

CONTEMPORARY DETERRENCE THEORY AND COUNTERTERRORISM: A BRIDGE TOO FAR?

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I. INTRODUCTION	439	R
II. DETERRING TERRORISM: A CUMULATIVE RESEARCH PROGRAM	442	R
III. THEORETICAL CONCERNS: CONCEPTUAL DISTINCTION	451	R
IV. PRACTICAL CONCERNS: COERCIVE RESTRAINT	457	R
V. EMPIRICAL CONCERNS: UNKNOWN UNKNOWNNS	460	R

I. INTRODUCTION

Deterrence theory is experiencing a renaissance. After nearly two decades of relative neglect following the end of the Cold War, we are witnessing today a flourishing of theoretical, empirical, and policy-relevant work on all things deterrence. Indeed, today’s “fourth wave” of deterrence scholarship combines and incorporates an impressive array of disparate research on the subject. Deterrence theory is being applied to a variety of sub-state and non-state security concerns, like insurgency, terrorism, radicalization, organized transnational crime, cyber insecurity, and piracy. More traditional inter-state security dilemmas, stemming from “rogue” regimes, nuclear and missile proliferation, and recent advances in missile technology and defense, have also been added to the deterrence agenda. Coercive processes, like punishment, denial, delegitimization, dissuasion, and inducement—as well as concepts like extended deterrence and cumulative deterrence—are likewise being explored in new and exciting ways.¹ In short,

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1. See, e.g., ANDREW R. MORRAL & BRIAN A. JACKSON, UNDERSTANDING THE ROLE OF DETERRENCE IN COUNTERTERRORISM SECURITY (2009); Lee Dutter & Ofira Seliktar, *To Martyr or Not To Martyr: Jihad Is the Question, What Policy Is the Answer?*, 30 STUD. CONFLICT & TERRORISM 429 (2007); Jerry Mark Long & Alex Wilner, *Delegitimizing al-Qaida: Defeating an ‘Army Whose Men Love Death’*, 39 INT’L SEC. 126 (2014); Miroslav Nincic, *Getting What You Want: Positive Inducement in International Relations*, 35 INT’L SEC. 138 (2010); Thomas Rid, *Deterrence Beyond the State: The Israeli Experience*, 33 CONTEMP. SEC. POL’Y 124

the deterrence skepticism that emerged in the early 1990s and peaked following al-Qa'eda's 2001 attack on the United States has begun to dissipate. Today, we are, as a community of scholars and practitioners, thinking up new ways to expand and apply deterrence theory to emerging and evolving security environments.

That exercise—of expanding deterrence in order to make it relevant for contemporary insecurity—holds both promise and hazards. Promise, because scholars have rightly chosen to question the skeptics who too quickly and unflinchingly accepted deterrence theory's demise. The study of deterring terrorism, for example, really began as a reactionary, post-9/11 research program that questioned the early assertions made by U.S. President George W. Bush, U.S. Secretary of Defense Donald Rumsfeld, U.S. Ambassador to the United Nations John Bolton, and a variety of other political and military leaders, that terrorism and terrorists were altogether undeterrable.² Scholars began by simply asking whether this was true.³ A similar reactive research program emerged to contemplate deterrence and "rogue states." During the 1990s, the debate centered on Saddam Hussein's Iraq, Slobodan Milosovic's Serbia, and Muammar al-Qaddafi's Libya, while today the focus is on deterring nuclear North Korea and (nuclear-aspirant)

(2012); James M. Smith, *Strategic Analysis, WMD Terrorism, and Deterrence by Denial*, in *DETECTING TERRORISM: THEORY AND PRACTICE* 159 (Andreas Wenger & Alex Wilner eds., 2012); Alex Wilner, *Deterring the Undeterrable: Coercion, Denial, and Delegitimization in Counterterrorism*, 34 *J. STRATEGIC STUD.* 3 (2011).

2. See William Broad, Stephen Engelberg & James Glanz, *Assessing Risks, Chemical, Biological, even Nuclear*, *N.Y. TIMES*, Nov. 1, 2001; Charles Krauthammer, *The Obsolescence of Deterrence*, *WEEKLY STANDARD*, Dec. 9, 2002; Fareed Zakaria, *America's New World Disorder*, *NEWSWEEK*, Sept. 15, 2003; Donald Rumsfeld, U.S. Sec'y of Defense, 21st Century Transformation of U.S. Armed Forces, Address to the National Defense University (Jan. 31, 2002); George W. Bush, President of the United States, Commencement Address at the U.S. Military Academy (May 26, 2006).

3. See *DETECTING TERRORISM: THEORY AND PRACTICE* (Andreas Wenger & Alex Wilner eds., 2012); Gary Ackerman & Lauren Pinson, I-VEO Empirical Assessment: Literature Review and Knowledge Matrix, National Consortium for the Study of Terrorism and Responses to Terrorism (June 2011) (on file with author); John P. Sawyer & Amy Pate, I-VEO Empirical Assessment: Case Studies of Historical Efforts to Influence Violent Extremist Organizations, National Consortium for the Study of Terrorism and Responses to Terrorism (June 2011) (on file with author).

Iran.⁴ In both of these cases, scholars have tried to uncover where and how the logic and theory of deterrence might be reapplied, offering practical insights and empirical lessons for contemplating contemporary threats, emerging challengers, and future security scenarios.

The hazards for deterrence theory and practice, however, relate to growing too fast, too soon. As deterrence expands into new and uncharted territory, its meaning has been purposefully and profoundly broadened. That broadening may have been necessary, allowing for the academic evolution of the scholarship, but it also diluted deterrence theory and practice in a way that complicates that scholarship. In expanding the meaning and application of deterrence, we may have inadvertently muddied the conceptual waters by blending and confusing causal relations, complicated the manner in which deterrence might be effectively practiced by states and governments, and rendered the empirical side of the research program nearly impossible to perform. By morphing deterrence into *influence*, it sometimes appears that everything and anything—all actions and all manipulative processes—can relate back to the core principles outlined in deterrence theory. If so, what do we mean by contemporary deterrence? What boundaries now exist between deterrence, influence, coercion, and other related concepts? How is defeat different from deterrence, and defense different from denial? And how might scholars properly operationalize these related concepts so as to make them relevant to security practitioners and decisionmakers?

This article addresses these questions by focusing on the evolution of deterring terrorism and terrorists, a separate and distinct sub-field of the fourth wave of contemporary deter-

4. See, e.g., COMPLEX DETERRENCE: STRATEGY IN THE GLOBAL AGE (T.V. Paul et al. eds., 2009); LAWRENCE FREEDMAN, DETERRENCE (2004); FRANK HARVEY & DAVID CARMENT, USING FORCE TO PREVENT ETHNIC VIOLENCE: AN EVALUATION OF THEORY AND EVIDENCE (2001); JAMES LEBOVIC, DETERRING INTERNATIONAL TERRORISM AND ROGUE STATES (2007); KEITH PAYNE, DETERRENCE IN THE SECOND NUCLEAR AGE (1996); Janice Gross Stein, *Deterrence and Compellence in the Gulf, 1990–91*, 17 INT'L SEC. 147 (1992); Alex Wilner, *Apocalypse Soon? Deterring Nuclear Iran and Its Terrorist Proxies*, 31 COMP. STRATEGY 18 (2012).

rence scholarship.⁵ The goal of this article is to highlight both the promises and pitfalls behind the scholarship that adapts and applies deterrence to counterterrorism, while commenting more broadly on the manner in which deterrence theory has been reimagined and repackaged in recent decades. The argument begins by offering a summary of the current literature on deterring terrorism, with primary focus placed on the conceptual and theoretical innovations that have emerged as a result of broadening deterrence and unpacking terrorism into its component parts and processes. The article then explores the dilemmas associated with this research program, illustrating some of the theoretical, practical, and empirical challenges that require further and careful attention.

