and four of these were from *The Daily Telegraph* (see Appendix 5, rows 9 to 15). The intertextuality of discourses amongst elites is arguably of greater relevance in policy formulation (Jackson, 2007:354) and some discourses circulating amongst elites bypassed the wider public and the news media, yet were present in legal, activist and parliamentary fields – supporting Aeron Davis' (2010) theory that a 'fat' or broad based political elite is active in political communication. For example, in the House of Commons, Kenneth Clarke MP (2012) referred to undisclosed conversations with senior judges to rebut criticisms received from the Special Advocates on CMPs. Perhaps more significantly, in both Houses of Parliament the Independent Reviewer of Terrorism Legislation, David Anderson QC appeared to be particularly influential. In the House of Lords on 21st November 2012 Lord Wallace (2012b) suggested that David Anderson QC 'probably gets the prize for the most quoted person in these debates'; in the House of Commons, Robert Buckland MP (2012) said: 'much has been made of the views of Mr David Anderson QC ... he, like me, is very much a reluctant convert to the limited use of closed material proceedings'.

As noted (in section 6.3 on argumentation) Anderson's insider knowledge and apparent 'independent' status ensure a degree of trust from the parliamentarians that, however contrived, allows him to speak with authority. His style is one of objectivity, but, as noted above, the governmental systems and processes involved in vesting him with that authority held questionable objectivity.

Authoritative impact for an NGO was harder to achieve. Ethnographic study within Reprieve revealed the long hours spent by members of the press office monitoring media and political spheres to ensure they were able to gather information and determine when 'a particular moment' had arisen to make their point topical - two terms that repeatedly arose in the communications team discourse were 'piggy back' and a 'hook' for a story (Wells, 2012, Campbell, 2012). Indeed, Campbell highlighted the importance of working with news media but he did also add that journalists would be complicit at times with his 'pro-active media'. For example, at 10pm on Wednesday 11th July 2012 in the House of Lords, Lord Wallace (Wallace 2012a) revealed the possibility of CMPs being used in claims against habeas corpus (detention) violations. Although this received little immediate publicity, Reprieve published a press release on this on Friday 13th July 2012 and this was reported on the Guardian website later that day. It was eventually also reported within a large *Daily Mail* feature a month later on 17th August 2012. The *Daily Mail* feature also included information published in a Reprieve press release on 17th June 2012, reporting the Lords Constitution Committee's findings that the Government could extend the definition of 'relevant civil proceedings' to allow them to include inquests in the proceedings where CMPs could be used. The provision in the Bill published on 29th May 2012 for the Secretary of State to 'add or remove a court or tribunal' was later removed. Here a small NGO was therefore instrumental in raising issues in the press and contributing to calls for change to the Bill. Nonetheless, the Government, including Kenneth Clarke MP, continued to give conflicting messages on the Bill's applicability to habeas corpus violations up until it was passed, which Reprieve was quick to point out (see *The Observer*, 24th March 2013).

However, we saw above how concern for members of 'our community' led to amendments to the Green Paper, including the replacement of the term 'public interest' with 'national security' and the removal of inquests from the Bill. Although a consensus in favour of CMPs held in the House of Lords, the House of Lords voted to ensure that judges, not ministers, should decide on whether a CMP was ordered. However, while the Lords added provisions to oblige the judge to balance the importance of open justice against national security concerns through a consideration of 'the fair and open

administration of justice', this obligation regarding 'open' justice would be removed at committee stage of the House of Commons and not included in the final Act.

When the House of Commons Public Bill Committee overturned the Lords' amendments mandating the consideration of 'open justice' on 28th January 2013, Reprieve issued a press release highlighting this point, but of the publications surveyed only *The Daily Telegraph*, *Daily Mail* and articles on the BBC and Guardian websites reported this on the following two days. Subsequently, the Conservative and Liberal Democrat parties issued three line whips ordering MPs to vote for the Bill without the obligation to balance national security concerns with open justice (The Guardian, 27th March 2013). Furthermore, on the day of the final significant opportunity for the Commons to vote against the Bill *The Daily Telegraph* (4th March 2013) reported that:

representatives of the security and intelligence agencies met with senior Labour figures and even some backbenchers to argue for the legislation. They warned that intelligence sharing with international partners and the reputation of the Britain spy agencies were at risk.

Arguments against open justice and democratic accountability were reinforced. The failure of the Act to incorporate the obligation to balance the public interest for open justice and the need for secrecy for each piece of evidence once the CMP has been declared ensures that evidence that is integral to open justice could be excluded (Hickman, 2013).

In summary, the role of the Government in presenting the Green paper and the original Bill in the House of Lords allowed them to frame the argumentation throughout the legislative process around potential amendments in which it was prepared to give way. The ability to call a three-line whip was a more conspicuous form of power than its use of well-placed authoritative sources such as the Independent Reviewer of Terrorism Legislation. While some amendments were made, following pressure from activist groups, the news media and critical members of parliament, these were clearly limited and the argument that the principle of open justice could be broken won through when it

was perceived to concern national security; especially when the Other of a suspect community was the national security threat.

6.8 Conclusion

In the field of counterterrorism, this chapter demonstrates again how increased international cooperation between security agencies has not been met by an internationalisation of accountability mechanisms (legal or political), but rather by a further securitisation of justice - through CMPs and the strengthening of the control principle. Concerns surrounding risk have securitised the political field by demanding a style of deliberation that prioritises urgent security interests over progressive moral or legal cosmopolitanism. However, there were limits to the securitisation. For instance, the idea that police inquests could be excluded from open hearings and legal norms was met with significant criticism and was excluded from the Bill.

The Bill did not advance iterations leading to progressive cosmopolitan law in the way that Seyla Benhabib (2006) proposed a deliberated cosmopolitanism might be achieved. The testimony of the Special Advocates (2012) suggests the introduction of CMPs is likely to worsen the possibility of accountability for violations of international human rights. The analysis of discourse in this chapter revealed an admiration for the legal systems of England and Wales and support for their respect of legal and moral principles related to both open and natural justice. Therefore, once more a form of nationalism was evident and where this promoted the protection of human rights, it was a form of cosmopolitan nationalism. However, concerns for security and, again, potential risk ensured that opposition to CMPs did not develop to sufficient levels to prevent the passing of the Bill.

How was the order of discourse structured?

The ideas of natural and open justice as constitutive of national identity were intertextually repeated across the discourse. Yet, the complexity of the Bill and the wide-ranging consultation on it, combined with the control of scarce crucial information, obfuscated the legislative process and diluted some fundamental criticisms from the news media and other contextual fields to parliament. The consensus that emerged within the House of Lords was

bolstered by the Government's use of the whips and ensured the Bill was passed through both Houses of Parliament. The capacity of the Executive to set the agenda and argumentation over the following year was clear. By introducing a broad consultation Green Paper, Government plans were subsequently compromised and this could be used to mitigate criticism that plans were excessive.

It was when activists, tabloids, broadsheets and legal practitioners coalesced on amendments to the Bill, such as those concerning inquests, that opposition was strongest. Notably opposition to inquests was based on a fear of injustice to a member of 'our' in-group (for example, through an inquest on the police killing of a British national). Here open justice was defended. Whilst opposing closed proceedings for inquests, a hostile approach to the Other (as a suspect terrorist) could more easily be maintained. Nonetheless, limited universal individual rights to a fair trial were sustained, albeit superficially through CMPs and without recognition of their contingency on open justice.

The analysis in this case study suggests that sovereignty lies largely with the Executive and the UK security services through their ability to influence discourse on security legislation. Legal philosopher Costas Douzinas argues that publicity surrounding cases in which rights violating security measures have been taken in the UK are 'theatrical', in a way that 'advertises the threat facing the nation and reminds people of the extraordinary arsenal of powers and sanctions of the state' (Douzinas, 2007: 117-121). The notion of 'secret courts' advertises such a message and the Government's power to deny suspect terrorists their voice. Although physical violence has not been directly inflicted on detainees in this case, through the denial of voice to detainees they are restricted from contributing to rational debate. In Agamben's (1998) terms, detainees have taken on a form of bare life. Without voice their political impact is limited. Yet, this chapter has shown that despite the overt compromise of open justice, the notion that the Government nonetheless upholds legal principles as much as possible persists, thereby justifying this compromising power.

As with the deliberation on other issues of counterterrorism – such as complicity in torture in the previous chapter - it could be argued that political discourse in the United Kingdom is at fault for not facilitating a more open and democratic debate. There is a reverence across the fields surveyed for 'our' genres of government, particularly the law, but also less

references to the power imbalances based in the structures of the law or the legislature. External systems such as international law or the ECHR are largely ignored. Only occasionally is the UK compared to other nations, but then largely favourably. Only rarely are analytical critiques concerning the structural inequalities of our systems made - such as Chakrabati's comment on the Executive's ability to set the agenda through a Green Paper. Moreover, authorities created by 'our' institutions, such as David Anderson, were widely respected and praised especially by parliamentarians. This failure to appreciate the consequences of reverence for 'our' systems and discursive genres and the historical structural exclusion of the marginalised has been stressed by Matthew Watson (2011) in his criticism of scholarship on cosmopolitanism and it is evident here. While this lack of self reflexivity continues the prospects for the voice of the Other to be heard are limited.

This time the circular process of policy change was initiated by the Government claiming that the status quo was restricting the ability of courts to provide justice. Following denials by legal professionals and activists the Government created their own authority, in David Anderson, that ultimately supported their claims. After the JCHR report, the Government amended the Bill and therefore could be represented in the news media as reasonably following the legislative scrutinising process, despite the lack of open justice now available to terrorism suspects. In 2014, after the Justice and Security Act was passed there have been further claims that amendments to law need to be made for cases to be heard in a closed session. On 14th June 2014 the Court of Appeal ruled that a criminal case [*Guardian News Media vs. AB and CD*] could be heard in closed session. This had been challenged by the Guardian News and Media Limited as a move contrary to open and natural justice and another court case is likely, but until now the Government's repeated moves to structure the order of security discourse have been successful.

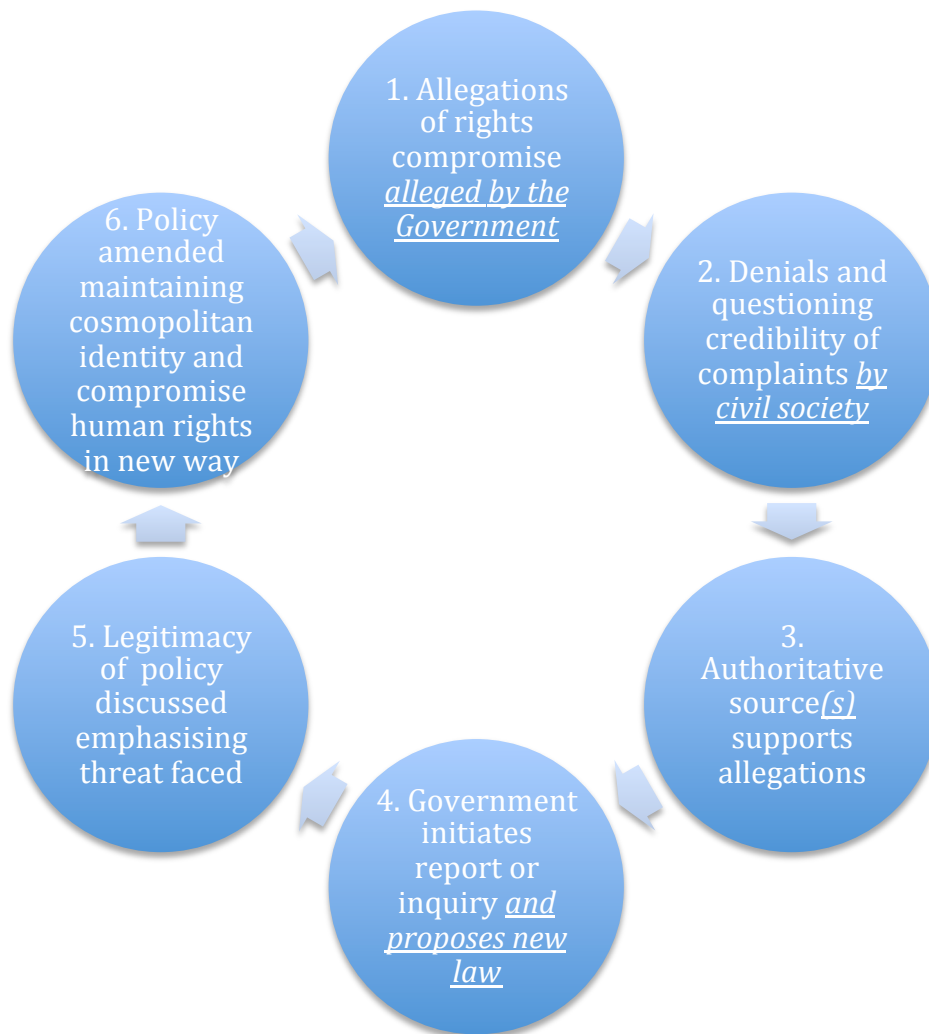


Figure 16: Political Communication-Counterterrorism Policy Cycle for closed hearings

Overall, the ability of ‘the Other’ to contribute or even to be represented by a third party in the debate has been limited. In the past the activist group Reprieve has successfully promoted open justice by publicising their defence of the cosmopolitan rights of its clients through law, most notably in the Binyam Mohamed case. In that case Reprieve found a weak point in the rules maintaining secrecy from the court. There governments could be obliged to disclose foreign intelligence to the legal field (through what were termed ‘Norwich Pharmacal orders’). This forced judicialisation to counter securitisation and forced the recognition of obligations to disclose information to Mohamed’s lawyers surrounding his treatment. There the principle of upholding cosmopolitan legal accountability triumphed. The ability to do this in future is challenged by the Act’s preclusion of court orders for disclosure of ‘sensitive information’ related to the intelligence services and its

threat of CMPs to stop the courts acting as an authoritative source for open justice. The effect this will have on accountability and consequently legitimacy – both in the UK and beyond – does not appear to have been questioned in depth in news media or political fields, whose deliberation prioritised the immediate concerns of counterterrorism and once more relations with the Other were contingent on notions of risk.

Chapter 7: The use of armed Unmanned Aerial Vehicles in Pakistan and Yemen

7.1 Introduction

On 3rd November 2002, the United States Central Intelligence Agency (CIA) conducted its first lethal missile strike from a remotely piloted vehicle, a 'drone'. The strike killed six al-Qaeda suspects in the Mareb province of Yemen, outside of a recognised conflict zone (Rona, 2003). The BBC Website headlined an article 'US drones take combat role' (5th November) and security correspondent Frank Gardiner declared 'a completely new departure'. The term 'drone' was not, and still isn't, the only term to be employed in describing such strikes. Headlines on 5th November 2002 referred to an 'unmanned U.S. spyplane' (*Daily Mail*), a 'missile' (*Daily Telegraph*), a 'robot' (*The Sun*) and an 'Unmanned Aerial Vehicle' (*The Times*). An Unmanned Aerial Vehicle (UAV) is defined by the US Government as 'a powered, aerial vehicle that does not carry a human operator, uses aerodynamic forces to provide vehicle lift, [and] can fly autonomously or be piloted remotely' (US Department of Defense, 2008) and as such is an umbrella term for a number of unmanned aircraft. In this chapter the terms UAV and 'drone' will be used synonymously. Whilst UAVs are reported to have been used by 53 states globally (Franke, 2013), it has been the use of UAVs by the CIA for lethal missile strikes that has stimulated most controversy in academic, activist, media, governmental and juridical fields. This chapter recognises the blurred parameters of this discourse, but it is largely the UK news discourse surrounding the use of armed reconnaissance 'drones' in Northwest Pakistan that this chapter will focus on, with some references made to strikes in the Yemen.

In 2011, the UK Government counterterrorism strategy 'CONTEST' stated that in the last year 'the greatest threat to the UK has come from terrorist groups based in Pakistan' and 'over the past 12 months, the threat to UK interests from terrorists in Yemen' has increased. In 2012 the UK Intelligence and Security Committee reported that the use of drones in Pakistan and Yemen had 'weakened' the capacity of al-Qaeda and al-Qaeda in the Arabian Peninsular (ISC, 2012: 5 & 7). Although there are no official governmental statements on UK cooperation in these operations, the *Sunday Times* provide what the High Court in *Khan vs Secretary of State for the Commonwealth Office* described as a 'respectable' report that the United Kingdom General Communication Headquarters (GCHQ) provide information to the

CIA to assist with targeting missile strikes from UAVs. *The Sunday Times* (25th July 2010) stated:

GCHQ, the top-secret communications agency, has used telephone intercepts to provide the Americans with 'locational intelligence' on leading militants in Afghanistan and Pakistan, an official briefed on its operations said. Insiders say GCHQ can provide more extensive and precise technical coverage in the region than its American sister organisation, the National Security Agency, because Britain has a better network of intercept stations in Asia.

Even if the *Sunday Times* report is repudiated the use of UAVs in FATA and also Yemen is undeniably central to UK counterterrorism discourse. Following on from previous chapters the use of UAVs as a counterterrorism measure demonstrates a continuation of focus on more disconnected locations where the role of the UK, US and Pakistani Governments is unclear. Exacerbated by this lack of certainty, CIA orchestrated strikes push counterterrorism and rights paradigms in new directions. Again their use raises issues of complicity, but by orchestrating killings on Pakistani territory, drones prompt discussion over sovereignty and explicitly blur the boundaries between conventional and irregular war. Questions surrounding legal or moral codes are raised and again there are opportunities to assess legal and moral cosmopolitanism against the background of terrorist threat and risk.

This chapter will investigate how a rise in information-intense, globally networked warfare and counterterrorism practices noted by scholars of warfare (DerDerian, 2008; Singer, 2009) has impacted on development in news media coverage of conflict and engagement with distant Others – particularly those in Waziristan, who are directly affected by UAV strikes. Through its focus on acts in a less connected space in a foreign states' territory this chapter offers a distinctive case study to that of previous chapters. In such a context, if and how news media discourse facilitates the possibility of cultural or deliberated cosmopolitanism is pertinent.

In order to select texts for analysis, I made a chronological list of events related to news media discourse on drones since 2002 (Appendix 7). Following my methodology, this was complemented by assessment of output from activist, academic and government fields. The

first section of analysis below reveals how difficulties in reporting on drone strikes have worsened as key gatekeepers of information, including the US, Pakistani and UK authorities, have restricted information flows. The restricted information flows created uncertainty in the discourse and ensured that there were fewer media events where counterhegemonic challenge to governments could be observed. A degree of certainty was achieved through the reporting of the killing of 'high value targets' and this is the focus of the second section. As the events that received the most news coverage, I examined and coded texts pertaining to the killing of Anwar al-Awlaki (30th September 2011) and of Baitullah Mehsud (7th August 2009) in greater detail; and, in order to provide further insight into these cases, a comparative sample of news texts on UAV strikes from March 2010 and then March 2013 was also considered. The third section considers how argumentation on drones has formed in this context, focusing on the use of images, statistics and the (dis)connections with the Other they facilitate, followed by assessment of an activist/academic report. Fourthly, another crucial moment in UK discourse was identified surrounding the strike at Datta Khell in North Waziristan on 17th March 2011. In addition to the texts concerning the original drone strike, I chose to focus on the UK High Court litigation surrounding the application by Nour Khan for a judicial review of UK policy related to UAV strikes (Khan vs. SSFCA [2012] EWHC 3728 (Admin)). This facilitated examination of a challenge to the order of discourse as alternative genres provided by investigative journalism, activists and the UK law became more prominent. Finally, the chapter considers how law offers an opportunity to challenge the acts of the government executive; however, it demonstrates how in this context, where complicity between states is central, law is largely ineffectual at impacting on governmental policy.

This chapter finds that cosmopolitanism is largely not enhanced through news discourse on drones. Limited access to the areas affected by drone strikes and concerns over security ensured the news media strove for certainty and this supported a focus on the killing of high value targets, events that were conducive to becoming a news media event. This relegated cosmopolitanisms, whether legal, moral, deliberated or cultural behind that of risk-based cosmopolitanism. This form of risk cosmopolitanism was not conducive to positive engagement with the Other, beyond governmental security imperatives. The representation of the UK Government as unconnected to the acts – because complicity was unproven and

less certain in this case – ensured that notions of national identity were less relevant than in other chapters; and therefore this was not a driver in influencing government policy and creating pressure for action.

7.2 Reporting uncertainty, anonymity and contradiction

All political discourse, particularly in the cases studied in this thesis on counterterrorism, is shrouded in secrecy, contestations and doubt. However, the coverage of drone strikes is an extreme case. This section demonstrates how the information flow from Waziristan is limited and how key sources further limit communication to the news media. This contributes to the notion that an exceptional situation exists in Waziristan and exacerbates uncertainty surrounding the UAV programme.

The largest UK news media event in the conflict against the Pakistani Taliban (Tehrik I Taliban Pakistan or TTP) was the killing of its leader, Baitullah Mehsud, in a UAV strike. This was reported in 22 articles in the six UK news outlets surveyed from the 8th to the 9th August 2009, but despite the magnitude of the news it was reported without certainty that the event had really occurred. Following several previous false announcements of Mehsud's death the *Daily Telegraph* (8th August 2009) noted that '100% confirmation' was still not possible and later in the morning of 8th August the BBC headlined a website article 'Pakistan Taliban chief 'not dead' ', reporting TTP claims that reports of his death were 'ridiculous'. The BBC journalist M Ilyas Khan could only offer speculation that 'the ambiguity surrounding his reported death may well persist'. Until the Taliban confirmed Mehsud's death on 30th September 2009, the event that had captured the attention of the international news media, and which the US and Pakistani Governments were keen to confirm, was reported on with doubt and uncertainty. Reporting on events in this way stretches the news value of timeliness. Events that are reported on are usually 'new' and by breaking this rule the stories jar with the norm and highlight the exceptional nature of the situation.

