

This book is a collection of essays written by Australian, European and Canadian scholars who approach terrorism and counter-terrorism measures from "a variety of disciplinary perspectives, including international law and international relations, public and constitutional law, criminal law and criminology, legal theory, and psychology and law" (Back cover). It represents the end product of a workshop held at the Australian National University in Canberra in April 2005, organized as part of a research project, titled "Terrorism and the Non-State Actor After September 11: The Role of Law in the Search for Security" (p.2), the goal being in part that new and different perspectives are added to the volume of literature on the "metaphor of war" in the context of terrorism (p.3). Thus far, this metaphor's rhetorical value has remarkable staying power, propelling modern democratic governments to conceive of counter-terrorism measures that, arguably, lack considered debate, accord broad executive deference, enact and define overly-broad "terrorist" offenses, endanger established legal principles, target minority groups unfairly (potentially radicalizing them), and, essentially, threaten the very essence of modern democratic principles and values. In fact, one might view this collection as asking, and ultimately attempting to answer whether in response to terrorist attacks the pattern of "terror, repression, and response" (p.329) will ever be halted.

As with any enterprise of this type, selecting out and grouping a variety of commentaries into distinct parts to be read as a cohesive whole is not easily accomplished. Yet, the editors of this volume, Miriam Gani and Penelope Mathew, have managed to do so more or less successfully by placing the sixteen essays into five separate groupings labeled around common stages of conflict on a metaphorical battlefield, such as "preparing the ground," and "rules of engagement." Gani and Mathew also begin with a solid introduction that easily orients the reader. It includes a useful summary of these different parts and the selected chapters that fill them with brief topical, issue-related descriptions. And from a comparative point of view for an interested scholar, particularly as more voices are heard and more actors such as the courts and human rights organizations speak out more forcefully, these fresh new, multiple country perspectives are a welcome contribution to this ever-changing legal and political battlefield called the "war on terror." And an added bonus is found in the part that delivers "reports from two theatres of war" - namely, the chapter that reports on the progress and problems of [22] the European Union as a collective actor in the so-called "war on terror."

For the reader, it is a remarkable find, although admittedly not surprising, that these various perspectives written by scholars from different countries reflect upon similar responses, reactions and themes that resonate throughout the entire volume. For example, a common theme is the tired, over-worked phrase as a justification for the extreme measures taken in reaction to combating terrorism that "exceptional times require exceptional laws." Several essays take exception to this notion that there is a need for such additional laws, i.e., those that expand ordinary criminal laws and evolve into exceptional new, security laws to address these so-called "exceptional times." For example, referring to it as the "siren song of necessity," one author of this particular chapter writes about the British experience with terrorism, noting that

"[t]he United Kingdom (UK) has a long and complex history of engagement with terrorism and other forms of violence directed at achieving political aims (p.327). Perhaps some lessons can be learned - eventually.

This collection thus ranges from essays about "identifying the threat (defining and understanding its complexities) and choosing the weapons," e.g. the barbarism of torture and the devaluing of human rights legislation and obligations, to arriving at solutions post-conflict (e.g., amnesty), and along the way the assessment of public perceptions of terrorist acts and counter-terrorism responses is thrown into the mix. That said, the essays are thoughtful, well-researched and, at times, provocative and even cleverly entertaining. In the end, the overarching themes of this volume are seemingly the reactionary role of governments and the role that protection of human rights plays in the conflict. Do they matter; should they be valued; or when exceptional times require exceptional laws should they be suspended? Read as a whole, the book sets the stage for a universal response to the conflict, one that does not ignore human rights values. In the final part of the book about "calling a halt" to the conflict, the concluding chapters offer some hope - albeit a mere glimmer - that rights could matter after all.

