

POLICY *Review*

AUGUST & SEPTEMBER 2007, No. 144

Vulgarizing the War Debate

By PETER BERKOWITZ

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Vulgarizing the War Debate

By PETER BERKOWITZ

STEPHEN HOLMES. *The Matador's Cape: America's Reckless Response to Terror*. CAMBRIDGE UNIVERSITY PRESS. 384 PAGES. \$30.00

WAR PLACES A premium on knowledge. Certainly it's better to have more troops, bigger guns, and more powerful bombs and rockets. Yet nothing we have learned about human nature, politics, and battle in the past two and a half millennia calls into question the wisdom of the oldest classic of strategic thought, Sun Tzu's *The Art of War*: "If you know the enemy and know yourself, you need not fear the result of a hundred battles. If you know yourself, but not the enemy, for every victory gained you will also suffer a defeat. If you know neither the enemy nor yourself, you will succumb in every battle."

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Indeed, our struggle against the varieties of Islamic extremism has only confirmed the importance of Sun Tzu's sage advice. We have suffered setbacks because we have been slow to appreciate that our grand strategy, our armed forces, and our diplomatic corps were not designed for the challenges presented by nonstate threats and asymmetric warfare. And we have incurred self-inflicted wounds because we have failed to grasp that neither our categories of criminal law nor the laws of war easily cover terrorists' strategic aims and characteristic tactics. Moreover, ten years after Osama bin Laden declared war on the U.S., we remain poorly informed about the jihadists' language, culture, sectarian differences, political grievances, and religious aspirations.

In these testing circumstances, scholars have a special role to play. Trained, ostensibly, in serious and systematic inquiry and devoted, presumably, to the pursuit of accurate and objective knowledge, scholars should be uniquely well-equipped to step back, set aside partisan posturing, and place the September 11 attacks and America's multifaceted response to jihadist terrorism in context.

Many, particularly in political science and law, have the opportunity to pursue their professional obligations and to contribute to the public good by analyzing the cultural, social, economic, political, and religious dimensions of Islamic extremism and authoritarian government in the Muslim world. They can devise better procedures under the Constitution for the detention, interrogation, and prosecution of unlawful enemy combatants. They can rethink the body of international law known as

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the laws of war and adjust it to an age in which not only nation-states but also nonstate actors are capable of threatening a country's territorial integrity and political sovereignty. They can examine our unwieldy collection of intelligence agencies — whose performance, dating back to the Cold War, has left much to be desired — and propose reforms to improve them. They can explore the proper role of the federal courts, which must find a way to hold the president accountable and keep Congress within constitutional bounds while preserving energy in the executive and democratic legitimacy in the legislature. And they can develop workable rules and regulations, consistent with constitutional guarantees of individual liberty, to govern the electronic surveillance and data mining that are crucial to U.S. national security.

FOR AN INSTANT, it appears Stephen Holmes agrees that at this critical moment, scholars have a special role to play. A professor at New York University School of Law and research director at the law school's Center on Law and Security, he declares in his opening lines that his book

is an attempt to understand and explain America's reckless response to the terrorist attacks of 9/11. It builds on many previous efforts to get the story straight about the al Qaeda attack, the invasion and occupation of Iraq, and American counterterrorism policy more generally. Learning how to think clearly about the 9/11 provocation and America's response to it is an obvious first step toward correcting the

tragically misguided course on which the nation has embarked. What follows is my modest contribution to that collective and ongoing endeavor.

But Holmes's commitment to "understand and explain" and "to get the story straight" is belied by the very sentences in which he emphatically proclaims it. For it is chillingly misleading to refer to the bloodiest surprise attack on American soil as a "provocation," as Holmes does not only this once but repeatedly. The slaughter of 3,000 innocents, the assault on the nation's commercial and military infrastructure, and the infliction of damage whose cost is estimated to be between \$80 billion and \$500 billion were not an insult or a taunt but rather an operation in a continuing war against the U.S. that Osama bin Laden first publicly declared in 1996.