Uncertainty and exception were exacerbated by the lack of government comment. As noted above in chapter five, the government is the central source for the news media commenting on government policy. Simply by making a statement, a member of the government can create a news event. As the government responsible for UAV strikes, the

US Government is the central protagonist in the UAV programme and holder of key information. However, it was not until 30th January 2012 that US President Barack Obama publicly admitted the existence of a US Government drone strikes programme (The White House, 2012) and the US Government still does not explicitly recognise the Central Intelligence Agency's coordination of drone strikes in Pakistan, Yemen or Somalia (Obama, 2013; Roberts 2013). Although comments and leaks to the media – including reports of 'kill lists' used by the President (Becker and Shane, 2012; Miller, 2012) – have provided summary details regarding US policy, the US Government has not been candid as a source of information. As such, US Government silence has denied the news media details on a number of potential stories.

Furthermore, Barack Obama, the Democrat President and paradoxically a former 'progressive' Harvard law professor critical of the Bush administration's human rights record, has effectively provided his own name as ultimately responsible for the targeted killings program (Dozier, 2012). As a Democrat President, previously critical of the Bush administration's counterterrorism policy, this has confounded some critics as the UAV programme is apparently driven by a 'progressive' policymaker (Greenwold, 2012). Obama's support does not fit with the presupposition that Obama pushes policy in a liberal direction and this can provide further confusion.

For its part the UK Government (UK Border Agency 2013: 27) criticises 'extrajudicial killings by the security forces' in Pakistan, yet neither confirms nor denies assisting in the operation of the United States drone programme. The British legal and parliamentary fields have also provided little illumination. On 21st December 2012, the UK High Court ruled that it could not comment on drone strikes in Waziristan out of respect for the state sovereignty of the United States, suggesting it was a matter of international relations and therefore national security to be decided by parliament (Khan vs. SSFCA [2012] EWHC 3728 (Admin) Para. 10). However, *The Times* (21st December 2012) reported Rehman Chishti, a Conservative MP, who stated that Government answers were not forthcoming and '[i]t appears there is a cloud of secrecy over the policy, rules and procedures for drone strikes... This lack of clarity is a vacuum that needs filling'. By following the US Government's silence, the UK Government adds little of explanatory value.

Finally, the Government of Pakistan's position on drones is contradictory. Contrary to their public condemnation (Guardian, 2011), Pakistani officials have been accused of at least tacit acceptance of drone strikes. These accusations were exacerbated after the publications of comments by Wikileaks (2010) of President Asif Zardari in November 2010. Zardari stated: 'I don't care if they do it as long as they get the right people. We'll protest in the National Assembly and then ignore it.' In addition, Pakistani officials on the ground are accused of manipulating reports dependent on political expediencies at the time (Stanford and NYU Law Schools, 2012: 37). The FATA region is largely controlled by the Pakistani authorities' network of checkpoints and journalists from major western news sources have reported coercion by the Pakistani intelligence services (International Crisis Group, 2013: 9). However, the Pakistani authorities do not have a monopoly of control of the areas affected and Ilyas Khan, a journalist for the BBC working in FATA, stated that 'the Taliban have a strategy of blocking traffic to any area where missiles hit, so that the number of casualties and the identities of the dead remain unknown' (BBC, 9th August 2009). Therefore, the information that emerges on each strike may then be manipulated according to the political expediencies of the group that controls the area, for example by Taliban reports inflating collateral damage, or Pakistani authorities concealing them, depending on the situation.

While activist groups and independent non-governmental organisations, such as Reprieve, the Bureau of Investigative Journalism, the Foundation for Fundamental Rights and Codepink have attempted to uncover more information concerning drone strikes, barriers to entry in the Federally Administered Tribal Area (FATA) of Pakistan have made this problematic (International Crisis Group, 2013:1). The institutions of civil society in Pakistan could be a channel for reporting on the situation of the Other in North West Pakistan, however these institutions are rarely reported in the UK news media, thus further limiting another potential channel for engagement with the Other. The Pakistani news media are also very rarely referenced in UK news media reports and the reliability of the Urdu press is questioned (International Crisis Group, 2013: 8). Furthermore, there is a widespread inability to translate Urdu (Columbia University (2012: 11). Security concerns prevent investigations and campaigning by Pakistani NGOs too, with the Secretary General of the Human Rights of Pakistan, I.A. Rehman reporting that '[o]ur volunteers in FATA report on less contentious issues' (International Crisis Group, 2013: 10). In chapter three it was noted

that competent cosmopolitans compare and contrast culturally diverse sources of information in a number of languages – but from Waziristan security is also a key contributory factor in restricting communication. Summarising the situation, philosopher Bradley Strawser (2013: 22) has lamented the ‘scant and often contradictory empirical evidence to be had for the actual results wrought by drone warfare’ and scholar Stephanie Carvin’s (2012) broader review of academic studies on targeted killings confirmed the need for more data.

These factors ensure that news concerning drones is also largely anonymous. Despite long established journalistic conventions to the contrary (Tuchman, 1972), UK and international news media texts on drone strikes are filled with references to unnamed sources, if sources are referred to at all. In the news coverage sampled of drone strikes in North West Pakistan in March 2010 and March 2013 no single named source was found. In March 2010, all the six articles featuring on the *BBC* website referred to ‘local officials’ or ‘security officials’ as their key source. Indeed, of the thousands of sources referred to in the *New America Foundation’s* survey of international media reports on drones strikes 74% were anonymous government sources (Stanford and New York University, 2012). While Columbia University (2012: 17) has reported that unnamed officials are likely to be the Pakistani military, the anonymity means the source cannot be verified or held to account, and their information is treated more cautiously.

The news value of establishing ‘facts’ about recent events was discussed in chapter five in addition to the importance of creating a shared schema of news stories on which other news can be built. In their assessment of the expectations of the news media in witnessing events, scholars Andrew Hoskins and Ben O’Loughlin (2010: 69) have suggested that ‘certainty’ is perhaps the quality most sought from the news media. Yet this section has shown that the dearth of reliable empirical data and sources on drone strikes provides substantial *uncertainty* for journalists reporting on drones. Therefore, paradoxically, perhaps the most certain aspect of discourse surrounding drones is a level of uncertainty and the exceptional nature of news coverage on this issue. How this impacts on the construction of news discourse will be considered in the following sections of this chapter. However, this does not mean that there is not a continued attempt to provide certainty.

Such an attempt was most evident in the reporting of drone strikes against high value targets, as the next section shows.

7.3 Providing certainty through reports of the killing of 'high-value' targets

One means of providing an element of certainty can be to report on concrete events. The death of 'high-value' targets through UAV strikes prompts statements from US, Pakistani and UK Governments and this can create concrete stories that contribute towards the promotion of a notion of certainty. However, as the reporting of the strike on Baitullah Mehsud showed, even these events are not without doubt. Nonetheless, threats to Western security, particularly UK security, and their neutralization, hold significant value in UK news discourse on drones.

The quantity of news coverage given to the killing of those perceived to be al-Qaeda leaders threatening the West and the UK is notable (Appendix 7). The most reported event was the death in Yemen of the US born Islamic cleric Anwar al-Awlaki on 30th September 2011. This was reported in 45 articles between 1st-2nd October 2011 in the six UK news media outlets surveyed. Awlaki was famed for Internet sermons and alleged inspiration for acts of violence against Western targets (see 1st October 2011 editions of *Daily Mail*, *The Times*, *The Sun*, *The Guardian*, *Daily Telegraph*; and the *BBC Website* 30th September 2011). The next two most reported events were the drone strikes in Pakistan on Baitullah Mehsud, the leader of the Pakistani Taliban on 9th August 2009, and on Abu Yahya al-Libi (then effectively number two in the al-Qaeda hierarchy) on 4th June 2012, reported in 22 articles each. The quantity of UK news coverage for 'decapitation' strikes (the killing of heads of organisations) can be contrasted with the fourteen drone strikes reported by international media in March 2010 and March 2013 (TBIJ, 2013) – where only one strike was reported in articles by the UK press. That strike, on 18th March 2010, which caused less fatalities (five) than most in those months, was reported by *The Sun* and *The Daily Telegraph* as killing 'al-Qaeda' leaders. *The Daily Telegraph's* lead paragraph stated that '[a]n al-Qaeda leader believed to have played a key role in Afghanistan last December was killed by a missile strike last week' – thereby indirectly referring to a threat to UK troops in Afghanistan.

Barry Buzan, Ole Wæver and Jaap de Wilde (1998: 30-2) posit that the prioritization of security is driven by securitizing actors. In the case of news media coverage on drones the discourse surrounding al-Qaeda and threats to the West is often promoted by government actors. Evidence of governments acting as securitising actors was demonstrated in articles published on 1st October 2011 surrounding Anwar al-Awlaki's death. These contained a large number of quotes from US and UK Government officials highlighting the significance of al-Awlaki's threat to the West. For instance, on 1st October 2011 *The Times* headlined their report featuring quotes from the US President – 'Obama celebrates as US forces kill cleric behind every attack since 9/11'. The UK tabloid press celebrated the end of the source of al-Awlaki's internet publications with *The Sun* (1st October 2011) headlining a report 'Terror unplugged'. However, a focus on violence and threats to the UK were maintained in the *Daily Mail's* article headlined 'Killed' where 'Whitehall officials' are cited stating 'that while his death was positive news it did not remove the threat posed by followers in the UK who have already been radicalised'. This quote promoted the notion of persistent risk and this was evident in other publications. For instance, the obituary written on al-Awlaki in *The Guardian* (3rd October 2011) ends 'Others will no doubt continue his work', again framing the event within the context of ominous unquantifiable risk. The notion of a perpetual threat adds to the contingent nature to the discourse on drone strikes and supports Awan *et al.*'s thesis that a condition of hypersecurity is evident in the news media that constantly reports threats yet cannot demarcate or control them (Awan *et al.*, 2011: 3).

Hypersecurity can be conducive to a cosmopolitanism based on risk. It is often through acts of securitisation that a cosmopolitan outlook in response to mutually faced risk from al-Qaeda is nurtured by members of the Pakistani, UK and US Governments. *The Daily Mail* (1st October 2011) lists al-Awlaki's alleged orchestrations of airplane bomb plots and inspiration for Roshonara Choudhry's stabbing of Labour MP Stephen Timms in May 2010. While *The Sun* and *Guardian* articles on 1st October 2011 mentioned al-Awlaki's links to threats to US security first, the *Guardian* reports security officials comments: 'He was also linked to failed plots to target British and European interests, say security officials'.

However, where officials were overly certain, some journalists maintained levels of doubt and the notion of hypersecurity was repeated and given priority over other issues such as

those concerning legality. In an op-ed for the *Times* on 1st October 2011, entitled 'Airstrike that reveals a shift in anti-terror strategy', Obama is quoted as saying 'This is further proof that al-Qaeda and its affiliates have no refuge anywhere in the world'. The op-ed's author Giles Whitell wrote: '[t]here are, no doubt, terrorists in hiding elsewhere in the Middle East and within the US eager to prove him wrong'. The killing of al-Awlaki raised legal questions, notably with regard to US law in a number of news publications output. *The Observer* on 2nd October 2011 writes 'American law demands a fair trial for US citizens suspected or charged with terrorism activities, and that targeting them for assassination is illegal'. However, the macrosemantic ordering of reports ensured that the focus of the news event was the death of al-Awlaki.

Claims that the UAV strikes on 'high-value targets' would provoke retaliation and 'blowback' by stimulating recruitment in militant organisations following such attacks were repeated, but they were less prominent than discussion of disruption to militants caused by strikes. For example, while *The Guardian* (8th August 2009) reports that '[i]n the capital, Islamabad, police chiefs boosted security, fearing a retaliatory strike from the legion of suicide bombers that made Mehsud's reputation', the focus remained on the problems and infighting it caused for the Pakistani Taliban – 'a gunfight between Mehsud loyalists and a rival faction erupted in the nearby town of Tank, leaving at least 14 people dead'. *The Sunday Times*' (9th August 2009) first two paragraphs focus on their claim that Obama has pursued 'the deadliest and most effective methods of targeted assassination', and that the killing of Mehsud was a 'vindication' of the expansion of the 'hunt-and-kill' policy. The concerns regarding blowback are relegated to the end of the article, apparently too speculative even in the context of uncertainty that surrounds drone strikes: 'some critics believe [the policy] may be radicalising Islamic militants faster than US forces can kill them'. The reported death of a militant group leader is relatively more certain and holds more news value as an event than reports of blowback that his death 'may be radicalising' others.

In the reporting of strikes on high-value targets the identity, or style in Fairclough's terms, imputed to people in Waziristan is rather narrow. In the large quantity of media coverage of deaths of leaders of militant organisations one typical representation of a person from FATA was that of the Taliban warrior. In *The Guardian* (August 8th 2009) Baitallah Mehsud, the

deceased leader of the Pakistani Taliban was described as a ‘border warrior turned high priest of suicide bombers’. Such descriptions stand in contrast to the lack of detail provided in describing other victims of drone strikes and even other victims of the same drone strike. The tabloid press were more explicit in their demonization of the Taliban and its leaders. *The Sun* on August 8th described how ‘Baitullah Mehsud, who commanded 20,000 blood-thirsty extremists ... provided havens for retreating Taliban forces to lick their wounds before returning to the attack.’ The phrase ‘lick their wounds’ is also dehumanising suggesting dog-like dispositions of a mass of irrational people. This failure to recognise the heterogeneity amongst the Other, even if they are considered an enemy, is a failure to engage with a fundamental characteristic of their humanity. The entirety of North West Pakistan is frequently depicted as an area steeped in militancy and violence with little contextual explanation and routine broad brush descriptions – through the use of terms such as Pakistan’s ‘tribal badlands’ (for example, see *The Guardian* ‘US drone delivers silent death – and big blow to Taliban’, August 8th 2009).

Cultural engagement and therefore cultural cosmopolitanism is lacking and this contributes to a dehumanisation that justifies waiving fundamental human rights. Where Michel Foucault (1979) wrote of a ‘panopticon’ as a means of maintaining discipline, Didier Bigo (2008: 32) suggests that the notion of a ‘ban-opticon’ can help understand how the transversal network of security practices can be made sense of at a global level where exceptional rules are adopted for particular minorities. Michel Foucault (1979) applied Jeremy Bentham’s notion of the ‘panopticon’ – where members of a prison or hospital followed rules because they thought they were being observed – to society. Bigo follows Foucault but draws on Agamben (2005) and suggests that an exception is made for minority groups who are *abandoned to surveillance* and control. Here, in the case of UAVs, surveillance of those within the territorial space of Waziristan or Yemen can even lead to targeting for a missile strike.

Cosmopolitan moral concern for victims

A cosmopolitan moral concern for all those that suffer from the violence demands that those killed in drone strikes are afforded coverage and such events are reported. Yet while strikes against high-value targets received substantial coverage, two of the most lethal

strikes received comparatively little coverage. On 23rd June 2009 between 67 and 83 people were killed at a funeral in Pakistan but only three articles were found reporting the event; and, on 17th March 2011 between 32 and 53 people were killed (TBIJ, 2013) with only five articles found detailing that strike in the following two days of news media coverage surveyed (see Appendix 7, row 11). An interest in news related to events with particularly high casualties was, however, evident at times. As Philip Elliot (1977) suggested, challenges to ideologically acceptable acts of violence (such as state perpetrated violence) may arise when the violence is extreme. When, on 30th October 2006, a missile struck a Madrassa in Chinagai, North Waziristan, allegedly killing between 81 and 83 people, most of whom were children (TBIJ, 2011b; BBC, 2006a; Masood 2006), this was reported in 16 articles in the UK news media surveyed (Appendix 7, row 2). Cosmopolitan moral issues related to events with high casualties were not entirely without news value, but other news values demand that news is also captivating and linked to the West (Hoskins & O’Loughlin, 2010: 43). Stories centred on compassion for the distant Other may therefore be overlooked. In summary, where a risk-based cosmopolitanism is cultivated out of concern for attacks on ‘us’, the focus on high-value targets that emerges is not conducive to moral or legal cosmopolitan approaches and concern for the people living in FATA.

7.4 Argumentation on drones

In keeping with the focus on the individual deaths of high-value targets, a key claim of argumentation in favour of drones concerns their accuracy and minimisation of ‘collateral damage’ (unintended damage from military action) due to their capacity to fly and surveil for extended periods of time in difficult geographical contexts. The claim that drones are accurate intuitively leads to a counter-claim that drones are *not* accurate and do not minimise casualties. Argument structured in this way overlooks issues related to targeted killing *per se* and broader significance of the drone programme outside of the event of the strike itself – for instance, related to longer term issues or the impact on Waziri society. After discussing claims concerning accuracy, this section will consider how images and statistics were used to create credible and authoritative argumentation, before commenting on the launch of a report by Stanford Law School and New York University Law School.

Edward Luttwack’s (1995) thesis on ‘post-heroic war’, or Martin Shaw’s (2005) ‘Risk-Transfer

War' dictates that risk is avoided for 'our' military or security services where the conflict is not seen as essential for 'our' in-groups own survival. Commentators such as the academic philosopher Bradley Strawser (2012) writing an op-ed in the *The Guardian* suggests this creates a moral obligation to use UAVs as they avoid such unnecessary risk. However, claims surrounding the precision of drone strikes suggest that drone warfare does more than simply transfer risk from Western personnel operating aerial vehicles to others on the ground. The precision argument suggests that risks will also be reduced for those subject to 'our' military action. Theoretically, here a consideration of risk could lead to increased protection of the lives of members of an Other community and therefore it could promote a form of moral cosmopolitanism if precision claims are correct.

The US Government promotes the claim that drones are accurate and 'precision' is the key word in the governmental lexicon. The Director of the CIA, John Brennan (2013) told the US Senate that 'remotely piloted aircraft...strike their targets with astonishing precision' and US President Barack Obama (2013) referred to the '[v]ery precision of a drone strike', enhanced by the drones' capacity to surveil an area over long periods of time. Nonetheless, academics at the Stanford and New York University Law Schools (2012:9) contest these claims of precision, citing reports that the software provided to the CIA by Intelligent Integration Systems was inaccurate in providing locations by up to 13 metres and that the 'latency' (time delay) of images received via satellite by the US based drone pilot firing the missile was problematic. Furthermore, Stanford University and New York University claim the intelligence derived from informants on the ground used for targeting is often inaccurate – obtained by bribing dubious sources (2012:125-128).

Claims and counter-claims on the military efficacy of drones have been repeated in editorials and op-eds in the news media (for example, see Williams, 2010; or Clive Stafford-Smith, 2012); and, argumentation has not resolved contestation over the accuracy of UAVs. As such, a consideration of images can provide insight into how knowledge of the situation is constructed. Though not in Stafford-Smith's article, the 'clean' high-tech image and language supporting the precision claim was prominent across the discourse surveyed.

a) Images

Access for journalists, or other independent investigators, to the area of Northwest Pakistan affected by drone strikes is restricted by Pakistani authorities (The International Crisis Group, 2013). One consequence of this restricted access has been the dearth of images depicting drone strikes from the ground in Waziristan. Hoskins and O'Loughlin (2010:30-31) argue that images are key drivers of representations in conflict, largely due to the accessibility to conflict zones for journalists and others with cameras combined with the dissemination capacity of the Internet. However, with lower Internet and mobile phone penetration across the FATA region (across the entirety of Pakistan Internet penetration stood at 17% in 2011 (ICT, 2011)) communication through visuals exists on a lesser scale for people in the areas affected by drone strikes.

Elspeth Van Veeren has written on the visualisation of drones. She states that 'the most common way in which drones seem to be imagined, or made sensible, is through the presentation of drones as things; things that fly or things that sit' (Van Veeren, 2013: 5). Of the eight articles covering drone strikes by the BBC in March 2010 and March 2013 all featured stock images, that of a drone flying in blue sky or on the tarmac of an airport runway. The focus is on the drone as an object, a high-tech piece of clean technology, in stark contrast to the messy complexity into which it fires its missiles (see images below). Indeed, in the sample of BBC website articles reviewed in March 2010 and March 2013 these contained maps detailing the lesser known areas of FATA over which the 'drone-thing' was flying.



Figure 17: BBC News Website articles, 17th March 2010 and 22nd March 2013

The scholar William Walters (2013) utilises Bruno Latour’s concept of dingpolitik (2005) to deconstruct some of the politics surrounding the drone as an object, or ‘thing’ in Van Veeren’s terms. In dingpolitik an object, such as a drone, can be represented differently by different actors to suit their claims. Walters (2013: 7) argues for the conceptualization of ‘drone warfare’ as an ‘emergent object’. As such, the drone or UAV should not be considered as a self-evident object but one that is situated according to its representation and forms in which it is understood and in this way it can be interpreted variously. The drone may be consistently considered a precise weapon through its advanced specifications, but assuming these qualities to be unchanging and fundamental to the object can be misleading. An awareness of the potential reification of objects and their characteristics can therefore improve analysis.

Alternative imaginaries have been constructed to counter the clean image of warfare that the predominant image of drones presents, but Van Veeren argues that ‘unlike campaigns such as Occupy or efforts to close Guantánamo, anti-drone campaigners have been less successful in finding a visual frame around which to mobilize’. She suggests activists have not found a “killer photo’ of a ‘killer drone’ and so struggle to disrupt the clean language and imagery of drone warfare’ (van Veeren, 2013: 3-9). Van Veeren argues that there are also imaginaries from the perspective of those based on the ground. This includes images of victims and damage that contrasts with other clean imagery. The work of Noor Behram photographing the consequences of drones on the ground is an example of this. However, coverage of Behram’s less sanitized work in the news media is limited. In July 2011 the

activist group Reprieve launched their campaign against drone strikes at a Behram photo exhibition and *The Guardian* (2011b) reported on Noor Behram's work but his pictures have not been used as widely as those generic clean pictures of UAVs themselves. Analysis of Tweets published by Reprieve found that many Tweets on news stories were re-tweeted over a hundred times. However, Tweets with links to images of destruction caused by drones were unpopular. For example, Reprieve (2011) published a Tweet that stated 'See the destruction wrought by US drones in Pakistan at @ReprieveUK exhibition from Thu <http://t.co/4SswkVX>', but this was not retweeted.

