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Postprint / Postprint

Zeitschriftenartikel / journal article

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Empfohlene Zitierung / Suggested Citation:

Goede, M. d. (2008). Money, media and the anti-politics of terrorist finance. *European Journal of Cultural Studies*, 11(3), 289-310. <https://doi.org/10.1177/1367549408091845>

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Money, media and the anti-politics of terrorist finance

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ABSTRACT This article offers a critical analysis of the anti-politics of terrorist finance, understood as the particularly depoliticized governing practices enabled in its name. The article conceptualizes ‘terrorist finance’ not as an unproblematic reality which has elicited a state response, but as a practice of government that works through a number of political or discursive moves. The article begins with an examination of the media battles over the names, numbers and definitions of terrorism finance. It then argues that the ‘war on terrorist finance’ is not so much about regulating global money flows as it is about governing practices of mediation and social affiliation.

KEYWORDS *anti-politics, Muslim charities, securitization, social meaning of money, terrorism finance*

Introduction: taking Al-Manar off the air

In August 2006, Javed Iqbal, an American businessman of Pakistani descent, was arrested and charged with ‘material support for terrorism’. It appeared that Iqbal’s Brooklyn-based satellite TV-company HDTV-LTD had enabled broadcasts in the US of Al-Manar, the TV station closely linked to Lebanon’s Hezbollah movement. Such broadcasts were not HDTV’s main purpose: this was a medium-sized satellite company operating out of Brooklyn and Staten Island which offered different viewing packages to different audiences and enabled, as some news reports have noted, the global broadcast of Christian evangelist sermons among other things (Associated Press, 2006a). Its facilitation of Al-Manar was tipped off to the FBI by a Washington-based organization calling itself the Coalition Against Terrorist Media, which campaigns against the media presence of Hezbollah and Hamas (Williams and Rashbaum, 2006). Iqbal and his colleague were subsequently arrested and charged under the International Emergency Economic Powers Act of 1977, which ‘bars direct financial aid to terrorist groups and the sales of products and services that could help



such groups' (Associated Press, 2006b). Hezbollah was designated a terrorist entity in the US in 1997; Al-Manar was blacklisted in December 2004. Because Al-Manar sometimes solicits donations during its programmes, Iqbal was accused of 'knowingly' providing 'material support or resources' to terrorism (*United States of America v. Javed Iqbal and Saleh Elahwal*, see <http://www.4law.co.il/leb24c.pdf>). At the time of writing, the case was still pending, with the men's lawyers preparing a defence on the grounds of free speech, arguing that 'the content of Hizballah's message cannot serve as a justification for repressing it, and/or for prosecuting Mr. Iqbal and Dr. Elahwal for communicating it' (quoted in Goldstein, 2007).

The point of the case against Iqbal and the American Al-Manar broadcasts is not to show Americans to be particularly repressive in the context of the 'War on Terror'. Al-Manar satellite broadcasts have been barred by the European Union since 2005, and the channel cannot be received by European TV audiences, although it is available on the internet (Conway, 2006). Rather, for the purposes of this article, the case against Iqbal draws out two points about the role of money and media in the anti-politics of terrorist financing. First, the prosecution against Iqbal shows a glimpse of the power and reach of current anti-terrorist finance legislation. Ostensibly enacted to detect and cut off funding to terrorism, new anti-terrorist finance laws and the redeployment of old laws have in practice the ability to govern widely and affect practices of aid, charity and media. As Jude McCulloch and Sharon Pickering have argued perceptively,

measures aimed at combating the financing of terrorism ... dramatically expand the discretionary power of law enforcement to respond to political activity as crime. In addition, they provide a mechanism through which governments can financially cripple individuals, charities, welfare and social justice organisations. (2005: 471; see also Atia, 2007)

Thus, the prosecution of Iqbal and his colleague on the grounds of financing terrorism draws this criminal prosecution into a domain of the 'War on Terror' that is particularly depoliticized and technologized, and which has the effect of stifling a broader debate on the desirability of Al-Manar in the US. At the same time, the prosecution of Iqbal is but one small example of the ways in which anti-terrorism finance measures have worked to govern spaces of charity and community in recent years.

Second, the case makes explicit the media battles raging over and through 'terrorist finance' as a concept. If a substantial ability to govern is assembled and mobilized in the name of fighting terrorism finance, the definition of what terrorism finance is, how it works and what financial spaces and networks seem to be involved, takes on new meaning. Indeed, how can broadcasting a TV channel become an act of terrorist financing? The identification of terrorist money, then, has to be analysed as a cultural practice of *mediation*. Rather than examining how terrorists finance their



acts, or even how anti-terrorist finance policies are developing, this article is interested in the practices of governing that are enabled in the name of 'anti-terrorist finance'. Thus, it conceptualizes 'terrorist finance' not as an unproblematic reality that has elicited a state response, but as a practice of government that works through a number of political or discursive moves (cf. Campbell, 1992). As we will see, the media battles over the names, numbers and definitions of terrorism finance are particularly acute.

