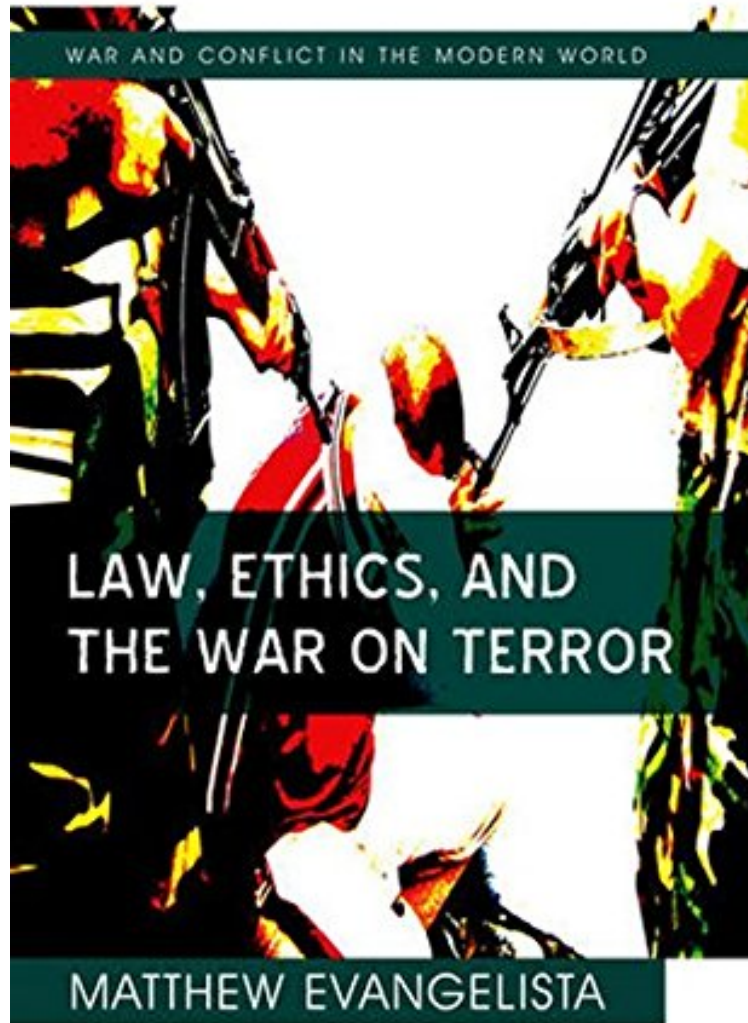


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Law, Ethics, and the War on Terror

Matthew Evangelista

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In recent years the mass murder of thousands of innocent civilians by al Qaeda terrorists has plumbed the depths of criminality and immorality. Yet it is the response to those attacks, particularly by the United States, that has provoked widespread accusations that the anti-terrorist cure may be worse than the terrorist disease. This book explores the key legal and ethical controversies that arose in the wake of the brutal attacks of 11 September 2001. After the Cold War, progress in human rights and limitations on warfare created an impression that "global civil society" had emerged to challenge the dominance of states and establish new norms to guide their behavior. The events of 9/11, however, witnessed a reassertion of state prerogatives, reflected in challenges to the Geneva Conventions and the stigma against torture. Focusing on core debates about preventive war and the implications of targeted assassination, kidnapping, indefinite detention, and the torture of suspected terrorists, the book asks whether state practice will further undermine the very norms of international law and morality, or whether efforts to combat terrorism can be brought back into conformity with ethical and legal standards.

"I disagree with very large amounts of this book - and learned more from it at the level of moral, social and political philosophy than 90% of the stuff I have read in this field in the last two years ... if you are a critic, like me, then you are much more attuned to the extraordinary care (Evangelista) takes with his argumentation. Highly recommended." Kenneth Anderson, *Opinio Juris* "It is a sad but obvious truth that studies of the ethics of force have been something of a growth industry since the early 1990s and especially, of course, since 2001. *Law, Ethics and the War on Terror* is an excellent addition to this growing body of work." Perspectives "Evangelista's treatment is elegant and broadly thematic, dealing with foundational issues." Survival "Evangelista has produced a beautifully written, cogent and often surprising analysis of the struggle for the future of international humanitarian law, and indeed for the rule of law itself. As he demonstrates, it's a struggle in which the forces of civil society ironically find their most challenging foe in what was once their most powerful ally the United States." David Cole, Georgetown University "This meticulous study of a crucial constitutional question, played out in real time in real life, should underpin all knowledgeable discussions of just how the Bush administration has sought to legitimize its lawless behaviour by declaring a state of perpetual war." Eric Alterman, author of *When Presidents Lie From the Back Cover*

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About the Author Matthew Evangelista is Professor of Government and Director of the Peace Studies Program at Cornell University.