While Stanford and New York University Law School (2012) criticize what they term the 'dominant discourse' of the 'precise' advanced technology that is the drone, it is noticeable that they, like the activists campaigning against drones (Reprieve, CodePink, DronesWatch) adopt the term 'drone' rather than Remotely Piloted Aircraft or Vehicle - as preferred by the Royal Air Force (2013) for its emphasis on the human pilot. Furthermore, Reprieve (2013a) and Droneswatch (2013) use similar decontextualised and sanitized pictures of 'dronesthings' as motifs for their website information on drones. However, the activists' recontextualisation of this image can change the imaginary surrounding it. The word 'drone', combined with its clinical image, corresponds with the claim that activists promote concerning the inhuman distance and dissonance of drone warfare. In this way a sanitized image emphasizes how Western operators of drones are removed from the distant others that they are targeting. Claims of sanitisation and cognitive dissonance – where empathy between warrior and enemy are more detached than in other forms of warfare - have been widely expressed in the academic field and repeated by activists and the news media. International relations scholar Peter Singer (2009: 308-309) quotes drone pilots' statements suggesting dissonance with the violence they are involved in - '[i]t's antiseptic. It's not as potent an emotion as being on the battlefield' and '[i]t's like a video game. It can get a little bloodthirsty, but it's fucking cool' – and these quotes have been repeated and criticised by activists (see Benjamin, 2012: 86). Such discourses, where human life and death are trivialised, run contrary to activists groups advocacy of concern for fellow human beings. The interpretation of sanitised images of drones can therefore support or contradict arguments in favour of their use.

b) Looking for certainty: the turn to numbers and categorisations

Claims surrounding drone warfare are therefore contested and in an attempt to provide clarity, statistics and graphs are often referred to. In all the case studies in this thesis governments have been reluctant to release statistics on counterterrorism measures. Instead they have focused on statistics concerning the violence enacted by non-state actors. For instance, where the Parker Report detailed the number of weapons and members of the IRA identified following internment or Roy Mason's claim that deaths from terrorism were reduced from 296 to 113 in three years (Mason, 1999: 226). It has largely been activist groups and journalists that have published statistics on state perpetrated violence. For instance in 1978 the Amnesty International Report detailed 78 cases of abuse in Gough, Castlereagh and Armagh barracks, and Dr Irwin's statistics of injuries to prisoners were reported by London Weekend Television in 1979. Yet, there is news value in apparently factual and objective information and despite not providing details the Obama administration has revealed that a 'disposition matrix' is used to calculate when a UAV strike can take place (Miller, 2012). Moves towards actuarial assessments of risk (Wall and Monahan, 2011) enhance the idea that metrics can resolve contestation on issues of security. They promote the idea that somewhere there exists a 'repository of 'objective' data' that might resolve arguments through its truth effect (Walters, 2013: 15).

Perhaps it was therefore inevitable that in the context of the lack of statistical information on drone strikes, 'tracking organisations' would emerge such as those based in *The New America Foundation* and *The Bureau of Investigative Journalism (TBIJ)* that monitor and aggregate international news media reports on the number of categories of casualties in drone strikes. On June 12th 2013, *The New America Foundation* reported that between 2012-3350 people had been killed in Pakistan by drone strikes, of these 258-307 were civilians and 1567-2713 were militants, and 196-330 were unknown; whereas, the *TBIJ* reported that 2,548-3,549 had been killed, including 411-884 civilians and 168-197 children, with 1,177-1,480 reported injured. These organisations are cited by the news media, academics (Plaw, 2013) and other contributors to debates on drones including the United Nations (2012). *The New America Foundation* is the most widely cited source in the US and UK media (for example, *The Times*, 25th May 2013) and the Bureau of Investigative Journalism (TBIJ) is described in academia as the 'go-to source for data on CIA covert drone

operations' (van Veeren, 2013: 9). While the tracking institutions do not claim to provide definitive statistics, the possibility that the systems set up to compile these statistics are fundamentally inadequate is less recognised (Columbia Law School, 2012). Even the range of numbers provided by the organisations does not allow for the fact that the figures are based substantially on news reports, with all their associated problems of gathering reliable information. Yet, the statistics provide a reputable source to cite in their claims surrounding drones. Van Veeren (2013: 9) notes that ostensibly statistics offer an 'anesthetic experience of violence, one which is calculating, rational and irrefutable'. Furthermore, with statistical evidence the broader and more nuanced effects of drones, related to the suffering of relatives, the impact on society or the difficulties and implications of categorizing people as militant or civilian are often overlooked.

c) Reductionist categorisations

Distinguishing between civilians and militants, or combatants and non-combatants, perpetuates a tendency to place actors in these regions in one of two categories – a tendency which the news media contributes to and follows. Even the placing of speech marks around the word 'militant' or the term 'suspected militant' as is regularly reported in the UK news media, prompts binary categorisations that can be difficult to apply accurately - for example, through stories with headlines such as *Pakistan drone raid 'kills three militants'* (on the *BBC Website*, 9th March 2010). The lack of clarity allows actors to define terms and produce more politically expedient claims and statistics. For instance, the Democratic chair of the US Senate intelligence committee, Dianne Feinstein, stated that annual civilian casualties from US drone strikes have 'typically been in single digits' (Pilkington, 2013). However, having interviewed 40 current and former officials with classified US Counterterrorism efforts, in their *New York Times* exclusive investigative journalists Joe Becker and Scott Shane (2012) offered insight into the method used by the US administration in defining combatants:

It in effect counts all military-age males in a strike zone as combatants, according to several administration officials, unless there is explicit intelligence posthumously proving them innocent.

Becker and Shane report that:

[C]ounterterrorism officials insist this approach is one of simple logic: people in an area of known terrorist activity, or found with a top al-Qaeda operative, are probably up to no good.

This comment's reference to 'people' implies that women, and also children, could be viable targets. Furthermore, Stanford and NYU Law Schools (2012: 40) have reported that it was problematic counting female victims of drone strikes as '[i]t is generally unacceptable to ask direct questions to a male family member about female relatives, or to photograph women'. Nonetheless this claim has largely been overlooked in UK discourse.

The very question surrounding the definition of a 'militant' or 'non-militant' sets up a debate with an underlying assumption: that those who are defined as 'militant' are viable targets, thus nullifying arguments that forms of extra-judicial killings even for those that fit the narrowest of definitions of militant are unwarranted. Differentiating between militant and non-militant is necessary in a situation of armed conflict where international humanitarian law (the laws of war) is applied. However, if an armed conflict does not exist then only human rights law applies and this precludes extra-judicial killings outside of situations of self-defence (NYU and Stanford Law School, 2012: 117). It was a Pakistani NGO that provided a clear anomaly to this categorisation. The Human Rights Commission of Pakistan publish drone casualty figures, but with no distinction between militant and civilian victims – because the Secretary General, I.A. Rahman, considers all killings to be extra-judicial (see International Crisis Group, 2013).

As such, a focus on categorisations and numbers can be reductionist and inaccurate in its representations of the Other. More rounded depictions of individual human beings belonging to structured societies in FATA are unusual. To exacerbate this reductionism, quotes from locals are often anonymised as a collective group through statements such as 'local people told the BBC earlier' (*BBC Website*, 'Pakistani Taliban leader 'killed'', 8th August 2009) or '[l]ocal tribesmen say the drones then fired another three missiles at their meeting, or jirga' (*BBC Website*, 'US drone strike 'kills 40' in Pakistani tribal region', 17th March 2011). Failing to provide names of locals or referring to them as 'tribesmen' or 'local

people' depicts none of the individual characteristics that people have and in that sense dehumanises the image created of them for the reader.

Furthermore, academics Tyler Wall and Torin Monahan (2011:251) argue that the attribution of group characteristics to individuals is a characteristic of risk societies where individual identification is subordinated to objectives of risk management of populations and groups. Actuarial assessments of risk are likely to dehumanise as they homogenize groups according to the risk assessments. Through this, assessments of the Other are limited and more likely to justify crude stereotypical character assessments, and in terms of policy justify the use of 'signature strikes', as opposed to personality strikes on named individuals. A 'signature strike' is where individuals may be targeted despite not knowing their name, but where their actions fit a profile that is considered likely to be linked with al-Qaeda and or other 'militant' groups.

The binary analysis promoted by the militant-civilian dichotomy is not often deconstructed in the UK news media. This clearly inhibits a cultural cosmopolitanism where understanding between Self and Other is encouraged. Furthermore, the idea that the US is supported by state actors and opposed by militants is particularly obstructive to attempts to fully explain the conflict or the communication of drone warfare. There are various armed non-state groups operating in the FATA region including al-Qaeda, the Quetta Shura, the Haqqani Network and the Tehrik-i-Taliban, Pakistan (TTP). While these groups may be linked by a broad ideology, they differ in their approach to operational strategies and willingness to negotiate with the Pakistani Government - the Haqqani Network and Quetta Shura, are reported to have cooperated regularly with elements of the Pakistani authorities (Stanford and New York University Law School, 2012: 18-20); and, in 2011 Joint Chief of Staff Admiral Mike Mullen alleged that the Haqqani Network was a 'virtual arm of the ISI' (UK Border Agency, 2012). Yet the Haqqani Network and Quetta Shura are considered the key players in the insurgency in Afghanistan (UK Border Agency, 2013: 50) ensuring that the US and Pakistani authorities, and factions within them, often have different priorities when it comes to targeting drone strikes and then in the communication of them.

A recognition of the diversity amongst the Other, where local specificities are appreciated, is key to culturally informed approaches (Chen, 1998:4). Anthropologist Akbar Ahmed (2013)

argues that drone warfare creates more instability than it prevents. Ahmed describes the structure of tribal societies in FATA based on tribal elders (maliks), religious leaders and representatives of the central Pakistani Government (the political agent). However, these structures are severely threatened by the violence of tribal infighting, the Pakistani Taliban, the Pakistani Government and drones. Much of the FATA region operates under a set of laws set up by the British (the Frontier Crimes Regulations) where disputes are heard before male elders at an institution called the Jirga. Ahmed suggests that drone warfare threatens the institutions that are integral to peace and order in the region. However, indicative of the failure of news to cultivate a cultural cosmopolitanism, the importance of indigenous structures was rarely acknowledged in the UK news media output assessed.

7.5 Connecting with the disconnected - 'Living Under Drones' report

Ethnographic work at the activist group Reprieve revealed an organisation that was keen to pursue a client led approach and with Reprieve's strong links to organisations in Pakistan such as the Foundation for Fundamental Rights (FFR), they had links to residents in the FATA region who had first-hand perspectives on the direct effects of drone strikes. Accordingly, this section considers efforts by Reprieve to facilitate connections between residents in the FATA region and the outside world. Engagement with the population and issues of Waziristan was problematic due to the restricted access. This was not conducive to an approach of openness to the Other. However, Reprieve aimed to overcome this through their investigations and campaigning and the coverage they received in news and social media.

Reprieve commissioned Stanford Law School and New York University to research a report entitled *Living Under Drones* (2012), published on 25th September 2012. The report aimed to counter what it termed the 'dominant narrative' that drones are accurate *and* provided an insight into drone strikes' impact on the Waziri community (Ibid, 2012: v). It was based on 130 interviews and photos from residents of FATA. Reprieve's partner organization in Pakistan, the Foundation for Fundamental Rights (FFR) group facilitated many of the interviews. The report not only argued that civilian casualties were underestimated, that drone strikes violated international law and that they created animosity towards the US, but that the daily fear of a drone strike prevented residents from undertaking fundamental

social activities including tribal community meetings, schooling and funerals. It also reported on the impact that drone warfare had on residents of FATA through the psychological effect and destructive impact on societal structures. The report was covered in the international news media and by the BBC, *The Guardian* and *The Times*. The impact on people's everyday lives was repeated: on 25th September 2012, the BBC Website article's lead paragraph read: 'Civilians are being 'terrorised' 24 hours a day by CIA drone attacks that target mainly low-level militants in north-west Pakistan, a US report says' and the *Guardian* headline on the same day read 'Drone attacks in Pakistan are counterproductive, says report'.

By publishing the report just two weeks before a protest march against drone strikes on 5th October 2012 in Waziristan by Imran Khan, the Director of Reprieve, Clive Stafford-Smith and members of the activist group Code Pink served to create more momentum in media interest, beyond the killing of high value targets. The march itself generated some news media coverage - 11 articles on 6th October 2012 from the six news media outlets surveyed - and various other related articles. For instance, the BBC Website published an article with a video interview detailing the account of a UK drone operator, in the context of a protest against CIA drones in Pakistan. The article was headlined "'Too easy': Ex-drone operator on watching civilians die' (5th October 2012) – and two other articles linked to this interview. The suggestion that UAVs' surveillance and attack technology promote greater distance between the operators and the surveilled challenged notions of clean and limited drone strikes on deserving targets and promotes a concern for the people targeted.

Furthermore, Reprieve published the Tweets written by Clive Stafford-Smith whilst he was on the march. One Tweet reported the signs written by Waziris in support of the march 'Sign: We believe in Islam Pakistan warmly welcomes foreigners participating in this sacred act saving bloodshed', another Tweet announced '@ReprieveUK from being Pakistani I am really thankful to you people you came so far for us really admiring thanks' (Reprieve, 2012d). Communications Officer Clemency Wells (Reprieve, 2012d) outlined the aim of these Tweets:

Following the march virtually on Twitter rather than literally in a Corolla [car] was striking in its symbolism. Such interconnectedness was, after all, the whole point of

the anti-drones march. As we are all constantly reminded: the world is more connected than ever. People in the West may be thousands of miles apart, of different religions, and ethnicities, and political allegiances to those in Waziristan, but as always there is far more that unites us than divides us.

The cultural cosmopolitanism in this comment is clear as it is replete with references to connections between cultures that overcome divisions and media interest was stimulated in the march but also more generally in the issue of drone strikes.

However, the march did not reach its final destination within Waziristan because of security concerns. As such, security was, once more, a barrier to further raising the profile of the life of people in Waziristan. Yet by raising the profile of Waziri residents Reprieve's work had facilitated connections between people in Waziristan and the outside world, in a way that traditional news media reporting often failed to. The reporting of the march on Twitter represented a new genre and script through which drone strikes could be reported.

Lilie Chouliaraki (2006) offers suggestions on how news scripts can engender pity. Chouliaraki notes how 'adventure scripts' contain simple facts (often dehumanising statistics) typically with static shots or statements with singular time and space dimensions and without the contextual information that Silverstone (2007) argued is essential for connections to be made. These static elements feasibly add to the impossibility of change and enhance Othering without pity. The effect of depicting the Other as static and passive could contribute to post-colonial style constructions of continued dependency and subordination. The generic and formulaic news reporting on the BBC Website in March 2010 and March 2013 were examples of this, as is the data provided by the tracking organisations above. However, Chouliaraki also discusses 'ecstatic' coverage – this is happening 'now' and is connected to our place (which pertains to people like us) and yet the spectator is constantly reminded that they are witnessing a mediated representation and thus distance is maintained. Ecstatic scripts can potentially lead to a mix of different registers including empathy, anaesthetisation and reflection, but the viewer is sovereign at all times. The reporting of the march on Twitter represented a form of ecstatic script and with the comments that were published to the 9000 followers of Reprieve and hundreds of thousands of followers of Imran Khan, this distinctive genre of communication appears to

have facilitated greater communication with Waziris affected by drone strikes. These connections are still very limited but nonetheless through the reporting of a roadside sign in Waziristan more connections between the Self and the Waziri Other were, however small, facilitated.

The campaigning of Reprieve, through an academic report, a march in Waziristan and through social media, utilised different genres to impact on the discourse. The methods were successful in raising awareness and interest in the life of the Other in Waziristan, although not on the same scale as litigation had done in the case of Binyam Mohamed. However, such litigation was pursued in the case of the drone strike at Datta Khel on 17th March 2011.

7.6 Drone strike in Datta Khel: challenging the order of discourse

On 17th March 2011, a drone struck a gathering of approximately 40 men in Datta Khel, North Waziristan. The strike initially received scant publicity in the UK news media, Pakistani official comment, but investigative journalism and a judicial review launched through the UK courts had a significant impact on the discourse. These alternative sources of news story stimulated challenges to the received approach to news on Waziristan and when the order of discourse was challenged alternative representations of the Other were promoted.

In their reporting on the strike, the *Daily Telegraph* and *The Sun* on 18th March 2011 referred to 'the lawless region', yet the Jirga that was taking place when the drone struck was established to administer a form of tribunal and debate. However, the characteristics of discourse surrounding this particular drone strike changed amid the context of the Pakistani authorities' encouragement and contributions to the denunciation of the strikes. The BBC practice of stationing reporters within the region they are reporting appeared to provide a greater awareness of local sources. The Pakistani Chief of Army Staff, General Parvez Kayani, issued a press release on 17th March 2011 that was directly quoted by the BBC in 'Pakistan army chief Kayani in US drone outburst'. The General is quoted in support of the social institution of the Jirga and of the importance of elders within that society, and furthermore, promoting the value of human life:

It is highly regrettable that a Jirga [meeting] of peaceful citizens including elders of the area was carelessly and callously targeted with complete disregard to human life.

The General then transforms his cosmopolitan appeal regarding the sanctity of human life through a national frame, however he states 'It has been highlighted clearly that such aggression against people of Pakistan is unjustified and intolerable under any circumstances', thereby promoting an argument that national sovereignty should be defended. As in previous chapters, the nation-state is suggested as the institution through which basic moral cosmopolitan concerns surrounding the protection of human life can be allayed.

In contrast to reporting by the BBC and other outlets on previous strikes, the BBC article report on 17th March 2011 featured a statement from local elders. The BBC reported the statement:

We are a people who wait 100 years to exact revenge. We never forgive our enemy...The world should try and find out how many of the 40-odd people killed in the drone attack were members of al-Qaeda...It was just a Jirga being held under local customs in which the prominent elders of Datta Khel sub-division, and common people were participating to resolve a dispute.

Unusually, the BBC gained access to a named individual, Malik Faridullah Wazir Khan, who describes graphic scenes after the drone strike of the injured and dead, preventing any sanitization of the imagery surrounding the strike. Furthermore the report featured a photo of the tribal leaders giving a press conference in Peshawar to the media. However, despite the availability of named sources and photos and the high death toll, of the UK news media surveyed only *The Sun*, *The Daily Telegraph* and the three articles on the *BBC Website* covered the story; no other articles in the UK media outlets surveyed were found in the two days after the strike. Concerns for the situation of the Other in Waziristan was still given limited news media coverage.

Alternative genres to hard news

On 15th April 2011, in an article in *The Mail on Sunday* David Rose demonstrated the advantages of investigative reporting. Rose provides contextual details about the event one month after it took place in his article through interviews with senior members of the ISI. Rose recognized the importance of the Jirga in resolving local disputes:

There were more than 150 present, gathered to resolve a dispute over how much revenue each of several neighbouring clans was due from a chromite mine on the slopes of a nearby mountain.

In contrast to the majority of reporting on drone strikes Rose also cited a named local person. Furthermore, Rose explores the political situation between the Americans and the Pakistani authorities with references to Pakistan Interior Minister and member of the Inter-Services Intelligence (ISI) Rehman Malik. Malik criticizes the CIA for operating a 'parallel intelligence network' that does not cooperate with the Pakistani's and calls for American cooperation with the Pakistanis against militants. Here the article is effectively reporting calls for a unified response to the threats of terrorism as outlined by Ulrich Beck's cosmopolitan outlook (2006), but suggests cooperation is inconsistently realised.

When the 17th March 2011 strike was considered in the UK legal field even more contextual information concerning the victims was given. Noor Khan, the son of a victim, brought a legal complaint against the UK GCHQ for complicity in drone strikes that killed his father. He alleged that GCHQ provided locational intelligence to the US Government. The news media's contextual reporting changed when this case was considered in the UK courts. On 24th October 2012 more insight into the daily lives of Waziris was given in a *Guardian* news article. *The Guardian* reported that the complainant Noor Khan is the son of a drone strike victim and Khan is described as:

[living] in constant fear of a repeat of the attack in North Waziristan in March last year that killed more than 40 other people, who are said to have gathered to discuss a local mining dispute.

In addition, on 21st December 2012, the BBC Website gives significant background on Noor Khan's life and family including photographs and links to a *Panorama* episode on drone

warfare that contained a piece on Noor Khan's case (BBC 2012). Through the genre of television documentary, *Panorama* reported that Malik Khan was one of 50 elders killed at the Jirga established to resolve a mining dispute. Noor Khan was interviewed on film, albeit with simultaneous translation, providing visuals to the audience of this man's testimony. Noor Khan is filmed stating that '[m]y father was working for the benefit of the community, he was a Councillor elected by the political administration – that was the sort of man he was'. Noor Khan gives further perspective into the impact on the lives of those in the vicinity of a drone strike:

We can't go about our daily business or walk around freely – our lives have become a prison. These drones are constantly flying overhead. We can't offer our prayers, recite the Qu'ran and we can't even have meetings for fear of drone attacks.

Again the change of genre allowed for greater contextual reporting and engagement with the Other. Noor Khan's voice was broadcast and contributed to the broader UK media discourse surrounding deliberation on drones. In this sense the *Panorama* programme was contributing to a deliberated cosmopolitanism that gave voice to all those affected by policy. Aspects of life that were largely neglected by hard news reports on drone strikes were reported. They also allowed for parallels to be drawn between the treatment of suspect communities in 1970s Northern Ireland and 21st century North West Pakistan. Where the internment of thousands of Catholics in the 1970s Northern Ireland was widely reported, in the 21st century a form of *diffuse internment* has emerged in counterterrorism practice in Waziristan. These restrictions to the freedom of Waziris are less widely reported as, in this case, the news media struggles to keep abreast of the diffuse nature of counterterrorism practice.