Indeed, contrary to the brief obeisance Holmes offers to high-minded scholarly goals, his book presents a no-holds-barred polemic against the Bush administration and its neoconservative supporters. Along the way he produces shrewd observations about the psychology of the terrorists, accurately identifies grave American missteps in the war on terror, and makes incisive arguments about the long- and short-term benefits of safeguarding law, due process, and individual rights in the battle against Muslim extremism. Yet despite ringing endorsements from eminent academicians such as Yale Law School's Bruce Ackerman, Columbia University's Jon Elster, and Princeton University's Paul Starr, and despite Holmes's assurance concerning the honorable provenance of his ideas, most of which, he notes,

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“were first elaborated in the Law and Security Colloquium at New York University School of Law,” his book blurs facts, warps opponents’ positions, engages in farfetched speculations about key officials’ motives, and contradicts its own central lines of argument. Holmes’s fierce intelligence and acerbic wit are displayed on every page, but he does not ultimately employ them in the service of understanding, explaining, and getting the story straight. To the contrary. In his zeal to convict the Bush administration of comprehensive incompetence and sustained malfeasance in responding to the September 11 attacks, Holmes reinforces pervasive prejudices, compounds common misunderstandings, and throws fuel on the flames of partisan discord. In the process, his book raises a crucial question: What kind of academic elite encourages — indeed, celebrates — the publication of a venomous polemic in scholarly garb at the very moment when the public interest demands a serious and systematic examination?

HOLMES IS ONE of the nation’s preeminent political theorists and also one of our premier progressive polemicists. In *Benjamin Constant and the Making of Modern Liberalism* (1984) and in *Passions and Constraint: On the Theory of Liberal Democracy* (1995), he showed, through learned historical reconstruction and supple theoretical analysis, the vitality of the liberal tradition, the sources of its strength, and the enduring appeal of its doctrine. In between, in 1993, he published *The Anatomy of Antiliberalism*, in which he sought to demonstrate that liberals

have nothing to learn from their leading critics, especially their conservative critics. To make his case, he substituted caricature for interpretation and mockery for analysis.¹

His new book showcases Holmes at his best and at his worst. It consists of thirteen “reconceived and rewritten versions” of previously published essays, along with an original introduction and conclusion. The good Holmes illuminates the complexity of the jihadists’ motives, the failure of the Bush administration to prepare for the aftermath of Operation Iraqi Freedom, the utopian shortsightedness to which humanitarian interventionists and liberal hawks have been prone, the indispensable role of the federal courts and Congress in strengthening the executive in wartime by keeping him accountable for his conduct, the benefits to powerful nations of the restraints and predictability created by international law and international institutions, and the need to make the securing of fissile material and the interdicting of nuclear smuggling central to the war on terror. Unfortunately, the precious opportunity to reconceive and rewrite essays originally prepared for partisan magazines (the *American Prospect*, the *London Review of Books*, *The Nation*, and the *New Republic*) does not prevent the bad Holmes from engaging in intellectual dirty tricks, provided they contribute to the depiction of Bush administration figures and neoconservative supporters as clueless or depraved or both.

The book draws its title from an argument he advances in the first and

¹ See my “Liberal Zealotry,” *Yale Law Journal* 103 (1994).

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longest chapter, “Did Religious Extremism Cause 9/11?” According to Holmes, the September 11 attacks should be seen as a kind of matador’s cape waved by Osama bin Laden to enrage the United States and provoke it to expend blood and treasure and eventually exhaust itself in a reckless quest for revenge. In fact, he contends, bin Laden’s strategy has proved successful: The Bush administration has responded to 9/11 like a maddened bull, culminating in the calamitous invasion of Iraq. To be clear, Holmes is not making the reasonable argument that terrorists seek to sow fear and generate overreaction, but the sensational claim that the Bush administration’s decision to invade Iraq was a catastrophic mistake of the very sort bin Laden sought to induce. The claim does not survive scrutiny.

Holmes’s matador’s cape theory runs counter to the dominant view, which is well supported in jihadist writings and bin Laden’s pre-war pronouncements. Much as Muhammad viewed Mecca before he conquered it in 630, al Qaeda saw the U.S. in the 1990s as a decadent, tired, and infidel giant incapable of marshaling the strength and will needed to defeat a determined foe. Holmes’s theory, in contrast, holds that the U.S. was suffused with bullish passion and pride.

