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S. F. Hirsch: In the Moment of Greatest Calamity

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INTRODUCTION

ON AUGUST 7, 1998, two truck bombs exploded almost simultaneously at U.S. embassies in Nairobi, Kenya, and Dar es Salaam, Tanzania. The blast in Dar threw me to the floor, scattering a wad of money the embassy's cashier had just handed me. I managed to stand and, with plaster and dust raining down, escaped out a nearby exit. Ignoring warnings to seek cover, I ran toward the embassy's main entrance. I was desperate to find my husband, Abdurahman Abdalla, who had been standing outside, waiting for me while I cashed a check. In one direction barbed wire blocked my path to him, in another crowds surged between us. A third route was a gauntlet of burning cars. Hysterical in my efforts to reach him, I eventually allowed a Tanzanian doctor to take me to a hospital where he insisted I would find my husband being treated for injuries and could receive care for my own abrasions and shock. After a day-long search of Dar's hospitals, I found my husband. He had been standing just yards from the truck bomb when it detonated. He was killed, along with eleven others nearby.

The embassy bombings in Kenya and Tanzania shattered the peace in East Africa. Together the blasts killed more than two hundred people and injured thousands. Most of the casualties were Kenyans, like my husband, and a few dozen shared his Muslim faith. Among the dead were twelve Americans, all U.S. government employees. Seen in hindsight, the bombings were early indications of al Qaeda's commitment to attack U.S. interests and forecast a new moment in American awareness of the threat of terrorism. Although only a few people realized it at the time, the embassy bombings were a wake-up call to the United States and to the world about the operations and goals of a new sort of enemy, and the distinctive and deadly tactics it would deploy in a long-planned war.

In the immediate aftermath of the embassy bombings, family and friends on two continents helped me to face the shock, grief,

anger, confusion, and guilt that envelop and torment victims of violence. As the acute trauma abated, the urgency of questions grew about who had carried out these horrific acts and how. I found myself increasingly preoccupied by another question: Why? Why had the embassies been attacked? I began a quest to answer this and other related “why” questions, for myself, my husband, our families, and everyone else affected.

My search for an explanation was far outpaced by officials on several continents, who pursued the perpetrators and collected evidence of their crimes with the primary goal of bringing to justice those responsible for the bombings. The United States launched the largest criminal investigation ever undertaken abroad, and within months more than twenty men were indicted and several apprehended. Because the bombings targeted American citizens and embassies, which are considered U.S. federal property, four of those in custody faced trial in a federal court in Manhattan. The embassy bombings trial—held in the first six months of 2001—was an extraordinary public forum, where the U.S. government assumed the multiple responsibilities of acknowledging victims’ losses and communicating to an inattentive public the threat posed by al Qaeda, as well as establishing the guilt or innocence of the four men on trial.

The U.S. legal system decisively shaped my quest to explain the bombings, as the trial drew me in with the promise of answers. Much of this book focuses on what I learned about the embassy bombings, and terrorism more generally, by participating in the embassy bombings trial and attempting to make sense of it as an anthropologist and a victim. Yet the book also focuses on what the trial failed to explain. As a response to the bombings, law ultimately left me unsatisfied, wanting—with even more intensity—an explanation, an answer to my question of why.

My husband and I met in the mid-1980s, when I arrived in Malindi, his coastal Kenyan town, to undertake a year-long study of contemporary Islamic law courts for my doctoral dissertation. His nickname was Jamal, which means beauty. His father, a respected elder in the Swahili Muslim community, was a key in-

formant for my project, and his extended family welcomed me into their homes and lives. It was the anthropologist's ideal of intensive research, what we call "participant/observation." My relationship with Jamal developed over the next decade, as I worked toward my degree and Jamal built a small family business and gained stature as a community leader. With Jamal's assistance, my writing about life and law in Malindi highlighted the richness of Swahili culture, with its dual origins in Africa and the Middle East, and the uniqueness of coastal East African Islam, with its emphasis on piety, moderation, and pluralism. When my book was published a few weeks before the bombings, we celebrated its portrayal of Kenyan Muslims, which countered common misconceptions of Islam as hostile to the West, or inherently fundamentalist or sexist.