Nonetheless, coverage of the Noor Khan court case demonstrates how the news media provides deeper reporting when there is an 'angle' that allows magnification of the news value of a particular story. The litigation against the UK Government provided that angle, or 'peg' to hang Noor Khan's account – as it is often referred to by journalists and communication professionals (Cobain, 2013; Campbell, 2012; Wells, 2012). In this case the newsworthiness of Noor Khan's complaint prompted interest in his personal story, providing a platform, through a BBC documentary for connecting with the Other.

Challenges to the order of discourse occurred through the genre of BBC documentary where more context, visuals and interviews with Noor Khan, as the Other, could communicate to BBC audiences, to a degree not possible through press coverage. The introduction of investigative journalism, Pakistani Government sources and litigation impacted on news discourse, but, as the next section demonstrates, this was not enough to significantly impact on the broader discourse.

7.7 Cosmopolitanism through law

The previous chapters demonstrated how the legal field can provide a forum for debate and deliberation, particularly concerning issues of cosmopolitan rights – most conspicuously those rights protecting individuals against abusive state actions. However, legal questions were often absent from the mainstream UK news media coverage of drone strikes and no references to law were found in stock reporting of strikes in the articles surveyed in March 2010 and March 2013. In this context, this section discusses the potential for cosmopolitanism through domestic and international legal institutions.

Khan, R (On the Application Of) v The Secretary of State for Foreign And Commonwealth Affairs [2012] EWHC 3728 (Admin) (21 December 2012)

In *Khan vs. SSFCO (2012)*, Noor Khan's legal application called for a judicial view of UK Government policy on passing intelligence by employees of GCHQ to the US Government. When Noor Khan's case was heard in the UK courts on 23rd October 2012 four related articles were published in the UK news media surveyed and the litigation surrounding it received similar levels of interest (Appendix 7, row 23). The potential war crimes, assistance in murder or crimes against humanity committed by GCHQ employees, was briefly reported by the *Guardian* in their article headlined 'UK support for US drones may be war crime, court is told' on 24th October 2012. On 25th October 2012, *The Times* reported the Government's defence – 'Britain's national security would be threatened and the public put at risk if British courts decided to explore the legality of US drone strikes in Pakistan'; and, the court found in favour of the Government.

The judgement confirmed the supremacy of state sovereignty and executive power. In his ruling Lord Justice (LJ) Moses refused to consider the legality of US drone strikes because of '[t]he principle that the courts will not sit in judgement on the sovereign acts of a foreign state'. The potential violation of the US statute criminal law (through the Serious Crime Act 2007 and the International Criminal Court Act 2001) by the UK, as a complicit actor, was ruled to be beyond the scope of the UK courts. While LJ Moses recognised that '[t]here are, undoubtedly, cases in which the courts have been prepared to resolve disputed issues of international law' he highlighted how in 'high policy – peace and war, the making of treaties, the conduct of foreign relations – does tend to militate against the existence of the right'. The judgement demonstrated how the need to maintain state sovereignty persists strongly in the courts, maintaining a form of methodological nationalism. Security, again, was the 'bottom line'. LJ Moses affirmed the representations from UK Government solicitors that 'relations with our most important bilateral ally' should not be damaged because of the threat this would pose to 'the United Kingdom's security' (Ibid: para 17). In the relations between governmental and legal fields, the governmental field and specifically the executive was in the ascendancy. Therefore, moral and legal cosmopolitanism related to minimum human rights standards were subordinate to concerns for international relations.

The claimant, Noor Khan, had called for the publication of policy related to information sharing on drone strikes and had pointed to the publication of policy related to passing intelligence related to interviews - discussed in chapter five. However, LJ Moses criticised the imprecision of the guidance on intelligence related to interviews and went on to broadly reject the possibility of effective written guidance on either issue. Commenting on the guidance given pertaining to interviews LJ Moses stated:

Examination of the Guidance, which Mr Chamberlain holds out as an exemplar, merely shows that the claimant cannot overcome the difficulties inherent in a vague and, possibly misleading, declaration by seeking to transpose those difficulties into a written policy (Ibid: para. 45).

This judgement thereby gave little credibility to written policy and legal judgements, thereby adding to the disempowerment of the legal field.

Furthermore the Court refused to give judgement on a possible future action. LJ Moses stated:

The principle that the courts will not make declarations as to future conduct or in relation to a future decision is often qualified by a reference to 'exceptional circumstances'

These exceptional circumstances would more likely be theoretical legal ones and not based on facts (*Khan vs. SSFCO (2012)* paragraph 29). In stark contrast to security policy, this confirmed reluctance of the legal field to adjudicate on future hypotheticals in a pre-emptive manner. When the High Court ruled in favour of the Government on 21st December 2012, both claimant and defendant cases were referenced in four articles covering the judgment. This can be contrasted to the Binyam Mohamed judgements in February 2010 that were reported and referred to widely and preceded new interrogation guidelines and the announcement of a government inquiry (see above chapter).

In international law the legality of drone strikes is highly contested, both concerning their proportionate nature under international humanitarian law – where jurisdiction requires for a recognised armed conflict, and international human rights law - that outlaws extra-judicial killing except in cases of unavoidable imminent threat (Stanford and NYU, 2012: 103-122). However, in the discourse on drones, international law, international human rights law, international humanitarian law and inquiries by inter-governmental bodies were not afforded explicit news value. For example, when the UN Special Rapporteur Ben Emmerson commenced an inquiry into the legality of drone attacks on 24th January 2013 only the BBC and *The Guardian* reported the news. Instead legal codes were referred to more implicitly through repeated concern with categorising targets as militants or civilians, but the opaque nature of definitions allowed for statistics to be manipulated.

Judgements made in other domestic jurisdictions, notably Pakistani and US courts, were largely ignored by the UK news media and consequently some discourses pertinent to cosmopolitanism were omitted. On 9th May 2013, in the Peshawar High Court, Chief Justice Dost Mohamed found drone strikes to be a violation of Pakistani sovereignty, international law and the Geneva Conventions on Humanitarian Law – forms of universal law that

privilege the rights of individuals and in that sense cosmopolitan law. Yet, none of the UK media outlets surveyed published articles focusing on it. It is apparent that enunciations from the legal field are considered most newsworthy when they emanate from the UK legal system. The British domestic legal system was the means by which UK Government policy could be most forcefully challenged in above chapters, both in terms of legal rulings that obligated government action and in terms of providing legitimacy. However Noor Khan's petition for a judicial review failed because of its hypothetical nature.

A civil claim where the protagonists were British nationals that had suffered from a drone strike might lead to an alternative judgment. As such, through the use of powers under the *Immigration, Asylum and Nationality Act 2006*, the Home Secretary can deprive dual nationals of their British citizenship if it is 'conducive to the public good'. *The Guardian* (14th July 2013) reported that 'at least 17 people have been deprived of their British citizenship' by the Home Secretary, Theresa May. One of these ex-citizens, Bilal Berjawi, had had his citizenship revoked just months before he was hit by a drone in January 2012. The Government, once more had adjusted policy to take account of the potential influence of legal discourse related to individual claimants.

7.8 Conclusions

Counterterrorist operations utilising UAVs in Waziristan and FATA take place in an area where access is restricted and this can prevent communication of the situation of the Other, thereby limiting the potential to take 'the position of the Other' (as advocated by Roger Silverstone, 2007: 44-7). This contributed to the framing of Waziristan as an exceptional space, plagued by threats and disorder, which disrupt communication flows and promote *uncertainty* in the discourse. Furthermore, the unrecognised involvement of the UK Government in these counterterrorism measures ensured that less coverage was provided by the UK news media. Reporting on complicity in counterterrorism measures again led to diffuse and vague discourse.

Concerns surrounding the killing of high value targets ensured that notions of security threats to the West, the UK and 'us' were preeminent. Therefore a risk-based cosmopolitanism was most prevalent. Universal moral and legal cosmopolitanism were less

evident, as demonstrated by the erratic levels of news media coverage for strikes that caused high numbers of fatalities. Waziris, as the principal victims of drones strikes, were largely deprived of a voice beyond Waziristan, or, any significant insight into their lives, thereby ensuring that deliberated or cultural cosmopolitanism were lacking.

Governmental actors play a key role in shaping the UK news media discourse on drones and there was a notable influence by state structures and systems in the framing of texts. However, the privileging of national security was not fixed in the news media and the UK Government's refusal to confirm or deny involvement in UAV strikes limited specifically national discourses. The concern for national security however spread to Western security, and even unity with Pakistani authorities against certain militants – thereby supporting the thesis that a cosmopolitan outlook against mutual risk can be nurtured through governments' counterterrorism measures (Beck, 2006).

The contradictory messages emanating from Pakistani, US and UK governmental sources ensured that uncertainty pervaded the discourse. As genres of communication that can be perceived as more concrete, the significance of images and statistics were considered. This chapter found that images in the news media and activist fields focused on the precision of the drone as a technological piece of equipment or object, and this, combined with the widespread dissemination of statistics on militant and civilian casualties belied a concern for the Other (as victim in Waziristan). However, the categorisation between militants and civilians was also reductionist in its representation of people. Furthermore, it inferred recognition of the laws of war that distinguish between combatants and non-combatants and allow extra-judicial killings in some circumstances – which, outside of a situation of armed conflict is always illegal.

Journalistic practices habitually referred to anonymous Pakistani Government officials, yet ignored other Pakistani institutions and the people of Waziristan – creating an incomprehensive transnational deliberation only partially capable of engaging with the Other and vulnerable to post-colonial critiques of reductionism. Where key institutions such as the Pakistani authorities supported criticism, concerns for those targeted were more likely to be voiced; however, reference to such institutions was limited in the UK news. The genre of hard news in the UK press displayed a particular inability to cover contextual

details and less inclination to report on legal aspects, particularly outside of cases being heard in UK courts. The BBC *Panorama* documentary gave more contextual details on the life of people living in Waziristan than news media articles could. Therefore, it appears that legal cases involving UK citizens are most likely to instigate a sustained challenge to the order of discourse; otherwise counterhegemonic arguments are unlikely to develop in the media ecology surrounding UAV strikes.

Finally, what was the order of discourse for counterterrorism news discourse and cosmopolitanism? The relations between counterterrorism news discourse and cosmopolitanism ensured the continuous development of a concern for 'us' as potential victims of militant attacks. The killing of high-value targets perceived to be a threat to 'us' promoted the idea that the causes of uncertainty were being destroyed while 'radicalisation' was creating new ones. This supports Awan *et al.*'s (2011) theory that a phenomenon of hypersecurity exists where threats and risks are constructed but not defined or controlled.

Legal discourse was particularly aware of state sovereignty and of deference to domestic state structures. In contrast to the civil claims discussed in chapters five and six, the petition for a judicial review of UK policy on drones was dismissed. The basis for the dismissal was that it was pre-emptive, hypothetical and threatened international relations between the UK and the US. The legal field's inability to adjudicate on hypothetical situations in the defence of legal principles continues to stand in stark contrast to counterterrorism policy that remains pre-emptive. Where security is forward looking, these notions of justice are apparently firmly focused on the past. Notwithstanding this, the litigation by Noor Khan generated some additional news media coverage. How a claim made by a British citizen would be adjudicated is yet to be seen, although UK Government actions in revoking citizenship appears to be a pre-emptive measure aimed at preventing this.

The collapse of information flow ensured that the process of political communication and policy reform was not emulated in this case study (see Figure 18). The UK Government did not even offer denials and the credibility of claims that it was complicit in UAV strikes were not established. There were less challenges to national reputation, pride or identity and therefore less defence of these characteristics, although the UK's apparent lack of

involvement in the violence could implicitly signify their superiority. There was less legal deliberation and discussion. Instead the discourse led to more uncertainty, more fear and more concern for risk.

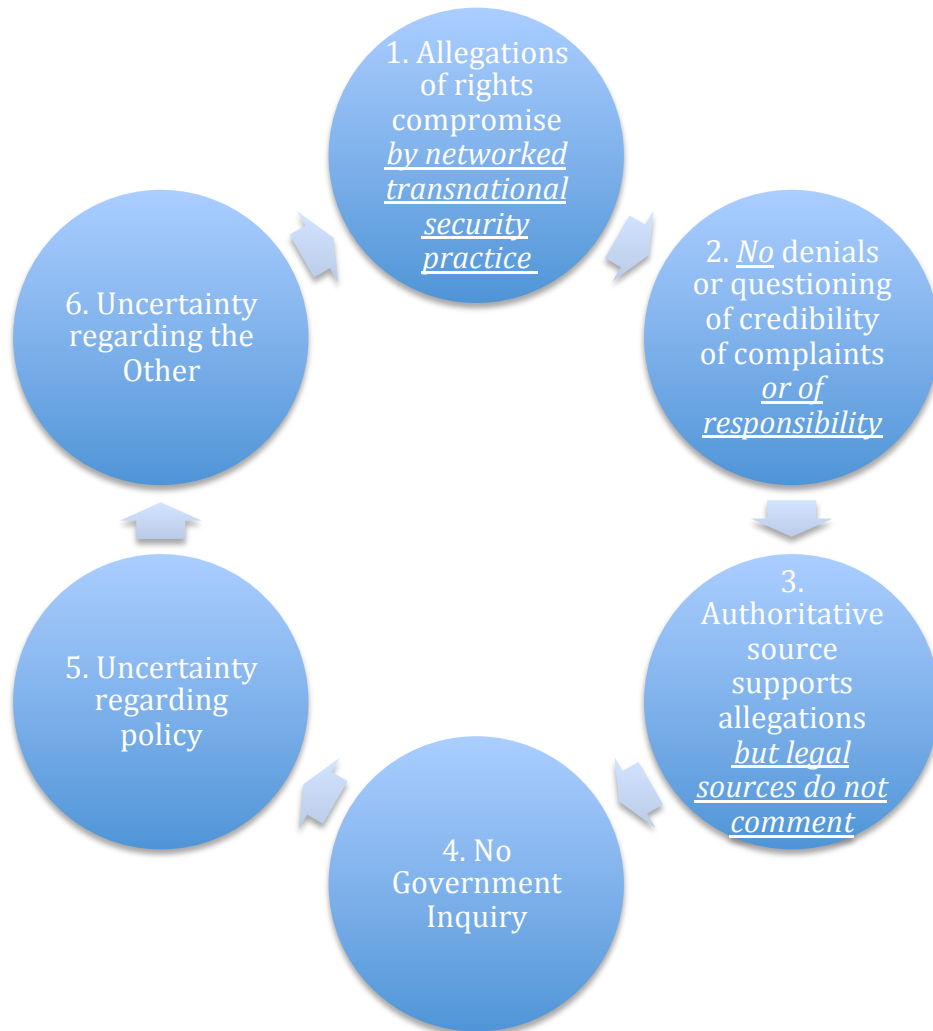


Figure 18: Political Communication-Counterterrorism Policy Cycle Related to Drones

Chapter 8: Conclusion

This thesis has found that a risk-based cosmopolitanism is most prominent in contemporary news discourse on counterterrorism. While a form of cosmopolitan nationalism has persisted since the 1970s, UK counterterrorism policy has demonstrated limited evidence of cosmopolitanism. In this final chapter I draw conclusions and reflect on my study of cosmopolitanism, counterterrorism and news discourse and on my discursive approach as a whole. I then consider how this thesis could inform study of radicalisation, before I make recommendations for future research and practice.

8.1 Cosmopolitanism

While scholarship on cosmopolitanism was at times contradictory there were some common themes. Chapter three identified five interrelated strands in academic literature on cosmopolitanism that merited further exploration in the news discourse on counterterrorism: moral cosmopolitanism; cosmopolitanism and law; deliberated cosmopolitanism; risk based cosmopolitanism; and, cultural cosmopolitanism. I stated that I considered (i) deliberated cosmopolitanism and (ii) cultural cosmopolitanism to be central to my discourse analysis of cosmopolitanism and counterterrorism, and noted how (iii) moral, (iv) legal or (v) risk-based cosmopolitanism could be used to influence argumentation and decision-making by providing legitimacy for actions.

In all the case studies evidence of deliberated cosmopolitanism was qualified. If allegations concerning abusive counterterrorism measures were to be considered credible they needed to be channelled through an authoritative source. Yet many journalists and other authoritative sources maintain little contact with people from Other communities. Therefore there was little opportunity for the voice of the Other to be heard in the UK news media, whether as a terrorist suspect detained by the UK, as governmental partner of the UK, or as member of the community in Waziristan.

Cultural cosmopolitanism was largely absent too. The lack of the voice of the Other coincides with a lack of consideration of the Other as a foreign community or culture. There was little evidence of cultures learning from each other, aside from cooperation through

coercive counterterrorism measures. In other genres, outside of mainstream news, such as the Panorama TV documentary *'The Secret Drone War'* discussed in Chapter 7, there was more contextualisation in the reporting of foreign communities. However, in the governmental, legal and news media fields focused on in this study, this was not commonplace. Furthermore, there was little reflexive recognition of the power structures and cultural context that moulded deliberation on counterterrorism issues and excluded consideration of the Other and their culture. Where the academic field displayed a tendency to reify rationality and the possibility of discourse ethics - where all affected by acts can communicate their voice - in turn, news media output also largely failed to recognise or challenge the power behind news discourse. In this respect, Delanty's (2009) criterion of self-reflexivity as an integral part of cultural cosmopolitanism was also absent.

Universal approaches to cosmopolitanism were evident in the case studies, notably through the advocacy of shared normative notions of law and morals, particularly with regard to respect for the autonomy of the individual and in protecting individuals from violent acts of physical harm. This was most conspicuous in the support expressed for UK actors to adhere to minimum standards of treatment of detainees. In the case studies in this thesis minimum standards were often alluded to through reference to human rights concerning the prohibition of torture. There was also evidence of movement raising these minimum standards across the decades and increased recognition of obligations that the UK Government should not directly engage in acts of violence that violated these standards. In the 1970s, there was near universal disdain for acts of torture and terrorism in the news media and its contextual fields and UK Government and news media outlets denied that interrogation methods could be labelled 'torture' or 'brutality'. However, it was notable that in 2005 a leading UK legal judgement on torture broadened its definition on what constituted torture to include the five techniques. This fits the trend in support of expanding minimum standards concerning 'our' actions where 'our' government is the primary actor. Indeed, the discourse on counterterrorism demonstrated a prioritisation of those responsibilities and rights that were clearly those of individuals directly affected by UK Government actions.

Despite the constructed nature of the concept of 'torture', in UK discourse the anti-torture norm was largely unwavering until it came into conflict with discourses surrounding risk. In contemporary debate on counterterrorism measures, the claim that there was a need for intelligence to divert security threats and risks challenged this norm. Although in the 1970s, the government and news media did focus on future risk, this significantly increased in the case studies in the 21st century. Furthermore, through discourse on complicity, a rejection of violence was repeatedly suggested as being a British trait – in contrast to other countries and cultures that instigate violence. As such, the identity of a British state as rational and one that did not commit heinous acts of political violence was repeated, in contrast to Other states and non-state actors.

In the 21st century, violence is not associated with cosmopolitan or rational approaches to deliberation. Violence is characterised as a practice that 'we', as rational more cosmopolitan people, promote even less today. As such the rejection and broadening of the anti-torture norm in UK discourse can contribute to cosmopolitan nationalism. Through pride in the nation, cosmopolitan nationalism promotes adherence to minimum standards of human rights. This, however, belies a contradiction at a fundamental level if a substantive responsibility is advocated towards minimum standards of human rights because of the fact that the UK has still been complicit in human rights violations.

The complexity of transnational counterterrorism networks is such that the representation of acts taken by a state and its responsibility for the Other can be obscured and difficult to assess. In the academic field on cosmopolitanism there was nascent recognition of the potential for radical development of interconnectedness to challenge the predominant notions of responsibility being limited to 'formal responsibility' (an actors' responsibility for effects that are clearly the result of their own actions) and to push for a more 'substantive responsibility' including responsibility for the condition of the Other irrespective of culpability (Silverstone, 2007). However, issues of complicity were rarely approached in detail in any of the fields examined. There was, instead, a methodological nationalism in the news media coverage. This was evident through a focus predominantly on UK actors and, secondly, through a failure to consider transnational phenomena, such as transnational

security networks. This was compounded by a reluctance to discuss foreign states' acts, as these were less newsworthy.

Therefore, cosmopolitanism is inhibited by methodological nationalism. Whether this finding is particular to the field of security discourse requires further study. Indeed, the secrecy associated with security policy, and particularly with transnational security networks and information sharing, prevents scrutiny of foreign security policy in a way that might not occur with policy areas outside of security.

In the cases analysed in chapters five, six and seven an inward focus on the domestic procedures of the nation-state was further encouraged as domestic jurisprudence was prioritised over international law. High profile court cases were one forum where the voice of the victims of counterterrorism policy could be heard. However, the discourse on counterterrorism was not solely supportive of a national community. The notion of a broader community formed on the basis of risk was evident, if in a less conspicuous, more banal way than national community. This was prominent in chapter seven on UAV warfare. Here moral and legal cosmopolitanism were less prominent as news media coverage focused on the killing of high value targets. This created a notion of a collective consciousness surrounding these threats, demonstrated by the number of news articles stories containing such threats. The collective focus is therefore largely on the 'us' groups constituted in terrorism discourse, constructed on the basis of who is considered to be collectively threatened. This could include anyone in the UK or 'the West' as a whole, or in Pakistan and Yemen - anyone who is opposed to violence and vulnerable to acts of terrorism. In this categorisation process voices from those communities considered a threat are often excluded as an 'us' and 'them' or 'friend' and 'enemy' divide is encouraged. Therefore, a risk-based cosmopolitanism was most prevalent, albeit a diffuse and fractured cosmopolitanism dependent on mutually faced threat.

