

FROM PROFILING TO PREVENTIVE WAR—an incisive look at
our society's increasing reliance on preemptive action

PREEMPTION

A KNIFE THAT CUTS BOTH WAYS

ALAN M. DERSHOWITZ



Preemption A Knife That Cuts Both Ways

Robert Hall Wagstaff



Preemption A Knife That Cuts Both Ways:

Preemption Alan M. Dershowitz, 2007 Every so often a startling book emerges that gives voice to a new or previously unexamined trend that is transforming society Alan M Dershowitz's provocative new work *Preemption* is just such a book chronicling a paradigm shift in our approach to controlling destructive conduct As he reveals we are moving whether in society's manner of fighting crime or in our response to terrorism toward more preventive and proactive approaches and away from primary reliance on deterrent and reactive responses Although the events of 9 11 have accelerated this revolutionary shift Dershowitz compellingly documents that the seeds were planted much earlier In this thought provoking account Dershowitz explores the historical origins of the change as well as its troubling implication for civil liberties human rights criminal justice national security and foreign policy About the series *Issues of Our Time* Aware of the competition for the attention of readers W W Norton Company and I have created the *Issues of Our Time* as a lucid series of highly readable books through which some of today's most thoughtful intellectuals seek to challenge the general reader to reexamine received truths and grapple with powerful trends that are shaping the world in which we live The series launches with Anthony Appiah Alan Dershowitz and Nobel Laureate Amartya Sen as the first of an illustrious group who will tackle some of the most plangent and central issues defining our society today through books that deal with such issues as sexual and racial identities the economics of the developing world and the concept of citizenship in a truly globalized twenty first century world culture Above all else these books are designed to be read and enjoyed Henry Louis Gates Jr W E B DuBois Professor of the Humanities Harvard University

Preemption Alan M. Dershowitz, 2013-12-16 A path breaking must read for government leaders strategists and all concerned Americans General Wesley K Clark In *Preemption* one of our nation's foremost legal scholars puts forward a controversial new theory on crime and punishment in the postmodern world Using the American government's 2003 invasion of Iraq as a starting point Alan M Dershowitz tracks our society's increasing reliance on preemptive action In *Preemption* which Judge Richard Posner of the U S Court of Appeals calls lucid sober courageous and historically informed Dershowitz has brought together all of his diverse and considerable talents and experiences to confront the idea of preemptive action as it applies to some of our most urgent political and moral dilemmas

The Law of the List Gavin Sullivan, 2020-04-23 Governing though the technology of the list is transforming international law global security and the power of international organisations

The Six-Day War and Israeli Self-Defense John Quigley, 2013 The war of June 1967 between Israel and Arab states was widely perceived as being forced on Israel to prevent the annihilation of its people by Arab armies hovering on its borders Documents now declassified by key governments question this view The UK USSR France and the USA all knew that the Arab states were not in attack mode and tried to dissuade Israel from attacking In later years this war was held up as a precedent allowing an attack on a state that is expected to attack It has even been used to justify a pre-emptive assault on a state expected to attack well in the future Given the lack of

evidence that it was waged by Israel in anticipation of an attack by Arab states the 1967 war can no longer serve as such a precedent This book seeks to provide a corrective on the June 1967 war **The Case Against Israel's Enemies** Alan Dershowitz,2008-09-29 Israel is seriously under attack from political academic religious and military enemies who are making vociferous threats against its continued existence In this important new book Dershowitz gives pro Israel supporters the ammunition necessary to defend themselves **Knowing Too Much** Norman G. Finkelstein,2012 Traditionally American Jews have been broadly liberal in their political outlook indeed African Americans are the only ethnic group more likely to vote Democratic in US elections Over the past half century however attitudes on one topic have stood in sharp contrast to this group s generally progressive stance support for Israel Despite Israel s record of militarism illegal settlements and human rights violations American Jews have stretching back to the 1960s remained largely steadfast supporters of the Jewish homeland But as Norman Finkelstein explains in an elegantly argued and richly textured new book this is now beginning to change Reports by Human Rights Watch Amnesty International and the United Nations and books by commentators as prominent as President Jimmy Carter and as well respected in the scholarly community as Stephen Walt John Mearsheimer and Peter Beinart have increasingly pinpointed the fundamental illiberalism of the Israeli state In the light of these exposes the support of America Jews for Israel has begun to fray This erosion has been particularly marked among younger members of the community A 2010 Brandeis University poll found that only about one quarter of Jews aged under 40 today feel very much connected to Israel In successive chapters that combine Finkelstein s customary meticulous research with polemical brio **Knowing Too Much** sets the work of defenders of Israel such as Jeffrey Goldberg Michael Oren Dennis Ross and Benny Morris against the historical record showing their claims to be increasingly tendentious As growing numbers of American Jews come to see the speciousness of the arguments behind such apologies and recognize Israel s record as simply indefensible Finkelstein points to the opening of new possibilities for political advancement in a region that for decades has been stuck fast in a gridlock of injustice and suffering **Combating Weapons of Mass Destruction** Nathan E. Busch,Daniel Joyner,2009-01-01 The spread of weapons of mass destruction poses one of the greatest threats to international peace and security in modern times the specter of nuclear chemical and biological weapons looms over relations among many countries The September 11 tragedy and other terrorist attacks have been painful warnings about gaps in nonproliferation policies and regimes specifically with regard to nonstate actors In this volume experts in nonproliferation studies examine challenges faced by the international community and propose directions for national and international policy making and lawmaking The first group of essays outlines the primary threats posed by WMD proliferation and terrorism Essays in the second section analyze existing treaties and other normative regimes including the Nuclear Non Proliferation Treaty and the Chemical Weapons and Biological Weapons Conventions and recommend ways to address the challenges to their effectiveness Essays in part three examine the shift some states have made away from nonproliferation