The major piece of evidence Holmes adduces on behalf of his theory is a slender reed on which to hang a dramatic revision of the conventional wisdom: He cites Osama bin Laden’s boast that it is “easy for us to provoke and bait this administration.” But he lifts this sentence fragment from a meandering bin Laden statement made public in late October 2004, more than 18

months after the invasion of Iraq, that appears to owe as much to Michael Moore’s *Fahrenheit 9/11*, released earlier that year, as to reality. Al Qaeda sent the statement — videotaped somewhere in the mountainous wilderness of Afghanistan or Pakistan — to al Jazeera with the apparent intention of swinging the close American election, only a week away, from Bush to Kerry. Al Jazeera promptly posted a full transcript on the internet. In the course of his denunciation of Bush, bin Laden explained how the president had fallen into al Qaeda’s trap:

All that we have mentioned has made it easy for us to provoke and bait this administration. All that we have to do is to send two mujahidin to the furthest point east to raise a piece of cloth on which is written al Qaeda, in order to make the generals race there to cause America to suffer human, economic, and political losses without their achieving for it anything of note other than some benefits for their private companies.

This is in addition to our having experience in using guerilla warfare and the war of attrition to fight tyrannical superpowers, as we, alongside the mujahidin, bled Russia for ten years, until it went bankrupt and was forced to withdraw and defeat.

These are boastful words indeed from a leader who, three years after coalition forces had destroyed his terrorist training camps in Afghanistan, toppled his Taliban protectors, and liberated the 25 million Afghani Muslims among

whom he had been living, had himself been forced to flee and was still living underground and on the run. They are not words to be trusted.

But instead of considering the extent to which bin Laden's brazen pronouncements might serve as after-the-fact rationalizations designed to put his desperate circumstances in the best light, Holmes credulously takes them at face value. And yet he certainly knows better. Elsewhere in the same chapter he asserts that bin Laden and his confederates in Afghanistan "have been living somewhat disconnected from reality" and insists that their utterances must *not* be taken at face value:

After all, they have been hiding like hunted animals for years, surrounded only by people who think like themselves, insulated from the kind of heterogeneous community that can provide mentally stabilizing sanity checks. It would not be surprising, therefore, if their worldview contained some unrealistic beliefs.

Holmes's account of bin Laden's strategy falters for a second reason: As he notes, bin Laden decided to proceed with the 9/11 attacks in late 1999. But in 1999 bin Laden could not have counted on George W. Bush's becoming president. And there is every reason to suppose that had Al Gore been president, America would not have invaded Iraq as part of the response to 9/11, which for Holmes is the principal instance of U.S. overreaching. Indeed, by the beginning of 2001, how could the U.S. have looked to bin Laden like anything but a sluggish giant all but impossible to rouse, given the withdrawal from Somalia in 1994 and the

lack of sustained or effective response to the 1993 plot to bring down the World Trade Center, to the 1998 suicide bombing attacks on the U.S. embassies in Tanzania and Kenya, and to the 2000 suicide bombing attack on the USS *Cole*? Moreover, the obvious aim of bin Laden's crude propaganda was to impel American voters to choose Kerry over Bush, suggesting, contrary to Holmes, that Bush's aggressive response to 9/11 was not what bin Laden sought. And even if bin Laden had devised the 9/11 attacks to induce America to undertake extravagant military adventures that would eventually plunge the nation into bankruptcy, the strategy certainly appears to have failed. The economy continues to boom, and the cost of our military response to 9/11 — including Iraq, which is responsible for about 70 percent of that spending — will total, according to Congressional Budget Office estimates, around \$750 billion by the end of fiscal year 2008; that averages 2.5 percent a year of America's nearly \$3 trillion-a-year budget.²

THERE IS GREATER evidence for the proposition advanced by Holmes that by means of the September 11 attacks al Qaeda also sought to "awaken the sleeping umma [Muslim nation]." To support it, he cites journalist Alan Cullison, who discovered a trove of documents on an al Qaeda desktop computer, "used mostly by Ayman al-Zawahiri, Osama bin

² Robert Samuelson, "A \$2 Trillion Footnote?" *Washington Post* (February 28, 2007).

