

## United States Foreign Policy: Liberty and Security?

By Jessi Schimmel

*We must find ways of reconciling security with liberty, since the success of one helps the other. The choice between security and liberty is a false choice.... Our history has shown us that insecurity threatens liberty. Yet as our liberties are curtailed, we lose the values that we are struggling to defend (The 9/11 Commission Report: 395).*

Prior to September 11, 2001, the United States had the reputation of being a leader in the field of human rights. As information of torture and abuse in Abu Ghraib, Guantánamo Bay, and secret CIA detention centers has surfaced, however, the image of America has changed from human rights champion to that of violator. In large part, the international community of scholars and activists has come to deride the foreign policy of the United States as misguided and out of balance with the threats the country faces. However, there are also plenty of outspoken defenders who believe that the tactics chosen in this fight against terror are necessary and proportionate to such threats. Human rights and homeland security need not be mutually exclusive; indeed, they are necessarily congruent to one another. This bibliography highlights some of the most important issues at the nexus of the “War on Terrorism” and human rights as they pertain to the United States’ foreign policy. It does so by addressing the issues of war, detainees, torture, military tribunals, the spread of democracy and global governance, defining terrorism, and other facets of the complex relationship between security and liberty.

The most perplexing questions presented in the literature in this bibliography are: Just what is the relationship between human rights and security? What is the “War on Terror” really a war against? The “War on Terror” is not a conventional war. It is not conducted strictly between nations. Yet, the United States has approached the “War on Terror” after September 11th as a matter requiring state military intervention. This has been embodied in the wars in Iraq and Afghanistan. As these wars drag on, the so-called “rally-around-the-flag” effect has worn off of the American public; with this falter in public support, the message behind the “war” has changed. Today, major issues in this fight include nation-building, multilateralism and shifting alliances, and the changing need for preparedness.

As the international community tries to create a marriage between human rights and security in an age of uncertainty, there have been several unexpected consequences. Immediately after September 11<sup>th</sup>, the American government experienced strong support in the fight against terrorism from foreign governments, academics, non-governmental organizations, and especially the public. Nearly six years later, the public is asking how the government hopes to stem terrorism when its every action seems to further aggravate extremist groups. The international community also demands to know on what grounds the United States continues to call itself a beacon for human rights when it routinely violates the civil liberties of people at home and abroad. To this end, the “War on Terror” has become—in part—a war of public relations; in order to reassert its moral authority and regain international support, the U.S. must find some way to align the principles of human rights with the priorities of national security.

Perhaps the most predominant issue in current scholarly works on the connection between human rights and the “War on Terror” is that of detainees in Abu Ghraib, Guantánamo Bay, and secret CIA and other detention centers. Some contend that keeping these so-called “alien unlawful enemy combatants” out of the regular U.S. judicial system is necessary in order to extract information about pending terrorist activity in a timely manner. However, the detailed accounts of physical and mental abuse, along with the refusal of all writs of *habeas corpus*, have badly damaged the American reputation as a leader in international human rights. American officials have said that the Geneva Conventions do not apply to these “terrorists,” among whom it is reported there are children as young as 13 years old. The legality and the necessity of the use of extreme interrogation tactics and torture are very much in question by the international community, as well as are practices of rendition and proxy custody. Nor is there any justice for these “alien unlawful enemy combatants.” In October of 2006, the United States Congress passed the Military Commission Act, which allows for military tribunals to try these cases without regard for jurisdiction or due process. Thus far, the United States has not proven that these violations of human and civil rights are outweighed by the pressing need and ability to protect the country or the international community from terrorist attacks.