treaties and regimes toward more forceful and proactive policies of counterproliferation such as the Proliferation Security Initiative which coordinates efforts to search and seize suspect shipments of WMD related materials Prevention and the Limits of the Criminal Law Andrew Ashworth, Lucia Zedner, Patrick Tomlin, 2013-01-31 Exploring the principles and values that should guide and limit the state's use of preventive techniques that involve coercion against the individual this volume arises from a three year study of Preventive Justice The contributions examine whether and when preventive measures are justified whether within or without the criminal law and whether they signal a larger change in the architecture of security Preventive measures include controversial crime control approaches such as pre inchoate offences pre trial detention restraining orders and prevention detention of the dangerous There are good reasons to justify state use of coercion to protect the public from harm but while the rationales and justifications for state punishment have been extensively explored the scope limits and principles of preventive justice have not received the same attention This volume written by world renowned scholars from different disciplinary backgrounds and jurisdictions redresses the balance assessing the foundations for the range of coercive measures that states now take in the name of prevention and public protection **Chomsky and Dershowitz** Howard Friel, 2013-09-21 Through the lens of a careful assessment of the political views of MIT's Noam Chomsky and Harvard's Alan Dershowitz the two protagonists of a Cambridge based feud over the past forty years author Howard Friel chronicles an American intellectual history from the U S war in Vietnam in the 1960s to the contemporary debate about the Israel Palestine conflict Major findings reveal the consistency of Chomsky's principled support of international law human rights and civil liberties and a reversal by Dershowitz from support in the 1960s to opposition of those legal standards today Friel's volume argues that a Chomskyan adherence by the United States to international law and human rights would reduce the threat of terrorism and preserve civil liberties that the Dershowitz backed war on terrorism increases the threat of terrorism and undermines civil liberties and that the incremental but steady transition toward a preventive state threatens the permanent suspension of civil liberties in the United States *The SAGE Handbook of Punishment and Society* Jonathan Simon, Richard Sparks, 2012-09-18 The project of interpreting contemporary forms of punishment means exploring the social political economic and historical conditions in the society in which those forms arise The SAGE Handbook of Punishment and Society draws together this disparate and expansive field of punishment and society into one compelling new volume Headed by two of the leading scholars in the field Jonathan Simon and Richard Sparks have crafted a comprehensive and definitive resource that illuminates some of the key themes in this complex area from historical and prospective issues to penal trends and related contributions through theory literature and philosophy Incorporating a stellar and international line up of contributors the book addresses issues such as capital punishment the civilising process gender diversity inequality power human rights and neoliberalism This engaging vibrantly written collection will be captivating reading for academics and researchers in criminology penology criminal justice sociology cultural studies