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Laden's top deputy," which Cullison bought from dealers in Afghanistan in November 2001 shortly after coalition forces toppled the Taliban.³ These documents show, Holmes contends, that "By tossing a stone, the 9/11 plotters apparently hoped to loose a worldwide Islamic insurgency against insufficiently pious Muslim rulers as well as against non-Muslim forces occupying Muslim lands." Unfortunately for Holmes, if this account of al Qaeda's strategy is correct, it implies that al Qaeda thought in religious categories and hoped to exploit transnational Muslim religious beliefs, which delivers a fatal blow to the overarching thesis of his first chapter that the religious dimension of jihadist terror is separable from and largely peripheral to the psychological and political dimension.

Holmes proceeds oblivious to the contradiction. As he sees it, the religious dimension of jihadist terrorism has been greatly exaggerated, particularly by President Bush and his supporters and enablers. Although "religious teachings can intensify and coordinate preexistent anger," they are for Holmes a secondary factor in explaining jihadist terrorism. To be sure, religious practice — terrorist cell members gathering in mosques, meeting in Islamic study rooms at universities, and the like — can be instrumentally significant. For those who planned and carried out the 9/11 attacks, such activities "helped maintain a veil of secrecy around the plot." And engaging in ritual prayer obstructs thought and induces obedience, creating drones that can be

exploited by crafty leaders. But it is the psychological and political causes of jihadist terrorism, which have been neglected, that are primary. Much of the violent Islamist reaction against the West, according to Holmes, gives expression to an all-too-human desire for revenge. Cunning religious leaders exploit psychologically disturbed and politically alienated young Muslims by convincing them to destroy American lives and the American way of life for humiliations visited on the Muslim nation by the West. We must take seriously, he admonishes, the Muslim accusation that America in particular has perpetrated grave crimes and injustices against the Muslim world. Yet this is precisely what Holmes himself fails to do.

To take the Islamists' accusations seriously, it is necessary to grasp the primacy of the religious dimension. The grave crimes and injustices with which they charge not only America but also Israel and the West derive much of their force from an extremist interpretation of Islamic teachings. Islamists seek the eradication of Israel not only for secular political reasons but also because of the religious belief, rooted in Islamic law, that Jews must be subordinate to Muslims in Muslim lands. Islamist opposition to American troops in Saudi Arabia does not stem only from a determination to repel alleged American colonial ambitions but also from the religious principle that Muslims alone must rule the land that is home to Islam's two holiest cities. Western might, Western liberty, and Western culture are affronts to militant Muslims that elicit their envy and resentment not only because of their failure to modernize and their depen-

³ Alan Cullison, "Inside Al Qaeda's Hard Drive," *Atlantic* (September 2004).

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dence on Western technology and attraction to Western ways, but also because of their belief that the Koran teaches that Muslims deserve and are destined to rule the world.

Holmes's fundamental error in analyzing Muslim extremism is to draw a false dichotomy between religion and politics. It is certainly a dichotomy rejected by Islam, which is based on a comprehensive religious law that orders all aspects of life. Particularly for the extremists, politics and religion are inseparably intertwined. But even for the non-extremists, it makes no sense to distinguish sharply, as Holmes is bent on doing, between Muslim political and psychological grievances and Muslim religious grievances, since by definition the Muslim nation — 1.4 billion people strong, the vast majority of whom are not Arab and do not live in the Middle East — is constituted not by territory or political sovereignty but by religious belief. Holmes asserts that “the crimes that the jihadists sometimes hype as crimes against God are invariably crimes against the Arab people or a Muslim nation.” True, but these crimes against the Arab people or a Muslim nation — he should have added *the* Muslim nation, or the community of all believers — almost invariably reflect transgressions that are magnified, if not defined, by Muslim law.

Similarly, Holmes argues that “concrete historical events, not some underlying religious Manichaeism, explain why the 9/11 plotters directed their fury against the United States.” Committing the very error he imputes to others, Holmes propounds his own Manichaean theory, erecting a wall between inefficacious religious beliefs and causally decisive historical events.