The Bush Administration continues to maintain its own counsel. A common thread running through the pieces in the bibliography that supports the current administration’s foreign policy plan is the idea that the public is uninformed as to the true nature of the terrorist threat and must be kept in the dark as to how the American Government is fighting that war. This administration has worked with Congress to pass into legislation much of what is contentious about this war. However, acts of executive privilege are also at an all-time high. Questions of abuse of power abound. The government approaches the “War on Terror” from a different viewpoint than most academics. Clear primacy has been given to issues relating to homeland security, which trump concerns for human rights under this paradigm. The government has been careful to say that it is concerned for human rights in its foreign policy, but that winning the “War on Terror” decisively is the best way to protect human rights internationally, as well as at home.

As the “War on Terror” has matured, news articles continue to be published everyday, but they fail to encapsulate the issues as succinctly as possible. For this reason, among others, there are many more books and treatises than articles in this bibliography. Also, the academic community, generally, seems to have a strong opinion about the illegality of the ways and means that the United States has chosen to approach dealing with suspected terrorists, as well as the countries that harbor them, in order to prevent the next terrorist attack. There is a thriving community outside of academia, in think tanks and government, that strongly stands behind the tactics chosen by the U.S. government. Because of the nature of academic versus policy writing, there is a disparity of coverage in this bibliography, leaning toward the more thorough academic discourse, rather than the brief policy papers available from think tanks. The topics covered in this bibliography include detainees, military tribunals, the spread of democracy, defining terrorism, United States’ foreign policy, and international law.

Currently, winning the “War on Terror” is the main objective of U.S. foreign policy, and the impact of this campaign on human rights is a question that has raised tremendous skepticism. Because of the centrality of this topic in international affairs, all the literature available for public consumption cannot be covered here in its entirety. Hopefully, however, the pieces included in this

bibliography span the range of topics and complexity necessary to provide a solid starting point to any researcher.



## Detainees

Al-Dossari, Jumah Muhammad. 2005. "Days of Adverse Hardship in U.S. Detention Camps Testimony of Guantánamo Detainee Jumah al-Dossari." Amnesty International.

Annotation: This handwritten testimony from a Muslim Pakistani who was detained in Guantánamo Bay was delivered to Amnesty International in 2005 by his civilian lawyer. It contains a detailed account of the physical, mental, and emotional abuses al-Dossari says he suffered, including torture, horrific living conditions, and the desecration of the Koran. The piece follows each stage of the detention from his arrest at the Pakistan-Afghanistan border, to his transfer into American custody, and subsequent relocation to Guantánamo Bay. There is no discussion of why he was purportedly detained, or how his case is proceeding.

Amnesty International. 2007. "Close Guantánamo: Symbol of Injustice." London: Amnesty International.

Annotation: This is an Amnesty International piece aimed at attacking the continued detention of uncharged civilians at Guantánamo Bay. It gives a colorful commentary, containing some useful information, providing it is read in the appropriate context. It includes a timeline of events surrounding Guantánamo, pictures from the base, and sound bite testimony from prisoners, policy makers, and foreign diplomats. It also addresses the issue of the "legal black hole" and tries to give names and background to the detainees. Strikingly, it indicates that at least 17 children have been held illegally at Guantánamo.

Casey, Lee A., and David B. Rivkin Jr. 2005. "How to Treat A Captured Terrorist." *National Review* 57(12): 20-21.

Annotation: In this opinion piece, the authors argue that the detention of "enemy combatants" in special terror facilities is superior to the domestic criminal law approach which places the accused in the justice system because the domestic system is only reactive to committed crimes, not proactive to prevent future attacks. They also discount the Geneva Conventions as incongruent with the type of war waged in the "War on Terror." This is a supportive argument for the continued detentions at the Guantánamo Bay facility.

Greenberg, Karen, ed. 2006. The Torture Debate in America. New York: Cambridge University.

Annotation: Approaching the issue of torture from historical, religious, ethical, pragmatic, and antithetical angles, the author of this edited volume contributes to the debate surrounding the significance torture plays in the American psyche. The volume includes a transcription of a panel debate and relevant documents, placing a heavy focus on the applicability of the Geneva Conventions and the spread of democracy through this “War on Terror.”

