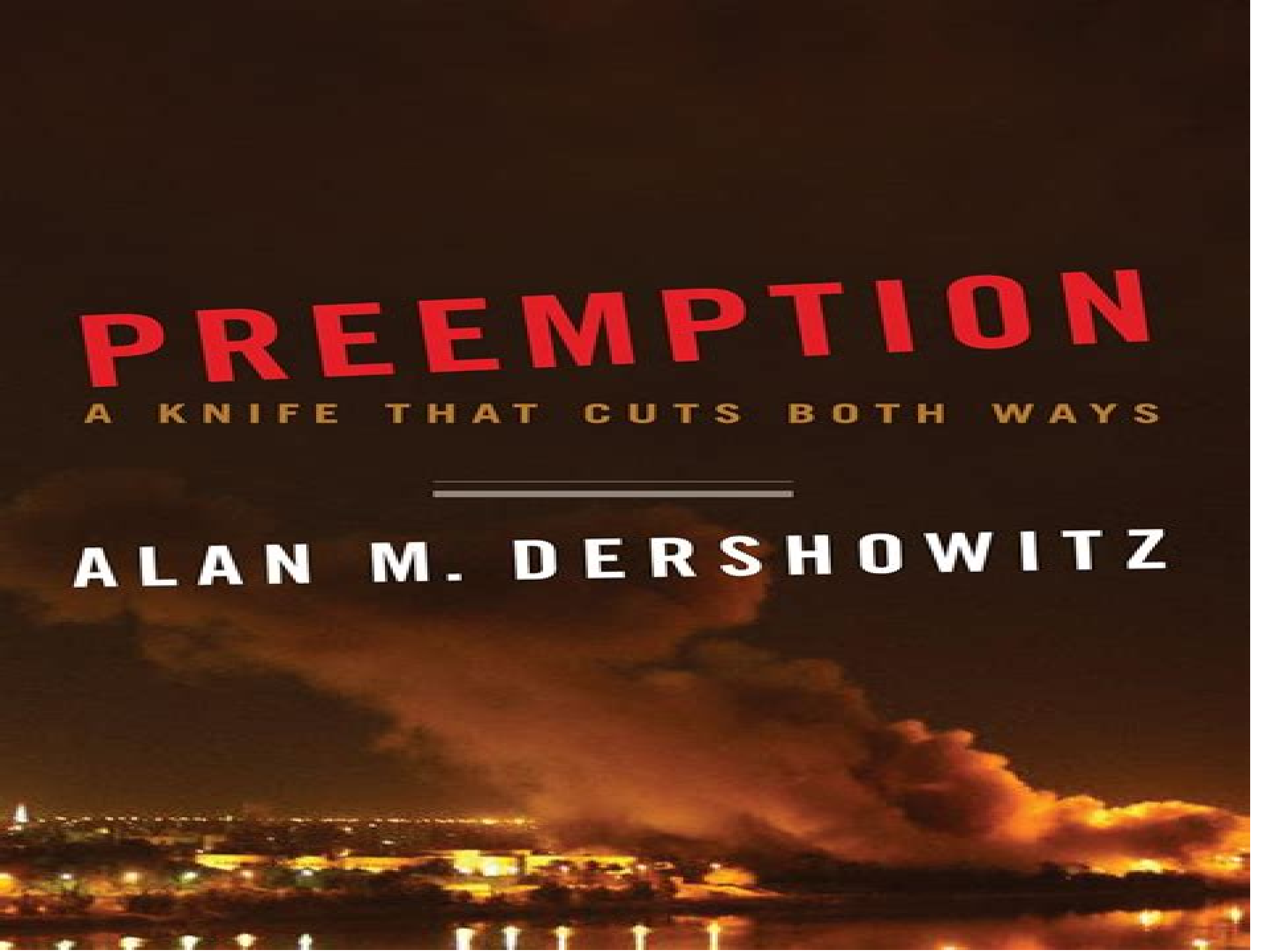


PREEMPTION

A KNIFE THAT CUTS BOTH WAYS

ALAN M. DERSHOWITZ



Preemption A Knife That Cuts Both Ways

Deen K. Chatterjee



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: A Knife That Cuts Both Ways (Issues of Our Time) Alan M. Dershowitz, 2007-02-17 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 US 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

