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Book Review, *Terrorism, Freedom, and Security* by Philip B. Heymann

Nicholas Stephanopoulos

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Taiwan Strait crisis primarily by Taiwan's air superiority and the difficulty of mounting an amphibious attack—not by pressure from Washington. Likewise, according to Crawford, Taiwan was probably “deterred from declaring independence by the fearsome consequences of a Chinese missile barrage on Taipei,” not by any threat to the future supply of U.S. arms to the island (p. 196). What do these facts imply regarding the capacity of the U.S. to effect pivotal deterrence? Crawford seems undecided over whether strategic ambiguity is a sensible approach or whether—counter to his theory—strategic clarity may be more appropriate. The defensive advantages Taiwan enjoys make the prospect of its declaring independence a genuine danger, especially given the recent electoral successes of the more confrontational Democratic Progressive Party and the ambitious program of President Chen Shui-bian. Taiwanese leaders may see the blurred lines of American support more as an invitation to adventurism and risk-taking than a robust deterrent. The United States could still act as a decisive pivot, but at some point remaining aloof may signal nonintervention, in which case the local military balance of power will predominate.

In sum, *Pivotal Deterrence* is a well-written and thoughtful book on a topic which has struggled to free itself from a Cold War mindset. It features impressively detailed case studies that are a riveting read and a useful primer for those unfamiliar with the historical events. Crawford's intuition that third parties can be decisive in determining the outcome of crises is accurate, but he overreaches in attempting to develop an overarching theory to explain how states ought to practice pivotal deterrence. The ability and desire of pivot states to intervene is all part of the balance of power, and to focus exclusively on one party in this balance is to miss the forest for the trees.

Terrorism, Freedom, and Security: Winning Without War. By Philip B. Heymann. Cambridge, MA: MIT Press, 2003. Pp. xiii, 210. Price: \$24.95 (Hardcover). Reviewed by Nicholas Stephanopoulos.

Ever since the terrorist attacks of September 11, 2001, President George W. Bush has argued that America is a nation at war. “Our war on terror . . . is only begun,” he declared in the 2002 State of the Union address. “History has called America and our allies to action, and it is both our responsibility and our privilege to fight freedom's fight.”¹ As the 2004 presidential campaign commenced, Bush labeled himself a “war president” in a closely watched *Meet the Press* interview.² Meanwhile, Vice President Dick Cheney attacked the Democratic Party nominee, Senator John Kerry, for “embrac[ing] the strategy of the 1990s” and “treat[ing] attacks on our nation primarily as matters of law enforcement and intelligence.”³

1. President George W. Bush, 2002 State of the Union (Jan. 29, 2002), <http://www.whitehouse.gov/news/releases/2002/01/20020129-11.html>.

2. *Meet the Press: Interview with President George W. Bush* (NBC television broadcast, Feb. 8, 2004), <http://msnbc.msn.com/id/4179618/>.

3. Vice President Dick Cheney, Remarks at a Reception for Senator Jim Bunning (March

Harvard Law School Professor Philip Heymann thinks the Bush administration has it wrong. In his new book, *Terrorism, Freedom, and Security: Winning Without War*, Heymann argues that “war” is a misleading and inaccurate metaphor for the United States’ struggle against terrorism. This terminology, according to Heymann, obscures the many U.S. policy options short of military force, encourages the government to sacrifice civil liberties in the name of enhanced security, and damages U.S. relations with other countries. Coming at a point when the Bush administration’s handling of the terrorist threat is perhaps the pivotal issue in American public life, Heymann’s critique of Bush’s foreign policy is exceptionally timely—and makes an excellent outline for Democrats to follow as the 2004 campaign progresses. Unfortunately, Heymann’s prescriptions for the array of steps that the United States *should* take to combat terrorism are weaker than his critical assessment of the actions that it *is* taking. Policy-makers will find little guidance in this book about how better to make the agonizing choices between freedom and safety, or between amicable foreign relations and the unilateral pursuit of American interests.

Heymann most explicitly criticizes the bellicose terminology of Bush’s “war on terror” in the first part of his book. ““War,”” he writes, “is neither a persuasive description of the situation we face nor an adequate statement of our objectives” (p. 19). The many differences between what Heymann considers “real” wars and the contemporary struggle against terrorism include: the massive commitment of attention, energy, and resources demanded by real wars, far outweighing the more manageable burden of combating terrorism; the primacy enjoyed by the military in real wars, as opposed to the centrality of the intelligence agencies in antiterrorist efforts; and the temporary nature of real wars, compared to the indefinite terrorist threat (p. 1). The language of war is also unhelpful, according to Heymann, because it simplifies the multifaceted danger of terrorism—which includes not only the threat of spectacular September 11-style attacks but also smaller-scale bombings, cyberterrorism, and other menaces. Inaccurate rhetoric thus puts Washington policymakers in a myopic haze, and they become “less likely to develop different remedies for different dangers” (p. 26). Furthermore, casting the fight against terrorism in warlike terms implies greater knowledge of the enemy than the United States in fact possesses. It also grants adversaries “the dignity of parity” with the United States (p. 27).