II. DETERRING TERRORISM: A CUMULATIVE RESEARCH PROGRAM

When compared to the volume of work that explores deterrence theory writ large, deterring terrorism is in its mere infancy. Few scholars focus on the subject, and the literature reaches back less than two decades. As a reactive enterprise, much of the literature is a product of larger, macro shifts in the general study of security, strategic studies, and international relations following 9/11. And yet, a robust and cumulative research program on deterring terrorism (and terrorists, or violent non-state actors (VNSAs)) has nonetheless emerged. To this end, new theories, concepts, and models for deterring terrorism have been proposed.⁶ Empirical research has tested and refined some of these proposals, and policy recommendations and best practices have begun to circulate.⁷ More work is

5. See Jeffrey W. Knopf, *Terrorism and the Fourth Wave in Deterrence Research*, in DETERRING TERRORISM, *supra* note 3, at 21 [hereinafter Knopf, *Terrorism*]; Amir Lupovici, *The Emerging Fourth Wave of Deterrence Theory*, 54 INT'L STUD. Q. 705, 705 (2010).

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6. For an overview of recent developments in theories pertaining to deterring terrorism, see generally ALEX S. WILNER, DETERRING RATIONAL FANATICS (2015); DETERRING TERRORISM, *supra* note 3.

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7. See, e.g., Martha Crenshaw, *Will Threats Deter Nuclear Terrorism*, in DETERRING TERRORISM, *supra* note 3, at 136, 145–51 (arguing that deterrent threats must be credible, both to the defender and the challenger, and correspond effectively to the challenger's values); Jeffrey Knopf, *Wrestling with Deterrence: Bush Administration Strategy after 9/11*, 29 CONTEMP. SEC. POL'Y 229, 243 (2008) [hereinafter Knopf, *Wrestling*] (noting that deterring nuclear ter-

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certainly needed, but the subfield has a body of literature that functions well as a foundation upon which to build. The specifics of the literature on deterring terrorism have been thoroughly reviewed elsewhere.⁸ For the purposes of this article, it suffices to make a few general observations.

First, research on deterring terrorism usually accepts and incorporates a broadened understanding of deterrence. A would-be challenger (usually defined as the actor being deterred) and his unwanted action remain the principal focus, but the manner in which a defender (the actor doing the deterring) manipulates a specific behavior is expanded to include arguments that rest well beyond the scope of traditional deterrence theory. Scholars suggest that a range of militant activity—from proselytizing violent ideologies to indoctrinating and recruiting individuals, and from sponsoring militancy to coordinating specific attacks—can be deterred by a variety of tailored threats.⁹ Focus, too, is placed equally on deterring conventional and CBRN (chemical, biological, radiological, and nuclear) terrorism.¹⁰

rorism may require developing effective scientific mechanisms for analyzing, identifying, and attributing radiological materials).

8. See, e.g., DETERRING TERRORISM, *supra* note 3; WILNER, DETERRING RATIONAL FANATICS, *supra* note 6; Knopf, *Terrorism*, *supra* note 5; Lupovici, *supra* note 5; Wilner, *Deterring the Undeterrable*, *supra* note 1.

9. See generally DETERRING TERRORISM, *supra* note 3.

10. For sources discussing deterring CBRN terrorism, see, e.g., BRIAN MICHAEL JENKINS, WILL TERRORISTS GO NUCLEAR? (2008); MICHAEL LEVI, COUNCIL ON FOREIGN RELATIONS, SPECIAL REPORT NO. 39, DETERRING STATE SPONSORSHIP OF NUCLEAR TERRORISM (2008); BRAD ROBERTS, INST. FOR DEF. ANALYSES, IDA PAPER P-4231, DETERRENCE AND WMD TERRORISM: CALIBRATING ITS POTENTIAL CONTRIBUTIONS TO RISK REDUCTION (2007); David Auerswald, *Deterring Nonstate WMD Attacks*, 121 POL. SCI. Q. 543 (2006); Crenshaw, *supra* note 7; Lewis A. Dunn, *Influencing Terrorists' Acquisition and Use of Weapons of Mass Destruction*, in NATO AND 21ST CENTURY DETERRENCE 126 (Karl-Heinz Kamp & David S. Yost eds., 2009); Brian Michael Jenkins, *The Terrorist Perception of Nuclear Weapons and Its Implications for Deterrence*, in DETERRING TERRORISM, *supra* note 3, at 117; Thomas C. Schelling, *Thinking About Nuclear Terrorism*, 6 INT'L SEC. 61 (1982). For sources discussing deterring conventional terrorism, see, e.g., WILNER, DETERRING RATIONAL FANATICS, *supra* note 6, at ch. 3; Janice Gross Stein, *Deterring Terrorism, Not Terrorists*, in DETERRING TERRORISM, *supra* note 3, at 46; Andreas Wenger & Alex Wilner, *Deterring Terrorism: Moving Forward*, in DETERRING TERRORISM, *supra* note 3, at 301.

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In other words, thinking about deterring terrorism requires that we expand the traditional values and assets usually associated with inter-state coercive relations. Instead of focusing on values associated with traditional state-based deterrence, such as sovereignty, territorial control, political integrity, spheres of influence, and economic strength, deterring terrorism places emphasis on targeting the values that militants cherish, like publicity, operational and tactical success, strategic and tactical victory, leadership, group cohesiveness, trust and camaraderie, popular sympathy and social acceptance, religious and political legitimacy, prestige, personal glory, freedom of movement and safe havens, wealth, and other material assets.¹¹ Accordingly, though a vast majority of militant groups lacks traditional territorially based assets against which classical threats of punishment and retaliation might be issued—a dilemma known as the return address problem¹²—militants do hold onto and seek to protect other things that states can threaten to harm, restrict, or destroy (e.g., territorial footholds and safe houses, weapons caches, smuggling routes, effective and charismatic leaders, or state-based facilitators).¹³ And, relatedly, because some militant assets rest beyond the realm punishable by military or kinetic destruction alone, the coercive process involved in deterring terrorism often relies on non-kinetic instruments that target non-physical resources and assets. For example, states might join, strengthen, compel, or convince local, regional, foreign, and virtual (online) communities; elites and religious or tribal elders; youth and university-based social movements; and

11. Paul Davis and Brian Michael Jenkins, of RAND, were the first to discuss substantively these, and other, militant values and assets. See PAUL DAVIS & BRIAN JENKINS, *DETERRENCE AND INFLUENCE IN COUNTERTERRORISM: A COMPONENT IN THE WAR ON AL QAEDA* (2002). Others have since expanded parts of their original thesis while providing some empirical assessment of various deterrence/influence processes. See, e.g., Ackerman & Pinson, *supra* note 3, at 17. R

12. See Richard Betts, *The Soft Underbelly of American Primacy: Tactical Advantages of Terror*, 117 *POL. SCI. Q.* 19, 31 (2002); John Gearson, *Deterring Conventional Terrorism: From Punishment to Denial and Resilience*, 33 *CONTEMP. SEC. POL'Y* 171, 181–82 (2012); Andrew Brown & Lorna Arnold, *The Quirks of Nuclear Deterrence*, 24 *INT'L REL.* 293, 306 (2010).