Ours was an unlikely but successful love, partnership, and understanding across continents, "races," religions, cultures, languages, and ways of life. Just two weeks before his death, Jamal and I had stopped in the U.S. Embassy in Dar es Salaam to pick up his immigrant visa for his first trip to the United States. After years of negotiating distance, we planned a fresh start together.

The embassy bombings destroyed our plans.

Just hours after the explosions, the unquestionable power of law to define the event became evident to me when Dar es Salaam's main hospital refused to release the victims' bodies, citing instructions from "American officials." We were caught between two legal systems: American criminal law, which required a thorough investigation, and the Islamic rules that mandate burial before sunset on the day of death. Waiting increased my anxiety, and Jamal's family in Kenya was understandably, though frantically, insistent to have him returned to Malindi for a proper burial as soon as possible.

Over the next two days my telephone rang constantly, and, pacing my apartment at the University of Dar es Salaam, I fielded dozens of sympathy calls and visits in a haze of shock and grief. Jamal's family called every couple of hours to check on the status of our return. As I negotiated logistical snafus with the numb efficiency that can be an aftereffect of trauma, CNN

International blared nonstop for the many friends and colleagues who came to pay respects. Over and over Osama bin Laden's picture appeared with statements explaining nothing: "A Saudi businessman linked to terrorism, he is suspected of involvement in the East African embassy bombings." Tanzanian friends, some Muslim, were confused. None of us had ever heard of bin Laden or al Qaeda. "If he did it," one asked, "why don't we know anything about him?" Another remarked, "He looks like an old man. How could he have done something like this?" "They say he did this all the way from Afghanistan. Where is that? It's not even in Africa."

Three days after the bombings, it seemed we would never leave for Kenya, and the growing tension brought on bouts of hysteria. In a rage born of frustration and grief, I called the official in charge at the U.S. Embassy, Deputy Ambassador John Lange, and demanded the release of Jamal's body. Taking on my anthropologist's role as an interpreter across cultures, I explained that Jamal's family was Muslim, which meant that an immediate burial was imperative. Ambassador Lange apologized for the delay. He said he had just gotten off the phone with President Bill Clinton, who had asked him to do two things. First, the president wanted his sympathies conveyed to the victims; and, second, he urged Lange to take every possible measure to preserve evidence from the crime scene. Hearing this, I resigned myself to wait until the autopsies were completed. Five days after the bombing, Jamal's body was released, and we left for Kenya where he would be buried and I would begin the long process of pulling together my shattered self.

Less than two weeks after the bombings, President Clinton ordered missile strikes on targets in Khartoum, Sudan, and Khost, Afghanistan. The strikes leveled both a Sudanese pharmaceutical plant alleged to be manufacturing chemical weapons and a military camp in Afghanistan where Osama bin Laden and his top military advisers were believed to be meeting. Although the U.S. government never released a report on the strikes (code-named "Infinite Reach") at least two dozen al Qaeda personnel were presumed killed in Afghanistan (but not the intended

high-ranking targets), and a Sudanese security guard died in Khartoum. The simultaneous timing of the strikes conveyed to the world, and especially to enemies, that within a matter of days the U.S. could mount an attack even more strategically complex than the dual embassy bombings.

At the same time as they demonstrated U.S. military prowess, the missile strikes pronounced a quick verdict on the question of who bore responsibility for the bombings: the mastermind was Osama bin Laden, a Saudi national who had once lived in Sudan, and they were carried out by his operatives, many of whom, having fought—with U.S. support—against the Soviets in Afghanistan, were still training there. Yet the clarity of the missile strikes as verdict and punishment blurred almost on impact. Cynics, especially political watchers in the United States, charged that the offensive was a version of “Wag the Dog” foreign policy designed to direct attention away from Clinton’s scandalous involvement with a White House intern.¹ Even fairer-minded critics wondered about the wisdom of almost instantaneous retaliation with little evidence presented and no apparent military follow-up.² Responding to the flurry of criticism from friends and foes, U.S. officials justified the missile attacks as “self-defense” permitted by Article 51 of the U.N. Charter. As Secretary of State Madeleine Albright proclaimed, “When the United States is attacked, when our people are taken out, we will stand out unilaterally in self-defense and really let the world know what we believe in.”³