Perhaps the politics of the fight against terrorism financing are understood better as anti-politics, in the sense that they seek to '[suppress] potential spaces of contestation [and place] limits on the possibilities for debate and confrontation' (Barry, 2002: 270). Put simply, anti-terrorist finance has been put forward as the benign, technologized and depoliticized face of the 'War on Terror'. Not only does this particular space of governing depend upon technologized risk models and the complex juridical landscape of sanctions laws, but it also appears to form a marked contrast with the violence of other fronts of the 'War on Terror'. For example, according to Jürgen Habermas, the 'necessary and prudent' post-9/11 measures of 'the effective control over suspicious financial flows and international bank associations' are to be welcomed as a 'wholly different' approach to fighting terrorism than military security measures (Borradori, 2003: 30). Often, asset freezing and financial targeting are seen as the alternative to violent interventions in the 'War on Terror': a peaceful, technologized way of addressing terrorism (see for example, Katz, 2007). Moreover, political economists generally have welcomed the pursuit of terrorist finance as a renewed political will to re-regulate global financial flows post-9/11, especially because many have long called for the increased scrutiny of 'dirty money' (Baker, 2005; Biersteker, 2004). Alarmist authors such as Loretta Napoleoni and Raymond Baker have been embraced by the alter-globalization Left for drawing attention to the underbelly of the sphere of global finance and calling for new regulation of globalized capital flows. As a result, the precise spaces and practices of governing enabled in the name of terrorism financing remain under-examined. However, as Barry Hindess has written with regard to transnational anti-corruption politics, a 'selective focus' is at work here, 'which suggests that anti-corruption campaigns may well be bound up with other governmental agendas' (2005: 1389; cf. Hindess, 2004).

This article examines the selective priorities emerging in the anti-politics of terrorism financing, and argues that these are not so much about cutting off money to terrorists as they are about governing practices of social affiliation and mediation. The disruption of Al-Manar through the arrest of Iqbal is but one example of the ways in which the apparent regulation of money flows becomes a governing of public space and the limits of the sayable. Indeed, if we understand money as a circuit of kinship and a means to social interaction, rather than as disembodied



and disembedded from society (Zelizer, 1994, 2005), it is easy to see the urgency of critical analysis of the question how anti-terrorist finance becomes a practice of governing. It will be shown that the interventions in kinship and political affiliation enabled through the securitization of terrorist finance entail their own mundane, everyday violences that are both far-reaching and little noted (see also Amoore and de Goede, 2008). First, in order to address these questions, the article will analyse the mediation of 'terrorist finance', understood as the ways in which terrorist finance emerges as a cultural imaginary and political problem in need of (security) intervention. This domain continues to be contested, as will be discussed below. Second, the article will examine in some detail the actual governing practices enabled in the name of anti-terrorist financing. The article will conclude with the question of the viability of an 'anti-anti-terrorism financing' politics.

Mediating terrorist money

Mediation

In order to examine the anti-politics of terrorist finance, understood as the depoliticized governing practices enabled in its name, it is important to see when and how terrorist finance came to be understood as a security concern. Securitization, in this sense, is bound up closely with practices of mediation, understood as the way in which the problem of terrorism financing is represented across different media (from think-tank reports and blogs, to news reporting, to court indictments and back). Mediation is not a neutral representation of the truth but always a particular, partial and contestable articulation of a political problem, through a complex interaction of language with 'other media, other technologies, and other cultural artefacts' (Bolter and Grusin, 1999: 57). If mediations are never a neutral recording of a prior material reality, they are nevertheless real, both as 'artefacts ... in our mediated culture' (Bolter and Grusin, 1999: 55), and in their institutional and technical effects. The mediation of terrorist money, then, is not to be understood as a 'rhetorical configuration' (Walters, 2008), behind which the truth of terrorist financial networks, or even the real purpose of this axis of the 'War on Terror', are easily discerned. Although important and excellent work is being done in the name of exposing the 'truth' behind the war on terrorist finance (Naylor, 2006; Warde, 2007a), the present author's reading suggests that this perspective underestimates the 'complexity of what is going on in political and social shaping of insecurities' (Huysmans, 2006: 3). The securitization of 'terrorist finance' entails durable materialities and institutional realities that are not understood sufficiently through a lens of truth and falsehoods. Indeed, these material and institutional realities are likely to persist long after the current



debates on the 'War on Terror' and the role of the Bush administration have subsided.

Here, it is important to understand that 'terrorist finance' is itself not necessarily a phrase that pre-dated the security practices developing in its name – it is not an issue that existed with much significance in relation to, for example, corruption, fraud or money laundering, after which it became securitized. It is only in relation to fighting 'terror' and the assertion that 'the lifeblood of terrorism is money', that terrorist finance became a problem at all (Michael Chertoff, quoted in *CBS News*, 2001). Thus, following William Walters' (2008) recent intervention in the securitization debate, it is important to understand how terrorism finance was 'politicized, dramatized, and problematized', through images and languages that create diverse security effects (also Williams, 2003). Indeed, as will be further discussed below, the problematization of 'terrorist finance' serves primarily to widen the scope of possible security action. As the example of Al-Manar illustrates, problematizing and criminalizing 'terrorist finance' draws monetary circuits, welfare networks and community affiliations into governmental practice.