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

The Ethics of Preventive War Deen K. Chatterjee, 2013-04-04 In this book eleven leading theorists debate the normative challenges of preventive war through the lens of important public and political issues of war and peace in the twenty first century Their discussion covers complex and topical subjects including terrorism the Bush doctrine and the invasion of Iraq Iran s nuclear capabilities superpower unilateralism and international war tribunals They examine the moral conundrum of preventive intervention and emphasize the need for a stronger and more effective international legal and political order and a corresponding re evaluation of the normative status of international law Together their essays form a challenging and timely volume that will be of interest to scholars in ethics and political philosophy political theory international relations international law and peace studies and to general readers interested in the broader issues of peace and justice in the new world order

The Preventive State Alan Dershowitz, 2025-05-20 You shall thank Alan Dershowitz for writing this valuable book Stephen Breyer Former Associate Justice of the Supreme Court If reliable but uncertain intelligence predicted a mass casualty terrorist attack and indicated likely suspects what preventive actions would be constitutionally authorized Detention Interrogation Torture What if the attack involved a weaponized virus Should the government compel widespread inoculation that might kill hundreds of people while saving millions What if an article describing how to circumvent the inoculation mandate was about to be published Should censorship of the article be authorized These are the sorts of questions Alan Dershowitz has been asking for more than 60 years in his teaching writing and litigation Now at age 86 he has written his magnum opus In it he suggests an overarching jurisprudential framework that would set limits to the ballooning power of what he calls the preventive state This important book offers unprecedented insights into one of the most underexamined developments of our age the growing magnitude and frequency of cataclysmic threats coupled with the increasingly effective but increasingly intrusive tools intended to predict and prevent them Dershowitz responds to the urgent need for a jurisprudence that provides balance and accountability as both dangers and preventive capabilities increase threatening our security and our liberties This masterful analysis should be read by everyone who cares about security liberty and democracy

The Implications of Preemptive and Preventive War Doctrines Colin S. Gray, 2007

First Strike Matthew J. Flynn, 2008-07-09 Preemptive warfare is the practice of attempting to avoid an enemy s

seemingly imminent attack by taking military action against them first It is undertaken in self defense Preemptive war is often confused with preventive war which is an attack launched to defeat a potential opponent and is an act of aggression Preemptive war is thought to be justified and honorable while preventive war violates international law In the real world the distinction between the two is highly contested In *First Strike* Matthew J Flynn examines case studies of preemptive war throughout history from Napoleonic France to the American Civil War and from Hitler s Germany to the recent U S invasion of Iraq Flynn takes an analytical look at the international use of military and political preemption throughout the last two hundred years of western history to show how George W Bush s recent use of this dubiously honorable way of making war is really just the latest of a long line of previously failed attempts Balanced and historically grounded *First Strike* provides a comprehensive history of one of the most controversial military strategies in the history of international foreign policy