So soon after the bombings, I had a hard time finding the words to express my opposition to the missile strikes. My gut feeling was that more violence could not possibly be productive. The missiles risked killing people uninvolved in terrorism, and, in my state of grief, I regretted the sorrow that would result from more deaths. I was also concerned that the U.S. government’s swift resort to a display of force risked furthering the resolve of those determined to commit violence, and I felt scared for myself and for Jamal’s family in East Africa. When some U.S. officials depicted the strikes as a justifiable means to avenge the suffering of “innocent victims,”⁴ I became angry. Abhorrent to me was the reality that I, as a U.S. citizen, as well as a victim of the

bombings myself, would be forced to bear responsibility for the missiles' destruction.

As the controversy intensified, I grew increasingly skeptical of the U.S. government's quick attribution of responsibility. In my mind, determining who had accomplished these horrific acts would require some effort and take a long time, indeed *should* take a long time. I had the crushing feeling that if the U.S. government knew exactly who had harmed us, precisely where they lived, even their tactics and methods so certainly and so soon after the bombings, then it might have known enough to prevent them. In the swarm of my tangled thoughts and fears, a strong suspicion kept emerging: my own government might be guilty of failing to protect us.

The belief that the American government bore some responsibility for the destruction was a persistent, biting charge, especially in Kenya, where people expressed anger at the United States for, as they saw it, the embassy's vulnerable location in the busiest part of town and the U.S. government's rumored failure to heed warnings of an attack. Citing American callousness and racism, they also criticized the restrictions that U.S. personnel, particularly the Marines guarding the embassy, had placed on Kenyans who had tried to help after the bombings. An even harsher criticism charged that preserving documents—rather than people—was of primary concern to those who secured the embassy. Americans attached to the embassies in Nairobi and Dar es Salaam—many of whom had been injured in the attacks—were stunned by the acrimonious charges hurled at them and their government, and by what they believed were distortions that put the United States in the worst possible light. Such criticism led an American State Department employee, taxed beyond her ability to remain diplomatic, to insist hysterically, "How can they blame us? We wouldn't bomb our own people. *We* are hurt. *We* are the victims." But the image of America as a victim—so keenly felt by Americans staggered by the attack—was harder, or impossible, for others, also suffering, to accept. When a victim is powerful—in this case, the most powerful nation in the world—its very power can attract blame as much as sympathy after an attack. The other side of that truism is that

the powerful endeavor to avoid blame, and, by virtue of their power, are well positioned to do so. Five months after the bombings, a specially convened Accountability Review Board issued a report dismissing charges of callousness and racism in the rescue effort as based on rumors, and, most important, exonerated U.S. officials from any specific wrongdoing in relation to the bombing.

Some victims persisted in raising the broadest questions, including, "Why have the enemies of your nation caused such destruction in ours?" Such questions risked rejection for reflecting the rage or irrationality of grief, but in my view the East Africans who asked them were sobered, not rendered irrational, by the bombings. They voiced a critique that centered on their own inextricable connection to a world power pursued by enemies that make diplomatic relations with the United States a dangerous business.

Blame's excess, deflected by the powerful, sadly can end up haunting the least powerful, who assume it. For victims who survived, the tendency to blame themselves was an overwhelming imperative, yet a trap to resist. In those early weeks after the bombing I realized that continuing to survive required a concerted, monumental effort to fight the irrational impetus to accept personal responsibility for the deaths of others, including Jamal. My mind played "what if" games: what if we had not stopped at the embassy? What if I hadn't visited the embassy ladies' room? What if I had insisted Jamal come inside with me? Such questions led nowhere; mercifully others convinced me that victims can get stuck in a maze of self-blame, and I tried hard to redirect my thinking.

The growing emphasis on a criminal justice approach to the bombings was, for some of us, a welcome alternative to accusations left unanswered by those in power and to our own self-blaming tendencies. I put my trust in the promise of an intensive investigation that would expose not only those responsible for detonating the bombs but also their reasons for doing so.