It is possible to argue, then, that terrorist money as a security problem has materialized in particularly contestable ways. It was not until after 9/11 that terrorist money as a security concern developed from an incidental rallying point for those on the Left objecting to money laundering, and for those on the Right objecting to financial aid for the Palestinian territories (e.g. Ehrenfeld and Zebaida, 2003), to a central anchor of the 'War on Terror'. It was not until after 9/11, then, that the problem of terrorist finance acquired what William Connolly calls the 'resonance' (2005: 870) that allowed the disparate factors and discourses surrounding the issue to 'morph' into a 'qualitative assemblage' (cf. Bialasiewicz et al., 2007). In such a qualitative assemblage, differences of opinion and struggles over competence continue to exist. However, what has moved beyond question, and what resonates through media stories, policy documents, court cases and popular commentary, is the urgency of the problem itself and the need to take action politically, juridically, and financially. As one US government official asserted not long after 9/11, in phrases that are fairly exemplary of framing the problem more generally:

The campaign to keep money out of the hands of terrorists has become a centerpiece of the overall war against terrorism ... Focusing on and attacking terrorist money flows is important for several reasons. Financial records and audits provide blueprints to the architecture of terrorist organizations. By following the money trail through financial information sharing worldwide, we can save lives by unearthing terrorist cells and networks. (Zarate, 2004)

Anti-terrorism financing is accorded a moral authority through the assertion that 'lives can be saved' by prompt and preemptive action in the financial domain.



A terrorist finance 'canon'

If we understand the representation of terrorist money as a cultural practice of securitization, the narratives about Al-Qaeda's presumed wealth and monetary sources take on new significance. How is terrorist money mediated? What are the most important narratives of the funding of Al-Qaeda and the money of Osama bin Laden? What numbers, statistics and measures circulate in this discursive domain? Ibrahim Warde has recently observed that

an instant canon on terrorist financing was established in the days after the attacks. The laundry list was familiar and mindlessly repeated: the bin Laden \$300m fortune, business fronts legal and illegal, Islamic charities, Saudis, rich Arabs, hawalas, drugs, gold and diamonds, etc. From the popular press to prestigious think-tanks, the lists were almost identical. Repetition looks like corroboration. (Warde, 2007b)¹

The image of a vast, underground, terrorist financial network was popularized by the Italian economist Loretta Napoleoni (2004), neo-conservative authors such as Ehrenfeld (2005), and pushed by think-tanks and intelligence news services including the RAND Corporation, *Jane's Intelligence Review* and the SITE Institute (for examples see Katz and Devon, 2006; Kiser, 2005; Raphaeli, 2003). To give just one example of the language of the 'canon' that Warde discerns: Canadian intelligence expert Martin Rudner asserts in the *International Journal for Intelligence and Counterintelligence* that 'Al Qaeda and its affiliates and front organizations are known to have built up a robust, multi-pronged global money-generating and money-moving system to finance the complex, transnational web of groups, auxiliaries and cells' (2006: 42). Rudner goes on to identify charitable fronts, Saudi financiers, fraud, crime, *hawalas* (informal money remittance networks) and diamond smuggling as sources and means of terrorist financing, conflating money laundering, crime and terrorist financing with apparent ease. It should be noted that many elements of this canon remain uncorroborated by investigate sources and court judgements, nor do they necessarily bear relation to the actual financing of the 9/11 attack. For example, the *Monograph on Terrorist Financing*, published by the 9/11 Commission in 2004, concludes that there is 'no evidence to suggest that the hijackers used *hawala* or any other informal money transfer mechanism to send money to the United States' (Roth et al 2004: 139). Indeed, it is possible to argue that the terrorist finance canon is part of what Cindi Katz calls practices of 'banal terrorism', understood as 'the common (non)sense constructed and assumed around terrorism (and terrorists) in all sorts of banal ways which can be hailed at moments of crisis' (2007: 350) to authorize exceptional security measures.²

As Warde (2007b) points out, 'numbers were necessary' in this debate. The terrorist finance canon acquired authority and facticity through its appeal to numbers, however carelessly these may have been conceived. Even if the debate on terrorist finance numbers illustrates, in the words



of R.T. Naylor, that 'it is not necessary to take the square root of a negative sum to arrive at a purely imaginary number' (quoted in Warde, 2007a: 13), it has important effects. If practices of securitization are not just about mediating realities in particular ways, but equally about the 'development and implementation of technological artefacts and knowledge' (Huysmans, 2006: 8), then we find in the statistics and measures of terrorist finance an attempt to enable institutional response. Put simply, the numbers circulated about the size of the problem of terrorist finance do more than alarm public and policymakers. In their pretence to economic measurement and calculation, they seek to foster an anti-political domain of technological competence around measurement, diagramming, computer simulation and knowledge generation (Barry, 2002; Bigo, 2002; Huysmans, 2006). For example, while Friedrich Schneider's (2004) elaborate macro-economic measurements of terrorist financing are based on poorly explained and dubious presuppositions, including the suggestion that global terrorist financing is a direct correlate of the Gross National Product (GNP) of Muslim states, they foster a calculative space in which the problem can be technologized. However, this reduction to calculation and measurement has been only partially successful, as illustrated by the wild divergence of existing estimates. Schneider himself estimates the wealth of Al-Qaeda to be \$5 billion and its annual money flow to be between \$20 million and \$50 million. This is still billions removed from what is perhaps the most (in)famous estimate of the 'New Economy of Terror', which is 'calculated' by Napoleoni (2004) to be an amazing \$1.5 trillion.