Yet in the same chapter he observes that bin Laden chose to focus on America “as the enemy because it was the best candidate to rally and hold together an incoherent international grab bag of aspiring jihadists and their hangers-on,” suggesting that bin Laden could not have succeeded but for the religious significance his militant

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At the very moment when scholars should be vigorously encouraging the study of Islamic history, theology, and religious law, Holmes's own confusions illustrate the costs of failing to take the religious dimension of jihadist terrorism seriously. He contends correctly that to understand “bin Laden's decision to declare war on the United States” and “the concrete historical circumstances” that “provoked” it, it is necessary to understand the role of the Afghan war, which began with the Soviet invasion in 1979. But he misunderstands the war and draws the wrong conclusions because he forces Muslim fighters into the distorting framework of secular politics:

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Although it failed miserably in the Middle East, pan-Arabism was spectacularly successful, at least in popular perception, in the multinational effort to drive the Soviet Union out of Afghanistan. An international brigade drawn from diverse Arab countries helped to defeat a superpower. After the Soviet retreat in 1989, however, this “homeless phalanx” of demobilized Arab warriors was left in the lurch. Its members became mujahideen drifters in search of a jihad.

Pan-Arabism, a secular ideology that envisaged a single Arab nation arising out of the hodge-podge of artificial Middle Eastern nation-states created by Western powers in the twentieth century, did fail miserably. In 1967 it suffered a devastating setback as a result of Israel’s lightning defeat of Egypt, Syria, and Jordan in the Six Day War. Israel and Egypt hammered the final nail in the coffin with their historic 1979 peace agreement at Camp David, signed months before the Soviets invaded Afghanistan. Indeed, pan-Arabism was already dead and buried during the period Holmes claims Arabs in Afghanistan were rallying to its cause. Neither in popular perception nor in reality did it have anything to do with the religious war waged by the so-called Afghan Arabs, many of whom, contrary to the impression Holmes gives, were not Arabs at all but Muslims of varied ethnicity.

By evoking a phantom pan-Arabism and discounting the religious beliefs of self-proclaimed religious warriors, Holmes obscures, among other things, the importance to all Muslims of

Muhammad’s paradigmatic undertaking as a religious warrior: his persecution in Mecca, the greatest city of the time; his repudiation of it as corrupt and decadent; his retreat to Medina; his guerilla-like military operations against Mecca, using Medina as a base; and, after eight years, his triumphant return to and conquest of Mecca. The story of Muhammad the out-manned prophet who eventually, in the name of Allah, conquers the great power of the day forms a model of religious war for all Muslims that has been exploited by the leaders of militant Islam and helps explain Islam’s transnational reach. Thus, for example, Shiite Persian Islamists in Iran surmount the traditional Arab-Persian enmity to collaborate with Lebanese Shiite Arabs of Hizbullah against Israel and also overcome the Shiite-Sunni divide to support Palestinian Sunni Arabs of Hamas against both Israel and non-Islamist Fatah.

Holmes proposes “an alternative and more promising framework” for understanding Muslim terrorism:

Rage at perceived injury can be exacerbated by extraneous emotions such as envy, sexual guilt, and self-hate, but is crystallized and disciplined by narratives of blame, promulgated by savvy entrepreneurs of political violence. Traditions of religious radicalism play some role in fomenting such rage, just as the institutions of organized Islam, such as zakat or obligatory almsgiving, provide resources that terrorists can exploit. Religious devotion detached from a vivid narrative of blame will not funnel diffuse rage toward a specif-

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ic target. Any sensible response to 9/11 must therefore aim at unraveling, or weakening the plausibility of, the narratives of blame that implicate the West in general, and the United States in particular in injuring and humiliating Muslims.

But his alternative framework is skewed by the same false dichotomy that plagues his entire analysis. The terrorists' specific grievances cannot be distinguished from their underlying religious beliefs, as he would have it, because for Islamists the specific grievances are formed by and refracted through underlying religious belief. Of course "religious devotion detached from a vivid narrative of blame" will not produce terrorists. But that is no reason to concentrate on "narratives of blame" at the expense of religious belief, for Islamist narratives of blame are shot through with religious categories, values, and judgments.