13. See Wenger & Wilner, *supra* note 10 (discussing both the traditional and novel forms of coercion that can be used to tackle the variety of violent non-state actor interests and assets). R

NGOs or civil society actors to manipulate (and hopefully augment) social disenfranchisement with, and resentment of, a particular militant movement or group. This is a function of deterrence by delegitimization, in which militants' political, ideological, or religious rationales and intentions—which rest beyond kinetic destruction—are used against them to sway public sentiment, stem recruitment, alter behavior, and deter support for political violence.¹⁴

To this end, a number of scholars and research teams have traded in deterrence for the broader concept of influence. In 2002, for example, Paul Davis and Brian Michael Jenkins wrote that “deterrence is the wrong concept” for counterterrorism because it is “too limiting and too naïve.”¹⁵ Instead, they argue that adding “an influence component” to the study of deterring terrorism opens new doors and avenues for further study.¹⁶ Influence encompasses the concept of de-

14. See, e.g., LEWIS DUNN, DEFENSE THREAT REDUCTION AGENCY, INFLUENCING TERRORISTS' WMD ACQUISITION AND USE CALCULUS (2008); PAUL KAMOLNICK, STRATEGIC STUD. INST., DELEGITIMIZING AL-QAEDA: A JIHAD-REALIST APPROACH (2012); J. MICHAEL WALLER, FIGHTING THE WAR OF IDEAS LIKE A REAL WAR (2007); Cheryl Benard, *The Mechanics of De-Legitimization*, in COUNTERING VIOLENT EXTREMISM: SCIENTIFIC METHODS AND STRATEGIES (2011); Michael Jacobson, *Learning Counter-Narrative Lessons from Cases of Terrorist Dropouts*, in NETH. NAT'L COORDINATOR FOR COUNTERTERRORISM, COUNTERING VIOLENT EXTREMIST NARRATIVES 72 (2010); Brian Michael Jenkins, No Path to Glory: Deterring Homegrown Terrorism, Testimony Before the Homeland Security Committee (May 26, 2011), available at http://www.rand.org/content/dam/rand/pubs/testimonies/2010/RAND_CT348.pdf; Jeffrey Lantis, *Strategic Culture and Tailored Deterrence: Bridging the Gap Between Theory and Practice*, 30 CONTEMP. SEC. POL'Y 467, 476–78 (2009); Eric Larson, *Exploiting al-Qa'ida's Vulnerabilities for Delegitimization*, in COUNTERING VIOLENT EXTREMISM, *supra*, at 111, 120–21; Joseph Lepgold, *Hypotheses on Vulnerability: Are Terrorists and Drug Dealers Coercible?*, in STRATEGIC COERCION: CONCEPTS AND CASES 131, 136–44 (Lawrence Freedman ed., 1998); Long & Wilner, *supra* note 1, at 155–63. See also Shmuel Bar, *God, Nation, and Deterrence: The Impact of Religion on Deterrence*, 30 COMP. STRATEGY 428 (2011) (noting the relationship between religion, religious beliefs, and deterrence theory); Jerry M. Long, *Strategic Culture, Al-Qaida, and Weapons of Mass Destruction*, in DEFENSE THREAT REDUCTION AGENCY, COMPARATIVE STRATEGIC CULTURES CURRICULUM Tab 20 (2006) (discussing al-Qa'eda's ideology and strategic culture, as they relate to developing, acquiring, and using WMD materials).

15. DAVIS & JENKINS, *supra* note 11, at 61.

16. *Id.* at 9–13. For more on influence, see LEWIS DUNN, DETERRENCE TODAY: ROLES, CHALLENGES, AND RESPONSES (2007); LEWIS DUNN, DEF. THREAT REDUCTION AGENCY, REP. NO. ASCO 2008 001, NEXT GENERATION: WEAPONS OF MASS DESTRUCTION AND WEAPONS OF MASS EFFECTS TERRORISM (2008);

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terrence but is intended to be applied in ways that go well beyond relying on threats of punishment or denial to manipulate behavior. The spectrum of influence is decisively broad and can include a variety of coercive operations, including co-optation and inducement (convincing an adversary to join one's larger effort); dissuasion and deterrence (using threats and appreciation of negative consequences to convince a challenger to alter his behavior); denial and defense (creating perceptions of tactical/strategic failure in order to change behavior); and defeat and destruction (demonstrating a capability to decisively punish today, in order to deter tomorrow).¹⁷ In each case, a defender tries to alter a challenger's behavior by altering its cost-benefit analysis, the very logic upon which traditional deterrence theory is based. Regardless of whether scholars utilize a broadened conception of deterrence or instead adopt and apply the notion of influence, both innovations have allowed scholars to think creatively about deterring a very large subset of activities related to political violence, radicalization, militancy, insurgency, and terrorism.

Second, in a departure from traditional, Cold War-era deterrence in which primary focus was largely placed on states and superpowers, and on their foreign and military relations, deterrence scholars now place greater attention on the individual actors and sub-groups that constitute or support militant organizations, along with the individual processes involved in orchestrating terrorism.¹⁸ They have done so by borrowing findings from the study of political violence: terrorism as an "organizational phenomenon" and terrorists as "rational

Paul Davis & Brian Jenkins, *A System Approach to Detering and Influencing Terrorists*, 21 CONFLICT MGMT. & PEACE SCI. 3 (2004); Dunn, *supra* note 10; Michael Quinlan, *Deterrence and Deterrability*, 25 CONTEMP. SEC. POL'Y 11 (2004).

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17. Sawyer & Pate, *supra* note 2, at 3–6.

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18. Here again, Paul Davis and Brian Michael Jenkins were the first to unpack terrorism systematically into its component pieces, so as to better apply the logic of deterrence to counterterrorism. See DAVIS & JENKINS, *supra* note 11. See also ROBERT W. ANTHONY, INST. FOR DEF. ANALYSES, DOC. NO. D-2802, DETERRENCE AND THE 9-11 TERRORIST 1 (2003) (discussing specific ways to deter attacks at various points along the terrorism process); Auerswald, *supra* note 10, at 545 (examining ways to deter transnational organized criminal groups from facilitating terrorism).

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fanatics.”¹⁹ This understanding of terrorism has allowed scholars to better identify how deterrence and/or influence might be applied against a variety of different terrorist actors and processes. Unpacking terrorism allows us to think about deterring militant leaders; religious ideologues; financiers; recruiters; bomb-makers; foot soldiers; suicide and non-suicide operatives; and state, societal, and community supporters.