Elsewhere (de Goede, 2007) I have argued that there are at least three, partially contradictory, discursive axes along which the problem of terrorist finance is being constituted. Each of these discursive axes can be said to produce (overlapping) spaces of financial Otherness and deviance, in which intervention is thought to be desirable. First, *hawalas* are assumed to be particularly vulnerable to terrorist financing, and are imagined as underground, secretive, paperless and beyond the grasp of the authorities (for counter-narratives, see de Goede, 2003; Passas, 2005). Second, suspicious money flows are thought increasingly to be identifiable and traceable within established, western financial markets. For example, individual checking accounts are subject to automated profiling on the basis of professional classification and assumptions concerning normal financial behaviour (Shields, 2004). Within this focus on the mainstream financial sector, moreover, we can observe a particular focus on 'e-money', understood as relatively novel financial instruments that are thought to be particularly risky; some of which, such as Cash-U cards, have a direct relationship to financial exclusion. Third, Islamic finance and Islamic charitable giving are cast as major conduits for terrorist money. As Mona Atia (2007) shows, the narrative of terrorist finance marks out Muslim money as especially suspect and 'other', in implicit contrast to 'mainstream', western banking (see also Naylor, 2006). Atia argues that particular kinds of money are differentiated and subject to governing:



Disembodied money – white, male, placeless, free-floating ... – is distinct from embodied money – the particularist, racialized, place-bound, feminized, and closely monitored money of which Islamic finance is a part. (2007: 462)

Below, this article will offer a more detailed analysis of how these discursive axes produce particular spaces of governing.

Contestation

Here, in closing the discussion on the mediation of terrorist money, it is important to emphasize its relatively recent sedimentation and continued contestation. It is certainly the case that a canon concerning the sizes, sources and channels of terrorist financing is being established, and that almost every policy report, think-tank intervention and journalistic account recites the suspect triad of *hawala*, e-money and charities. However, at the same time, it is not the case that what Andrew Barry calls a ‘metrological regime’ (2002: 273) has been firmly established in this field. We cannot (yet) speak of a firm ‘apparatus of management and calculation’ in place with regard to terrorist finance (2002: 274). Clearly, the objective of the Paris-based intergovernmental Financial Action Task Force (FATF), which has articulated nine influential ‘special recommendations’ on terrorist finance, is to establish precisely such a metrological regime. FATF’s activities include the production of regular country compliance reports, in which the measures that individual countries have implemented with regard to money laundering and terrorist finance, and countries’ levels of compliance with FATF recommendations and international best practice, are assessed. In this manner, FATF’s attempts to reduce the heated debate on what terrorist finance is, how it looks and can be tracked, to measurable risk and compliance scores, are profoundly anti-political (for useful analyses of FATF, see Hülse, 2007; Levi and Gilmore, 2002).

However, it is important not to overstate the coherence with which underground terrorist economies are imagined. For example, many policymakers privately ridicule Napoleoni’s estimates, even if they publicly accept the concomitant urgency of pursuing terrorist finance. Moreover, the idea of highly-flexible, local autonomous terrorists cells, which do not require large resources and are often self-funded, is acquiring currency in the debate (cf. Ranstorp, 2007). The continued contestation over the problematization of terrorist finance was illustrated poignantly by Cambridge University Press’s (CUP) recent decision to pulp all unsold copies of *Alms for Jihad* (Burr and Collins, 2006), when faced with a libel lawsuit by Khalid bin Mahfouz, a Saudi banker accused of terrorism financing in the book (Glenn, 2007). *Alms for Jihad* is a fairly standard work: it draws on all the familiar arguments concerning the use of *hawala*, Islamic finance and, in particular, Islamic charities, for terrorist financing. It recycles accusations of all the familiar individuals and institutions, bin Mahfouz among them. Indeed, among the canon on terrorist financing, the book stands out perhaps for two reasons. First, it distinguishes itself



through its particular nastiness toward ‘Muslim money’: it asserts that ‘acts of terrorism [are] being perpetrated by a sophisticated network of Islamist terror organizations, funded by individual Muslims and Muslim charitable institutions’, and that ‘the charities that have supported al Qaeda and its offshoots have been among the wealthiest’ (Burr and Collins, 2006: 2–3). Its very title, *Alms for Jihad*, produces the assumption that Muslim charitable money funds a ‘holy war’ and an acknowledgement of the manifold peaceful meanings of *jihad* is not included in the volume (cf. Crone, 2007). Second, *Alms for Jihad* stands out among the terrorist finance canon for having been published by an academic publisher as respectable as CUP. Most other publications in this area originate from politically motivated think-tanks and little-known publishing houses. Indeed, with the publication of this particular book by CUP, it became more difficult for those critical of the terrorist finance canon to refute its content.