It is hard to convey what it was like to be an al-Qaeda victim in a pre-9/11 atmosphere. Not only was Osama bin Laden a name

few people in America or East Africa recognized, but, when I returned to the United States several weeks after the bombings, the central tragedy in my life was simply not on the public radar. Almost no one appreciated what it meant to be a victim of terrorism. My desire to be counted as a deserving victim, and the sense that East Africans faced difficulties making their claims as victims, motivated me to become involved in the embassy bombings trial that began in January 2001. I believed that attending the trial might satisfy my quest for recognition of my suffering and loss, and would allow me to represent Jamal, his family, and the East Africans who had largely been forgotten despite their continued suffering. I was also looking for an explanation of what had happened, who had done it, and why. Until then, investigators and prosecutors had operated in relative secrecy, providing only partial accounts. Media reports were incomplete and sometimes ill-informed. The trial seemed my best option for obtaining answers. At the same time I sought a definitive response to the bombings from the U.S. government. When prosecutors and others asserted that the trial would bring justice, for me that meant paying tribute to victims' suffering, explaining the crime, and punishing those responsible. The government's promise that justice would be done was powerfully alluring, especially since the crime had received so little public attention.

Participating in the six-month-long case forced me to think hard about law's utility as a response to acts of terrorist violence and, relatedly, what sort of justice terror trials provide. I found, for instance, that a terror trial held in open court can be invaluable to victims of terror, simply by providing attention to the tragic event. Sitting together in court, we victims gained recognition for our suffering, as prosecutors exposed the threat of terrorism to the United States and the world. For the first time the trial presented a detailed and plausible account of how the embassy bombings were planned and executed. The public—both domestic and international—also benefited from the information openly disseminated through the trial.

The prosecutors' skill played a substantial role both in addressing the victims' desire to know more about the crime and in the trial's ultimate success. The federal prosecutors office in

New York's Southern District had previously dealt with terror cases, including the 1993 bombing of the World Trade Center (WTC). In a book about that trial, *Defending Mohammad*, Robert Precht confirms the expertise of the Southern District office on matters of terrorism. However, writing from the perspective of a defense attorney involved in the case, Precht raises important concerns about the prosecution's handling of terror suspects. He questions whether any of the defendants who were convicted of the 1993 WTC attack were treated fairly given the tremendous power of the prosecutors' office and the sense of threat to the United States that motivated its vigorous prosecution.

In the embassy bombings trial the government's power came down full force on the four defendants and, for me, raised similar questions about legal fairness. As a victim, the last thing I wanted was to observe a long trial only to find that distortions, lies, or railroading of the defendants or witnesses would invalidate the verdict, either officially or in my own mind. The trial had to be fair for me to be able to accept the findings as an accurate account of what happened. A hasty verdict of guilt was of less interest to me than a fair proceeding that would get to the bottom of the incident. To be called "justice," the verdict and punishment would have to emerge through fair procedures.

The 1993 WTC case and the embassy bombings case differed in one way that I came to believe had the most profound effect on whether the outcome of the latter could be called just: two of the four defendants in the embassy bombings trial faced the death penalty.⁵ The prosecutors' pursuit of the death penalty and the defendants' attempts to avoid it, shaped the whole legal process: from the selection of the jury, to the use of victims' stories to sway jurors' emotions, to instances of desperate and disreputable courtroom tactics by lawyers on all sides. It also lengthened the legal process, not an insignificant point, especially for victims, and made it unlikely that any defendant would testify on his own behalf. I had gone into the trial thinking that, if the defendants were found guilty, then harsh punishment would be a just response. Yet the death penalty was unacceptable to me, a position I have held all my life. One reason is that the death penalty, as a form of state killing, is the

supreme exercise of a government's power on an individual. If trials are prone to abuses of government power, and terror trials all the more because of the government's role as a "victim" of the attack, then wielding death as a possible outcome risks twisting justice beyond recognition.