In summary, in the news discourse on counterterrorism, nationalist discourses impacted on the forms of cosmopolitanism that emerged. In the 21st century discourse, responsibility for the Other was particularly well supported in ensuring that negative individual freedoms were not infringed by the direct effect of the actions of 'our' government. Beyond this, risk discourses took priority over the need to deliberate or engage with Other cultures, or for

governments to maintain responsibility for the Other. However, it should be born in mind that this study on security discourse has placed more focus on elite fields. Therefore, a form of 'cosmopolitanism-from-below' in discourses circulating amongst publics might lead to different emphasis including discourses advocating more substantive responsibility.

8.2 Counterterrorism

Through its longitudinal study this thesis has shown how counterterrorism measures are channelled to break weakly protected norms and human rights law. Despite challenges to procurement strategy, intelligence remained central to counterterrorism policy in the 1970s (Kirk-Smith and Dingley, 2009) and is still now (Home Office, 2011). The use of sensory deprivation techniques in the 1960s and 1970s, cooperation in rendition networks, closed court proceedings and cooperation in UAV surveillance and assassination programmes were all relatively novel counterterrorism measures that, because of the opacity surrounding the measures or the extent of UK involvement in the abuse itself, were protected by weaker rules. Significant opposition to their use took time to develop.

The control of information through censorship and secrecy has also consistently been integral to counterterrorism discourse. In the 1970s reasons given for limiting information to the public differed to the reasons given in the 21st century. Chapter four demonstrated that journalists and editors within the BBC and also in the UK press news media were cautious of publishing statements from paramilitary organisations, claiming publication would pose a threat to 'public order'. There was therefore a reluctance to publish or broadcast stories detailing violence committed by the British state. In the 21st century there is less recognition of threats to 'public order' per se and fewer references to blowback from British Counterterrorism policy. In news media coverage of the Justice and Security Bill limiting information was justified on the basis that secrecy was necessary to adhere to the control principle, and by claiming that disclosure would challenge the international order. Ultimately, the Government's argumentation was based on the claim that if the control principle was violated foreign intelligence agencies would stop sharing information and this would increase the risk of future terrorist attacks.

Discourse surrounding counterterrorism has displayed an increasing lack of consideration of context, particularly the political context, and the causes of terrorism. During decolonization political context was clear in the opposition to colonial rule. Chapter four showed how in Northern Ireland there was an apparently intractable position on sovereignty between Protestants, Catholics and governments in the Republic of Ireland and mainland Britain. However, in the contemporary chapters in the representation of terrorism engaged in by Jihadists against the British Government the political context is more opaque in UK counterterrorism news discourse. The omission of context has implications for perceptions of political grievances and marginalisation and therefore for discourses on radicalisation (see section 8.6 below).

Counterterrorism is a fast-moving area of policy and discourse. For this reason I selected my case studies on the Justice and Security Bill and Unmanned Aerial Vehicle in 2012 according to developments in the field. Detailed debate concerning the form and genre of communication on counterterrorism emerged in Chapter 6 on the Justice and Security Bill, in what was a crucial moment in the structuring of the future order of discourse. In that case the *Justice and Security Bill* was most strongly challenged when it was members of 'our' community, as the majority community, whose rights were threatened. The importance of justice for the Other was relegated. However, counterterrorism discourse continues to develop and insight from this thesis might be applied to recent developments in this area that were outside of my research timeframe. The whistle blowing revelations from the former CIA operative Edward Snowden in 2013 surrounding communications surveillance highlight the continued centrality of intelligence to transnational counterterrorism efforts. This warrants further study with regard to novel threats to norms and rights, in that case concerning privacy. Whether 'our' privacy rights are defended as strongly as 'our' right to open justice remains to be seen.

8.3 News Discourse

News discourse on counterterrorism was highly contested and issues of credibility, legitimacy and authority emerged as key factors in determining the order of discourse. My assessment of intertextuality in the empirical studies above found that the British Government and particularly the executive branch of government held a high position in the

order of discourse. It was variously challenged, with judicial intervention or intervention from foreign actors having a particularly large impact on governmental policy. Significantly, news values ensured that momentum could develop organically behind a particular discourse.

Niklas Luhmann's (2000) theory of 'autopoiesis' was utilised to conceptualise how through professional routines a self-referential system develops whereby what are considered 'facts' or 'truth' is limited by the news media system. Under this organic process Hoskins and O'Loughlin (2010:65) highlight how audiences do not expect the media to deliver *the* truth, rather that the systems and operations performed by the media in delivering their message are 'trustworthy', and ultimately what they deliver is to be considered 'credible'. As we cannot be there ourselves, what counts as credible is at times assessed by reference to other news media reports. It is notable, for example, that the vast majority of sources used by the organisations aggregating data on drone strikes referred to in UK news discourse are taken from the English speaking mass news media. As such the autopoiesis of the news media creates a situation where credibility, authority and legitimacy are derived from particular sections of the mainstream news media itself. This can further explain how issues gain momentum and gain news value simply by being reported.

The greatest challenges to the order of discourse were made through news stories that built momentum in the news media. In each chapter there were examples: in chapter four, related to the use of the 'five techniques' in Northern Ireland; in chapter five the revelation of UK complicity in Binyam Mohamed's treatment; the potential for British citizens' civil claims to be heard in closed session in chapter six; and in chapter seven Noor Khan's request for a judicial review of UK Government policy on drones. In the empirical cases studied, successful argumentation strategies were dependent on issues of credibility, legitimacy and authority. Where actors made claims that were originally lacking in credibility, once they were repeated by an authoritative source their argument gained credibility. When credibility was established, argumentation could more easily consider the legitimacy of policy.

The judiciary was integral to the more significant challenges to the order of discourse and clearly held a high position in the order of discourse. Therefore, this was a key field through

which the supremacy of the government could be challenged. However, by proposing changes to the procedures for adjudicating on security issues in the civil courts, the *Justice and Security Act* will reorder the structures of discourse, not just in the legal field but across all fields involved in political discourse related to security. The passing of the Act suggests the genre of deliberation of discourse on security matters will be impacted on in future as less victims of abuses in counterterrorism will have their voice publicly amplified through the courts.

During the passage of the *Justice and Security Bill* through the UK parliament, deliberation in the legislative process was restricted to a 'fat elite' of parliamentarians and the small number of people that influence the Westminster village (Davis, 2010). As initiators of the legislation, the executive branch of government led the discourse, with significant contributions made by the opposition within parliament. News media coverage reflected elite opinion and argumentation and was indexed reflecting elite disagreement. The focus of argumentation was manipulated by the executive on contested amendments and ensured the key proposals surrounding closed material proceedings received less coverage. As such, the Government, and in particular the Executive branch of government is most influential in the restructuring of the order of discourse through legislation. This particular influence is likely to be exaggerated in issues surrounding security, such as those in this thesis, because in these cases information can be classified by the Government as secret. Nonetheless, it demonstrates significant government capability in terms of security discourse.

In chapter seven on drone warfare, credibility surrounding allegations was harder to establish because a large void was created by a lack of clear government communications output. This led to uncertainty and there was a turn to images and statistics as more concrete sources of information. However this was reductionist and also implicitly referred to an argumentative framework based on the laws of war. Limited news media access and journalistic practice led to less reporting of context and stories concerning the lives and culture of Waziris. Where the practise of sending correspondents to Northern Ireland facilitated an awareness of local discourses, the presence of Western newspaper journalists in FATA is rare. Crude categorisations between militant and non-militant are easier to

justify without a local perspective to provide context for reporters. Journalistic practice, specifically with regard to who journalists interact with can be relevant to Othering. As interviews with journalists revealed (Cobain, 2012), while the Security Services and Secret Intelligence Service speak to journalists regularly, journalists' contact with detainees or Waziri residents is minimal. Whereas in the 1970s government inquiries and hearings at the European Court of Human Rights took place discussing the legitimacy of issues, and Binyam Mohamed's claim was given credibility by the Court of Appeal, in the landmark cases surrounding UAVs where information flows are restricted, argumentation has not progressed beyond that concerning credibility issues and the legitimacy of drone strikes was not judged.

This thesis argues that the channelling of policy is dependent on discursive pressures. The concept of hegemony is useful in highlighting how modes of thinking and stasis are not permanent and can be challenged. Previously, the government's hegemonic position has been challenged in the order of discourse, particularly through judicial and international institutions, but recourse to these may be restricted in future through the *Justice and Security Act 2013*. Where discourse has moved towards a greater focus on imminent threat, the organic nature of this interest suggests it may be difficult to cultivate a move away from these concerns.

8.4 What are the merits and weaknesses of using a discursive approach to investigate cosmopolitanism, counterterrorism and news and the relations between them?

I outlined some of the strengths and weakness of a discursive approach in Chapter two, but I will highlight further points here in the conclusion. Perhaps most importantly, a consideration of discursive strategies revealed how the order of discourse could be challenged. Argumentation was integral to political discourse and analysis demonstrated the importance of credibility and authority. Recontextualisation was an effective discursive strategy to gain authority and this was demonstrated in all the empirical chapters. Discursive analysis also demonstrated how a British cosmopolitan identity was significant in debates surrounding legitimation.

The description of the Other, as violent and irrational, contributed to the justification of their exclusion from deliberation over policy. The contrasting discursive construction of the identity of the Other with the identity of the self as rational was prominent. This was evident in the refusal to accept particular labels describing British actions – in Chapter four ‘brutality’ was denied and in chapter five ‘complicity’ was. Analysis of language and communications also showed how silence or sterile language could limit understanding of the Other, particularly as the uncertainty they created prompted inaccurate attempts to fill in the gaps. For instance, in the use of statistics and crude categorisations in the chapter on drone warfare.

In the 21st century, analysis of the discursive construction of imaginaries was key to demonstrating how a concern with risk has intensified. Also, in the 1970s, although there was recognition of risk faced from terrorism, the discourse surrounding the need to control it was couched in less comprehensive language. For example, the security dossier produced by the UK Government in 1976 was forward looking but modestly entitled ‘The Way Ahead’ (Taylor, 1980: 44). In 2011 a document produced by the FCO was entitled ‘Securing our Future’ (Foreign and Commonwealth Office, 2012). The nature of risk discourses related to counterterrorism now demands more comprehensive security, which appears to be less conducive to discussion of political or negotiated points.

A discursive approach can be fruitful but it can also be problematic. As a researcher conducting textual analysis, I was aware of the difficulties of accurately assessing the intended meaning of the text and its reception. To assist me in my interpretation I developed a systematic methodology identifying cruce moments and then the relevant intertextual repetition and key discursive strategies related to them. I believe this helped me achieve a better, if still imperfect, understanding of the impact of texts.

This thesis is also predominantly focused on news media discourse, with contextual attention given to its relations with governmental, activist, legal and academic fields. Therefore some details concerning issues or arguments that were less prominent and repeated less intertextually in these contextual fields may have received less emphasis in my analysis. I would argue that these aspects were less prominent in my areas of interest and less likely to lead to action. This is the case when I argue that a focus on the future

renders past abuses less relevant in terms of their impact on policy. I consider this claim to be justifiable, because of the intertextual evidence I provide for the focus on the future; however, I am aware that it means that some less prominent and less repeated aspects of texts within the government field and the legal field may have been overlooked, such as the notion that past events may be referred to when it is expedient to represent a Government or particular position positively. Ultimately though, I would argue that the lack of intertextual prominence to references to past events in the fields and case studies examined here supports my argument.

Overall, a discursive approach has been integral to demonstrating how cosmopolitan, identity and interactions between fields, moulded political communications and policy on counterterrorism. Policy was demonstrably adjusted according to pressures created by discourse. Pressure in the discourse emanated from discursive strategies, including argumentation and its intertextual repetition across fields, combined with discursive construction of identity and notions of risk. These discursive factors ensured the political communication environment was constantly in flux and demanded reactions from policymakers that I outline in my thesis on the political communication-counterterrorism policy cycle (see Figure 19 below).

8.5 The resulting thesis

Cosmopolitanism in UK news discourse on counterterrorism is largely a risk-based cosmopolitanism. Risk-cosmopolitanism brings a collapsing of time and intensifies fears of the future for the collective and individual Self. Through this focus on the Self, risk has a discernable impact on the relations that are formed between the Self and Other and, in turn, these relations increase the significance of risk. Therefore risk-cosmopolitanism is self-perpetuating. Firstly, an accentuated concern for the security of the Self negates interest and concern for the welfare of the Other. Secondly, the lack of engagement with the Other heightens uncertainty about the Other and facilitates their representation as less rational human beings and this reinforces concern about the risk they may pose. For instance, where Republican paramilitaries were framed as barbaric, there was more acknowledgment of their aims than there is of those considered a threat in the 21st century. Thirdly, a focus on the future limits concern for past acts, including torture, killing and other abuse that

violates minimum human rights standards. Fourthly, as the future in 21st century counterterrorism is particularly uncertain, attempts to regain certainty are made through the use of reductionist categorisations that increase Othering of communities, such as the use of the term 'militant' in Waziristan. Fifthly, the recognition of shared risk provides connections that might otherwise not have been – such as those between national security agencies. However, in news discourse the connections are largely limited to security matters and divisiveness is also prominent.

Cosmopolitan nationalism tends to support this risk-based cosmopolitanism because a flexible and contradictory notion of cosmopolitanism is central to British national identity. This identity necessitates a concern with cosmopolitan principles pertaining to human rights, law and rationality, and through this some challenges can be made to UK counterterrorism policy. However, the ultimate concern is the security of the Self. The nation-state has been a source of security in the past and governmental actors have emphasised the potential for it to continue to do so. As an enduring and familiar construct, the persistence of nationalism is unsurprising in times of uncertainty. Furthermore, the notion of belonging to and defending an in-group in the face of threat from the Other was significant to argumentation in news discourse – evident in the limited amendments that were made to the Justice and Security Bill that compromised judicial principles except for those that concerned 'our' perceived in-group. As such, risk-based cosmopolitan impacts on the collective identity of the nation and a contradictory identity is maintained supporting risk discourses and compromised forms of legal, cultural, moral and deliberated cosmopolitanism.

The construction of these forms of cosmopolitanism is explained by the order of discourse surrounding the news media. This order is exclusionary of voices that are perceived to be less credible, usually those that are not vouched for by an authoritative source. A deontological legitimacy emerges as authority is provided through the systems of governance and scrutiny of the United Kingdom. Legitimacy develops organically where discourses grow over time through the news media ecology and its contextual fields. The government, and particularly the executive, holds a high position in this order of discourse on counterterrorism, exemplified in their prime position as an authoritative news media

source and their capacity to create additional authoritative sources. While the most significant challenges emerge from the activist sector and channelling of testimony of the Other through the legal field and the news media, the sociocultural context of uncertainty qualifies such challenges. Furthermore, the lack of self-reflexivity regarding the structures of this order of discourse and the sociocultural context ensure that the structuring of the order remains largely unexposed and unchallenged. It can be concluded that notions of cosmopolitanism are therefore vulnerable to uncritical use and for collective self-approval rather than deeper engagement with the Other.

Relations between news discourse, cosmopolitanism and counterterrorism policy followed the broadly circular process outlined below (also shown in various forms above, but the generic version is shown here and in the prologue).

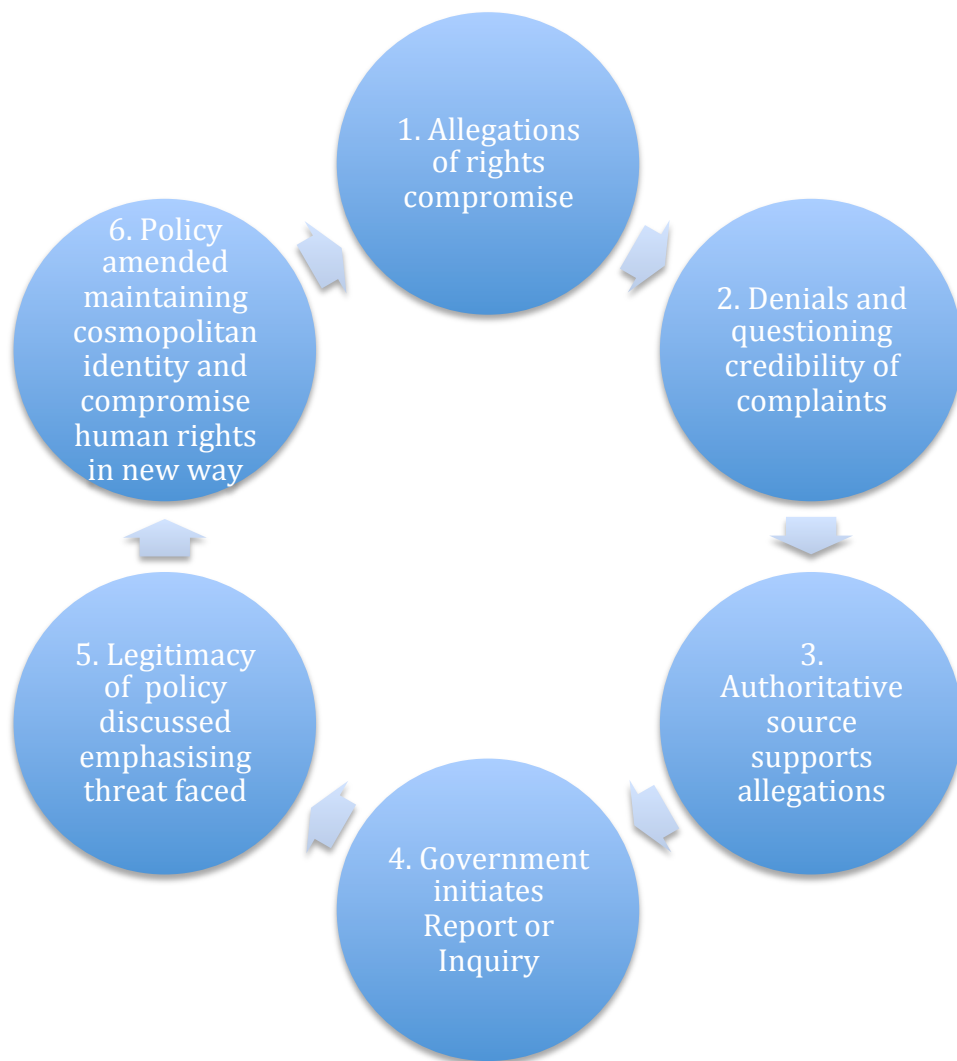


Figure 19: Political Communication-Counterterrorism Policy Cycle

The prologue stressed the potential for challenges to counterterrorism policy to lead to policy change. Here, the difficulty of such challenges due to the structuring of the order of discourse is noted. The Government holds an advantageous position in its ability to structure the order through the provision of authoritative sources or, as in the *Justice and Security Act*, by legislating to amend the genre of a particular discourse. The sociocultural context of risk-cosmopolitanism supports this structuring. Furthermore, it is worth emphasising the self-perpetuating and cyclical nature of this process. The mutually-perpetuating and dialectical relationship between risk-cosmopolitanism, news discourse

and counterterrorism and the deontological legitimacy that the order of discourse provides have ensured the repetition of the above cycle across the decades.

8.6 How can this thesis contribute to understanding of discourse surrounding radicalisation?

In early 2015, whether in relation to returning fighters from Syria, or the promotion of extremism through the Internet, schools, universities, mosques or prisons, the issue of radicalisation is prominent in counterterrorism discourse. 'Radicalization' can be defined as 'the process by which individuals come to hold ideas considered extreme or radical and advocate or commit violence in the name of those ideas' (Hoskins and O'Loughlin, 2010: 145). Hoskins and O'Loughlin point out that this definition is very broad. It does not specify how a radicalization process takes place or whether a person at the end of the process of radicalisation could be considered radical because of their potential radical behaviour or because of their radical thought. There is therefore clearly uncertainty associated with the concept of radicalisation. I propose that my research above can contribute to understanding of discourse surrounding radicalisation in three ways: (i) by highlighting why discourse on radicalisation has become so prominent; (ii) by suggesting how a lack of cultural cosmopolitanism prevents understanding of radicalisation; and (iii) by warning of how current radicalisation policy might worsen divisions in society.

Firstly, I consider why such an ill-defined concept has become central to counterterrorism discourse. This thesis has demonstrated how uncertainty can lead to a concern with the future and with risk of attacks on 'Us'. Radicalisation is newsworthy because it is represented as integral to risks of attack and this thesis has demonstrated that argumentation in the discourse encouraged the UK state to act pre-emptively to avert risk of imminent attack. Where radicalization is presented as a process with sequential stages the Government can claim to pre-empt future attacks by intervening in the supposed radicalization process in an apparently logical way that is expected to achieve tangible results. Charlotte Heath-Kelly (2013: 394 & 401) writing specifically on UK Government policy on counterterrorism argues that radicalization makes 'terrorism knowable and governable through conceptions of risk'. As such the claim that a counter-radicalisation policy is needed to prevent terrorism is likely to be promoted by the Government.

Furthermore, Awan *et al.* (2011: 2) argue that ‘the emergence of radicalization is a sign of a new pervasive mediatized condition of ‘hypersecurity’’. Hypersecurity, as stated above, entails the perception of uncontrollable threats that resist government attempts to control them. References to previous attacks can be expected to highlight the potential for future terrorism and failure of government to guarantee protection. For instance, in reference to a UK Intelligence and Security Committee report on the murder of Private Lee Rigby on a London street in 2013, headlines included statements such as ‘Lee Rigby report: counter-radicalisation schemes failing’ (Daily Telegraph, 26th November 2014). Discussion of radicalization is therefore likely to lead to more uncertainty about a potential attack and consequently more discussion of radicalisation.

Secondly, this thesis illuminates the lack of cultural and deliberated cosmopolitanism and the lack of engagement with political, social and cultural situations of the Other, both within the UK and abroad. The reporting of political context given to situations of political violence in news discourse was limited in the 1970s and there was further decontextualisation of violence in the 21st century. Heath-Kelly *et al.* (2015) argue that discourse on radicalisation has ignored key factors including the political context, injustice and social inequality. Instead there has been an overemphasis on the ideology of the radicalisers and the radicalised. The use of abusive counterterrorism policy and marginalisation from political processes discussed in the thesis could clearly become a political grievance relevant to the political context of radicalisation. Greater communication and dialogue with the Other within the UK, instead of a focus on potential imminent attacks, might lead to greater understanding of radicalisation being exhibited by policymakers and the mainstream news media.