philosophy and politics **First Strike** Mark Totten, 2010-09-21 Can the use of force first against a less than imminent threat be both morally acceptable and consistent with American values This book offers historical examination of the use of preemptive and preventive force through the lens of the just war tradition Jihadism Nirode Mohanty, 2018-09-15 Jihad struggle is a holy war to defend Islam against non believers and non Muslims Jihadists are holy warriors The intellectual father of jihadist Islamism Sayyid Qutb who was executed in Cairo in 1966 made the message crystal clear Jihadism jihadist terrorism is a permanent Islamic world revolution aimed at decentering the West to establish Hakimiyyat Allah or God s rule on a global scale This book narrates the evolution of jihadism jihadist terrorism in the past centuries and its impact on the world as an existential threat to the humanity in view of worldwide terrorist attacks with its aggression barbarity burning alive of human beings kidnapping and savagery while imperiling the democracy secularism plurality freedom and security of the civilized world In the last seventy years radical Islamists have won in many places and many times because of the two world wars and the Cold War But the recent years have shown new levels of gruesome and ghastly activity Most Muslims of the world numbering 1.6 billion people total condemn these atrocious deaths and are peaceful They feel their religion is hijacked by a few radicals After September 11 2001 the former president George Bush declared the face of terror is not the true faith of Islam That s not what Islam is all about Islam is peace These terrorists don t represent peace They represent evil and war The leading Muslim country Egypt is fighting terrorism unrelentingly with full force However the rise of Islamic terrorism in the UK Belgium France Somalia the Philippines Afghanistan and other places in Asia the Middle East and Africa is a great threat to the mankind The radical Islamists consider the American invasion of Afghanistan in 2001 and Iraq in 2003 to be a war against Islam These events helped to create a resurgence of radical Islam from Indonesia to Iran to secular Turkey Jihad in the Muslims holy book the Koran refers to inner strife but for centuries radicals have misconstrued it to mean a violent brutal war against nonbelievers The Taliban Al Qaeda ISIS terrorists claim they are true Islamic jihadists

Licensing Parents Michael McFall, Laurence Thomas, 2009-01-16 In Licensing Parents Michael McFall argues that political structures economics education racism and sexism are secondary in importance to the inequality caused by families and that the family plays the primary role in a child s acquisition of a sense of justice He demonstrates that examination of the family is necessary in political philosophy and that informal structures families and considerations character formation must be taken seriously McFall advocates a threshold that should be accepted by all political philosophers children should not be severely abused or neglected because child maltreatment often causes deep and irreparable individual and societal harm The implications of this threshold are revolutionary but this is not recognized fully because no philosophical book has systematically considered the ethical or political ramifications of child maltreatment By exposing a tension between the rights of children and adults McFall reveals pervasive ageism parental rights usually trump children s rights and this is often justified because children are not fully autonomous Yet parental rights should not always trump children s rights Ethics and

political philosophy are not only about rights but also about duties especially when considering potential parents who are unable or unwilling to provide minimally decent nurturance While contemporary political philosophy focuses on adult rights McFall examines systems whereby the interests and rights of children and parents are better balanced This entails exploring when parental rights are defeasible and defending the ethics of licensing parents whereby some people are precluded from rearing children He argues that if a sense of justice is largely developed in childhood parents directly influence the character of future generations of adults in political society A completely stable and well ordered society needs stable and psychologically healthy citizens in addition to just laws and McFall demonstrates how parental love

The United States, International Law and the Struggle against Terrorism Thomas McDonnell, 2023-05-09 This book discusses the critical legal issues raised by the US responses to the terrorist threat analyzing the actions taken by the Bush administration during the so called war on terrorism and their compliance with international law Thomas McDonnell highlights specific topics of legal interest including torture extra judicial detentions and the invasions of Afghanistan and Iraq and examines them against the backdrop of terrorist movements which have plagued Britain and Russia The book extrapolates from the actions of the USA going on to look at the difficulties all modern democracies face in trying to combat international terrorism This book demonstrates why current counter terrorism practices and policies should be rejected and new policies adopted that are compatible with international law Written for students of law academics and policy makers the volume demonstrates the dangers that breaking international law carries in the war on terrorism

Exodus From Empire Terrence E. Paupp, 2006-11-20 This book lays out a comprehensive vision for a new world order based on cooperation between the developing world and leading Left countries in Latin America Arguing that the ravages of corporate capitalism are unsustainable Terrence E Paupp presents an energetic critique of the problems of empire and looks ahead to a global countermovement against the IMF and US hegemony