The government's pursuit of the death penalty made participating in the embassy bombings trial especially difficult for those of us opposed to capital punishment. Had the trial not been a U.S. capital case, my experience would have been quite different and, as I came to believe, the public would have been better served in its need to learn what happened and to begin to acknowledge the reasons why. My experience at the trial has not led me to turn away from the law as a response to terrorism. Rather, it has encouraged me to ask whether a U.S. terror trial can satisfy all that a victim's quest for justice demands. For me, that quest must follow fair procedures and yield as full an accounting of the crime as possible. Because the political, religious, and cultural roots and repercussions of the bombings were never explored, the trial fell short of meeting my need for justice. This disappointment pushed me toward new understandings of justice and sparked my desire for something beyond the version of justice promised by law.

My experience of turning to the legal system, and letting it guide my response to the bombings, suggests that it can be a mistake for victims to let law, particularly an American capital prosecution, be the only means of making sense of a violent tragedy. Especially after 9/11, asking broader questions about terrorism is a necessary supplement to the pursuit of justice through law. I advocate pursuing justice through the legal process and also alongside it. That parallel effort may provide answers to the question of why the embassy bombings and other terrorist acts occur.

Mindful that the victims' rights movement, especially in the United States, has elevated law's role in victims' recovery from violence, I caution that law cannot provide all that victims deserve on their path toward healing and urge victims to look beyond law for recovery, whether turning to ritual or therapy or a

productive social project. Moreover, other legal and quasi-legal procedures (e.g., non-capital trials, truth and reconciliation commissions, and international tribunals) might afford fairer and more satisfying responses to terrorism. Given the responses of the U.S. government to terrorism in the post-9/11 era, including war, incommunicado detention, summary execution of suspected operatives, and military tribunals shielded from public view, such arrangements are unlikely to be pursued officially; however, it is worthwhile to imagine whether such options might better serve victims and the public at a time when responding effectively to terrorist violence has become an acute concern.

Understanding why the embassy bombings occurred—specifically, what led the defendants and others to participate in terrorism—became for me a key component of pursuing justice. Drawing on my knowledge of East Africa, including familiarity with the communities where several defendants originated or settled, I began to develop an explanation of their participation in the bombings that considered political and economic features of the local context overlooked during the trial. Real and felt ethnic, religious, or political oppression operated together with on-the-ground despair caused by the effects of the global economy to foster an environment where terrorism could gain adherents. My explanation counters the tendency to attribute terrorist activity to globally circulating Islamic ideology, as if the ideology itself was capable of indoctrinating anyone who encountered it without other explanatory factors operating to influence choices or to encourage the leap from espousing an ideology to acting in its name. In East Africa—where a wide range of perspectives tied to ethnicity and religion have long been negotiated, mostly without violence—even very strong ideologies rarely possess that degree of power.

In building an explanation, one must examine how politicized extremist Islamic ideologies operate by gaining force and drawing adherents in specific contexts. At the same time one must unequivocally condemn the destructive force unleashed in their name. The pronouncements of Osama bin Laden, attacks by al Qaeda operatives, and a host of other violent acts, including

some taken in reaction, are unacceptable religiously, morally, and politically, not least because they actively impede the positive and necessary project of working against the inequalities of current political and economic arrangements. At the time of the embassy bombings, ideology advocating violence in the name of Islam was limited, and in many places, East Africa, for example, such politicized ideas were vulnerable to local religious beliefs and political activities. The U.S.-led war on terror following 9/11 may have diminished al Qaeda's leadership and ranks; however, adherents to calls for violence in the name of radical political Islam appear to be growing. To everyone's peril, the forces mounting the war on terror may have forgotten (or ignored) the fact that responses to violence perceived as unjust go some measure toward encouraging more violence. As an American, I direct special attention to U.S. interests and foreign policies, especially America's leading role in the war on terror, in contributing to a growing sense of political oppression that may ultimately spark more violence.

Responding forcefully to terrorist acts is essential, and yet, as I argue, the response should, if at all possible, avoid escalating violent conflict. By telling the story of how law was used to respond to the embassy bombings, and assessing its positive and negative consequences, my hope is that this book will stimulate new approaches that foreground justice in the project of eliminating terrorism.