Finally, I turn to government policy. The ‘Prevent’ strategy that was introduced in 2007 by the previous Labour Government to stop people becoming or supporting terrorists was widely criticised – firstly, for fostering suspicions that the UK Government was not engaging with Muslim communities but spying on them; and secondly, for contributing to the stigmatisation of Muslim communities (Thomas, 2013). However, the apparent priority placed on intelligence procurement, witnessed in the thesis above, has been reinforced by the proposals in the *Counterterrorism and Security Bill (2014-2015)*. These will put the need

for national institutions – such as schools, universities and health providers - to report potential radicalised individuals on a statutory footing. This could adversely affect trust in institutions, particularly for those who are members of Muslim communities that are most commonly selected for additional surveillance. This thesis demonstrated a pride amongst news media, government, activist and legal fields in ‘our’ national institutions and the genres of government that evolved from them. However, more self-reflexivity was needed. In the case of radicalisation, if ‘our’ institutions are not seen as being at fault by the majority, there is also more of a possibility that the cause of the problem is identified as Muslim communities, thereby creating further divisions.

8.7 Adjustments, reflections and areas for further study

This thesis has demonstrated the exclusionary nature of the order of discourse. A large amount of textual and ethnographic research was undertaken. However, studies into publics, news media and elites in foreign countries would further enhance understanding of perceptions of legitimacy. Investigation into the news media based in Northern Ireland, the United States, Pakistan and Yemen could provide perspective from foreign media outlets. Future projects could employ the assistance of translators and researchers with knowledge of the contextual fields to the news media in those countries. This would be of particular value given the omission of foreign voices and discourses observed in the texts examined above.

Some analyses were made outside of the principle texts produced in the fields of investigation. However, more investigation of alternative genres, such as the use of social media or popular or entertainment media could provide more insight into how these alternative genres impact on the discourse. This would have enabled better insight into potential areas for radicalisation or for alternative spaces for cosmopolitanism. As mentioned above, investigation into alternative spaces and genres for communication, outside of the elite fields considered in this study would allow for consideration of how a ‘cosmopolitanism-from-below’ emerges in discourse, and this could be compared to the risk-based cosmopolitanism and cosmopolitan nationalism identified here. Whether publics, in the UK and elsewhere, are more resilient and succumb less to these modes of risk based or nationalist cosmopolitanism would be an area worth exploring.

8.8 Political implications of this thesis

In order to overcome the negative Othering of people in the discourse on counterterrorism, practitioners in the news media field should consider ways of making news concerning cultural Others relevant to 'us'. Given the importance of the sociocultural context, despite the prominence of the news media and mediatisation of politics, coordination with other fields, including the legal, academic, governmental and activist fields is required. Through such coordination a broad long term strategy is necessary to challenge the fundamental structures in the order of discourse that encourage Othering based on fears of risk.

Education and awareness of the structural power imbalances concerning the reporting of the Other would help improve critical reception of the news media and other actors' messages. A greater recognition of the undemocratic nature of communication frameworks in the UK is required. This is not to recommend a move away from national pride, only to ensure that such pride does not lead to arrogance or fear, the omission of foreign voice and a failure in self-reflexivity on a national basis. Roger Silverstone argues that ideally there would be an educated public capable of 'contrapunctuality' - where critical readers/writers question texts and recognise plurality, or the lack of it (Silverstone, 2007:88-9). Such contrapunctuality facilitates understandings beyond the apparently natural rhythms of comprehension promoted by texts. Education is key to this and actors from all the fields assessed in this project can contribute.

Of key importance is the open engagement with foreign sources and sources outside of the majority community by all actors in all fields. Through this more context should be provided for news media reports, governmental inquiries and legal hearings. Furthermore, a move away from promoting stories that stimulate negative emotions and a move towards the promotion of confidence and compassion should be encouraged.

Hoskins and O'Loughlin (2010: 162) stress how legitimacy is maintained through relationships involving groups of individuals' consent for a ruling body or acts of policy. I have suggested that in counterterrorism cases legitimacy is particularly important. The Government should therefore resist from utilising new abusive counterterrorism policies and only stopping them after it is pressured into doing so. The legitimacy of acts against the

Other should be considered at an earlier stage. Furthermore, transparent accountability is highly important. For example, where the state is defending a civil claim, the indirect effects of limiting open justice on the legitimacy imputed on the law may be difficult to determine, but not without effect. Without a public hearing of legal claims it is difficult to argue that decisions made in the courts will be considered more credible or legitimate to any public. If law is seen as illegitimate there are potential negative implications for national security. This challenges the idea of a dichotomy between justice and security. Therefore, my final recommendation is for close scrutiny of the operation of the *Justice and Security Act 2013* by actors in academic, news media, legal, governmental and activist fields.

Bibliography

A and Ors v The Secretary of State for the Home Department (No.2) [2005] UKHL 71.

Agamben, G. (1998) *Homer Sacer: Sovereign Power and Bare Life*, Stanford, CA: Stanford University Press.

Agamben, G. (2005) *State of Exception*, translated by Kevin Attell, Chicago: University of Chicago Press.

Ahmed, A. (2013) *The Thistle and the Drone; How America's War on Terror Became a Global War on Tribal Islam*, Washington: Brookings Institution Press.

Al Rawi & Ors v Security Service & Ors [2010] EWCA 482 (Civ).

Al Rawi & Ors v Security Service & Ors [2011] UKSC 35.

Alexa.com. (2010) *Alexa The Web Information Company Statistics*, URL: www.alexa.com accessed 22nd November 2010.

Algar, C. (2012) *Reprieve Press Release, 5/9/2012*, URL:

http://www.reprieve.org.uk/press/2012_09_05_Justice_Secretary_Press_Release/

Accessed: 14th January 2013.

Amnesty International. (1966) *Aden 1963-1966; A Report by Amnesty International*, London: Amnesty International.

Amnesty International. (1972) *Report of an Enquiry into Allegations of Ill-Treatment in Northern Ireland*, London: Amnesty International.

Amnesty International. (1978) *Report of an Amnesty International Mission to Northern Ireland (28 November 1977 – 6 December 1977)*, London: Amnesty International.

Amoore, L. and de Goede, M. (2008) 'Introduction' in *Risk and the War on Terror* (Eds.) Amoore, L. and de Goede, M. London and New York: Routledge, pp. 5-21.

Anderson, B. (2006) *Imagined Communities; Reflections on the Origins and Spread of*

Nationalism, 2nd Edition, London: Verso.

Anderson, D. (2012) *BBC Radio 4, Start the Week*, 19 October 2012, URL: <http://www.bbc.co.uk/programmes/b01nkwxc> Accessed 15th November 2012.

Appadurai, A. (2006) *Fear of Small Numbers*, Chapel Hill: Duke University Press Books.

Appiah, K. (2006) *Ethics in a World of Strangers*, London: W.W. Norton and Company.

Aradau, C., Lobo-Guerrero, L. and Van Munster, R. (2008) 'Security, Technologies of Risk, and the Political: Guest Editors' Introduction', *Security Dialogue*, 39 (2-3) 147-154.

Arendt, H. (1956) 'Authority in the Twentieth Century', *The Review of Politics*, 18 (4) 403-417.

Arendt, H. (1977) *Eichmann in Jerusalem: A Report on the Banality of Evil*, London: Penguin Books.

Association for Legal Justice and Campaign for Social Justice. (1971) *The Mailed Fist, A Record of Army and Police Brutality from August 9th to November 9th 1971*, Northern Ireland: Self Published, 13th December 1971.

Austin, I. (2010) House of Commons, *Hansard*, 16 November 2010, Column 762.

Awan, A., Hoskins, A. & O'Loughlin, B. (2011) *Radicalisation and the Media; Legitimising violence in the new media*, Oxon: Routledge.

Baha Mousa Report (2012) *The Baha Mousa Public Inquiry Report*, Volume II, London: UK Parliament.

Bakhtin, M. (1981) *The Dialogical Imagination*, Austin: University of Texas Press.

Bakir, V. (2010) 'Media and risk: old and new research directions', *Journal of Risk Research*, 13 (1) 5-18.

Bakir, V. (2013) *Torture, Intelligence and Sousveillance in the War on Terror: Agenda-*

Building Struggles. Farnham: Ashgate.

Barbelet, J. (2002) 'Why emotions are crucial', in Barbelet, J. (Ed) *Emotions and Sociology*, Blackwell Publishing: Oxford, pp. 1-10.

BBC (2006) *Magna Carta Tops British Day Poll*, 30th May 2006, URL: http://news.bbc.co.uk/2/hi/uk_news/5028496.stm Accessed: 28th June 2013.

BBC (2012) '*The Secret Drone War*', *Panorama*, 10th December 2012.

Beardsworth, R. (2011) *Cosmopolitanism and International Relations Theory*, Cambridge: Polity Press.

Beck, U. (1992) *Risk Society; Towards a new modernity*, London: Sage.

Beck, U. (1999) *World Risk Society*, Cambridge: Polity.

Beck, U. (2002) 'The Terrorist Threat: World Risk Society Revisited', *Theory, Culture & Society*, 19 (4) 39-55.

Beck, U. (2004) 'The Truth of Others: A Cosmopolitan Approach', *Common Knowledge*, 10 (3) 430-49.

Beck, U. (2006) *A Cosmopolitan Vision*, Cambridge: Polity Press.

Beck, U. & Levy, D. (2013) 'Cosmopolitanized Nations: Re-imagining Collectivity in World Risk Society', *Theory, Culture & Society*, 30 (2) 3-31.

Becker, J. & Shane, S. (2012) 'Secret 'Kill List' Proves a Test of Obama's Principles and Will', *New York Times*, 29th May 2012.

Beetham, D. (1991) *The Legitimation of Power*, Atlantic Highlands NJ: International Humanities Press.

Benhabib, S. (2006) *Another Cosmopolitanism*, Oxford: Oxford University Press.

Benjamin, M. (2012) *Drone Warfare, Killing By Remote Control*, London: Or Books.

Bennett, H. (1979) *Report of the Committee of Inquiry into Police Interrogation Procedures in Northern Ireland*, Her Majesty's Stationary Office: UK Parliament.

Bennett, H. (2013) 'Smoke Without Fire'? Allegations Against the British Army in Northern Ireland, 1972–5', *Twentieth Century British History*, 24 (2) 275–304.

Bennett, H. (2014) 'The Baha Mousa Tragedy: British Army Detention and Interrogation from Iraq to Afghanistan', *The British Journal of Politics and International Relations*, 16 (2) 211–229.

Bennett, L. (1990) 'Toward a Theory of Press-State Relations in the United States', *The Journal of Communication*, 40 (2) 103-127.

Berezin, M. (2002) 'Secure states: towards a political sociology of emotion', in (Ed) Barbalet, J, *Emotions and Sociology*, Blackwell: New York, pp. 33-53.

Bigo, D. & Guild, E. (Eds.) (2005) *Controlling Frontiers; Free Movements into and within Europe*, London: Ashgate.

Bigo, D. (2008) 'Globalized (In)Security: The field and the Ban-Opticon' in D. Bigo and A. Tsoukala (Eds.) *Terror, Insecurity and Liberty; Illiberal practices of liberal regimes after 9/11*, Oxon and New York: Routledge, pp. 10-48.

Bigo, D. & Tsoukala, A. (2008) 'Understanding (In)Security' in D. Bigo and A. Tsoukala (Eds.) *Terror, Insecurity and Liberty; Illiberal practices of liberal regimes after 9/11*, Oxon and New York: Routledge, pp. 1-9.

Bigo, D. (2010) 'Delivering Liberty and Security? The Reframing of Freedom When Associated with Security' in Bigo, D, Carrera, S, Guild, E, and R. Walker (Eds.) *Europe's 21st Century Challenge; Delivering Liberty*, London: Ashgate, pp. 263-289.

Bigo, D. & Guittet, E. (2011) 'Northern Ireland as Metaphor. Exception, Suspicion and Radicalization in the War against Terrorism', *Security Dialogue*, 42 (6) 483–498.

Binyam Mohamed v SoS. for Foreign & Commonwealth Affairs [2010] EWHC 2048 (Admin).

Binyam Mohamed v SoS. for Foreign & Commonwealth Affairs [2010] EWCA Civ 65.

Binyam Mohamed v SoS. for Foreign & Commonwealth Affairs [2010] EWCA Civ 158.

Black, C. (2012) *Unpublished interview*, conducted by Mark Pope, 27/09/2012.

Blears, H. (2012) House of Commons, *Hansard*, 18th Dec, Column 751.

Bobbitt, P. (2008) *Terror and Consent; The Wars for the Twenty-First Century*, Penguin: London.

Boon, V. and Delanty, G. (2007) 'Cosmopolitanism and Europe: Historical Considerations and Contemporary Applications' in Rumford, C. (Ed) (2007) *Cosmopolitanism and Europe* Liverpool University Press, pp. 19-35.

Booth, K. (Ed.) (2005) *Critical Security Studies and World Politics*, Boulder: Lynne Rienner.

Bourdieu, P. (1990) *In Other Words: Essays Toward a Reflexive Sociology*, Cambridge: Polity Press.

Bourdieu, P. (1991) *Language and symbolic power*, Cambridge: Polity Press.

Bowring, B. (2008) *The degradation of the International Legal Order? - The Rehabilitation of Law and the Possibility of Politics*, Oxon: Routledge-Cavendish.

Brassett, J., Croft, S. and Vaughan-Williams, N. (2013) 'Introduction: An Agenda for Resilience Research in Politics and International Relations', *Politics*, 33 (4) 221–228.

Brennan, J. (2013) *John Brennan's response to questions from the US Senate Committee Hearing on his nomination to be Director of the CIA*; URL:

<http://www.intelligence.senate.gov/130207/prehearing.pdf> Accessed: 16th June 2013

Bright, J. (2012) 'Securitisation, terror, and control: towards a theory of the breaking point', *Review of International Studies*, 38 (4) 861-879.

Brown, G. (2010) 'Moving from Cosmopolitan Legal Theory to Legal Practice: Models of

Cosmopolitan Law' in Brown, G, and Held, D. (Eds.) *The Cosmopolitan Reader*, Cambridge: Polity Press, pp. 248-267.

Brown, G. and Held, D. (2010) 'Editors' Introduction' in Brown, G, and Held, D. (Eds.) *The Cosmopolitan Reader*, Cambridge: Polity Press, pp. 1-15.

Bruner, J. (1991) 'The Narrative Construction of Reality', *Critical Inquiry*, 18 (1) 1-21.

Buckland, R. (2012) House of Commons, *Hansard*, 18th December, Column 784.

Burke, A. (2013) 'Security cosmopolitanism', *Critical Studies on Security*, 1 (1) 13-28.

Buzan, B., Wæver, O. and de Wilde, J. (1998) *Security: A New Framework for Analysis*, Boulder, CO: Lynne Rienner.

Cabinet Office. (2010) *Consolidated Guidance to Intelligence Officers and Service Personnel on the Detention and Interviewing of Detainees Overseas and on the Passing and receipt of Intelligence Relating to Detainees*, URL:

<http://www.cabinetoffice.gov.uk/sites/default/files/resources/consolidated-guidance-iosp.pdf> Accessed: 24th March 2012.

Calhoun, C. (2003) 'The Class Consciousness of Frequent Travellers: Towards a Critique of Actually Existing Cosmopolitanism', in D. Archibugi. (Ed) *Debating Cosmopolitics*, London: Verso, pp. 86-117.

Calhoun, C. (2007) *Nations Matter: Culture, History and the Cosmopolitan Dream*, London and New York: Routledge.

Cageprisoners (2010), *Focus Campaigns: Shaker Aamer*, URL:

<http://www.cageprisoners.com/our-work/focus-campaigns/item/197-shaker-aamer>

Accessed 23rd December 2010.

Callaghan, J. (1971) House of Commons, *Hansard*. 19 October 1971 vol 823 cc546-50.

Cameron, D. (2010) House of Commons, *Hansard*, 6 July 2010 Column 175.

- Campbell, D. (2012) *Unpublished interview*, conducted by Mark Pope, 27th September 2012.
- Caney, S. (2005) *Justice Beyond Borders*. Oxford: Oxford University Press.
- Cannon, P. (2012) *Twitter*, 20th November. Available from: www.twitter.com. Accessed 21st November 2012.
- Carvin, S. (2012) 'The trouble with targeted killings', *Security Studies*, 21 (3) 529–55.
- Casciani, D. (2013) *Unpublished interview*, conducted by Mark Pope, 1st May 2013.
- Chadwick, A. (2011) 'The Political Information Cycle in a Hybrid News System: The British Prime Minister and the "Bullyinggate" Affair', *The International Journal of Press/Politics*, 16: 3-29.
- Chandler, D. (2003) 'New Rights for Old? Cosmopolitan Citizenship and the Critique of State Sovereignty', *Political Studies*, 51 (2) 332-349.
- Cheah, P. (1998) 'Rethinking Cosmopolitan Freedom in Transnationalism' in Cheah, P and Robbins, B. (Eds.) *Cosmopolitanism: Thinking and Feeling Beyond the Nation*. Minneapolis: University of Minnesota Press, pp.290-329.
- Chen, K. (1998) 'The Decolonisation Question', in Chen, K. (ed) *Trajectories: Inter-Asia Cultural Studies*, London: Routledge.
- Chomsky, N. (2003) *Power and Terror: Post 9-11 Talks and Interviews*, United States: Seven Stories Press.
- Chouliaraki, L. & Fairclough, N. (1999) *Discourse in Late Modernity; Rethinking Critical Discourse Analysis*, Edinburgh: Edinburgh University Press.
- Chouliaraki, L. (2006) *The Spectatorship of Suffering*, London: Sage.
- Chouliaraki, L. (2011) 'Improper distance': Towards a critical account of solidarity as irony', *International Journal of Cultural Studies*, 14 (4) 363-381.

- Clarke, K. (2010) House of Commons, *Hansard*, 16 Nov., Column 752.
- Clarke, K. (2012) House of Commons, *Hansard*, 18th Dec., Column 713.
- Clarke, K. (2012b) House of Commons, *Hansard*, 18th Jan., Column 751.
- Clarke, K. (2012c) *BBC Radio 4, The Today Programme*, 29 May 2012, URL: http://news.bbc.co.uk/today/hi/today/newsid_9724000/9724593.stm Accessed 15th November 2012.
- Clarke, K. (2013) House of Commons, *Hansard*, 19th Dec., Column 913.
- Cobain, I. (2011) 'British Government's Secret Interrogation Policy', *The Guardian*, August 4th 2011.
- Cobain, I. & Norton-Taylor, R. (2011) 'Lawyers to boycott inquiry as rights groups label it a sham', *The Guardian*, 6th July 2011.
- Cobain, I. (2012) *Cruel Britannia, A Secret History of Torture*, Portobello Books: [Ebook].
- Cobain, I. (2013) *Unpublished Interview*, Conducted by Mark Pope 27th February 2013.
- Columbia Law School (2012) *Counting Drone Strike Deaths*, October 2012: Human Rights Clinic at Columbia Law School.
- Compton Enquiry Report (1971) '*Report of the enquiry into allegations against the security forces of physical brutality in Northern Ireland arising out of events on 9th August, 1971*', Chairman Sir Edmund Compton, Her Majesty's Stationary Office: The Home Office.
- Cottle, S. (2006) *Mediatized Conflicts: Understanding Media and Conflicts in the Contemporary World*, Berkshire: Open University Press.
- Cottle, S. & Rai, M. (2008) 'Global 24/7 news providers: emissaries of global dominance or global public service?' *Global Media and Communication*, 4 (2) 157-81.
- Croft, S. (2012) *Securitizing Islam; Identity and the Search for Security*, Cambridge: [Ebook].

- Croft, S. (2012a) 'Constructing Ontological Insecurity: The Insecuritization of Britain's Muslims', *Contemporary Security Policy*, 33 (2) 219-235.
- Curtis, L. (1996) 'Reporting Republican Violence', in Rolsten, B. & Miller, D. (Eds.) *War and Words, The Northern Ireland Media Reader*, Michigan: Beyond the Pale Publications, pp. 197-207.
- Curtis, L. (1998) *Ireland the Propaganda War*, London: Pluto Press Ltd.
- Davis, A. (2010) *Political Communication and Social Theory*, London: Routledge/Taylor & Francis.
- Davis, D. (2012a), Comments on Panel at Frontline Club, 15th November 2012, URL: <http://www.frontlineclub.com/cruel-britannia-a-secret-history-of-torture/> Accessed 18th January 2013.
- Davis, D. (2012b) House of Commons, *Hansard*, 18th Dec, Column 718.
- Dayan, D. (2007) 'On Morality, Distance and the Other, Roger Silverstone's Media and Morality', *International Journal of Communication*, 1, Feature 113-122.
- Delanty, G. (2009) *The Cosmopolitan Imagination*, Cambridge: Cambridge University Press.
- DerDerian, J. (2008) 'The desert of the real and the simulacrum of war', *International Affairs*, 84 (5) 931-948.
- Dickson, B. (2010) *The European Convention on Human Rights and the Conflict in Northern Ireland*, Oxford: Oxford University Press.
- Dillon, M. (2007) 'Governing Terror: The State of Emergency in Biopolitical Emergence', *International Political Sociology*, 1 (1) 7-28.
- Dimblebee, J. (1971) 'The BBC and Northern Ireland', *The New Statesman*, 31st December 1971.