Holmes acknowledges that many terrorists profess to having been motivated by devotion to God. But he insists that "Sometimes people do what they do for reasons they profess, but private motivations cannot always be gleaned from public justifications." Therefore, we must appreciate the range of Islamist motives:

Does Ayman al-Zawahiri aspire to overthrow Mubarak because the latter is an apostate, or because he is a tyrant? Do extreme religious views cause political violence, or does terrorism occur when young men feel compelled to erase perceived personal or group shame by an act of homicidal rage? Violent youths who viscerally enjoy fight-

ing and killing have a powerful motive to re-describe as "a religious duty" acts of cruelty that they perform for wholly nonreligious reasons? [sic] When secular and religious rationales are equally credible and would each independently trigger the action to be explained, we cannot know with any certainty that the decisive factor was religion.

It follows that we should not prior to investigation favor psychological and political explanations or religious ones but recognize their intricate interaction. It follows as well that, given the poor state of our present knowledge of Islam, we ought to devote much greater resources to the study of the religious dimension of jihadist terrorism. Instead, Holmes, a scholar of Enlightenment political theory, advises us to spend less time on religion and concentrate on the secular causes of jihadist terrorism.

OR RATHER, WHEN it contributes to Bush-bashing, Holmes aggressively demotes religion's importance, but if it contributes to Bush-bashing, Holmes is also quite pleased to elevate religion's importance. Indeed, for the cause, Holmes is willing to elevate it to absurd heights. So, for example, to explain the failure of coalition forces to secure Baghdad after its liberation, he asserts that "Deeply held Christian beliefs prevented the Administration from grasping the fatal threat posed to the United States by religious certainty." Thus, according to Holmes, to understand the jihadists, who proclaimed a religious war against America, one must concentrate on the secular causes of their rage.

But to explain the wartime leadership of President Bush one must concentrate on religious causes. Never mind that Bush declared repeatedly during the run-up to Operation Iraqi Freedom that military force was justified against Saddam for a variety of secular reasons — to combat the multiple threats posed by Saddam’s weapons of mass destruc-

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tion and his program for producing them; to uphold international law, of which Saddam had been in almost continuous violation since signing a UN-sponsored cease-fire agreement in 1991; and to lay the groundwork for an alternative to autocracy in the Muslim Middle East. In Holmes’s view, to understand the Bush administration’s blunders in Baghdad it is necessary to appreciate the irrational mindset stemming from the president’s Christian faith.

Actually, to bash those progressives who had the temerity to provide intellectual support for the invasion of Iraq, Holmes is willing to go even further in magnifying the importance of religion. He castigates Paul Berman for “contribut[ing] significantly to the stifling of

national debate about the wisdom of the war in the run-up to the invasion.” This is a bizarre charge; certainly Holmes provides no evidence to support it other than to recite and criticize the argument of Berman’s *Power and the Idealists: Or, the Passion of Joschka Fischer and its Aftermath* (2005) and his *Terror and Liberalism* (2003). Indeed, how could an intellectual like Berman stifle debate even if he wanted to? He commands no troops, he neither owns nor runs media properties, he is not an editor controlling who says what when where, and he is not a tenured professor serving as an intellectual gatekeeper at our universities. In fact, the bad Holmes, in the fashion of the postmodern or reactionary left, uses “stifling of national debate” as a synonym for arguing publicly and forcefully for views with which he disagrees.

And then he levels the contrived accusation that “Berman labors to muffle the role of religion in 9/11, claiming that Islamic fundamentalism is really ‘a modern ideological temptation, familiar to Europeans’.” Never mind that Berman’s argument is that Islamic extremism represents a toxic melding of European ideas drawn from fascist and existentialist thought *and* Muslim religious belief. What is astonishing is the patronizing lecture Holmes proceeds to deliver — in flagrant contradiction of the argument he has developed at length earlier — on the primacy of religion to jihadist terrorism:

Totalitarian ideologies — as Berman, too, learned, in college — contained secularized eschatologies. Totalitarians rejected the religious answers but retained the religious questions, re-creating a world view

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that contained heretics and orthodox, sacred texts and martyrs, banishments and anathema, contamination and purity. So why is Berman so sure, when he sees these ideas resurface among Islamists, that they derive from the secularized religion of totalitarianism rather than from religion itself, which lent them to totalitarianism in the first place. After all, antiliberalism did not begin with the twentieth-century totalitarianism. Nor is apocalypse a twentieth-century idea. Monotheism can itself be deeply antiliberal, to the extent that it makes a self-appointed vanguard of the faithful so certain of what God wants that it feels free to use coercion to force the rest of society to submit to God's ostensible will.