In this section, and indeed throughout the book, Heymann adopts an overly formalistic view of the term “war.” Just as the war on poverty was fought without sending tanks into inner-city ghettos and rural Appalachia, so too the war on terror need not resemble the Battle of the Bulge. Even though the term can sometimes refer to all-encompassing struggles for survival, it can also identify a wide range of lesser conflicts with varying degrees of conventionality; it is, fundamentally, a flexible concept amenable to metaphor. Still, Heymann’s terminological critique has real force. In addition to highlighting the many problematic assumptions conveyed by a simple

linguistic choice, it arms critics of the administration with a much-needed rejoinder to the argument that September 11 “changed everything.”

In the final part of the book, Heymann explores the potential negative consequences of the Bush administration’s foreign policy for civil liberties at home and U.S. relations with its allies abroad. In the chapter on civil liberties, Heymann locates possible antiterrorism actions in three intersecting categories: steps that reduce the probability and harm of terrorism, steps dangerous to democratic liberties or national unity, and steps that mitigate public fear and anger. The most difficult policies to appraise are those that simultaneously combat terrorism *and* undermine civil liberties. For such actions, writes Heymann, Americans can do little but rely on the wisdom and courage of their elected leaders. Unfortunately, the choices the Bush administration has made—authorizing the indefinite detention of persons suspected of terrorist involvement, creating military tribunals outside the criminal justice system, and shunning legislative involvement and judicial review—indicate a desire “to go as far as legally possible in protecting even limited amounts of security without consideration of the long-term costs in democratic freedoms” (p. 90).

With regard to U.S. foreign relations, similarly, Heymann argues that “the Bush administration has . . . been consuming—not building—that intangible capital” that accrues from the respect and admiration of other countries (p. 122). Though one would never know it from the administration’s bravado, this intangible capital is invaluable. International cooperation is required to accomplish many of America’s most important goals, and American “soft power” rests largely on the values the United States has historically represented on the world stage.

Like the earlier section on the inappropriate “war” rhetoric, these policy chapters mount a persuasive critique of the Bush administration’s handling of the struggle against terrorism. Heymann is weaker, though, when he turns to considering how to strike a more appropriate balance between individual liberties, cordial diplomacy, and national security. The critical question of what to do “when there is a true conflict between greater security and preserving historical democratic freedoms” produces only the answer that “we must do our best to choose wisely” (p. 90). Heymann also outlines various proposals that give rise to constitutional concerns—increasing the government’s surveillance powers over aliens, creating a criminal incitement offense, and making membership in certain groups a crime—but fails to reach conclusions about the relative merit of any of these steps. And although he presents the many advantages of cooperative multilateralism, he never discusses what weight they should be given when the interests of the United States and its allies diverge.

In between the initial chapters on the Bush administration’s faulty rhetoric and the final chapters on its faulty policies, Heymann attempts to make his own policy prescriptions in order “to develop as complete a menu as possible of ways to recreate safety and reduce fear” (p. 37). By this measure, he clearly succeeds. He offers an extremely comprehensive list of actions that Washington can take to combat terrorism: reduce enthusiasm abroad for

attacks; deter attacks through law enforcement and military force; deny terrorists access to potential targets, gather intelligence on suspicious individuals and groups; disrupt plots through criminal prosecution and detention; and so on. The trouble, though, is that a thorough menu of counterterrorist options is not especially useful. Many of the steps outlined have already been taken. Others are described at such a high level of generality (e.g. “showing concern for the well-being—the nutrition, health, education, governance, and human rights—of Muslim populations around the world”) as to be effectively useless (p. 44). Most important, Heymann neglects in these chapters to consider the implications of his different proposals for civil liberties and foreign relations. As a result, the reader is unable to decide whether some or all of Heymann’s policies should be implemented—because, as he later explains, the potential to reduce terrorism must always be weighed against possible corrosive consequences for freedom and international cooperation.

Terrorism, Freedom, and Security therefore meets the first of the two requirements for any robust alternative to the Bush administration’s counterterrorism approach. That is, it adeptly points out the many deficiencies of the “war on terror” as understood and executed by President Bush: the unhelpful terminology of warfare; the excessive focus on short-term danger reduction; the erosion of civil liberties; and the damage to U.S. diplomacy and its perception abroad. Heymann, however, does not meet the second crucial requirement for any new counterterrorism strategy: a precise description of what steps it would entail; what values it would secure; and how it would differ from the status quo. Although readers will have to look elsewhere for a coherent and persuasive alternative to Bush’s war on terror, this book offers a successful critique of the current administration’s policy, and contains many ideas that will inevitably become part of any rival approach.

After Jihad: America and the Struggle for Islamic Democracy. By Noah Feldman. New York: Farrar, Straus, and Giroux, 2003. Pp: 260. Price: \$24.00 (Hardcover). Reviewed by Sameera Fazili.

Are Islam and democracy compatible? Even if so, can a democratic system survive if Islamist parties are allowed to participate? The answer to both questions is yes, according to Noah Feldman, Assistant Professor of Law at New York University Law School who served as Senior Advisor for Constitutional Law to the U.S.-led Coalition Provisional Authority’s Office of Reconstruction and Humanitarian Assistance in Iraq. In *After Jihad*, Feldman gives a whirlwind overview of politics in the contemporary Muslim world in order to convince his reader, and wider policy circles, to accept his optimistic prognosis.

If Feldman is right, the stakes in Muslim countries today are higher than at any time in the past twenty-five years. He believes political Islam has moved from an era of espousing violent revolutionary rhetoric—leading in the most extreme case to the 1979 Iranian revolution—into a “post-Jihad” era