CUP’s decision to withdraw the book in order to avoid a libel case by bin Mahfouz was a remarkable turn of events. The press released a statement saying that its decision was motivated by the fact that ‘the very same charges of defamation against other authors and publishers had been upheld by judges in the High Court on at least two previous occasions’ (Taylor, 2007). One of these lawsuits was bin Mahfouz’s case brought against Rachel Ehrenfeld and the publisher of her book *Funding Evil* (2005), Bonus Books. Ehrenfeld and her publisher lost the case in May 2005: the book can no longer be sold in the UK, and bin Mahfouz was awarded maximum damages under English law.⁵ The presiding judge, Mr Justice Eady, examined a number of the sources on which the accusations against bin Mahfouz were based, and ruled that

the defendants have had every opportunity to defend these proceedings ... All they have been able to advance ... is material of flimsy and unreliable nature. (*Khalid Salim bin Mahfouz et al. v. Dr Rachel Ehrenfeld, Bonus Books Inc.* [2005] EWHC 1156 (QB) QBD)

It seems that the CUP book deployed the same ‘flimsy’ source material: in its statement, CUP admitted that its book ‘repeated’ evidence ‘from earlier sources, [and] has not stood up to the requisite tests’ (Taylor, 2007).

Despite this proven unreliability of the sources on which the accusations against bin Mahfouz are based, assertions of his guilt remain – for example on the US Amazon website (www.amazon.com), one reader complains that ‘Cambridge, the oldest publisher in the world has caved to this know [*sic*] terrorist financier’ (Amazon.com, 2007). Many in policy and publishing circles continue to believe that bin Mahfouz’s business dealings are at least suspect, and some have argued that the wealthy Saudi businessman exploits the English libel law system to his advantage. ‘This is the third book-pulping Mahfouz can take credit for’, laments one columnist (Reidy, 2007). The case, then, can be seen as an illustration of the anti-political logic surrounding



the terrorism finance canon, which has become particularly difficult to contest and politicize, even after a court victory. The terrorism finance canon seems to deploy the precautionary logic that ‘absence of evidence of risk is not evidence of absence’ (Stern and Wiener, 2006: 394). The *Alms for Jihad* case illustrates further how the anti-politics of terrorist finance are caught up profoundly with practices of mediation and governing the limits of the speakable. While Ehrenfeld and her publisher were quick to condemn the CUP decision as a violation of freedom of speech (Bonus Books, 2007; Glenn, 2007), the terrorist finance canon itself has profound governing effects on practices of mediation and social affiliation, as will be explored further in the next section.

Anti-politics and the governing of affiliation

Anti-politics

As previously noted, anti-terrorist finance policy is enabled through an emerging ‘terrorist finance canon’, which portrays particular financial spaces – especially *hawala*, Islamic charities and ‘e-money’ – as suspicious and in need of intervention. The securitization of these spaces renders them visible in particular ways, and has the effect of making ‘the domain in question susceptible to evaluation, calculation and intervention’ (Miller and Rose, 1990: 7). Indeed, we can see that an emerging apparatus of security is mobilized in the name of anti-terrorist finance which, although still lacking an established regime of metrology, spurs governments, international institutions and banks to put the practice at the top of their agendas. Before going on to explore in more detail a number of such current practices of evaluation and intervention in the domain of anti-terrorist finance, it is useful to explore the nature of anti-politics in more detail. How do the politics of anti-terrorism financing work to produce novel spaces and practices of governing? Two elements can be drawn out here.

First, anti-governing is not so much a forbidding, reducing and disabling power, as it is a *productive* power. In the name of dismantling and forbidding ‘undesirables’, anti-politics mounts and mobilizes substantial security apparatuses that draw new domains of daily life into its scope. More than a power that, in the words of Michel Foucault, ‘drives out, excludes, banishes, marginalizes and represses’, anti-politics can be understood as a ‘power that fashions, observes, knows and multiplies itself on the basis of its own effects’ (Foucault, 2003: 48). In the next section, we will see that the ways in which the anti-politics of terrorist finance operate do indeed marginalize and repress particular financial practices, but always with the effect of allowing and securing the circulation of what are coined as normal financial spaces of western markets and registered money transfers. The practices of security enabled in the name of anti-terrorist finance, then, are about producing governable spaces and securing continued circulation:



[I]n other words, it [is] a matter of organizing circulation, eliminating its dangerous elements, making a division between good and bad circulation, and maximising the good circulation by diminishing the bad. (Foucault, 2007: 54; cf. Elden, 2007; Walters, 2006)

Second, however, the productive nature of anti-politics raises the question of why it would cast itself in such negative terms. If the objective is to secure and repair circulation, why does anti-politics masquerade as a power that ‘drives out, excludes, banishes’ (Foucault, 2003: 48)? One answer to this question may be found in the displacement of politics and responsibility made possible by such articulation. The vision of the ‘bad’ to be suppressed, banished or terminated, serves as a post-political rally point with which responsible citizens and nations cannot tarry. The moral absolutism deployed in the ‘War on Terror’ more generally (Johnson, 2002; Troyer, 2003), translates to the financial domain through the following logic, offered by George W. Bush in a speech on 24 September 2001:

The American people must understand that this war on terrorism will be fought on a variety of fronts ... The frontlines will look different from the wars of the past ... We will starve terrorists of funding, turn them against each other, rout them out of their safe hiding places, and bring them to justice ... Just to show you how insidious these terrorists are, they often-times use nice-sounding non-governmental organizations as fronts for their activities ... We intend to deal with them, just like we intend to deal with others who aid and abet terrorist organizations. (Bush, 2001)

This moral weight means that it has become difficult for countries or banks to contest openly the practices implemented in the name of fighting terrorist financing.