Holmes's contempt for those who would reduce Islamic beliefs to secular impulses and ideas and his admonition to appreciate the causal efficacy of "religion itself" would be directed more appropriately toward himself — the person who, in an earlier chapter, did his best to discount the religious dimension of jihadist terrorism — than toward Paul Berman, one of the first intellectuals after September 11 to bring to the public's attention the importance of the writings of Sayyid Qutb, a founding father of contemporary Muslim extremism.

HOLMES'S RECKLESS critique of the neoconservatives is further proof of his willingness to play fast and loose with evidence. He derides Robert Kagan, author of the best-selling *Of Paradise and Power* (2003), as a "Bush-league

Nietzschean" who believes the European preference for multilateralism, diplomacy, and international law is nothing but a weapon of the weak designed to keep the militarily powerful United States in check. The putdown is clever but the charge is bogus, and both are unworthy of a major-league scholar. For no apparent reason, other than that it conflicts with the caricature he is determined to construct, Holmes dismisses the concluding section of Kagan's book as "basically unserious." Yet Kagan makes a clear and compelling case that America should seek to fortify an international order based on law while recognizing that such an order and the gentler arts of diplomacy that support it must, in a dangerous world, be backed by military might and the readiness to use it when necessary.

He also mocks Charles Krauthammer for asserting that jihadist terrorism is rooted in "the cauldron of political oppression, religious intolerance and social ruin in the Arab-Islamic world — oppression transmuted and deflected by regimes with no legitimacy into the virulent, murderous anti-Americanism that exploded upon us on 9/11." Holmes rightly criticizes those in the administration and outside it who hoped to democratize Iraq but overlooked democracy's "social, economic, cultural and psychological preconditions." And he correctly points out that the neoconservative emphasis on how regimes shape character ought to have prepared them to recognize that living under Saddam's brutal tyranny was likely to have bred passivity, fatalism, cruelty, and violence that "unfitted the Iraqi people for democracy, for a time at least." But it twists the

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truth to claim that “the neoconservatives defend two diametrically opposed propositions: first, that the jihadists hate freedom and, second, that they hate their own lack of freedom.” To manufacture the contradiction Holmes must overlook the very Krauthammer lines he quotes about how religion can *transmute* and *deflect* religious and

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nonreligious anger. And while he’s at it, Holmes must overlook his own argument that “religious teachings can intensify and coordinate preexistent anger.” To his sardonic contention that Krauthammer and other neoconservatives “admit, implicitly, that jihadist rage is not only understandable but even in good measure just,” it suffices to answer that it is perfectly possible to recognize the injustice that plays a role in turning a man into a cold-blooded murderer without regarding cold-blooded murder to be just in any measure.

In criticizing the Bush administration directly, Holmes goes over well-trodden ground. Certainly many criticisms hit their mark. The administration’s diplomacy has often been clumsy

or swaggering. The Defense Department, which had primary responsibility for the reconstruction of Iraq, was woefully unprepared. Since the fall of Baghdad in April 2003, the administration has made serious and costly blunders in the effort to bring stability and democracy to Iraq. And in responding to the legal issues that have arisen since 9/11, the Bush administration continues to overreach. But Holmes’s frequent and egregious errors of omission and commission threaten to call his whole enterprise into disrepute.

Consider a sample of the errors: First, Holmes denounces Bush administration officials for their “habit of politicizing intelligence.” Yet three government reports — *The 9/11 Commission Report* (2004), the Senate Select Committee on Intelligence’s *Report on the US Intelligence Community’s Prewar Intelligence Assessments on Iraq* (2004), and the *Report of the Commission on the Intelligence Capabilities of the United States Regarding Weapons of Mass Destruction* (2005), which was prepared under the supervision of Judge Laurence Silberman and Senator Charles Robb — found no evidence that the administration pressured the intelligence community to cook evidence and no evidence that it presented an inaccurate picture to the public of the intelligence community’s findings.