In a similar vein, we can think about influencing specific phases within the terrorism process itself—all the individual actions that are required for violence to occur, from recruitment to detonating explosives. For instance, Robert Anthony, writing of the 9/11 attacks, identifies nine “sequential decision steps” that al-Qa’eda and the hijackers themselves needed to take in order to carry out the operation successfully.²⁰ At each step along the way, the United States and its allies might have uncovered the plot, or elements of it, and taken steps to thwart it, thereby raising al-Qa’eda’s perception of the odds of failure and augmenting or strengthening American (counterterrorism) deterrence. For example, better border security measures might have prevented some (or even all) of the al-Qa’eda operatives from entering the United States, denying the group access to the training it needed to conduct the attack (i.e., U.S.-based flight school) and access to the targets themselves (i.e., the civilian aircraft).²¹ Or, lessons and intelligence might have been properly gleaned following the arrest of would-be 9/11 hijacker Zacarias Moussaoui in the United States in August 2001, preventing the others from completing their own training and preparation.²² Or, domestic ticket agents and other airline and airport staff might have identified suspicious behavior during one of several test-runs the hijackers conducted, lowering their odds of successfully carrying out the final hijackings.²³ Or, passengers, flight crews, or air marshals, along with locked cockpit doors, might have denied the hijackers the ability to commandeer the aircraft.²⁴ Narrowing in on the test-runs, Anthony concludes that as the terrorist “teams

19. Ehud Sprinzak, *Rational Fanatics*, FOREIGN POLICY, Sept.–Oct. 2000, at 66, 69.

20. ANTHONY, *supra* note 18, at 1.

21. *See id.* at 8, fig. 4.

22. *Id.* at 9–10.

23. *Id.* at 1–2, 12–13.

24. *Id.* at 7–8.

practice[d] without anyone suffering a detention, the reduced estimates of risk from cumulative experience also reduce[d] their concern with further practicing.”²⁵ Each successful trial run diminished individual and group perceptions of risk, lowering the deterrent (by denial) effect. By September 11, 2001, the terrorists’ perception was that operational failure was unlikely.

In both structure and process, terrorist groups and terrorist violence are approached atomistically, as individual components of the terrorist system and individual components of the terrorism process. For deterrence scholarship, these innovations have helped scholars identify the micro-actors and sub-processes against which any number of different coercive threats might be directed. Thinking of terrorism as an organizational phenomenon allows us to identify precisely where and how deterrent leverage might be applied to counterterrorism, while also outlining how this leverage might be specifically tailored against distinct pieces of the whole (e.g., differentiating the 9/11 operatives from al-Qa’eda’s central leadership). Understanding how the pieces all fit together gives us a better appreciation of how deterrence theory might be applied holistically to counter and to contain terrorism and terrorists.

Third, as a consequence of both broadening deterrence and unpacking terrorism, research on deterring terrorism has led to the development of a variety of coercive processes that are distinct from those outlined in traditional inter-state deterrence theory. Consider these examples. *Indirect deterrence* involves manipulating an actor who is only tangentially associated with the unwanted action that is to be deterred. By illustration: A state deters terrorism by threatening to retaliate against a state sponsor of militancy. The goal is less terrorism, but the coercive process starts by threatening a sponsor, which then reins in its support for a militant group, which becomes less able to coordinate acts of violence. In counterterrorism, *deterrence by punishment*, a classic coercive process that defined the Cold War, has largely been repackaged to apply better to the intricacies of sub-state, non-state, and individual-level actors. For example, targeted killings, some authors argue, represent a cost that can at times manipulate individual and

25. *Id.* at 13.

group behavior.²⁶ The development and proliferation of drone technology (unmanned aerial vehicles, or UAVs), which facilitates the identification, tracking, and targeting of individuals, might likewise have a coercive effect on militant behavior, apart from their role in actually degrading terrorist capabilities. Traditional *deterrence by denial* has branched out to include *defensive denial* (i.e., deterring violence by augmenting structural defenses that restrict the terrorism process), *behavioral denial* (i.e., deterring violence by introducing environmental uncertainty and unpredictability that degrade terrorist planning), and *mitigation* or *resilience* (i.e., deterring violence by blunting and/or limiting terrorism's social, political, and economic effect). Each of these concepts is rooted in the core assumptions that underpin deterrence by denial, but they offer more fine-grained applications for deterring militancy. *Deterrence by delegitimization* attempts to change an adversary's behavior by manipulating the rationales and justifications that inform its preferences.²⁷ The idea here is to use a group's particular interpretation of a sacred narrative or political ideology, its purported objectives, or popular backlash amongst its constituency as a result of its actions, against it. The goal can include encouraging greater division among and between militants and their would-be supportive community—a threat to a group's long-term vitality that might alter behavior. *Intra-war deterrence* in counterterrorism, like its Cold War inter-state predecessor, suggests that it is feasible to deter particular aspects of a militant group's behavior while simultaneously en-

26. See, e.g., WILNER, DETERRING RATIONAL FANATICS, *supra* note 6, at ch. 4; Mohammed Hafez & Joseph Hatfield, *Do Targeted Killings Work? A Multivariate Analysis of Israel's Controversial Tactic During Al-Aqsa Uprising*, 19 STUD. CONFLICT & TERRORISM 359 (2006); Aaron Mannes, *Testing the Snake Head Strategy: Does Killing or Capturing its Leaders Reduce a Terrorist Group's Activity?*, 9 J. INT'L POL'Y SOLUTIONS 40 (2008); Alex Wilner, *Targeted Killings in Afghanistan: Measuring Coercion and Deterrence in Counterterrorism and Counterinsurgency*, 33 STUD. CONFLICT & TERRORISM 307 (2010) [hereinafter Wilner, *Targeted Killings*]. In related fashion, other scholars explore the relationship between militant capability and targeted killings. See, e.g., Stephanie Carvin, *The Trouble with Targeted Killings*, 21 SEC. STUD. 529 (2012); Patrick Johnston, *Does Decapitation Work?*, 36 INT'L SEC. 47 (2012); Jenna Jordan, *When Heads Roll: Assessing the Effectiveness of Leadership Decapitation*, 18 SEC. STUD. 719 (2009); Bryan Price *Targeting Top Terrorist: How Leadership Decapitation Contributes to Counterterrorism*, 36 INT'L SEC. 9 (2012).

27. Long & Wilner, *supra* note 1, at 15.

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gaging in military operations geared toward their ultimate destruction and defeat. It involves practicing deterrence within a hot war (on terrorism).²⁸ And finally, *cumulative deterrence* describes how coercion might work within enduring, iterated, and protracted conflicts between a state and a non-state adversary. The objective here is to bank previous military and counterterrorism successes figuratively, along with general perceptions of conventional and nuclear strengths, and to use that accumulated wealth of strategic might to persuade an organization that further violence is altogether futile.²⁹

In sum, the theories underpinning deterring terrorism have broken important new ground rather quickly. Many ideas have been proposed, and some empirical work has followed.³⁰

28. Alex Wilner, *Fencing in Warfare: Threats, Punishment, and Intra-war Deterrence in Counterterrorism*, 22 SEC. STUD. 740, 744 (2013).

29. Doron Almog, *Cumulative Deterrence and the War on Terrorism*, 34 PARAMETERS 4, 6 (2004); Shmuel Bar, *Deterrence of Palestinian Terrorism: The Israeli Experience*, in DETERRING TERRORISM, *supra* note 3, at 205, 207–08; Uri Bar-Joseph, *Variations on a Theme: The Conceptualization of Deterrence in Israeli Strategic Thinking*, 7 SEC. STUD. 145, 148 (1998); Rid, *supra* note 1, at 141.