Boldly starting with three provocative essays, the first part covers important themes. One describes aspects of the British experience with Islam and associated politics together with its failure to understand the complexities of the relationship between Islam and terrorism in its Muslim communities (p.9). The next addresses the use of torture in the "war on terror." After writing eloquently about the end of torture by absolute monarchs during the Age of Reason and the rise of the period of Enlightenment, the author of this particular chapter observes that, in the aftermath of 9/11, a rise in the justification for the use of torture as a weapon in the 'war on terror' finds governmental adherents and academic defenders. Undoubtedly past really is prologue. He then convincingly discredits those who would advocate for a "very modest proposal for torture" (p.33). After all, torture is torture. And, the third concerns the failure of human rights legislation to matter in perilous times. The author of this final chapter likens the current 21st century situation to the one depicted in the opening scene of the most recent Pirates of the [\*23] Caribbean movie, subtitled At World's End (p.45). In the end, the author notes that the fictional autocratic character who read a proclamation about the need for emergency measures suspending basic rights would be pleased with the events occurring post-9/11 (p.62).

The debate over the severity and extra legality of counter-terrorism measures and the lessening of human rights considerations in the process has generally been addressed by the all too familiar turn of phrase about a need to "balance" rights and security. Those essays that focus on the balancing approach do so with disdain. As in the balancing process, rights always appear to be sacrificed as the emergency response to protecting the nation takes immediate precedence. As a result, a serious problem usually arises, one that tends to affect members of targeted minority groups disproportionately while the media frenzy and public demands for security take over.

In such instances, a government's inclination is, arguably, a determination not to appear "impotent." In that sense, these essays on the security versus liberty conundrum (or debate) seemingly move away from a balancing approach. This is undoubtedly a refreshing perspective. In fact, the arguments made in this venture go so far as to suggest that an approach that values human rights incorporation into such measures ought to be encouraged.

In the years since the terrorist attacks on September 11, 2001, shocked us in the United States, many other modern democratic states similarly adopted a wide-range of counter-terrorism measures in an effort to respond to future threats of international terrorism in this so-called "war against terrorism." The use of law has been a central part of the design and justification of those responses, as well as attempts to moderate and restrain their excesses (p.127). Unfortunately, what amounts to a war over words - to wit, what is "terrorism," what is a "terrorist organization," what is a "terrorist act" - and the evolution of ordinary criminal law to new and expanding preventative and pre-emptive laws, is a domestic one that has far-reaching, extra-criminal and political overtones internationally. Thus a need for a universal response, of a diplomatic nature, arguably, seems appropriate. And this book is an excellent collection of commentaries on the current state of the conflict internationally as of 2007.

Helpfully, the editors suggest that the book need not be read in its entirety (p.5). In other words, this compilation of essays also functions as an e-book, allowing the reader to pick and choose among the several parts and their multiple book chapters. Although a concluding chapter interconnecting all of the common themes of the various essays would have been helpful, it is not needed for a successful exploration of the essays in the book. However, an online coda post-publication summarizing the latest developments in the making at the time of publication could serve a useful purpose, given that the literature on this subject continues to intrigue many readers. For example, an observation about the potential for a changing landscape in the near future - to which several of the book's chapters allude, namely that governments in two of the countries reported on have changed administrations - and especially now that the United States is on the verge of, hopefully, correcting its current [\*24] course and changing directions - would enhance the political currency of this volume.

In sum, this is a book full of critical and analytically-supported commentaries about recent scholarship in the above mentioned fields relating to the "war on terror." Unfortunately, as previously mentioned, anything written about this metaphorical war is out of date almost as soon as it is published. But at the time of publication, a comparative study of the experiences in a range of countries will always make for a valuable contribution to the literature. In the end, this book makes collectively apparent that modern democratic governments have essentially failed in waging the so-called "war on terror" with the use of force, devaluing of human rights and potential radicalization of targeted minority group members. Now is the time to wage a new war, perhaps a "war of ideas," - to wit, a metaphorical "war on terror" that is

not based on force and denigration of rights, but one that is focused on democratic principles and diplomacy.