- Diplock, K. (1972) *Report of the Commission to consider legal procedures to deal with terrorist activities in Northern Ireland*, Her Majesty's Stationary Office, London.
- Dixon, P. (2008) *Northern Ireland: The Politics of War and Peace*, Basingstoke: Palgrave-MacMillan.
- Dixon, P. (2012) 'Hearts and Minds'? British Counterinsurgency Strategy' in Dixon, P. (Ed.) *The British Way of Counterinsurgency*, Basingstoke: Palgrave MacMillan, pp. 265-291.
- Douzinas, C. (2007) *Human Rights and Empire*, Oxon: Routledge-Cavendish.
- Douzinas, C. & Gearey, C. (2005) *Critical Jurisprudence, The Political Philosophy of Justice*, Oxford: Hart Publishing.
- Doyle, P. (2010) 'Struggling for Hegemony: Analysing Discourses on Security and Defence before the war in Iraq in the UK national press.' Paper presented at the PSA Postgraduate Network 2010 Conference – Edinburgh.
- Dozier, K. (2012) 'Who Will Drones Target? Who in the US Will Decide?' *Associated Press*, May 21st 2012, URL: <http://bigstory.ap.org/content/who-will-drones-target-who-us-will-decide>. Accessed 12th June 2013.
- Drones watch (2013) *Droneswatch.org website*. URL: <http://droneswatch.org/about/> Accessed: 10th June 2013.
- Edwards, A. (2010) 'Misapplying lessons learned? Analysing the utility of British counterinsurgency strategy in Northern Ireland', 1971–76, *Small Wars & Insurgencies*, 21 (2) 303-330.
- Elias, N. (1996) *The Germans: Power Struggles and the Development of Habitus in the Nineteenth and Twentieth Centuries*, Cambridge: Polity Press.
- Elias, N. (2000) *The Civilizing Process: Sociogenetic and Psychogenetic Investigations*, Oxford: Blackwell.

Elliot, P. (1977) 'Reporting Northern Ireland', in *Ethnicity and the Media*, Paris: UNESCO, pp. 263-376.

Entman, R. (2004) 'Projections of Power: Framing News, Public Opinion, and U.S. Foreign Policy', Chicago: University of Chicago Press.

Equality and Human Rights Commission. (2012) *Justice and Security Bill Advice*,
URL:<http://www.equalityhumanrights.com/legal-and-policy/parliamentary-briefings/justice-security-bill-with-advice> Accessed 12/01/2013.

Equality and Human Rights Commission v Prime Minister & Ors [2011] EWHC 2401.

Evans, H. (2009) *Harold Evans An Autobiography, My Paper Chase*, London: Little Brown Book Group.

Fairclough, N. (1989) *Language and Power*. London: Longman.

Fairclough, N. (1992) *Discourse and Social Change*. Oxford: Blackwell Publishing Ltd.

Fairclough, N. (1995) *Media Discourse*, Arnold of the Hodder Headline Group

Fairclough, N. & Wodak, R. (1997) 'Critical Discourse Analysis', in van Dijk, T. (Ed.), *Discourse as Social Interaction (Discourse Studies: A Multidisciplinary Introduction. Vol.2)*. London: Sage, pp.258-284.

Fairclough, N. (2000) *New Labour, New Language*, London: Routledge.

Fairclough, N. (2003) *Analysing Discourse, Textual Analysis for Social Research*, Abingdon Oxon: Routledge.

Fairclough, N. (2006) *Language and Globalisation*, Oxon: Routledge.

Fairclough, N. (2009) 'A Dialectical-Relational Approach to Critical Discourse Analysis' in Wodak, R. & Meyer, M. (Eds.) (2009) *Methods of Critical Discourse Analysis*, London: Sage, pp. 162-187.

Fairclough, N. (2010) *Critical Discourse Analysis; The Critical Study of Language*, Longman Group.

Fairclough, I. & Fairclough, N. (2012) *Political Discourse Analysis*, London: Routledge.

Faul, F. & Murray, D. (1972) *British Army and Special Branch RUC Brutalities, December 1971- February 1972*. Dungannon: the authors.

Faulkner, B. (1977) *Memoirs of a Statesman*, London: Weidenfeld and Nicholson.

Fine, R. (2007) *Cosmopolitanism*, London: Routledge.

Finlayson, A. (2007) 'From Beliefs to Arguments: Interpretive Methodology and Rhetorical Political Analysis', *British Journal of Politics and International Relations*, 9 (4) 545-563.

Fisher, K. (2012) *From 20th Century Troubles to 21st Century International Terrorism: Identity, Securitization, and British Counterterrorism from 1968 to 2011*, London: PhD thesis submitted to the London School of Economics.

Fisk, R. (1975) *The Point of No Return: the strike that broke the British in Ulster*, London: Deutsch.

Flyvbjerg, B. (1998) *Rationality and Power, Democracy in Practice*, London: The University of Chicago Press.

Foreign and Commonwealth Office. (2011) *Overseas Security and Justice Assistance, Human Rights Guidance*, URL: <http://www.fco.gov.uk/resources/en/pdf/global-issues/human-rights/osja-guidance-151211.pdf> Accessed 1st September 2012.

Foreign and Commonwealth Office. (2012) *Securing Our Future* Speech by William Hague, URL: <http://www.fco.gov.uk/en/news/latest-news/?id=692973282&view=Speech> Accessed 1st September 2012.

Foucault, M. (1970) "The Order of Discourse," translated by McLeod, I. in Young, R. (Ed.) *Untying the Text: A Poststructuralist Reader*, Boston: Routledge, pp. 48-78.

Foucault, M. (1972) *The Archaeology of Knowledge and the Discourse on Language*, USA: Pantheon.

Foucault, M. (1979) *Discipline and Punish: The Birth of the Prison*, Harmondsworth: Penguin Books.

Foucault, M. (1984) 'Truth and Power', in Rabinow, P. (Ed.) *The Foucault Reader*, London: Penguin, pp. 51-75.

Foucault, M. (1991) 'Governmentality', in G, Burchell., C, Gordon. & P, Miller. (eds) *The Foucault Effect: Studies in Governmentality*, Chicago: University of Chicago Press, pp.87-105.

Foucault, M. (2003) *Society Must be Defended*, London: Allen Lane.

Fowler, R., Hodge, B., Kress, G. & Trew, T. (1979) *Language and Control*, London: Routledge.

Fowler, R. (1991) *Language in the News, Discourse and Ideology in the Press*, London: Routledge.

Franke, U. (2013) 'The Five Most Common Media Misrepresentations of UAVs', Chapter in Aaronson, M. & Johnson, A. (Eds.) *Hitting the Target? How New Capabilities are Shaping Intervention*, Royal United Services Institute: London.

French, D. (2011) *The British Way of Counter-Insurgency, 1945–67*, Oxford: Oxford University Press.

Gallup, G. (1999) *Gallup Political Index 1935–97*, Wilmington, DE: Scholarly Resources.

Galtung, J. & Fischer, D. (1996) *Pioneer of Peace Research*, London: Springer.

Galtung, J. & Ruge, M. (1965) 'The Structure of Foreign News. The Presentation of the Congo, Cuba and Cyprus Crises in Four Norwegian Newspapers', *Journal of Peace Research*, vol. 2, pp. 64-91.

Gaskarth, J. (2011) 'Entangling alliances? The UK's complicity in torture in the global war on terror', *International Affairs*, 87 (4) 945–964.

Giddens, A. (1991) *Modernity and Self Identity*, Cambridge: Polity.

Giddens, A. (1999) 'Risk and Responsibility', *Modern Law Review*, 62 (1) 1-10.

Gillespie, M. (2006) 'Guest Editor of Special Issue: After September 11: Television news and transnational audiences', *Journal of Ethnic and Migration Studies*, 32 (6) 903-923.

Gillespie, M. (2007) 'Shifting Securities: News Cultures Before and Beyond the Iraq Crisis 2003: Full Research Report', *ESRC End of Award Report*, RES-223-25-0063, Swindon: ESRC.

Gillespie, M., Gow, J., Hoskins, A., O'Loughlin, B. & žveržhanovski, I. (2010) 'Shifting Securities: News Cultures, Multicultural Society and Legitimacy', *Ethnopolitics*, 9: 2, 239—253.

Greenwold, G. (2012) 'New Stanford/NYU study documents the civilian terror from Obama's Drones', *The Guardian*, 25th September 2012. URL:

<http://www.guardian.co.uk/commentisfree/2012/sep/25/study-obama-drone-deaths>

Accessed: 12th June 2013.

Grusin, R. (2010) *Premediation: Affect and Mediality after 9/11* Houndmills: Palgrave Macmillan.

Guardian News Media vs AB and CD [2014] 02393C1.

Habermas, J. (1984) *The Theory of Communicative Action. Vol. 1: Reason and the Rationalisation of Society*, translated by McCarthy, T., London: Heinemann.

Habermas, J. (1996) *Between Facts and Norms, Contributions to a Discourse Theory of Law and Democracy*, Cambridge: Polity Press.

Habermas, J. (1998) *The Inclusion of the Other: Studies in Political Theory*, Cambridge, MA: MIT Press.

Habermas, J. (2006) *The Divided West*, Cambridge: Polity.

Habermas, J. (2010) 'A Political Constitution for the Pluralist World Society?' in Brown, G. &

Heath-Kelly, C. (2013) 'Counter-Terrorism and the Counterfactual: Producing Radicalisation Discourse and the UK Prevent Strategy', *British Journal of International Relations*, 15, 394-415.

Heath-Kelly, C., Baker-Beall, C., & Jarvis, L., (2015) 'Introduction' in Baker-Beall, C., Heath-Kelly, C. & Jarvis, L., (Eds.) *Counter-Radicalisation: Critical perspectives*, Oxon: Routledge.

Held, D. (Eds.) *The Cosmopolitan Reader*, Cambridge: Polity Press, pp.267-289.

Hall, S., Critcher, C., Jefferson, T., Clarke, J. & Roberts, B. (1978) *Policing the crisis: Mugging, the State and Law and Order*, London: Macmillan.

Halperin, S. & Heath, O. (2012) *Political Research; Methods and Practical Skills*, London: Oxford University Press.

Hamilton-Tweedale, B. (1987) *The British Press in Northern Ireland, A case study in reporting violent political conflict*, PhD Thesis submitted to Sheffield University.

Hannerz, U. (1990) 'Cosmopolitans and Locals in World Culture', *Theory, Culture and Society*, 7 (2) 237-251.

Hannerz, U. (1996) *Transnational Connections: Culture, People, Places*. London: Routledge.

Hansen, L. (2006) *Security as Practice; Discourse Analysis and the Bosnian War*, New York: Routledge.

Hardt, M. & Negri, A. (2000) *Empire*, London: Harvard University Press.

Heath, E. (1972) *House of Commons, Hansard*, 2 March 1972 vol 832 cc743-9.

Held, D. (1995) *Democracy and the Global Order: From the Modern State to Cosmopolitan Governance*, Cambridge: Polity Press.

Herman, E. & Chomsky, N. (1988) *Manufacturing Consent*, New York: Pantheon Books.

- Hickman, T. (2013) 'Turning out the lights? The Justice and Security Act 2013' *UK Constitutional Law Blog* (11th June 2013), URL: <http://ukconstitutionallaw.org> Accessed: 30th June 2013.
- Hillyard, P. (1993) *Suspect Community: People's Experience of the Prevention of Terrorism Acts in Britain*, London: Pluto.
- Hirsh, D. (2003) *The Law Against Genocide: Cosmopolitan Trials*, London: Glasshouse Press.
- Hirsch, A. (2012) *Unpublished Interview*, Conducted by Mark Pope via Email (October 2012).
- Hodges, A. & Nilep, C. (2007) 'Introduction: Discourse War and Terrorism' in Hodges, A. & Nilep, C. (Eds.) *Discourse, War and Terrorism*, Amsterdam: John Benjamins Publishing Company, pp.1-19.
- Hoffman, B. (2000) The American Perspective, in 'America and the new terrorism: an exchange', *Survival*, 42 (2) 156-172.
- Hoffman, B. (2006) *Inside Terrorism*, 2nd Edition, New York: Columbia University Press.
- Hoggart, S. (1996) 'The Army PR Men of Northern Ireland' in Rolsten, B. & Miller, D. (Eds.) *War and Words, The Northern Ireland Media Reader*, Belfast: Beyond the Pale Publications, pp. 153-158.
- Hopgood, S. (2006) *Keepers of the flame, Understanding Amnesty International*, USA: Cornell University Press.
- Horn, E. (2011) 'Logics of Political Secrecy', *Theory, Culture and Society*, 28 (7-8) 103-122.
- Horolets, A. (2010) 'Book Review: The Discourse of Politics in Action. Politics as Usual by Ruth Wodak', *The Qualitative Sociology Review*, 6 (1) April 2010.
- Hoskins, A. & O'Loughlin, B. (2007) *Television and Terror, Conflicting Times and the Crisis of News Discourse*, Hampshire: Palgrave MacMillan.

Hoskins, A. & O'Loughlin, B. (2010) *War and Media; The Emergence of Diffused War*, Cambridge: Polity Press.

House of Commons Research Paper. (2012) *Justice and Security Bill, Bill No 99, Research Paper 12/80*, 14 December 2012.

HM Government. (2011) *The Justice and Security Green Paper*, London: Parliamentary Stationery Office.

HM Government. (2012) *The Justice and Security Bill*, London: Parliamentary Stationery Office.

HM Government. (2013) *The Justice and Security Act*, London: Parliamentary Stationery Office.

Human Rights Watch. (2009) *Cruel Britannia, British Complicity in the Torture and Ill-treatment of Terror Suspects in Pakistan*, London: 24th November 2009.

Human Rights Watch. (2011) 'Secret Intelligence Documents Discovered in Libya', URL: <http://www.hrw.org/news/2011/09/08/secret-intelligence-documents-discovered-libya> Accessed 31st August 2012.

Ignatieff, M. (2001) *Human Rights as Politics and Idolatry*, Oxfordshire: Princeton University Press.

Immigration, Asylum and Nationality Act 2006, London: HMSO.

International Crisis Group. (2013) *Drones: Myths and Realities in Pakistan, Asia Report No. 247, 21st May 2013*, Belgium: International Crisis Group.

Intelligence and Security Committee. (2005) *The Handling of Detainees by UK Intelligence Personnel in Afghanistan, Guantanamo Bay and Iraq, March 2005*, London: HMSO.

Intelligence and Security Committee. (2007) *Rendition, July 2007*, London: HMSO.

Intelligence and Security Committee. (2013) *Intelligence and Security Committee, Annual*

Report 2012-2013, London: HMSO.

International Commission for Jurists. (2009) *Report of the Eminent Jurists Panel on Terrorism, Counter-terrorism and Human Rights, Assessing Damage, Urging Action*, URL: <http://ejp.icj.org/IMG/EJP-Report.pdf> Accessed: 28th August 2012.

International Telecommunications Union. (2010) *Definitions of World Telecommunication/ICT Indicators*, March 2010. URL: http://www.itu.int/ITU-D/ict/material/TelecomICT_Indicators_Definition_March2010_for_web.pdf Accessed on 21st October 2011.

International Criminal Tribunal for the former Yugoslavia, Prosecutor v. Furundzija (10 December 1998), Case No. IT-95-17/I-T.

Ireland v. United Kingdom [1976] Decisions and Reports of the European Commission of Human Rights DR976.

Ireland v. United Kingdom - 5310/71 [1978] ECHR 1.

Jabri, V. (2012) 'Cosmopolitan politics, security, political subjectivity', *European Journal of International Relations*, 18 (4) 625-644.

Jackson, R. (2005) *Writing the War on Terrorism*, Manchester: Manchester University Press.

Jackson, R. (2007) 'Language, policy and the construction of a torture culture in the war on terrorism' *Review of International Studies*, 33 (3) 353-371.

Jackson, R., Jarvis, L., Gunning, J. & Smyth, M. (2011) *Terrorism; A Critical Introduction*. Palgrave Macmillan [EBook].

Jarvis, L. (2009) *Times of Terror; Discourse, Temporality and the War on Terror*, Basingstoke: Palgrave MacMillan.

Joint Committee on Human Rights. (2009) *Twenty-Third Report, Allegations of UK Complicity in Torture*, London: HMSO.

- Joint Committee on Human Rights. (2012a) *Twenty-Fourth Report, The Justice and Security Green Paper*, London: HMSO.
- Joint Committee on Human Rights. (2012b) *Legislative Scrutiny: Justice and Security Bill, 4th Report of Session*, London: HMSO.
- Joint Committee on Human Rights. (2012c) *Legislative Scrutiny: Justice and Security Bill, Oral Evidence HC370–i–iii*, London: HMSO.
- Jorgensen, M. & Philips, L. (2002) *Discourse Analysis as Theory and Method*, London: Sage.
- Kaldor, M. (2013) 'Comment on Security Cosmopolitanism', *Critical Studies on Security*, 1 (1) 42-25.
- Kant, I. [1795] (1991) Perpetual Peace a Philosophical Sketch, in Reiss, H. (Ed.) *Kant's Political Writings*, Cambridge: Cambridge University Press, pp. 93-116.
- Keck, M. & Sikkink, K. (1998) *Activists beyond Borders: Advocacy Networks in International Politics*, New York: Cornhill University Press.
- Khan, R v SoS. for Foreign & Commonwealth Affairs* [2012] EWHC 3728.
- Kirk-Smith, M. & Dingley, J. (2009) 'Countering terrorism in Northern Ireland: the role of intelligence', *Small Wars & Insurgencies*, 20 (3-4) 551-573.
- Kitson, F. (1971) *Low Intensity Operations*, London: Faber and Faber.
- Kristeva, J. (1986) 'Word, dialogue and novel', in Moi, T. (Ed.) *The Kristeva Reader*, Oxford: Blackwell, pp. 34-61.
- Kymlicka, W. (2006) 'Cosmopolitan Norms', in Benhabib, S. *Another Cosmopolitanism*, Oxford: Oxford University Press, pp. 128-147.
- Laclau, E. & Mouffe, C. (1985) *Hegemony and Socialist Strategy*, London: Verso.
- Lacquer, W. (1999) *The New Terrorism: Fanaticism and the Arms of Mass Destruction*,

London and New York: Oxford University Press.

Latour, B. (2004) 'Whose Cosmos, Which Cosmopolitics? Comments on the Peace Terms of Ulrich Beck', *Common Knowledge*, 10 (3) 450-462.

Latour, B. (2005) 'From Realpolitik to Dingpolitik, Or How to Make Things Public' in Latour and Weibel (Eds.) *Making Things Public: Atmospheres of Democracy*, MA: MIT Press, 14-23.

Latour, B. (2010) *The Making of Law; An ethnography of the Conseil D'Etat*, Cambridge: Polity Press.

Leigh, I. (2012) 'Rebalancing Rights and National Security: Reforming UK Intelligence Oversight a Decade after 9/11', *Intelligence and National Security*, 27 (5) 722-738.

Liberty (2012) *No Torture, No Compromise Campaign*, Liberty Website URL: <http://www.liberty-human-rights.org.uk/campaigns/no-torture-no-compromise/index.php> Accessed 01/09/2012.

Liberty (2010) Press Release 30th June 2010. URL: <http://www.liberty-human-rights.org.uk/media/press/2010/uk-torture-inquiry-terms-agreed.php> Accessed 30th November 2012.

Liberty and Reprieve (2012) *Liberty and Reprieve Second Reading briefing on the Justice and Security Bill in the House of Lords*, London: Liberty and Reprieve.

Linklater, A. (2007) *Critical Theory and World Politics: Citizenship, Sovereignty and Humanity*, Routledge: London.

Locke, J. ([1689] 1821) *Two Treatises on Government*, London: Printed for R. Butler.

Lowndes, V. (2002) 'Institutionalism', in Marsh, D. and Stoker, G. (Eds.), *Theory and Methods in Political Science*, Basingstoke: Palgrave, pp. 90-108.

Luhmann, N. (2000) *The Reality of the Mass Media*, translated by Cross, K., Cambridge: Polity.

- Lukes, S. (2005) *Power: A Radical View*, 2nd Edition, Hampshire: Macmillan.
- Luttwak, E. (1995) 'Toward Post-Heroic Warfare', *Foreign Affairs*, 74 (3) 109-122.
- MacDonald, K. (2012) House of Lords, *Hansard*, 21st Nov, Column 1899.
- MacDonald, M. & Hunter, D. (2013) 'The discourse of Olympic security: London 2012', *Discourse and Society* 24 (1) 66-88.
- March, J. & Olsen, J. (1984) 'The New Institutionalism: Organizational Factors in Political Life', *American Political Science Review*, 78 (3) 734-749.
- Masco, J. (2006) *The Nuclear Borderlands: The Manhattan Project in Post Cold-War*, New Mexico: Princeton University Press.
- Mason, R. (1999) *Paying the Price*, London: Robert Hale Ltd.
- Masood, S. (2006) 'Pakistan Says It Killed 80 Militants in Attack on Islamic School', *New York Times*, 31st October 2006.
- McKittrick, D. & McVea, D. (2012) *Making Sense of the Troubles*, 2nd Edition, London: Penguin.
- McNamara, L. (2012) *Closed court decision gives government a major victory says University expert*, Press Release. URL: <http://www.reading.ac.uk/news-and-events/releases/PR476020.aspx> Accessed: 22nd November 2012.
- Meinhof, U. & Smith, J. (2000) *Intertextuality and the Media*, Manchester: Manchester University Press.
- Mestrovic, S. (1997) *Postemotional Society*, London: Sage.
- Miliband, D. & Johnson, A. (2009) Written statement to the Joint Committee on Human Rights, 27th February 2009, *Twenty-Third Report, Allegations of UK Complicity in Torture*, London: HMSO.

Miller, D. (1993) 'Official sources and 'primary definition': the case of Northern Ireland', *Media, Culture & Society*, 15 (3) 385-406.

Miller, G. (2012) 'National Security Plan for hunting terrorists signals US intends to keep adding names to kill lists', *Washington Post*, 23rd October 2012.

Ministry of Defence. (2006) *Operation Banner, An Analysis of Military Operations in Northern Ireland*, UK: Ministry of Defence.

Miskimmon, A., O'Loughlin, B. & Roselle, L. (2013) *Strategic Narratives: Communication Power and the New World Order*, Oxon: Routledge.