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 Evil of Terrorism* Uriel Rosenthal,Erwin R. Muller,2007 The United States and other countries throughout the world have suffered from catastrophic terrorism causing mass casualties Elsewhere terrorists have taken the lives of prominent people in ostentatiously cruel ways In Iraq bloody terrorist attacks are an endemic phenomenon They have become part of daily life There is no reason to expect a reduction of the new terrorism in the foreseeable future On the contrary there will be new waves of terrorism including attacks with unconventional means The globalization of the new terrorism is reflected not only in the mobility of terrorists but especially in the worldwide distribution of ideas and methods practiced by terrorist networks The world is facing the threat of a shift from terrorism to terror towards a society intimidated by a continuous threat of arbitrary massive violence This book addresses the shift in many parts of the world from terrorism to an atmosphere of terror It stresses the lack of symmetry between democratic governments which have to obey the rule of law and international conventions and terrorists cherishing a total denial of rules and norms The authors formulate five missions for democratic governments do not deny the most serious threat make life as difficult as possible for terrorists upgrade the quality of acute crisis management in the case of a terrorist attack improve the quality of consequences management after terrorist attacks and increase the effort to channel collective stress in the aftermath of a terrorist assault The authors claim that the fight against terrorism is first and foremost a responsibility of democratic states Throughout its existence the United Nations has been unable to give shape and substance to an effective counterterrorism strategy An alliance of democratic states would be in a much better position to take on the legitimate fight against international terrorism **Balancing Privacy and Security** United States. Congress. Senate. Committee on the Judiciary,2007 *Balancing Privacy & Security: The Privacy Implications of Government Data Mining Programs: Congressional Hearing* , *States of Violence* Austin Sarat,Jennifer L. Culbert,2009-04-27 This book brings together scholarship on three different forms of state violence examining each for what it can tell us about the

conditions under which states use violence and the significance of violence to our understanding of states This book calls into question the legitimacy of state uses of violence and mounts a sustained effort at interpretation sense making and critique

The Culture of Speed John Tomlinson, 2007-09-27 John Tomlinson's book is an invitation to an adventure It contains a precious key to unlock the doors into the unmapped and unexplored cultural and ethical condition of immediacy Without this key concept from now on it will not be possible to make sense of the social existence of our times and its ambivalences Ulrich Beck University of Munich A most welcome stimulating and challenging exploration of the cultural impact and significance of speed in advanced modern societies It successfully interweaves theoretical discourse historical and contemporary analyses and imaginative use of literary sources all of which are mobilised in order to provide an original intellectually rewarding and critical account of the changing significance of speed in our everyday experience David Frisby London School of Economics and Political Science Is the pace of life accelerating If so what are the cultural social personal and economic consequences This stimulating and accessible book examines how speed emerged as a cultural issue during industrial modernity The rise of capitalist society and the shift to urban settings was rapid and tumultuous and was defined by the belief in progress The first obstacle faced by societies that were starting to speed up was how to regulate and control the process The attempt to regulate the acceleration of life created a new set of problems namely the way in which speed escapes regulation and rebels against controls This pattern of acceleration and control subsequently defined debates about the cultural effects of acceleration However in the 21st century immediacy the combination of fast capitalism and the saturation of the everyday by media technologies has emerged as the core feature of control This coming of immediacy will inexorably change how we think about and experience media culture consumption practices and the core of our cultural and moral values Incisive and richly illustrated this eye opening account of speed and culture provides an original guide to one of the central features of contemporary culture and everyday life

Niebuhrian International Relations Gregory J. Moore, 2020-04-03 Reinhold Niebuhr's ideas about ethics social justice and foreign policy have been hugely influential for American political thought and this has been true across the political spectrum from progressive social justice activists to neo conservatives A one time leader in the Socialist party Niebuhr worked with Eleanor Roosevelt to found Americans for Democratic Action Jimmy Carter took inspiration from his ideas about love and justice and Barack Obama has praised him as one of his favorite philosophers His theories have also influenced neoconservatives many of whom cited his work to support the 2003 invasion of Iraq Yet Niebuhr never published a single comprehensive book on his approach to international relations and because he was so prolific one would have to sift through volumes of his work to try to construct such a unified vision This book distills Niebuhr's disparate and heretofore difficult to access work on international relations into one concise and accessible volume Drawing from the well springs of Niebuhr's Christian social thought the volume explores the depths of Niebuhr's views on human nature race collective life U S foreign policy Just War Theory Cold War era containment globalization and the U N It then

applies his approach to contemporary foreign policy issues such as the 2003 Iraq War the Responsibility to Protect and the rise of China The book also considers Niebuhr s contribution to IR theory and contextualizes it in the present day revival of classical Realism with a multivariate existentialist twist Ultimately the book asserts that Niebuhr s notion of a fallible self interested view of human nature his dialectical approach and a related moral dualism run throughout his work on politics and international relations as they did through the rest of his work