30. See, e.g., NAT'L INST. FOR PUB. POLICY, DETERRENCE AND COERCION OF NON-STATE ACTORS: ANALYSIS OF CASE STUDIES (2008) (making empirical evaluations from several different counterterrorism and deterrent campaigns); WILNER, DETERRING RATIONAL FANATICS, *supra* note 6 (discussing coercion and targeted killings in counterterrorism); Shmuel Bar, *Deterring Non-state Terrorist Groups: The Case of Hizballah*, 26 COMP. STRATEGY 469 (2007) (describing Israeli deterrence of Hezbollah); Bar, *Deterrence of Palestinian Terrorism*, *supra* note 29 (detailing Israeli deterrence of Hamas); Shmuel Bar, *Deterring Terrorists: What Israel Has Learned*, 149 POL'Y REV. 29 (2008) (illustrating Israeli deterrence of various militant organizations); Michael D. Cohen, *Mission Impossible? Influencing Iranian and Libyan Sponsorship of Terrorism*, in DETERRING TERRORISM, *supra* note 3, at 251 (noting U.S. and international efforts to deter the state sponsorship of terrorism); Gary Geipel, *Urban Terrorists in Continental Europe after 1970: Implications for Deterrence and Defeat of Violent Nonstate Actors*, 26 COMP. STRATEGY 439 (2007) (depicting European efforts to deter and to defeat domestic terrorist groups active on the continent); Amos Malka, *Israel and Asymmetrical Deterrence*, 27 COMP. STRATEGY 1 (2008) (outlining Israeli deterrence against violent non-state actors); Morral & Jackson, *supra* note 1 (discussing the development of deterrence by denial approaches for counterterrorism); David Romano, *Turkish and Iranian Efforts to Deter Kurdish Insurgent Attacks*, in DETERRING TERRORISM, *supra* note 3, at 228 (describing Turkish and Iranian efforts to deter various Kurdish militant groups); Sawyer & Pate, *supra* note 3 (developing influence theory for application in counterterrorism); Robert Trager & Des Sislava Zagorcheva, *Deterring Terrorism: It Can Be Done*, 30 INT'L SEC. 87 (2005) (delineating between various deterrence approaches in counterterrorism); Fred Wehling, *A Toxic*

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The central takeaway is that early skeptics got it wrong: Deterrence is indeed useful for tackling terrorism and might even offer us the means to build relevant and strategically minded tools for countering and containing terrorism and militant groups over the long term. The trouble is that all this innovation has also uncovered a slew of dilemmas, challenges, and paradoxes that may undermine the road ahead. What follows is a discussion of the theoretical, practical, and empirical concerns involved in deterring terrorism.

III. THEORETICAL CONCERNS: CONCEPTUAL DISTINCTION

In thinking about deterring terrorism, the conceptual borders between defeat and deterrence, and between defense and (deterrence by) denial, are often blurred. Traditional state-centric deterrence theory, on the other hand, clearly delineates between these concepts. Take defeat and deterrence: The former entails removing an adversary’s *ability* to continue fighting; the latter involves manipulating an adversary’s *desire* to continue fighting. The difference is important. Defeating an adversary (or crushing it with brute force, as Thomas Schelling describes it) to the point that it can no longer muster the forces required to conduct further violence is not deterrence or coercion.³¹ This is military victory. A very similar distinction can be made with regard to defense and denial. Here, too, the purpose of denial is to manipulate adversarial behavior by communicating to a challenger that it is unlikely to achieve its tactical, operational, or strategic objectives. The coercive message is that failure is likely or probable, so don’t bother trying. Defense, on the other hand, is meant to mitigate the effects of an attack rather than to influence decisions to launch an attack.³² These differences are subtle but significant. Deterrence and denial engage motivations, decisionmaking, and inten-

Cloud of Mystery: Lessons from Iraq for Deterring CBRN Terrorism, in DETERRING TERRORISM, *supra* note 3, at 273 (detailing U.S. efforts to deter al-Qa’eda in Iraq’s use of chemical weapons); Wilner, *Targeted Killings*, *supra* note 26 (exploring the deterrence and coercive value of targeted killings in Afghanistan).

31. See THOMAS C. SCHELLING, ARMS AND INFLUENCE 1–34 (1966).

32. JOHN J. MEARSHEIMER, CONVENTIONAL DETERRENCE 47–56 (1983); GLENN H. SNYDER, DETERRENCE AND DEFENSE: TOWARD A THEORY OF NATIONAL SECURITY 43, 53, 113 (1961).

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tions; defeat and defense address an adversary's capabilities, capacity, and freedom of choice.

It sometimes appears that, in reconceptualizing traditional deterrence for counterterrorism, some things have been lost in translation. For example, and as noted above, some scholars purposefully equate defeat with deterrence (or influence).³³ Under some conditions, this makes logical sense, as in the event a defender obliterates one opponent in order to coerce another, separate, and still capable third party. This type of coercion shares its logic with indirect deterrence. But in the majority of circumstances, defeat and deterrence must remain distinct conceptual entities; if not, they describe a common activity and outcome and become indistinguishable from each other. From there, causal relations get muddled, deterrence in practice is weakened, policy and military prescriptions become confused, and empirical evaluation becomes difficult to conduct.

As an illustration: Targeted killings are said to diminish a militant group's capability (by eliminating important leadership nodes) or to deter a group's behavior (by manipulating the decisions and activity of surviving leaders and members).³⁴ Perhaps, at times, both outcomes are in play. What is less clear is how we differentiate the two processes and observable results. If a targeted killing operation truly "decapitates" a group—removes an especially charismatic, prominent, and irreplaceable leader—such that the group collapses, we might appropriately classify the event as defeat: The operation threatens the group's continued survival and eliminates its capacity to act.³⁵ But in cases where targeted eliminations thin, rather than decimate, militant leadership ranks (such that other and able leaders emerge to replace fallen comrades), capabilities remain generally intact, and behavioral changes on the part of militants might be better associated with deterrence and coercion. Here, the militant group retains its capability but alters its behavior as a result of the targeted elimination and future threat of further eliminations.

Still other scholars offer a third interpretation, equating targeted killings with deterrence by denial rather than with de-

33. Sawyer & Pate, *supra* note 3, at 3–6.

34. See WILNER, *DETECTING RATIONAL FANATICS*, *supra* note 6, at chs. 4–5.

35. Johnston, *supra* note 26, at 76–78; Price, *supra* note 26, at 43–46.

feat or deterrence by punishment.³⁶ They do so by referencing the logic and literature on preemptive warfare. During the early part of the Cold War, first-strike nuclear strategy was partially based on the idea of denying an adversary the ability to develop, stockpile, derive benefit from (i.e., blackmail an adversary with nuclear threats), or directly use its own nuclear weapons.³⁷ More recently, the concept was used to explain and legitimize the 2003 U.S.-led invasion of Iraq—better to topple Saddam Husain now than risk having him transfer CBRN or WMD materials to terrorists later on.³⁸ The Iraq strategy was linked to deterrence, Jeffrey Knopf explains, by the George W. Bush administration, which argued that clear and decisive U.S. threats to “take out adversaries’ WMD programs will . . . contribute to deterrence by denial . . . because such strikes can prevent states from gaining any benefits from possessing WMD.”³⁹ In this scenario, the coercive goals included denying Iraq the means to use its supposed WMD stockpile against the United States and its Western allies, and to deny militant groups a potential state sponsor of WMD materials and know-how. Today, a similar logic is applied to targeted killings: Eliminating militant leaders and facilitators denies militant groups the tactical and strategic stewardship they need to conduct an effective campaign of political violence. Here, as in the case of nuclear and conventional military preemption, the suggestion is that targeted killings degrade militant capabilities by remov-