Greer, Edward. 2004. “We Don’t Torture People in America’: Coercive Interrogation in the Global Village.” *New Political Science* 26(3): 371-387.

Annotation: While not publicly acknowledged, the systematic torture of captured Muslims after September 11<sup>th</sup> became America’s policy. The article conclusively demonstrates that the Bush Administration deliberately chose this policy option. By drawing exclusively on publicly available documentation (prior to the Abu Ghraib revelations), it provides positive evidence from the federal courts demonstrating that the Executive is entitled to sanction torture. It also includes an official determination that Geneva Convention protection against coercive interrogations would be circumvented. The article also rebuts the official U.S. support of the use of torture for the purpose of extracting information from detainees. It details perceived contradictions in the Bush Administration’s permissive statements regarding torture depending on venue. And finally, it presents torture as an integral and ultimately self-destructive tool in the War on Terror.

Human Rights Watch. 2006. “By the Numbers: Findings of the Detainee Abuse and Accountability Project.” New York: Human Rights Watch.

Annotation: After the exposure of the abuses at Abu Ghraib in 2004, there was a clear demand for greater accountability in the American detention system. The Center for Human Rights and Global Justice at the New York University School of Law, Human Rights Watch and Human Rights First analyzed credible claims of abuses through April 2006, finding that there have been over 300 cases, involving more than 600 U.S. personnel, and 460 detainees in Afghanistan, Iraq, and Guantánamo Bay. This report includes an analysis of how the United States has dealt with accusations and recommendations, as well as insightful statistics.

\_\_\_\_\_. 2006. “No Blood, No Foul: Soldiers Accounts of Detainee Abuse in Iraq.” New York: Human Rights Watch.

Annotation: This report is composed largely of first-hand accounts from U.S. personnel, who either saw or participated in specific abuses of detainees that took place in Iraq. The soldiers discuss ways that military and CIA personnel circumvented legal and practical ramifications of their behavior. Specific references are made to how authorizations flowed down the chain of

command (from former Secretary of Defense Donald Rumsfeld on down) and the difficulty of reporting abuses. The report closes with a discussion of the legal standards being violated, with specific references to conventions and articles.

\_\_\_\_\_. 2007. "Ghost Prisoner: Two Years in Secret CIA Detention." New York: Human Rights Watch.

Annotation: The story of Marwan Jabour is used to criticize the U.S. Government's policy of using secret CIA prisons to detain supposed terrorists. Human Rights Watch (HRW) focuses on those detentions and so-called proxy detentions (by a third party) as it calls for the end of the use of secret prisons worldwide, and especially in Pakistan where most of these detainees are arrested. HRW condemns the United States for criticizing other countries' human rights record, when the current U.S. policy of violating those norms against torture and enforced disappearances. This piece includes a list of detainees with unknown whereabouts (created through interviews) and recommendations.

MacDonald, Heather. 2005. "[How to Interrogate Terrorists](#)." Foundation for the Defense of Democracies.

Annotation: This piece gives a short history of the evolution of interrogation tactics since the September 11, 2001 attacks, claiming that the public is woefully misinformed as to what interrogation really is. The "torture narrative" is fed by critics and is damaging to Americans' ability to interrogate. The combatants' willingness to martyr themselves for their cause has outwitted traditional tactics in this case. This article states that the United States does not diverge from the Geneva Conventions, claiming that the interrogator's power lies within the imagination of the detainee. This article presents a strong statement of support for the current interrogation tactics.

Rose, David. 2004. Guantánamo: The War on Human Rights. New York: The New Press.

Annotation: Deliberately leaving aside moral and legal arguments about the process of internment at Guantánamo Bay, Rose argues that there are deep pragmatic failings as well – primarily that the base imprisons thousands inhumanely, including innocent civilians, and that the interrogation there delivers few viable results. Interviews with freed detainees (all British) shed light on the experience of being detained in this "legal black hole." Rose also consults American officials and documents to demonstrate how the government justifies its actions there. He concludes by analyzing the meaning of the detention center domestically and internationally.