Second, Holmes declares that the administration has championed a lawless response to terrorism and in so doing has become like the terrorists it opposes. In reaching this outrageous judgment, he ignores the unprecedented concern with legal formalities and

international law that characterized the run-up to the Iraq war, beginning with the October 2002 congressional authorization to use military force, proceeding through the unanimous passage in November 2002 of UN Security Council resolution 1441, and culminating with the Bush administration's colorable claim under international law that in view of Iraq's material breach of resolution 1441 and 16 previous UN Security Council resolutions, including the 1991 UN-sponsored cease-fire agreement, the U.S. was entitled to use force to remove Saddam from power. In bringing his indictment, Holmes also fails to consider that at every juncture the Bush administration has sought legal justification for its claims to broad, and in some cases extravagantly broad, executive power, confirming the importance it attaches to law in wartime, even in those cases where it got the law wrong. And though he devotes an entire chapter to America's sobering history of curtailing civil liberties during wartime, Holmes attaches little significance to several crucial facts: By any historical measure, the curtailing of civil liberties in the war on terror has been slight; the speed with which the Supreme Court has moved to restore them has been rapid; and the administration's prompt acquiescence in the Court's judgments has vindicated the vitality of the constitutional separation of powers.

Third, Holmes proclaims throughout his book that the decision to invade Iraq was obviously wrong and that it has led to an unequivocal disaster. But he excludes from his strategic and moral calculations the cost of not invading. To mention only one of many frequently overlooked points: He is

right to call attention to the tragedy of the tens of thousands of Iraqi civilians who have died as an unintended consequence of the invasion. But missing is any reference to the massive loss of life that was an unintended but foreseeable consequence of Holmes's preferred policy — the U.S.-led containment regime in place before the March 2003 invasion. UNICEF estimated that 60,000 children were dying each year under containment⁴ because Saddam stole money that, under the UN sanctioned Oil-for-Food Program, was earmarked for food and medicine and used it instead to build palaces and support his army.

Add to these serious errors of omission and commission Holmes's predilection for caricature and his blatant contradictions of his own headline theses, and one is forced to conclude that his arguments simply cannot be trusted.

WHAT KIND OF an intellectual environment accounts for the publication by a leading scholar and a prestigious university press of so untrustworthy a book? In fact, the good Holmes, the shrewd student of liberal constitutional government, inadvertently sheds light on the forces that have shaped and sustained the bad Holmes. War has a tendency, he suggests, to undermine the conditions that nourish responsible thinking:

Wartime leaders, too, need some

⁴ Walter Russell Mead, "Deadlier than War," *Washington Post* (March 12, 2003).

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form of adversarial process to protect them from cognitive biases and false certainties. Excessive secrecy may breed disconnection from reality. Panic may spread inside the bunker, and illicit private interests may colonize public policy if decision making is monopolized by a few like-minded individuals who never listen attentively to alternative points of view. One-party and single branch government weakens incentives for decision makers to acknowledge errors and make mid-stream readjustments. The consequences cannot possibly be favorable.

But wartime leaders are not the only ones to get trapped in cocoons that cut them off from the free flow of information and lively exchange of opinion on which accurate understanding depends.

The academy in which Holmes lives and prospers and which, with great fanfare, sent his flawed polemic to the public has for some time now been depriving its members of the intellectual benefits of transparency, accountability, and dissent. As he foresees — albeit in a different context — and as his

book vividly illustrates, the consequences are not favorable. Unaccountable to outside authority, largely sheltered from opposing points of view, given to seeing themselves as a saving remnant both unappreciated by the broader public and besieged by an evil government, professors at our leading universities have created an intellectual environment that has undermined the conditions that foster free and unbiased exploration of the great issues of the day.

Holmes's book does, as he hoped, make a "modest contribution," but not the one he intended. This critical moment demands serious and systematic study of the multitude of hard questions raised by the need to defeat our enemies while respecting the moral and political principles that constitute our country. Instead of rising to the occasion, Holmes does his part to further vulgarize public debate, degrade university culture, and, not least, weaken the nation's ability to defeat a deadly, hidden, globally dispersed, and implacable foe. American readers who rely on it will be condemned to Sun Tzu's worst case, knowing neither their own country nor its enemies.