International Ethics Mark R. Amstutz, 2008-02-15 Now in a comprehensively revised and updated edition this text cogently demonstrates that moral values and ethical reasoning are indispensable in global politics Mark R Amstutz explores two distinct dimensions of international political morality the role of moral norms in foreign affairs and the ethical foundation of the rules and structures of global society The author considers important conceptual and philosophical challenges posed by the plurality of values in the international community but his primary goal is to describe and assess the nature role and impact of international political morality on international relations Through the use of balanced arguments and a wide ranging selection of case studies Amstutz illustrates the place of moral norms in international relations He presents the concepts theories methods and traditions of ethical analysis and then applies them to case studies in the areas of political reconciliation human rights war unconventional military operations foreign intervention economic sanctions justice among states and global justice His clearly written study will be of special interest to students and practitioners of international affairs who are concerned with the role of political morality and ethical judgment

in global affairs *Regulating Preventive Justice* Tamara Tulich, Rebecca Ananian-Welsh, Simon Bronitt, Sarah Murray, 2017-01-20 Like medicine law is replete with axioms of prevention Prevention is better than cure has a long pedigree in both fields 17th century jurist Sir Edward Coke observed that preventing justice excelleth punishing justice A century later Sir William Blackstone similarly stated that preventive justice is preferable in all respects to punishing justice This book evaluates the feasibility and legitimacy of state attempts to regulate prevention Though prevention may be desirable as a matter of policy questions are inevitably raised as to its limits and legitimacy specifically how society reconciles the desirability of averting risks of future harm with respect for the rule of law procedural fairness and human rights While these are not new questions for legal scholars they have been brought into sharper relief in policy and academic circles in the wake of the September 11 terrorist attacks Over the past 15 years a body of legal scholarship has tracked the intensified preventive focus of anti terrorism law and policy observing how this focus has impacted negatively upon traditional legal frameworks However preventive law and policy in other contexts such as environmental protection mental health immigration and corruption has not received sustained focus This book extends that body of scholarship through use of case studies from these diverse regulatory settings in order to examine and critique the principles policies and paradoxes of preventive justice Whereas earlier scholars looked upon preventive justice as a source and means of regulation the powerfully argued contributions to this volume provide forceful reasons to consider whether we would do better talk about regulating preventive justice Professor Lucia Zedner Oxford University **Terror Detentions and the Rule of Law** Robert Hall Wagstaff, 2014 After the 9 11 terrorist attacks the United States and the United Kingdom detained suspected terrorists in a manner incompatible with the due process fair trial and equality requirements of the Rule of Law The legality of the detentions was challenged and found wanting by the highest courts in the US and UK The US courts approached these questions as matters within the law of war whereas the UK courts examined them within a human rights criminal law context In *Terror Detentions and the Rule of Law* US and UK Perspectives Dr Robert H Wagstaff documents President George W Bush's and Prime Minister Tony Blair's responses to 9 11 alleging that they failed to protect the human rights of individuals suspected of terrorist activity The analytical focus is on the four US Supreme Court decisions involving detentions in Guantanamo Bay and four House of Lords decisions involving detentions that began in the Belmarsh Prison These decisions are analyzed within the contexts of history criminal law constitutional law human rights and international law and various jurisprudential perspectives In this book Dr Wagstaff argues that time tested criminal law is the normatively correct and most effective means for dealing with suspected terrorists He also suggests that preventive indefinite detention of terrorist suspects upon suspicion of wrongdoing contravenes the domestic and international Rule of Law treaties and customary international law As such new legal paradigms for addressing terrorism are shown to be normatively invalid illegal unconstitutional counter productive and in conflict with the Rule of Law *Spoiling for a Fight* Brooke A.

Masters,2006-07-25 A portrait of one of America s most controversial politicians describes the rise of New York State Attorney General Eliot Spitzer and his ardent exposure of wrongdoing on the part of stock analysts insurance brokers and corporations **Law, Economics, and Morality** Eyal Zamir,Barak Medina,2010 This work examines the possibility of combining economic methodology and deontological morality through explicit and direct incorporation of moral constraints into economic models

Whispering the Strategies of Language: An Mental Journey through **Preemption A Knife That Cuts Both Ways**

In a digitally-driven world where monitors reign supreme and quick connection drowns out the subtleties of language, the profound techniques and mental nuances concealed within phrases frequently move unheard. Yet, nestled within the pages of **Preemption A Knife That Cuts Both Ways** a charming fictional value pulsing with organic emotions, lies an exceptional journey waiting to be undertaken. Written by an experienced wordsmith, that charming opus attracts visitors on an introspective journey, delicately unraveling the veiled truths and profound affect resonating within ab muscles fabric of each word. Within the mental depths with this touching evaluation, we will embark upon a heartfelt exploration of the book is primary styles, dissect its interesting writing design, and succumb to the powerful resonance it evokes strong within the recesses of readers hearts.

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Preemption A Knife That Cuts Both Ways Introduction

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