United States Senate. 2005. "Detainees." Committee on the Judiciary. One Hundred Ninth Congress, First Session. June 15.

Annotation: This piece is the transcript of a June 2005 hearing focused more on the violation of due process rights than issues of torture for United States' detainees in the "War on Terror." This session presents both sides of the argument well and equally. Using a balanced approach of witness testimony and submissions for the record, and a significant question and answer session between committee members and witnesses, the overall conclusion of the Committee is that Congress needs to increase its involvement in this issue dramatically and not leave this policy issue in the hands of the Executive and Judicial branches of the Federal Government.

### **Military Tribunals**

Amnesty International. 2007. "Justice Delayed or Justice Denied? Trials under the Military Commissions Act." London: Amnesty International.

Annotation: This Amnesty International report derides the process of the military tribunals set up by the Military Commission Act of October 2006. It attacks the designation of "alien unlawful combatant," as well as the retroactive law and refusal of writs of *habeas corpus*. It attacks the tribunal process in terms of jurisdiction, impartiality, failure to allow right to counsel or presumption of innocence. Most specifically it condemns the admissibility of evidence and the use of coerced confessions. This document concludes with suggestions on how to end "unfettered executive power" and dramatic violations of human rights.

Carafano, James Jay. 2006. "[Congress Should Compromise.](#)" The Heritage Foundation.

Annotation: A short memo on how Congress and the Administration must come to an agreement regarding how to conduct military commissioned trials. Foremost in this memo are the ideas that there should be no compromise on the issue of national security and that Common Article 3 of the Geneva Conventions has been left deliberately vague. Carafano states that the enemy combatants now in U.S. custody are due only humane treatment, but that they ought to be detained until the "War on Terror" is over. Carafano argues that there are clear means of satisfying the United States' obligations under the Geneva Convention, while still giving full protection to national security.

Elsa, Jennifer, and Louis Fisher. 2006. Suspected Terrorists and What to Do with Them. New York: Novinka Books.

Annotation: Working under the assumption that President George W. Bush considers the “War on Terror” to be a matter of state that requires military intervention, Elsa and Fisher address the basic violations of political and legal rights involved in military tribunals for “unlawful combatants.” Using essay format, the authors address the legal and practical implications of treating terrorists as war criminals rather than submitting them to the criminal justice system, and the Quirin precedent for military tribunals, respectively. While both seem to be simplistic arguments, they lay a solid foundation for someone new to the subject. This book also includes text of pertinent documents.

Fitzpatrick, Joan. 2002. “Jurisdiction of Military Commissions and the Ambiguous War on Terrorism.” *The American Journal of International Law* 96 (2): 345-354.

Annotation: Fitzpatrick decries the use of military tribunals in what she calls “the ambiguous ‘war’ on terror.” She argues that this is not a war at all, and therefore, the military tribunals are wildly out of place in what need to be criminal proceedings. Indeed, she contends that using the war paradigm gives terrorist groups particular standing, when they should be carefully considered as separate standing in international relations. Fitzpatrick argues that using military commissioned tribunals is in this case *prima facie* illegal because it violates basic human rights. The article states that military tribunals are only legal under the narrowest definition, and that it is very important that that definition be followed.

Human Rights Watch. 2006. “Q & A: Military Commissions Act 2006.” New York: Human Rights Watch.

Annotation: In response to the Supreme Court decision in *Hamdan v. Rumsfeld*, the U.S. Congress passed the Military Commissions Act, which redefines tribunal procedure, the definition of unlawful enemy combatant, and the U.S. relationship to the Geneva Conventions and the War Crimes Act. This short question and answer sheet has a clear opinion that what the government has done is wrong, but it provides a basic level of understanding about the Act that should be supplemented by explanation from the other side of this debate.