Moeller, S. (1999) *Compassion Fatigue; How the media sell disease famine war and death*, London: Routledge.

Moon, C. (2012) 'What One Sees and How One Files Seeing: Human Rights Reporting, Representation and Action', *Sociology*, 46 (5) 876-890.

Morgenthau, H. (1985) *Politics among Nations*, 6th Edition, New York: McGraw-Hill.

Mouffe, C. (2005) *On the Political*, London: Routledge.

Mumford, A. (2012) *The Counterinsurgency Myth, The British Experience of Irregular Warfare*, Routledge [Ebook].

Nagel, T. (2005) 'The Problem of Global Justice', *Philosophy and Public Affairs*, 33 (2) 113-147.

Nandy, A. (1995) 'The Other Within: The Strange Case of Radhabinod Pal's Judgement on Cupability', In Nandy, A. *The Savage Freud and other essays on possible and retrievable selves*, New Jersey: Princeton University Press, pp. 53-80.

Nandy, A. (1998) 'A New Cosmopolitanism; Toward a dialogue of Asian civilisations' in Chen, K. (Ed.) *Trajectories: Inter-Asia Cultural Studies*, London: Routledge.

Nash, K. (2003) 'Cosmopolitan Political Community: Why Does It Feel So Right?',

Constellations, 10 (4) 506-518.

Nash, K. (2009) *The Cultural Politics of Human Rights*, Cambridge: Cambridge University Press.

Neuberger, D. (2012) *No Judgement, No Justice*, Speech made in London. URL: <http://www.supremecourt.gov.uk/docs/speech-121120.pdf> Accessed: 15th December 2013.

Neumann, P. (2009) *Old and New terrorism*, Polity Press: London.

Newbery, S. (2009) 'Intelligence and Controversial British Interrogation Techniques: the Northern Ireland Case, 1971–2', *Irish Studies in International Affairs*, 20 (2009) 103–119.

Nowicka, M. & Rovisco, M. (Eds.) (2009) *Cosmopolitanism in Practice*, Surrey: Ashgate Publishing Limited.

Nowicka, M. & Rovisco, M. (Eds.) (2011) *The Ashgate Research Companion to Cosmopolitanism*, Surrey: Ashgate Publishing Limited.

Nussbaum, M. (1994) 'Patriotism and Cosmopolitanism', *The Boston Review*, 19 (5) 1st October 1994.

Nussbaum, M. (2010) 'Kant and Cosmopolitanism' in Brown, W, and Held, D. (Eds.) *The Cosmopolitanism Reader*, Cambridge: Polity, pp. 27-45.

Obama, B. (2013) *Remarks by the President at the National Defense University*, 23rd May 2013. URL: <http://www.whitehouse.gov/the-press-office/2013/05/23/remarks-president-national-defense-university> Accessed: 16th June 2013.

O'Neill, O. (1999) 'Lifeboat earth' in Rosen, M, and Wolff, J, (Eds.), *Political Thought*, Oxford: Oxford University Press, pp. 304-319.

Orgad, S. (2012) *Media Representation and the Global Imagination*, Polity: [Ebook].

Paine, T. [1791] (1999) *The Rights of Man*, USA: Dover Publications.

Parker, H. (1972) *Report of the Committee of Privy Counsellors appointed to consider authorised procedures for the interrogation of persons suspected of terrorism*, London: Her Majesty's Stationary Office.

Pat-Coogan, T. (1995) *The IRA*, 4th Edition, Hammersmith: HarperCollins.

Peoples, C. & Vaughan-Williams, N. (2010) *Critical Security Studies: An Introduction*; New York: Routledge.

Philo, G. (2007) 'Can Discourse Analysis Successfully explain the Content of Media and Journalistic Practice', *Journalism Studies*, 8 (2) 175-196.

Phythian, M. (2012) 'Policing Uncertainty: Intelligence, Security and Risk', *Intelligence and National Security*, 27 (2) 187-205.

Pilkington, E. (2013) 'Does Obama's 'single digit' civilian death claim stand up to scrutiny?' in *The Guardian*, 7th February 2013, URL: <http://www.guardian.co.uk/world/2013/feb/07/drones-obama-single-digit-civilian-deaths> Accessed: 17th June 2013.

Plaw, A. (2013) 'Counting the Dead: The Proportionality of Predation in Pakistan' in Strawser, B (Ed) (2013) *Killing by Remote Control; The Ethics of Unmanned Military*, Oxford: Oxford University Press, Chapter 7 [Ebook].

Pogge, T. (1992) 'Cosmopolitanism and sovereignty', *Ethics*, 103 (1) 48-75.

Post, R. (2006) 'Introduction' in Benhabib, S. (2006) *Another Cosmopolitanism*, Oxford: Oxford University Press, pp. 1-13.

PRONI CENT/1/5/5. (1976) '*The Threat to Law and Order in Northern Ireland over the Next Few Years*', Paper presented to the Working Party on Law and Order in Northern Ireland, [PRONI Public Records CENT/1/5/5; 8 pages], Belfast: PRONI.

Prosecutor v Anto Furundzija [1998] International Criminal Tribunal for the former Yugoslavia, Case no. 17-95-17/ I-T.

R v Davis [2008] UKHL 36.

R v McCormick [1977] NI 111.

Rees, M. (1985) *Northern Ireland, A Personal Perspective*, London: Methuen.

Regina v Bow St. Magistrates ex parte Pinochet Ugarte (No.3) [1999] W.L.R. 827 HL.

Reisigl, M. & Wodak, R. (2009) *The Discourse-Historical Approach (DHA)*, in (Eds.) Wodak, R. & Meyer, M. (2009) *Methods of Critical Discourse Analysis*, London: Sage.

Reprieve (2010) *Press Release: 'Reprieve is delighted by the announcement of an inquiry into allegations of torture complicity by the British secret services'*. URL: <http://www.reprieve.org.uk/cameronannouncementtortureinquiry> Accessed 20th October 2010.

Reprieve. (2011) 'See the destruction wrought by US drones in Pakistan at @ReprieveUK exhibition from Thu <http://t.co/4SswkVX>', URL: www.twitter.com; Accessed 15th October 2012.

Reprieve. (2012) 'Despite some Government defeats in Lords tonight, Britain still faces prospect of #SecretCourts. Must continue to oppose', URL: www.twitter.com; Accessed: 21st January 2013.

Reprieve. (2012a) 'Unaccountable Government and Unfair Courts', Press Release; URL: http://www.reprieve.org.uk/press/2012_05_28_bill_announced/ Accessed: 15th January 2013.

Reprieve. (2012b) 'Secret courts at odds with fair trial rights, says watchdog', Press Release; URL: http://reprieve.org.uk/press/2012_10_31_secret_courts_not_fair_trials_EHRC/ Accessed 17th January 2013.

Reprieve. (2012c) *Our Work*, Reprieve Website; URL: <http://www.reprieve.org.uk/work/> Accessed: 25th August 2012.

Reprieve. (2012d) 'Following the anti-drones march on Twitter', URL:
http://www.reprieve.org.uk/blog/2012_10_11_antidrones_march_following_twitter/ ;
Accessed 15th October 2012.

Reprieve. (2013a) 'Investigations: Drones'; URL:
<http://www.reprieve.org.uk/investigations/drones/> Accessed: 22nd June 2013.

Reprieve. (2013b) Press Release: Drones; URL:
http://www.reprieve.org.uk/press/2013_06_11_answers_needed_gchq_drone_strikes/
Accessed: 22nd June 2013.

Richardson, J. (2004) *(Mis)Representing Islam: the racism and rhetoric of British broadsheet newspapers*, Philadelphia: John Benjamin's Publishing Company.

Rifkind, M. (2013) *Unpublished Interview*, Conducted by Mark Pope, 25th March 2013.

Roberts, D. (2013) Obama to bring US drone programme out from 'legal shadows', *The Guardian Website*, 23rd May 2013, URL:
<http://www.guardian.co.uk/world/2013/may/23/obama-drone-programme-cia-speech>
Accessed: 15th June 2013.

Robertson, G. (2006) *Crimes Against Humanity*, New York: Penguin.

Robertson, A. (2010) *Mediated Cosmopolitanism, The World of Television News*, Cambridge: Polity.

Rona, G. (2003) 'Interesting Times for International Humanitarian Law: Challenges from the 'War on Terror''; *The Fletcher Forum of World Affairs*, 27 (2) 55-74.

Royal Air Force. (2013) *RPAS Remotely Piloted Air Systems*, URL:
<http://www.raf.mod.uk/equipment/rpas.cfm> Accessed: 15th June 2013.

Rolston, B. (1996) 'Political Censorship', in Rolsten, B. & Miller, D. *War and Words, The Northern Ireland Media Reader*, Michigan: Beyond the Pale Publications.

Rumford, C. (2008) *Cosmopolitan Spaces; Europe, Globalisation and Theory*, Oxon:

Routledge.

Sanders, A. (2013) 'Operation Motorman (1972) and the search for a coherent British counterinsurgency strategy in Northern Ireland', *Small Wars & Insurgencies*, 24 (3) 465-492.

Sands, P. (2006) *Lawless World, Making and Breaking Global Rules*, London: Penguin Books.

Schmid, A. & Jongman, A. (1988) *Political Terrorism: A New Guide to Actors, Authors, Concepts, Data-Bases, Theories and Literature*, 2nd Edition, Amsterdam: Swidok.

Schmitt, C. (1922) *Political Theology, Four Chapters on the Concept of Sovereignty* (1922) translated by Schwab, G., Chicago: University of Chicago Press.

Schmitt, C. (1932) *The Concept of the Political*, translated by Schwab, G., Chicago: University of Chicago Press.

Schlesinger, P. (1978) *Putting 'Reality' Together*, *BBC News*; London: Constable.

Searle, J. (2010) *Making the Social World: The Structure of Human Civilisation*, Oxford: Oxford University Press.

Secretary of State for Justice. (2012) *Response to the Twenty-Fourth Report from the Joint Committee on Human Rights Session 2010-2012: The Justice and Security Green Paper*, London: Stationery Office.

Shaw, M. (2005) *The New Western Way of War*, Malden, MA: Polity Press, 71-72.

Silke, A. (2011) 'The psychology of counter-terrorism: critical issues and challenges' in Silke, A. (Ed.) *The Psychology of Counter-Terrorism*, London: Routledge.

Silverstone, R. (2007) *Media and Morality; On the Rise of the Mediapolis*, Cambridge: Polity Press.

Singer, P. (2009) *Wired for War: The Robotics Revolution and Conflict in the Twenty-First Century*; New York: Penguin Press.

Skrbis, Z. & Woodward, I. (2013) *Cosmopolitanism: Uses of the Idea*, London: Sage.

Special Advocates. (2012) *Justice and Security Green Paper, Response to Consultation from Special Advocates*, Cabinet Office: London. URL:

http://consultation.cabinetoffice.gov.uk/justiceandsecurity/wp-content/uploads/2012/09_Special%20Advocates.pdf Accessed 28th November 2012.

Sjoberg, L. (2013) 'The paradox of security cosmopolitanism?', *Critical Studies on Security*, 1 (1) 29-34.

Stafford-Smith, C. (2012) 'We are sleepwalking into the Drone Age, unaware of the consequences; Obama's policy of killing 'militants' in Pakistan may go down well in the US, but it is provoking an extremist backlash', *The Guardian Comment is Free*, Saturday 2nd June 2012; URL: <http://www.guardian.co.uk/commentisfree/2012/jun/02/drone-age-obama-pakistan> Accessed 14th June 2013.

Stanford and New York University. (2012) *Stanford International Human Rights and Conflict Resolution Clinic and Global Justice Clinic at NYU School of Law, Living Under Drones: Death, Injury, and Trauma to Civilians from US Drone Practices in Pakistan*, September 2012, Stanford University.

Straw, J. (2006) House of Commons, *Hansard*, 20 January 2006, Column 38.

Straw, J. (2012) House of Commons, *Hansard*, 18th Dec, Column 756.

Strawser, B. (2012) 'The morality of warfare revisited', *The Guardian*, Comment is Free, 6th August 2012 URL: <http://www.guardian.co.uk/commentisfree/2012/aug/06/morality-drone-warfare-revisited> Accessed: 14th June 2013.

Strawser, B. (2013) 'The Moral Landscape of Unmanned Weapons', in Strawser, B. (Ed.) (2013) *Killing by Remote Control; The Ethics of Unmanned Military*, Oxford University Press: [e-book] Chapter 1.

Taylor, P. (1980) *Beating the Terrorists*, Harmondsworth: Penguin.

Taylor, P. (2002) *Brits; The War Against the IRA*, London: Bloomsbury Publishing.

Taylor, P. (2003) *The Munitions of the Mind; A history of propaganda from the ancient world to the present day*, 3rd Edition, Manchester: Manchester University Press.

TBIJ. (2011) *The Bush Years 2004 - 2009* URL:

<http://www.thebureauinvestigates.com/2011/08/10/the-bush-years-2004-2009/> Accessed: 2nd June 2013.

TBIJ. (2013) *Drone Data* URL:

<http://www.thebureauinvestigates.com/category/projects/drone-data/> Accessed 15th June 2013.

Thomas, P. (2013) '*Preventing violent extremism under the coalition*', Public Spirit, URL:

<http://www.publicspirit.org.uk/preventing-violent-extremism-under-the-coalition/> Accessed 10th December 2014.

TNA CJ 4/2541. (1978) Correspondence to 'PRIORITY FCO TELNO 3988 OF 6 OCTOBER 1978', in *Home Office and Northern Ireland Office: Registered Files (NI Series)*. Report of Amnesty International on alleged ill-treatment of suspects by Royal Ulster Constabulary (RUC), and Bennett Committee of Inquiry into Police Interrogation Procedures in Northern Ireland.

TNA DEFE 48/256. (1972) Defence Operational Analysis Establishment Memorandum 7221. Smith, D., Watson, J., Harrison E., 'A Survey of Military Opinion on Current Internal Security Doctrine and Methods based on Experience in Northern Ireland,' October 1972.

TNA DEFE 23/109. (1971) 'Interrogation in internal security situations since 1945' Report from the Headquarters Intelligence Centre. In *Ministry of Defence: Permanent Under Secretary of State for Defence: Registered Files (D/PUS and PUS Series)*. PERMANENT SECRETARY'S UNREGISTERED PAPERS. Northern Ireland: interrogation of detainees.

TNA DEFE 23/111. (1971) 'The evolution of handling techniques in the interrogation environment', Headquarters Intelligence Centre, 8 December 1971. In *Ministry of Defence: Permanent Under Secretary of State for Defence: Registered Files (D/PUS and PUS Series)*.

PERMANENT SECRETARY'S UNREGISTERED PAPERS. Northern Ireland: Lord Parker's review of interrogation procedures.

TNA PREM 15/485. (1971) 'Operation Calabra TOP SECRET' in *Prime Minister's Office: Correspondence and Papers, 1970-1974. Ireland. Compton Enquiry into allegations of brutality by Army in Northern Ireland: part 1. 20th August- 15th November 1971.*

TNA WO 32/21776. (1971) Correspondence from Ludovic James Dunnett, Permanent Undersecretary in the Ministry of Defence in *War Office and successors: Registered Files (General Series). Northern Ireland: the Parker report.*

Tonge, J. (1998) *Northern Ireland, Conflict and Change*, 2nd Edition, Oxon: Routledge.

Tuchman, G. (1972) 'Objectivity as Strategic Ritual: An Examination of Newsmen's Notions of Objectivity', *The American Journal of Sociology*, 77 (4) 660-679.

Tyrwhitt-Drake, H. (2005) *A Critique of Critical Discourse Analysis*, PhD Thesis for the University of Reading.

UK Border Agency. (2012) *Country of Origin Assessment, Pakistan*, December 2012; Home Office.

UK Border Agency. (2013) *Country of Origin Assessment, Afghanistan*, 2013; Home Office.

UK Home Office. (2011) *Contest Strategy*, URL:
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/97995/strategy-contest.pdf Accessed 23rd May 2014.

UN. (1969) *Vienna Convention on the Law of Treaties*, URL:
http://untreaty.un.org/ilc/texts/instruments/english/conventions/1_1_1969.pdf URL
Accessed: 1st September 2011.

United Nations Human Rights Council. (2009) *Report of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism*, Martin Schenin, A/HRC/10/3: 4 February 2009.

United Nations Human Rights Council. (2010) *Joint Study on Global Practices in Relation to Secret Detention in the Context of Counter-Terrorism* URL:

<http://www2.ohchr.org/english/bodies/hrcouncil/docs/13session/A-HRC-13-42.pdf>

Accessed: 15th August 2013.

US Department of Defense. (2008) *Dictionary of Military and Associated Terms* 579, Joint Publication 1-02, April 12, 2001; amended Oct. 17, 2008.

Van Dijk, T. (1988) *News as Discourse*, Hillsdale: Erlbaum.

Van Dijk, T. (1991) *Racism and the Press*, London: Routledge.

Van Dijk, T. (1998) *Ideology: A multidisciplinary approach*, London: Sage.

Van Dijk, T. (2000) 'New(s) Racism: A discourse analytical approach', in Simon Cottle (Ed.) *Ethnic Minorities and the Media* Milton Keynes: Open University Press, pp. 33-49.

Van Dijk, T. (2005) *Racism and discourse in Spain and Latin America*, Amsterdam: Benjamins.

Van Dijk, T. (2008) *Discourse and Context; A sociocognitive approach*, Cambridge: Cambridge University Press.

Van Dijk, T. (2009) Critical Discourse Studies: A Sociocognitive Approach in Wodak, R. & Meyer, M. in *Methods of Critical Discourse Analysis*, London: Sage, pp. 62-87.

Van Dijk, T. (2010) 'Discourse, knowledge, power and politics, Towards Critical Epistemic Discourse Analysis'; in Christopher J. Hart (Ed.), *Critical Discourse Studies in Context and Cognition*. Amsterdam: John Benjamins.

Van Leeuwen, T. (2007) 'Legitimation in discourse and communication', *Discourse and Communication* 1 (1) 91-112.

Van Veeren, E. (2013) *There Is More Than One Way to Imagine A Drone*, Paper Uploaded for ISA Annual Conference, San Francisco.

Wæver, O. (2001) 'Identity, communities and foreign policy', in Hansen, L. and Wæver, O. (Eds.) *European Integration and National Identity*, London: Routledge, pp. 20–50.

Waldron, J. (1993) 'Special Ties and Natural Duties', *Philosophy & Public Affairs*, 22 (1) 3-30.

Waldron, J. (2006) 'Cosmopolitan Norms', in Benhabib, S. (2006) *Another Cosmopolitanism*, Oxford: Oxford University Press pp.83-102.

Wall, T. & Monahan, T. (2011) 'Surveillance and violence from afar: The politics of drones and liminal security-scapes', *Theoretical Criminology* 15 (3) 239-254.

Wallace, J. (2012a) House of Lords, *Hansard*, 11 July, Column 1240 & 1242.

Wallace, J. (2012b) House of Lords, *Hansard*, 21 November, Column 1840.

Walters, W. (2013) *Advancing the Debate on Materiality and Security: Drones, Dingpolitik and Beyond*, Paper given at the ISA Annual Conference San Francisco.

Wardlaw, G. (1982) *Political Terrorism: Theory, Tactics and Counter Measures*, London: Cambridge University Press.

Watson, M. (2011) 'Cosmopolitics and the Subaltern: Problematizing Latour's Idea of the Commons', *Theory, Culture & Society*, 28 (3) 55-79.

Weber, M. (1978) *Economy and Society: An Outline of Interpretive Sociology*. Vol.2. Berkeley: University of California Press.

Wells, C. (2012) *Unpublished Interview*, Conducted by Mark Pope 27th September 2012.

Wheeler, N. (2000) *Saving Strangers*, Oxford University Press: New York.

The White House. (2012) *Obama's Google+ Hangout*, 30th January 2012 URL: <http://www.whitehouse.gov/photos-and-video/video/2012/01/30/president-obama-s-googlehangout> Accessed: 12th June 2013.

Wichert, S. (1999) *Northern Ireland Since 1945*, London: Longman.

Wikileaks. (2010) *US Embassy Cable 23rd August 2008: 08ISLAMABAD2802, IMMUNITY FOR MUSHARRAF LIKELY AFTER ZARDARI'S*, URL:

<http://wikileaks.org/cable/2008/08/08ISLAMABAD2802.html> Accessed: 16th June 2013.

Wikileaks. (2011) 'UK Government has issued a "D-notice" warning to all UK news editors, asking to be briefed on upcoming WikiLeaks stories', URL:

<https://twitter.com/wikileaks/status/8206637680558080> Accessed: 14th August 2013.

Wilkinson, P. (1977) *Terrorism and the Liberal State*, London: Macmillan Press.

Williams, M. (2003) 'Words, Images, Enemies: Securitization and International Politics', *International Studies Quarterly*, 47 (4) 511-531.

Williams, M. (2010) 'The Secret War in Pakistan', *The Guardian*, URL:

<http://www.guardian.co.uk/commentisfree/cifamerica/2010/feb/04/pakistan-us-secret-war>
Accessed: 17th June 2013.

Wodak, R. (2009) *The Discourse of Politics in Action*, Hampshire: Palgrave Macmillan.

Wodak, R., de Cillia, R., Reisigl, M. & Liebhart, K. (2009) *The Discursive Construction of National Identity*, Edinburgh: Edinburgh University Press.

Wodak, R. & Reisigl, M. (2009) 'The Discourse Historical Approach', in (Eds.) Wodak, R. & Meyer, M. *Methods of Critical Discourse Analysis*, London: Sage, pp. 87-122.

Wodak, R. & Meyer, M. (2009) 'Critical discourse analysis: history, agenda, theory and methodology', in (Eds.) Wodak, R. & Meyer, M. *Methods of Critical Discourse Analysis*, London: Sage, pp. 1-34.

Woodiwiss, T. (2005) *Human Rights*, London: Routledge.