Moreover, the vision of the ‘anti’, the evil thing that ‘we’ are against, entails a politics of identity, and has the political ability to constitute the identity of a wide range of actors in the pursuit of new governing practices. As Lon Troyer puts it in relation to counterterrorism more widely, it ‘emerges as an exalted task for an anointed nation under attack, a “calling” that consolidates American identity’ (2003: 264). While certainly not always in agreement on all aspects of the policies to be pursued, government and its regulators, banks and their clients, international institutions and money laundering experts find a new purpose and professional community in their joint task of fighting terrorism financing. The professional business surrounding ‘ATF’ (anti-terrorism financing) – offering expensive seminars, webcasts, handbooks and compliance assessments – has boomed in the last five years.

Concomitantly, the casualties produced by the anti-political machine – in the form of the wrongly targeted, the libelled, the financially excluded – have become regarded as unfortunate side-effects or ‘collateral damage’ rather than as victims of conscious political choice. Governing in the name of ‘anti’-terrorism financing, then, is a strategy of depoliticization that



disavows responsibility for its political choices. Such deployment of anti-politics is not necessarily new or specific to post-9/11 practice. However, in the case of anti-terrorist financing, it enables a practically unlimited width of its potential application, which has the effect of widening the scope of potential preemptive security action. What we see is not just a reduction of the problem of terrorism financing to the articulation of a set of technical standards or risk indicators, but a simultaneous willingness to deploy the fight against terrorism financing in ever-new domains, demonstrating the adaptability and flexibility of a goal whose moral force has been placed beyond discussion.

In the conclusion this article will return to the question of political critique, and ask how we can be 'anti-anti-terrorist financing'. Here, let us turn to an analysis of some of the spaces of governing produced in the anti-government of terrorist financing.

Governing affiliation through *zakat*

The practices of governing taking shape in the name of anti-terrorist finance are not reducible to the new juridical and institutional arrangements emerging (trans)nationally through, for example, FATF and the UN.⁴ In order to acquire a grasp of the extent of (anti-)governing here enabled, a reconceptualization of financial spaces as 'economic circuits' is necessary (Zelizer, 2006). Viviana Zelizer deploys the concept of economics circuits in order to draw 'attention to the fact that exchange is invariably conducted in particularized social and cultural settings' (Olav Velthuis, quoted in Zelizer, 2006: 32). In this reading, monetary circuits depart significantly from the image of money as a neutral, rational, disembodied technology that makes modern exchange possible. Instead, money becomes understood as a social relation and an important element in enabling the 'connected lives' that make up communities (Zelizer, 2005: 32). For Zelizer (2006), *hawalas* are among the most remarkable economic circuits, as they enable transnational networks of kinship to endure that are partly dependent on shared accounting and earmarking money (cf. Hernandez and Coutin, 2006).⁵

If money is understood not as disembodied but as circuitous, it becomes clearer how targeting the money of purported terrorist networks enables a targeting of circuits of kinship and the social relations maintained (partly) through monetary arrangements. Indeed, it is often precisely the transnational networks of (Muslim) kinship that are cast as suspect in the terrorist finance canon. The infamous *Alms for Jihad*, for example, notes with alarm the 'annual conferences of Islamic charities' that allegedly provide young Muslims with 'an inspirational opportunity to meet other angry young Muslims' (Burr and Collins, 2006: 42). One key object of the anti-governing enacted in the name of terrorist finance has been the Muslim obligation to charitable giving, *zakat*. *Zakat* obliges Muslims to donate 2.5 percent of their accumulated wealth to charity, and this happens



most often at the end of Ramadan (for example, Maurer, 2005). *Zakat* can be understood to foster monetary circuits that produce ‘connected lives’ within the (Muslim) diaspora.⁶ Not surprisingly, then, the terrorist finance canon has begun to suggest that *zakat* constitutes a considerable suspect transnational money flow in urgent need of destabilization. Although the number of charities that have been proven in a court of law to have supported violent acts remains extremely limited (Gunning, 2007), this does not deter some authors from condemning *zakat* wholesale (see also Atia, 2007). For example, as Rudner writes: ‘Probably the largest single source of revenue is the diversion to militant organizations of the charitable contributions (*Zakat*) which Islam enjoins the faithful to donate’ (2006: 42). We find this assumption increasingly accepted and disseminated in the apparatus of security management. Europol’s *EU Terrorism Situation and Trend Report* (2007) asserts that ‘there are strong suspicions that *zakat* money collected within the EU is used to fund terrorism’ (Europol, 2007: 22). Further, according to the FATF,

numerous instances have come to light in which the mechanism of charitable fundraising – *i.e.*, the collection of resources from donors and its redistribution for charitable purposes – has been used to provide a cover for the financing of terror. (2002: 1)

Unfortunately, neither Europol nor FATF provide concrete (legal) evidence of the ‘strong suspicions’ and ‘many instances’ that belie their injunctions to governing. One of the elements of *zakat* that is often cast as cause for suspicion – perhaps because it is so opposed to liberal practices of aid and credit – is its injunction to donate anonymously (Naylor, 2006). As Naylor notes, given the size and transnational nature of *zakat* donations, ‘it is impossible to map fully the sources, movement and ultimate disposition of donations’ (2006: 175), and yet this is precisely what western governments now expect of Muslim states and organizations.