## **The Spread of Democracy**

Bennett, Andrew, and George Shambaugh, eds. 2006. Taking Sides: Clashing Views on Controversial Issues in American Foreign Policy. Dubuque, Iowa: McGraw-Hill/Dushkin.

Annotation: This edited reader presents both pro and con viewpoints on multiple issues of U.S. foreign policy as it pertains to the “War on Terror” and human rights. The stated purpose of this book is to leave its reader well-informed and capable of making educated policy decisions. Post-September 11th, as the “rally-around-the-flag” effect wore off the American public, it became necessary to debate how global governance, promoting democracy abroad, the PATRIOT Act, and humanitarian intervention are enacted on both the international and national scene. With a special focus on the current Iraq war, this book strives to answer those questions.

Carothers, Thomas. 2003. “Promoting Democracy and Fighting Terror.” *Foreign Affairs* 82 (1): 84-97.

Annotation: Carothers focuses on President George W. Bush’s approach to the promotion of democracy during the War on Terror. He concludes that Bush, as a realist, seeks warm ties with dictators who may help in the fight against al Qaeda, while Bush the neo-Reaganite proclaims that democracy is the only solution to terror.

Carothers, Thomas, and Paula J. Dobriansky. 2003. “Democracy Promotion.” *Foreign Affairs* 82 (3): 141-145.

Annotation: This piece offers a response to the article “Promoting Democracy and Fighting Terror” by Thomas Carothers. Dobriansky argues that the Bush Administration has struck the right balance between security concerns, economic issues, and human rights imperatives in the War on Terror. The article includes a reply from Carothers.

Dalacoura, Katerina. 2005. “U.S. Democracy Promotion in the Arab Middle East since 11 September 2001: A Critique.” *International Affairs* 81(5): 963.

Annotation: The author lays out a clear argument that she believes that United States’ promotion of democratic values in the Middle East is failing for three reasons. The first is the “War on Terror” has only served to limit civil liberties in these countries; secondly, it ignores issues of implementation of democracy; and finally the United States lacks the credibility to promote human rights as fundamental to democracy. Dalacoura argues that U.S. democracy initiatives in the Middle East are more strongly tied to U.S. security issues than human rights concerns. She critiques the three-tiered American approach and the impact of that tactic. This piece concludes with policy recommendations.



## Defining Terrorism

Falk, Richard. 2003. The Great Terror War. New York: Olive Branch Press.

Annotation: Falk criticizes the categorization of the “War on Terror” as a means of responding to current and preventing future terror attacks. The book outlines a comprehensive historical framework, and provides new insights into the entire range of issues that must be addressed if terrorism is to be eradicated. Falk judges the erosion of liberties at home and human rights in general as indirect victories for al Qaeda. He anticipates that the greatest cost of September 11th will be the damage done to the global normative order consisting of international law, limits on war making, the authority of the U.N., and the promotion of human rights.

Gross, Emanuel. 2006. The Struggle of Democracy against Terrorism. Charlottesville, VA: University of Virginia Press.

Annotation: The author defines terrorism as antithetical to human rights. The argument made in this book attempts to identify what the roots of terrorism are (especially as it is tied to Islam) and how democratic societies balance human rights and security. Written by a former Israeli Defense Force judge, the book seeks to compare Israeli and British responses to terrorism with those of the United States in terms of foreign policy. Gross theorizes that the “War on Terror” has reached the point that it is beginning to violate the foundation of its own democratic regime.

Habeck, Mary. 2006. Knowing the Enemy: Jihadist Ideology and the War on Terror. New Haven, CT: Yale University Press.

Annotation: Approaching the issue from a new angle, Habeck questions what it is that makes *jihadists* what they are. This explanation of *jihadi* ideology begins with a history of the movement, an analysis of how Islam relates to al Qaeda, and how the West clashes with this culture because it does not understand it. Habeck explains that to the “terrorists,” *jihad* is a just war, and that they are fighting for what they perceive to be their basic human rights. The book concludes with a section explaining how *jihadi* theory and practice relate to the “War on Terror” and how the West should perceive this movement.