American Force Richard K. Betts, 2011-12-06 While American national security policy has grown more interventionist since the Cold War Washington has also hoped to shape the world on the cheap Misled by the stunning success against Iraq in 1991 administrations of both parties have pursued ambitious aims with limited force committing the country s military frequently yet often hesitantly with inconsistent justification These ventures have produced strategic confusion unplanned entanglements and indecisive results This collection of essays by Richard K Betts a leading international politics scholar investigates the use of American force since the end of the Cold War suggesting guidelines for making it more selective and successful Betts brings his extensive knowledge of twentieth century American diplomatic and military history to bear on the full range of theory and practice in national security surveying the Cold War roots of recent initiatives and arguing that U S policy has always been more unilateral than liberal theorists claim He exposes mistakes made by humanitarian interventions and peace operations reviews the issues raised by terrorism and the use of modern nuclear biological and cyber weapons evaluates the case for preventive war which almost always proves wrong weighs the lessons learned from campaigns in Iraq Afghanistan and Vietnam assesses the rise of China and the resurgence of Russia quells concerns about civil military relations exposes anomalies within recent defense budgets and confronts the practical barriers to effective strategy Betts ultimately argues for greater caution and restraint while encouraging more decisive action when force is required and he recommends a more dispassionate assessment of national security interests even in the face of global instability and unfamiliar threats

Beyond Chutzpah Norman G. Finkelstein, 2020-05-05 In *Beyond Chutzpah* Norman Finkelstein moves from an iconoclastic interrogation of the new anti-Semitism to a meticulously researched exposé of the corruption of scholarship on the Israel Palestine conflict especially in the work of Alan Dershowitz Pointing to a consensus among historians and human rights organizations on the factual record Finkelstein argues that so much controversy continues to swirl around the conflict because apologists for Israel contrive it This paperback edition includes a new preface examining recent developments in the Israel Palestine conflict and the misuse of anti-Semitism and a new chapter analysing the controversy surrounding Israel s construction of the West Bank wall

Counterterrorism Frank Shanty, 2012-08-17 This two volume set examines modern nation state legislative diplomatic military and non military attempts to combat terrorism within and outside state borders The articles which comprise this comprehensive reference work address counterterrorism efforts employed by the international community prior to and following the events of September 11 2001 Global terrorism in the 21st century threatens the foundations of

secular democracies and directly challenges global security thereby raising new and critical issues that transcend national borders This two volume reference carefully examines threats such as Weapons of Mass Destruction WMD terrorism agro environmental terrorism and energy related terrorism and discusses technologies and strategies such as the use of biometrics data mining information systems psychological profiling and terrorists rehabilitation efforts to mitigate these threats Counterterrorism From the Cold War to the War on Terror provides an easy to read discussion of some of the principal issues involved in combating contemporary terrorism Information is presented in non technical language making it appealing to the general reader as well as a solid reference for undergraduate college students and researchers Following each article are references to other articles of interest and a comprehensive index facilitates access to specific subject material The second volume includes a compilation of significant national and international treaties laws conventions and protocols that have been implemented in an attempt to counter these ongoing threats to domestic and international security

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 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 **Moral Constraints on War** Bruno Coppieters,N. Fotion,2008-01-01 This second edition of Moral Constraints on War offers a principle by principle presentation of the trans cultural roots of the ethics of war in an age defined by the increasingly international nature of military intervention Parts one and two trace the evolution of Just War Theory analyzing the principles of jus ad bellum and jus in bello the principles that determine under what conditions a war may be started and

then conducted Each chapter provides a historical background of the principle under discussion an explanation of the principle and numerous historical examples of its application In Part three case studies apply the theories discussed to NATO s humanitarian mission in Kosovo terrorism and the Iraq War Bringing together an international coterie of philosophers and political scientists this accessible and practical guide offers students of military ethics and international relations rich up to the minute insight into the pluralistic character of Just War Theory

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