36. Militant groups that suffer the loss of a leader, the logic suggests, may be deprived of (i.e., denied) the leadership and guidance they need to carry out sophisticated campaigns of political violence. See, e.g., Bar, *Deterrence of Palestinian Terrorism*, *supra* note 29, at 214–15; Isaac Ben-Israel, Oren Setter & Asher Tishler, *R & D and the War on Terrorism: Generalizing the Israeli Experience*, in SCIENCE AND TECHNOLOGY POLICIES FOR THE ANTI-TERRORISM ERA 51, 54 (Andrew D. James ed., 2006); Hillel Frisch, *Motivation or Capabilities? Israeli Counterterrorism Against Palestinian Suicide Bombings and Violence*, 29 J. STRATEGIC STUD. 843, 843–48 (2006); Christopher Harmon, *The Myth of the Invincible Terrorist*, 142 POL’Y REV. 57, 59–61 (2007); Michael Eisenstadt, *Preemptive Targeted Killings as a Counterterror Tool: An Assessment of Israel’s Approach*, WASHINGTON INSTITUTE (Aug. 28, 2001), <http://www.washingtoninstitute.org/policy-analysis/view/preemptive-targeted-killings-as-a-counterterror-tool-an-assessment-of-israel>.

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37. See AUSTIN LONG, DETERRENCE: FROM COLD WAR TO LONG WAR 25–29, 33 (2008).

38. See Daniel Whiteneck, *Detering Terrorists: Thoughts on a Framework*, 28 WASH. Q. 187, 191 (2005); Knopf, *Wrestling*, *supra* note 7, at 229.

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39. Knopf, *Wrestling*, *supra* note 7, at 252.

ing important militants from the battlefield and denying the group the leadership it needs to pursue a successful terrorist campaign.

In sum, in the case of targeted killings, the conceptual borders between defeat, deterrence, and denial are often conflated. And yet, a logically consistent and coherent case can be made in support of each theoretical claim: Targeted killings do indeed degrade and diminish militant capabilities (which can lead to structural defeat), manipulate behavior by threatening future pain (a form of deterrence by punishment), and deprive militants of the personnel they need to act as they wish (a form of deterrence by denial). The conceptual distortion may be problematic, but it also makes logical sense: When divorced from the others, each interpretation (may be) valid on its own. Scholars, for their part, can identify with any of these conceptual interpretations and explore targeted killings in a particular way without much concern for the larger conceptual dilemmas. Squaring this circle will be a challenge. For measuring the utility of targeted killings, for empirically testing different coercive and strategic approaches, and for informing policy and strategy, it matters how we think about and define our counterterrorism actions.

A similar observation can be made with regard to deterrence by denial as it is applied to terrorism. In counterterrorism strategy, defensive measures play an important role in security planning: Potential terrorist targets are hardened, borders are stiffened, militant finances are tracked, and the terrorism process is restricted.⁴⁰ The goal is both to defend against terrorist attacks (to make such attacks less damaging) and to deter (by denial) a group's willingness to conduct attacks. So far, so good. Problems arise, however, when denial and punishment seemingly merge together, or when defense bleeds into the denial equivalent of brute force. In the first

40. See DANIEL BYMAN, *THE FIVE FRONT WAR: THE BETTER WAY TO FIGHT GLOBAL JIHAD* (2008) (discussing the various principles, tactics, and strategies underpinning and informing contemporary U.S. counterterrorism efforts, both at home and abroad); Morral & Jackson, *supra* note 1 (exploring the various ways in which defensive counterterrorism can be associated to deterrence by denial); James Smith & Brent Talbot, *Terrorism and Deterrence by Denial*, in *TERRORISM AND HOMELAND SECURITY* (Paul Viotti et al. eds., 2008) (expanding the theoretical material on deterring WMD terrorism by threats of denial).

case, some terrorist failures appear to function as coercive denial and punishment simultaneously. Anthony, Davis, and other scholars note that the two concepts, denial and punishment, are inherently intertwined.⁴¹ For example, terrorist failures that result from a successful counterterrorism operation (e.g., interdiction, arrest, or capture) can be conceptualized both as a form of denial—the terrorist group and individual militants are denied the fruits of their labor—and as a form of punishment—the group’s reputation, ability to recruit operatives, and ability to attract sponsorship suffers as a result of its setback, while captured militants may invite “ridicule and shame upon their memory, their families, and their cause.”⁴² Though these scenarios blur conceptual boundaries, they are nonetheless logically consistent. As in the case of targeted killings, interpreting and exploring these scenarios may be more of an art than a science.

The second dilemma, though, is more problematic. In this case, defense bleeds into brute force, where defense effectively removes an adversary’s behavioral options (structural defeat) rather than manipulating its behavioral decision (deterrence). We might label this phenomenon absolute defense.⁴³ Ordinarily, I would consider absolute defense a chimera, but occasionally it does present itself in practice. Take Israel’s fortified border with Gaza, Lebanon, Syria, and parts of the Sinai Peninsula, along with its substantial barrier with the West Bank.⁴⁴ These defensive structures are meant to impede the flow of militants and suicide bombers into Israeli territory. Accordingly, they are said to help deter these sorts of activities.⁴⁵

41. See ANTHONY, *supra* note 18, at 2–4; Paul Davis, *Toward an Analytic Basis for Influence Strategy in Counterterrorism*, in DETERRING TERRORISM, *supra* note 3, at 67, 70–74; Gearson, *supra* note 12, at 171.

42. ANTHONY, *supra* note 18, at 5–6.

43. Wenger & Wilner, *supra* note 10, at 317–18.

44. For background on these borders, see generally JEFFREY LARSEN & TASHA PRAVECEK, USAF COUNTERPROLIFERATION CTR., FUTURE WARFARE SERIES NO. 34, COMPARATIVE US-ISRAEL HOMELAND SECURITY (2006); Amos Harel, *On Israel-Egypt border, Best Defense Is a Good Fence*, HAARETZ, Nov. 13, 2011; Isabel Kershner, *Israel Plans to Construct a Syrian Border Fence*, N.Y. TIMES, Jan. 6, 2013.

45. See Sergio Catignani, *The Security Imperative in Counterterror Operations*, 17 TERRORISM & POL. VIOLENCE 245, 250 (2005); Edward H. Kaplan et al., *What Happened to Suicide Bombings in Israel? Insights from a Terror Stock Model*, 28 STUD. CONFLICT & TERRORISM 225, 226 (2005).

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Israel's border installations with Gaza, Lebanon, and the West Bank are such that successful infiltration—notwithstanding the discovery (and destruction) of dozens of Hamas tunnels in 2014—has become exceptionally difficult to conduct.⁴⁶ That Hamas spent a small fortune building a sophisticated network of tunnels into Israel underscores this very fact. We might cautiously suggest that Israel has achieved a degree of absolute border security and defense: It has physically impeded most options for militant infiltration by foot. Elsewhere, other defensive counterterrorism mechanisms have functioned in a similar way. Since 9/11, for instance, cockpit doors on most, if not all, major civilian aircraft have been locked.⁴⁷ It is virtually impossible for hijackers to commandeer a plane, as al-Qa'eda's operatives accomplished rather easily in 2001, and countless others have done in decades past. It might seem natural, then, to suggest that locked doors deter militants from trying to seize aircraft, but it would be more accurate to argue that these defenses altogether defeat militants from doing so. Shutting them out—absolute defense in this case—removes that option. Again, the goal of deterrence by denial is to manipulate a decision to pursue a particular action, not to eliminate an adversary's ability to pursue that action altogether. Strictly speaking, Israel's robust borders impede easy infiltration; sealed cockpits impede aircraft seizure. Both defensive mechanisms remove militant options and freedom of choice. Defense in this case is akin to militarily defeating an opponent; unwanted behavior is curtailed because a challenger has lost the ability to act as it wishes, not because it chooses to act differently.