Hunter, Shireen T., and Huma Malik, eds. 2005. Islam and Human Rights: Advancing a U.S.-Muslim Dialogue. Vol. 27, *Significant Issues Series*. Washington D.C.: Center for Strategic and International Studies.

Annotation: This edited anthology addresses what human rights mean from an Islamic perspective and how the United States should understand those concepts. Individual sections

address Muslim perspectives on human rights issues such as universality versus relativity, and the difference between secular and religious rights. Overall, the pieces address how to move forward in Iraq and in the Middle East, while augmenting both interests and ideals for Muslim countries and the West. The collective conclusions are that Muslim ethical values harmonize with the Universal Declaration model of human rights, but that these values are not understood as such by the West.

Nguyen, Tram. 2005. *We Are All Suspects Now: Untold Stories from Immigrant Communities after 9/11*. Boston: Beacon Press.

Annotation: Explaining the United States government's apparent fear of so-called "clandestine transnational actors," the author highlights violations of civil liberties in the name of national security through the lens of personal narrative. With special focus on the post-September 11, 2001 roundup of Muslim, Arab, and South Asian men, the PATRIOT Act, and Operation Liberty Shield, the book focuses on violations of due process and other Constitutional rights which immigrants in the United States have been denied post-September 11, 2001.

### **United States' Foreign Policy**

Apodaca, Clair. 2006. *Understanding U.S. Human Rights Policy: A Paradoxical Legacy*. New York: Routledge.

Annotation: This book is both a theoretical and practical approach to the last 50 years of human rights policy, moving methodically through the last seven presidential administrations and reflecting on the foreign policy evolution in this field to explain how many current paradoxes have come into being. Using an idealist-realist continuum, the author demonstrates how foreign aid has been a tool used to accomplish the United States' goals. Focused on the interaction of the president, Congress, governmental bureaucracy and the American public, Apodaca claims that antiterrorism has replaced anticommunism in accounting for U.S. foreign policy.

Carafano, James Jay. 2006. "[More for Congressional Anti-Terror To-Do List](#)." The Heritage Foundation.

Annotation: This piece is a brief policy paper on the shortfalls of Congressional anti-terrorism policy. Carafano states in this article that there is too much focus on preparing to respond to terrorist attacks, and not enough energy expended on preventing them before they occur. Through the article, Carafano advocates for local, regional, and national information sharing and

data mining capabilities to help thwart homegrown terrorists. He concludes by saying that the benefits of good counterterrorism policy significantly outweigh civil liberties concerns.

Foot, Rosemary. 2004. [Human Rights and Counterterrorism in America's Asia Policy](#). New York: Oxford University Press.

Annotation: The author argues that there have been dramatic changes in United States' human rights policy as it pertains to Asian countries which Washington views as valuable in the anti-terrorist campaign – Pakistan, Uzbekistan, Indonesia, Malaysia, and China. Taking a before-and-after (September 11, 2001) approach, Foot argues that human rights no longer provides the moral basis for apportioning foreign aid, but that it is premature to say that the country has aligned itself with human rights abusers considered necessary to combat the “War on Terror.”

Gardiner, Nile, and James Jay Carafano. 2006. [The UN's Guantánamo Folly: Why the United Nations' Report is Not Credible](#). The Heritage Foundation.

Annotation: This article criticizes the United Nations report on the Guantánamo Bay detention center because it was commissioned by a group led by some of the worst human rights violators internationally. The authors insist that the United States should ignore the United Nations on matters of national security, that Guantánamo Bay is a better facility than where the prisoners would be kept in the field, and that long-term detention is justified by the need to keep these “enemy combatants” off the battlefield. The article concludes that until the United Nations gets tough on terrorism and human rights violators, the United States is not obligated to abide by the institution.