In the face of the impossible injunction to monitor that which will always exceed calculation, and to domesticate transnational networks of support and affiliation, a few high-profile cases have captured public attention. These cases serve to secure the appearance of governability and demonstrate to the wider public that security action is being taken. As Rita Raley (2008: 199) puts it, this illustrates how ‘the performance of security is more important than actual security and the theatrical serves as a substitute for the real’. One relevant case is that of the British charity Interpal (also known as the Palestinians’ Relief and Development Fund), accused not of funding Al-Qaeda, but of supporting the (violent activities of) Hamas. Interpal was placed on the US Special Designated Global Terrorism List in 2003, which put considerable pressure on the British government to act against the charity, freeze its assets and/or proscribe its activities. As a consequence, the UK Charity Commission froze Interpal’s assets and commenced its own investigation, requesting the US authorities for



'evidence to support the allegations' (Charity Commission, nd: §7). When the US failed to provide *any* material in response to this request, the Charity Commission concluded that 'in the absence of any clear evidence showing Interpal had links to Hamas' political or violent militant activities', the accounts should be unfrozen and the inquiry closed (Charity Commission, nd: §9; *BBC News*, 2003).

However, a new investigation by the Charity Commission into the activities of Interpal is currently underway, as a result of the controversial BBC *Panorama* documentary 'Faith, Hate and Charity' (2006). *Panorama* visited a number of Palestinian orphanages supported by Interpal in an attempt to demonstrate that the organizations inculcate the children with 'political ideology' that 'glorif[ies] martyrdom' (*Panorama*, 2006; for an alternative view, see Islam Channel, 2006). While the Charity Commission's new investigation remains ongoing, and while the British government remains reluctant to act against the charity, Interpal's bank NatWest has chosen to terminate its relationship with the organization. NatWest felt compelled to do so because it is subject to a court case in the US on behalf of the families of victims of suicide bombings in Israel, who allege that the bank 'knowingly provided services to a charity linked to Hamas' (Interpal), and that the suicide attacks were thus 'proximately caused by NatWest' (Inman, 2006). These allegations were admitted to proceedings by the US judge, and have to be defended by NatWest, despite the fact that the bank provided financial services in the UK to an organization not proscribed in the UK, in a case that remains heavily disputed. The consequences of the court case against NatWest could be substantial, for both banks and charitable organizations.

Three conclusions relevant to understanding the anti-politics of terrorist finance can be drawn from the ongoing Interpal case. First, as has been argued throughout this article, substantial spaces of governing are enabled in the name of anti-terrorist finance. Transnational monetary circuits of charity and subsistence are drawn relentlessly into these spaces of governing. Mundane transactions of diasporas supporting their families can be criminalized, in case that 'association' or 'facilitation' of suspects is suspected (cf. Donohue, 2006). While the Charity Commission continues to resist hasty security action and deploys careful investigation vis-à-vis the charities under its supervision, it too cannot resist the call for the increasingly stringent monitoring and governing of charitable practice (see Home Office, 2007). These spaces of governing have to be understood as productive more than forbidding: they put into place an apparatus of assessment, monitoring and regulation that has as its objective the production of an appearance of security and enabling of continued global 'mainstream' money flows.

Second, while often they are seen to produce new financial borders, these spaces of governing are not purely – and perhaps not even primarily – state-based. The Interpal case is interesting precisely because of the role



played by NatWest in the story. The potential liability faced by NatWest in the American courts illustrates how private organizations such as banks are effectively drawn into the spaces of anti-governing of the war on terrorist finance, and become important sites for the execution of sovereign decision-making which concern the proscribed and the banned in contemporary society.

Third, a number of critical analysts have understood the anti-politics of terrorist finance as fitting into a 'neoliberal economic programme' (McCulloch and Pickering, 2005: 480; cf. Atia, 2007). Arguments certainly can be made that the identification of 'suspect' and 'underground' financial spaces serves to draw them into western financial practice – and indeed, it seems that registered money transfers have been able to appropriate part of the business done by *hawalas* in the wake of 9/11. However, the awkward position of NatWest in the Interpal case illustrates the complexity of the ways in which banks are enlisted in the fight against terrorist finance. The banking community is watching the *NatWest* case with trepidation: if NatWest's liability for suicide bombings in Israel is accepted by the courts, they too will face a complex new legal landscape and a potential number of claims. In this sense, then, it becomes impossible to detect a clearly defined 'neoliberal' coalition of banks and governments behind the developments analysed in this article. Instead of an 'efficient causality' behind the anti-governing of terrorist finance, it is more accurate to detect a resonating 'qualitative assemblage', whereby separate interests and elements have 'fold[ed], blend[ed], bend[ed]' into each other to produce a seemingly unstoppable anti-political machinery (Connolly, 2005: 870). In this assemblage, the moral force of anti-terrorist financing has been placed beyond discussion, and it is difficult for NatWest – or other parties – to contest openly its logic.

Conclusion: anti-anti-terrorist finance?

This article has argued that the anti-politics of terrorist finance enables a machinery of productive power that is not so much about preventing undesirable money flows as it is about governing networks of kinship and social affiliation. At the same time, these practices of anti-governing are depoliticized in the sense that they are able to displace responsibility for present victims by a continuing appeal to the catastrophic 'bad' to be avoided at all costs.