Perhaps this discussion is splitting conceptual hairs; critics would be right to suggest as much. But my hunch is that these differences matter a lot, and that the distinction between diminishing capability and manipulating motivation go to the very root of deterrence theory (and military strategy, too). If

46. The flow of African refugees sneaking into Israel from Sinai, along with the recent spate (since 2011) of cross-border attacks from Egypt into Southern Israel, suggests this specific border remains somewhat porous. See Isabel Kershner, *Trouble Underfoot on Israeli Kibbutz Near the Border*, N.Y. TIMES, July 18, 2014, at A6.

47. See Joseph Szyliowicz, *Aviation Security: Promise or Reality?*, 27 STUD. CONFLICT & TERRORISM 47, 51 (2004) (noting the reinforcement of cockpit doors to prevent hijacking).

we blur that line in thinking about deterring and countering terrorism, then we will have taken a step backwards in our attempt to update deterrence theory for addressing contemporary insecurity.

IV. PRACTICAL CONCERNS: COERCIVE RESTRAINT

Theory also leads to practice. Deterrence is many things to many people.⁴⁸ But rarely does it remain within the realm of theory alone. For decades, deterrence was the bedrock upon which U.S. military, nuclear, and defense strategy and policy were based.⁴⁹ France, the United Kingdom, Russia, Israel, Pakistan, Iran, and countless other countries have also relied on the practice of deterrence to direct and manage their conventional and nuclear policies and conflicts.⁵⁰ Indeed, deterrence straddles the two divides—theory and policy—particularly well and rather often. This was true during the Cold War, and it is true again today, with theoretical ad-

48. See Jeffrey Knopf, *Three Items in One: Deterrence as Concept, Research Program, and Political Issue*, in COMPLEX DETERRENCE, *supra* note 4, at 31 (examining the ways in which deterrence, in theory and practice, can be properly understood by both academic communities and policy practitioners).

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49. See ALEXANDER GEORGE & RICHARD SMOKE, DETERRENCE IN AMERICAN FOREIGN POLICY: THEORY AND PRACTICE (1974) (highlighting the role deterrence has had on U.S. foreign, security, and defense policy); PATRICK MORGAN, DETERRENCE NOW (2003) (noting the evolution of deterrence theory in the post-Cold War era among and between different states); LEBOVIC, *supra* note 4 (depicting U.S. efforts to apply deterrence to so-called “rogue” states and international terrorist organizations); ERIC SCHLOSSER, COMMAND AND CONTROL (2013) (examining the development and refinement of U.S. nuclear retaliation and deterrence in the post-1945 era).

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50. See AVNER COHEN, THE WORST-KEPT SECRET: ISRAEL’S BARGAIN WITH THE BOMB (2010) (detailing Israel’s nuclear weapon’s program and strategy); FERAZ HASSAN KHAN, EATING GRASS: THE MAKING OF THE PAKISTANI BOMB (2012) (discussing Pakistan’s nuclear weapons history and strategy); TANYA OGILVIE-WHITE, ON NUCLEAR DETERRENCE (2011) (bringing together the private correspondence, writings, and analyses of Sir Michael Quinlan, a leading British scholar of nuclear deterrence and strategy); DAVID PATRIKARAKOS, NUCLEAR IRAN (2012) (illustrating Iran’s nuclear energy and weapons program); JONATHAN SHIMSHONI, ISRAEL AND CONVENTIONAL DETERRENCE (1988) (examining Israeli deterrence of conventional and terrorist threats); Michel Fortmann, David Haglund & Stefanie von Hlatky, *France’s ‘Return’ to NATO: Implications for Transatlantic Relations*, 19 EUR. SECURITY 1 (2010) (chronicling French nuclear and defense posture); Oliver Thränert, *NATO, Missile Defence and Extended Deterrence*, 51 SURVIVAL 63 (2009) (outlining NATO’s nuclear deterrent strategy and development).

vances in deterring terrorism slowly making their way into policy documents. While deterrence skepticism abounds, U.S. counterterrorism and counter-proliferation policy has gradually begun to incorporate some of the processes theorists of deterring terrorism have uncovered.⁵¹ Unfortunately, the conceptual and theoretical fuzziness discussed above has also made it into policy. The United States is at fault here. Its published strategy to “deter and defeat aggression” awkwardly lumps the two processes together.⁵² The United States has done something similar with defense, prevention, and deterrence by denial, merging them all into a single, newfangled concept: “prevent-and-deter.”⁵³ And, in a September 2014 address that marked the beginning of a sustained, U.S.-led military campaign to rout Islamic State forces in Iraq and Syria, U.S. President Barack Obama noted that the intention was to “degrade and ultimately destroy” the militant group.⁵⁴ Reading these strategic documents, it is not always clear what the U.S. government hopes to accomplish—deterrence and denial? Or, defeat and defense? Or, perhaps, a combination of sorts?

Alas, deterrence theory and the logic of coercion—not the U.S. government—may have the last word. Put into practice, deterrence by punishment is truly about bargaining over behavior. We often take for granted what that actually entails: reciprocity. With coercion, punitive threats are used to manipulate an adversary’s behavior, but they only hold up if defenders also communicate, accept, and practice their own restraint. As Martha Crenshaw explains, there is a “positive dimension to deterrence” such that the “defender’s restraint is the reward for the challenger’s compliance.”⁵⁵ If a challenger expects retaliation or pain regardless of whether it acquiesces to a deterrent threat, it will have no reason to comply and no reason to

51. See Crenshaw, *supra* note 7, at 140–42; Knopf, *Wrestling*, *supra* note 7, at 229.

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52. See U.S. DEP’T OF DEF., THE NATIONAL MILITARY STRATEGY OF THE UNITED STATES OF AMERICA 9–11 (2011); U.S. DEP’T OF DEF., QUADRENNIAL DEFENSE REVIEW REPORT 31–34 (2010); U.S. DEP’T OF DEF., SUSTAINING US GLOBAL LEADERSHIP: PRIORITIES FOR THE 21ST CENTURY DEFENSE 4 (2012).

53. Crenshaw, *supra* note 7, at 141.

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54. Mark Lanler, *Obama, in Speech on ISIS, Promises Sustained Effort to Rout Militants*, N.Y. TIMES, Sept. 10, 2014, at A1.

55. Crenshaw, *supra* note 7, at 145–46.

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alter its behavior. Inaction on our challenger's part (or action, in the event we are compelling them to do something) must be reciprocated with inaction on our part. This is the bargain. In thinking about using threats of punishment to deter militants, there is a mismatch between our deterrence goals and our counterterrorism intentions. I explain in an earlier article that "the twin aims of destroying and deterring [by punishment] a single opponent are incompatible."⁵⁶ This incompatibility creates a practical and policy-relevant dilemma. The coercive bargain may be lost because our militant adversaries will have difficulty distinguishing between threats meant to coerce them and other anti-terrorism operations meant to destroy them. State policy may seek to do both, but the latter will negate the former.