Gingrich, Newt. 2006. [“Lessons from the First Five Years of the War: Where Do We Go from Here?”](#) American Enterprise Institute for Public Policy Research.

Annotation: Gingrich praises the progress that has been made in the “War on Terror,” but says that the threat posed by terrorists is very real and that there is still significant work to be done to protect the United States. He calls the “War on Terror” an emerging Third World War based on an anti-American coalition. To win this war, he states the first step should be winning the war on the home front through public opinion and the media. The article concludes with explicit instructions for how to effect change in the United States, Iraq, Iran, Afghanistan, and North Korea to help make the world safe from terrorists.

Ignatieff, Michael. 2004. The Lesser of Two Evils: Political Ethics in an Age of Terror. Princeton, NJ: Princeton University Press.

Annotation: Ignatieff recommends a middle course between civil libertarianism and pragmatism that would judge counterterrorism measures solely by their effectiveness. He allows for emergency suspensions of civil liberties provided they are temporary, publicly justified, and employed as a last resort. Ultimately, he proposes providing oppressed groups with peaceful political means of redress as a successful alternative to terrorism. The book also looks extensively at terrorism in history.

Leaman, George. 2004. "Iraq, American Empire, and the War on Terrorism." *Metaphilosophy* 35 (3): 234-248.

Annotation: This piece argues that the U.S. Government is trying to secure American military and economic supremacy on a global scale over the long term, and that the U.S. invasion and occupation of Iraq is part of this imperial project. It examines these developments in the context of U.S. military spending and foreign policy since the end of the Cold War.

Ledeen, Michael A. 2002. *The War Against the Terror Masters: Why It Happened, Where We Are Now, How We'll Win*. New York: Truman Talley Books, St. Martin Press.

Annotation: This book gives an introduction to the history of terrorist movements. Ledeen reminds the reader that this is really an age-old battle of the American spirit against tyranny. The author analyzes the "War on Terror" through a lens of past, present, and future issues. Ledeen is adamant about the need to bring down the "terror masters," that is the state-sponsors of terrorism (Iran, Iraq, Syria, and Saudi Arabia) and the leaders and soldiers of the movement. The book concludes with recommendations for the future.

Morel, Lucas. 2002. The Choice for Peace. Ashbrook Center.

Annotation: Using a speech President George W. Bush gave at the Virginia Military Institute, this piece states that Bush is a mighty liberator who will be remembered in history with the likes of Washington and Lincoln. Using the argument that resolve is the most important attribute in the War on Terror, Morel claims that the press has ignored Bush's call for peace in favor of his statements that the War on Terror will be long and arduous. Thus Morel concludes that the only way to achieve human dignity is through fighting the good fight, in which he fully supports Bush.

Muravchik, Joshua. 2006. [Weakening Rights to Save Them](#). American Enterprise Institute for Public Policy Research.

Annotation: Muravchik argues in this opinion piece that the ends absolutely justify the means when it comes to detainees and other counterterrorism policy in the twentieth century. He points to the victory of the United States over the Axis powers in World War II, and over the Soviet Union in the Cold War, as the two greatest achievements for human rights in the twentieth century. He strongly argues that human rights abuses in war will lead to better human rights protections internationally. The article concludes that the failure to win the “War on Terror” presents much greater risks for civil liberties and human rights than the current violations.

Nacos, Brigitte. 2006. *Terrorism and Counterterrorism: Understanding Threats and Responses in the Post-9/11 World*. New York: Pearson Education.

Annotation: This book is solid primer on the definition, context, goals, and tactics of terrorism, this book also addresses the means of using anti- and counterterrorism to balance human rights, security, and liberty with this “War on Terror” (see especially part two, chapters 9-11). It also discusses ways to circumvent the traditional “War on Terror” through military and non-military responses, and prevention and preparedness. It is well-written and to be read as an introductory book for the reader who wants to know more about the “War on Terror” (outside the violations of human rights aspect).