If the reading in this article is correct, pursuing terrorist financing is not the benign, technologized, non-violent face of the 'War on Terror' that it is often assumed to be. It cannot be read as a welcome, or at least relatively harmless, alternative to the violences of war, detention and interrogation which have acquired so much critical analysis. Indeed, its anti-political nature is particularly worrying in face of its ability to 'undermine the



foundations of civil society [and] ... community networks' (McCulloch and Pickering, 2005: 480). Moreover, the anti-politics of terrorism financing entail their own violences against disenfranchised populations, such as the recipients of *zakat* donations. For example, should it become impossible for Interpal and organizations like it to find transnational financial service providers, its operations effectively would be inhibited, and the Palestinian orphans whom it aids would be deprived of medical supplies, schooling and nourishment, regardless of whether the children are exposed to sympathy for 'martyrdom'. Indeed, Interpal is not a typical case in the 'War on Terror' because of the Charity Commission's reluctance to pursue the organization on the basis of secret evidence. Other charities have been subject to proscription and asset-freezing on the basis of secret evidence, and effectively have been dismantled before their cases were heard in court (for examples, see OMB Watch, 2005, 2006). At the same time, the anti-political machinery remains able to disavow responsibility for present victims. The vision of a potential terrorist attack, to be avoided at all costs, displaces responsibility for monies wrongly frozen, charities wrongly targeted and orphanages deprived of resources.

If the politics of anti-terrorist financing entail their own violences, how can we be 'anti-anti-terrorism financing'? Are critics of these developments inevitably situated as supporters of terrorism (finance)? Here the much-criticized logic asserting that 'if you are not with us, you are with the terrorists' is enacted. Those wishing to challenge current practices of anti-terrorist finance have to tread carefully, and often choose to frame their critique as a critique of *effectiveness*, rather than of the logic or purpose of anti-terrorist finance policy. For example, Nikos Passas, one of the most prominent critics of the ways in which *hawala* became criminalized and pursued after 9/11, increasingly accepts the need for regulation of remitters in the current political climate, and aims to help governments achieve 'transparency and traceability in financial and trade transactions' (2007: 34). As we have seen in this article, important but limited politicizations of terrorism financing debates do exist, for example the court cases initiated by bin Mahfouz, which can be read as challenges to the footnotes of the terrorism financing canon, and the resistance of the Charity Commission to security action against charities under its jurisdiction in the absence of solid evidence of wrongdoing.

However, Susan Bibler Coutin (2008) draws attention to the limits of 'truth-exposure' and awareness-raising in an era when 'even the absence of specific evidence serves as a justification for action' (Elmer and Opel, 2006: 481). Just as the careful juridical rejection of the evidence against bin Mahfouz did not silence popular and professional assertions of his guilt, so too the exposure of 'truth' behind terrorism financing (Warde, 2007b), has done little to temper the anti-political governing machine of institutions such as the FATF. In this light, then, it is perhaps all the more important to refuse the 'blackmail' of anti-terrorism that forces us to be



‘for’ or ‘against’, and refuse the logic of what Foucault calls the ‘simplistic and authoritarian alternative’ (1984: 42–3; see Walters in this issue).

Instead, it is imperative to engage in a study of the particular ‘problem-izations that defines objects, rules of action, modes of relation to oneself’ (Foucault, 1984: 49). Only by refusing the logic of ‘for’ and ‘against’, and engaging in a careful study of the historically contingent and contestable ways in which terrorism finance has been constituted as a political problem, would we be able to cultivate a critical attitude toward the anti-political governing machine enabled in its name, and would we be able to contribute to its reorientation. It is precisely to such an agenda that this article has sought to contribute.

Acknowledgements

Many thanks to William Walters for inviting me to contribute to this special issue, and for his perceptive and patient editorial work. Thanks also to Louise Amoore and two anonymous reviewers for their very helpful comments on earlier versions of this article.

Notes

1. See also Passas, who writes that the field of terrorist finance is marked by ‘facts through repetition’ (2007: 23).
2. There is insufficient space here to show how these assumptions of the ‘terrorist finance canon’ are contestable. However, it is important to emphasize that the careful investigation of the 9/11 Commission into the financing of the 9/11 plot challenges many of these assumptions (see Roth et al., 2004). For other critical readings of this canon see Atia (2007); Donohue (2006); McCulloch and Pickering (2005); Naylor (2006); Warde (2007a).
3. Currently, Ehrenfeld is challenging this British decision in an American court, where apparently the libel laws operate differently. The complex legal entanglements between Ehrenfeld and bin Mahfouz are beyond the scope of this article.
4. For analyses prioritizing institutional responses, see for example, Biersteker (2004) and Biersteker and Eckert (2007).
5. A number of problems with Zelizer’s conceptualization can be observed, as she seems to think only of ‘non-market’ relations through the concept of circuits, thus romanticizing them. This article is not the right place to develop these critiques.
6. There is a danger here of romanticizing *zakat*, thus affirming its ‘exoticness’. In some Middle-Eastern countries, *zakat* simply functions as a tax. It is important to stress that the practice does not differ in principle from other faith-based or, for that matter, secular, practices of giving that seek to aid global communities.

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