Restraint is a prerequisite of traditional deterrence theory, and unfortunately, it is often missing when states and governments contemplate deterring terrorism in practice. First of all, a promise of inaction may require that states fundamentally rethink counterterrorism. They will need to emphasize and communicate a capability to destroy but simultaneously signal their willingness to hold back. These promises of restraint must be credible, explicit, and plausible. Second, states will need to place limits on their counterterrorism goals. Deterrence, not defeat, becomes the strategic and overarching objective. And third, a strategy that replaces defeat with deterrence implicitly accepts that the adversary in question has a right to exist, that it does not have to be defeated, and that our security is not greatly imperiled by its survival. Deterrence—and containment, too—presupposes a relationship in which adversaries are threatened but left to live. When it comes to al-Qa'eda, the Islamic State, and other militant organizations, these shifts in strategic focus may be difficult, if not politically impossible, to accept or accomplish. In most cases, restraint and reciprocity contradict stated objectives and policies of

56. Wilner, *Fencing in Warfare*, *supra* note 28, at 742. The article does, however, discuss the manner in which *different* actors within the same terrorism constellation might be both deterred and destroyed at the same time. By illustration: A militant leader might be targeted and killed in a precision strike, while his group and his state supporters are deterred from retaliating on his behalf. Furthermore, this coercive bargain is much less prevalent in the context of defense and denial, where an actor's inability to behave does not usually pose an existential threat to its continued survival. *Id.*

harassing, targeting, and dismantling militant groups like al-Qa'eda until the very end.⁵⁷ Indeed, to date, few American leaders have called for anything less than al-Qa'eda's and the Islamic State's full destruction, notwithstanding whether such a feat is even possible.⁵⁸ Until that time comes, however, practicing deterrence in counterterrorism is likely to remain a peripheral and troubled task.

V. EMPIRICAL CONCERNS: UNKNOWN UNKNOWNNS

Finally, these concerns—the theory's conceptual fuzziness and the related practical constraints—affect the empirical work on the subject of deterring terrorism. Analytically studying and testing deterrence theory and practice has always involved some form of heartache. That was true for inter-state deterrence both during and following the Cold War.⁵⁹ With deterring terrorism, however, a number of unique empirical dilemmas present themselves: scholars need reliable information on state and militant objectives, motivations, capabilities, and intentions (so as to interpret decisionmaking and behavioral interactions); scholars need to pry open the militant black box in order to acquire related data (no easy task, given the nature of terrorism and counterterrorism); scholars need information on coercive communication (did the state effectively communicate a threat to the appropriate challenger, and was that threat properly received and understood as it was

57. See, e.g., Lanler, *supra* note 54 (outlining policy aimed at complete destruction of ISIS).

58. Audrey Kurth Cronin, *The 'War on Terrorism': What Does it Mean to Win?*, 37 J. STRATEGIC STUD. 174, 189–90 (2013).

59. For a variety of articles that highlight challenges in studying and testing deterrence theory during and following the Cold War, see, e.g., Frank Harvey, *Practicing Coercion: Revisiting Successes and Failures Using Boolean Logic and Comparative Methods*, 43 J. CONFLICT RESOL. 840 (1999); Frank Harvey, *Rigor Mortis or Rigor, More Test: Necessity, Sufficiency, and Deterrence*, 42 INT'L STUD. Q. 675 (1998); Paul Huth & Bruce Russett, *What Makes Deterrence Work? Cases from 1900 to 1980*, 36 *World Politics* 496 (1984); Richard Ned Lebow & Janice Gross Stein, *Deterrence: The Elusive Dependent Variable*, 42 *WORLD POL.* 336 (1990); Bruce Russett, *The Calculus of Deterrence*, 7 J. CONFLICT RESOL. 97 (1963); Steve Walt, *Rigor or Rigor Mortis, Rational Choice and Security Studies*, 23 *INT'L SEC.* 5 (1999).

meant to be?);⁶⁰ and researchers will need data on coercive outcomes (uncovering the “non-event” that represents a deterrence success and linking that non-event to the coercive counterterrorism relationship). Working with and around these dilemmas can be difficult, but it is not impossible. Scholars have started identifying the manner in which empirical research on deterring terrorism might properly proceed.⁶¹

More troubling, however, are the difficulties the community of scholars inherits by building its empirical work on faulty deterrence theory and practice. Research on deterrence trickles down—from theory and practice to empiricism—so that even minor theoretical misconceptions up top can become more serious empirical pitfalls later on. If we fail to get the conceptual relationship between defeat and deterrence, and between defense and denial, absolutely right, we risk focusing our attention on the wrong place when we later empirically test our new theories and models. It matters, then, when we point to a counterterrorism accomplishment (or a terrorist defeat) but interpret it as a case of deterrence success. And it matters if we construe a form of absolute defense as a case of deterrence by denial. The “evidence” we uncover—whether or not it supports deterrence theory—is not what we think it is.⁶² By illustration, a number of authors empirically evaluate the effects states have when they militarily retaliate against terrorists and their state sponsors and facilitators. Empirically, these studies measure the counter-capability, and not the coercive effect, of retaliation. The theoretical and practical focus is on the utility of offensive counterterrorism, not of deterrence theory.⁶³ By comparison, if a targeted killing severely degrades

60. Frank Harvey & Alex Wilner, *Counter-Coercion, the Power of Failure and the Practical Limits of Deterring Terrorism*, in *DETERRING TERRORISM*, *supra* note 3, at 95.

61. Wenger & Wilner, *supra* note 10, at 316–19.

62. See, e.g., Wehling, *supra* note 30 (discussing inability to conclusively confirm that the cessation of chlorine gas use by Iraqi insurgents (2006-07) was due to a case of deterrence success).

63. See, e.g., Peter Chalk, *The Response to Terrorism as a Threat to Liberal Democracy*, 44 *AUSTL. J. POL. & HIST.* 373 (1998) (using three case studies to discuss the potential for counterterrorism responses to decrease terrorist threats); Walter Enders & Todd Sandler, *The Effectiveness of Antiterrorism Policies*, 87 *AM. POL. SCI. REV.* 829 (1993) (analyzing attack models used by transnational terrorists and the effectiveness of six policies designed to thwart terrorism); Gary Lafree, Laura Dugan & Raven Korte, *The Impact of British*

a group's capability, but we equate the resulting shifts in militant behavior as a lesson for coercion and deterrence theory, we will have misinterpreted the historical record and misjudged the utility of a particular tactic and policy. The same goes for defensive structures and practices that impede a militant's freedom of movement but only superficially manipulate its choice of behavior. Again, here the focus is on eliminating a group's ability to act as it wants, rather than on shaping its motivation to act in particular ways.

Getting the theory wrong weakens our empirical work, and weak empiricism cannot tell us much about the efficacy of our policies and strategies. Faulty analysis will incorrectly endorse, or refute, different approaches to contemporary security dilemmas (e.g., targeted killings, preemption, prevention, non-proliferation, and defensive preparations) that carry very serious ramifications for measuring the strengths and weaknesses of our counterterrorism practice, strategy, and policy.

Counterterrorist Strategies on Political Violence in Northern Ireland, 47 *CRIMINOLOGY* 17 (2009) (estimating the impact of six major counter insurgency strategies utilized by the British in Northern Ireland).