Wilson, Richard Ashby, ed. 2005. [Human Rights in the “War on Terror.”](#) New York: Cambridge University Press.

Annotation: This is an edited collection based on the assumption that counterterrorism strategies must support human rights because they best uphold the democratic ideals for which the “War on Terror” is being fought. The pieces demonstrate why human rights and security can be reconciled in the future, and how this should be done. This includes analysis of the shrinking role of global governance, and the shift toward domestic abuses. There is also a significant focus on human rights as a cause of war versus a consequence. The development of and changing uses for international criminal and humanitarian law is critiqued in the above paradigm.

Yoo, John. 2006. *War by Other Means: An Insider's Account of the War on Terror*. New York: Atlantic Monthly Press.

Annotation: Through the eyes of a former Department of Justice lead counsel, this book demonstrates that the choices made by the Bush Administration after September 11, 2001 were right for a country at war. Yoo admits that the administration failed to properly share information about its campaign against terror with the public. To that end, he directly approaches the issues of the Geneva Conventions, the PATRIOT Act, wiretapping, Guantánamo Bay, interrogation tactics, and the military commissions in individual chapters. The ultimate conclusion Yoo draws is that a more informed public would agree with the tactics chosen by the administration.

### **International Law**

Bilder, Richard B., and Detlev F. Vagts. 2004. "Speaking Law to Power: Lawyers and Torture." *The American Journal of International Law* 98(4): 689-695.

Annotation: This is an editorial piece demanding a return to respect for international law on the domestic level, this piece reminds the U.S. Government that foreign policy should be bound by law regardless of politics. This article points out flaws in the memos written about the legal status of detainees, in addition to pointing to how the treaties in question ought to be applied. Bilder and Vagts demand that American lawyers step up to their own ethical standards, while reminding the country that the disrespect engendered internationally on this issue has hurt the objectives of the "War on Terror."

Falk, Richard. 2003. "What Future for the UN Charter System of War Prevention?" *The American Journal of International Law* 97 (3): 590-598.

Annotation: The United Nations, as the legal arbiter of human rights and war, must exercise its power in order to ensure its future as such. The U.S.'s attack on Afghanistan was justified in this forum, but the war in Iraq has left many questions unanswered. Falk asks if there is a right to pre-emptive strike. Will America's attack on Iraq be remembered as "illegal, but legitimate," as was the invasion of Kosovo? Falk concludes that the United States will be best served in the future by working within the U.N. Charter system because of its legal flexibility. Changing perceptions will be crucial for this process to succeed.

Greenwood, Christopher. 2005. "International Law and the 'War on Terrorism.'" In edited by J. Davis, The Global War on Terrorism: Assessing Americans Response. New York: Nova Science Publishers, Inc.

Annotation: This article addresses how international law applies to the "War on Terrorism" by taking a broad cut at international law violations both by the September 11th hijackers and inherent in the response to that attack. Greenwood discusses three contexts: the attacks of September 11, the use of force in response to those attacks, and how international law applies to the continuing hostilities in Afghanistan. The article concludes that the attack was illegal and the response justified, but it was never justified on the scale to which it has risen.

Watkin, Kenneth. 2004. "Controlling the Use of Force: A Role for Human Rights Norms in Contemporary Armed Conflict." *The American Journal of International Law* 98 (1): 1-34.

Annotation: This article addresses ways to control the use of force by non-state actors through the combined use of normative regimes for international human rights law and international humanitarian law. Watkin assesses the legality of framing terrorism as armed conflict, issues of self-defense, and what the most appropriate state response to terrorism should be. Watkin argues that international law and internal criminal enforcement meet at the point where the conflict becomes war through discussion on America's "War on Terror." He concludes by saying that issues of accountability will have to be reconciled with domestic and international regulations of the use of force in order to protect humanity.