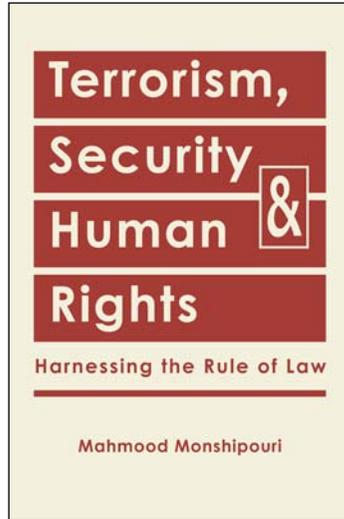


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**Terrorism, Security,  
and Human Rights:  
Harnessing the Rule of Law**

Mahmood Monshipouri

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# 1

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## Introduction

**Terrorism, an endemic feature of modern society, is one of the most difficult challenges facing the world today.** This is especially true for the West in terms of its capacity to respond to this phenomenon without sacrificing its values. The key for Western democracies confronted with the threat of terrorism has always been to strike a proper balance between liberty and national security. Balancing, reconciling the relationship between liberty and security in the context of combating terrorism—even offering clarity on the issues—is an immensely complex, daunting, and evolving task. The so-called global war on terror has become intimately associated with such diverse features as detention without trial, torture, disappearance, rendition, and extrajudicial killings. Counterterrorism measures such as the preventive detention of enemy combatants have made it hugely difficult to extend certain freedoms to detainees tried under military commissions.

As much as terrorism blocks the way in which democratic systems normally operate, counterterrorism strategies pose formidable challenges and dilemmas to the protection of basic freedoms. Precisely because of this inherent dichotomy, the task of reconciling the protection of human rights with the promotion of security has proven even more difficult, and governments have typically used their coercive powers to stifle individual freedoms in the wake of emergency situations.

The increasing tensions between civil liberties and security after the attacks of September 11, 2001, have elicited a great deal of attention in both academic and policy circles. The ensuing debate over the limits and risks of balancing human rights and security has posed the most difficult and pressing political and ethical questions in the post-9/11 era. Renewed discourse regarding the existence or absence of

trade-offs between freedom and security has undergone an important shift in focus. From being a paradigm exclusively centered on power politics and excessively concerned with defeating terrorism militarily, it has shifted to take a measured and pragmatic approach that effectively combats terrorism without undermining the unassailable protection of human rights.

The primary objective of this book is to underline the need to redefine security to include the protection of human rights, among other things, while examining alternative strategies for combating terrorism. Experts have noted that by evoking the war frame (i.e., the “war on terror”) President George W. Bush was able to use certain tools against terrorism that undermined civil liberties. The war on terror justified torture, military tribunals, and the suspension of due process. This tendency both revealed the limits of power and made manifest the way antiterrorism measures can compromise fundamental democratic values. Seeking to debunk the narrative that security and human rights are intrinsically irreconcilable, I argue for reframing the human rights debate not merely in terms of “standards” but also in terms of “universality,” “identity,” and “enforceable commitment.” Without universality, human rights are nothing but hollow rhetoric. The struggle against violent extremism should not change who we are and what values we hold dear. Ratification of international human rights instruments such as the Convention Against Torture (CAT) renders them the supreme law of the land, making their enforcement imperative. There can be no double standards in respecting internationally recognized human rights. All signatories to human rights instruments must comply with them, both nationally and internationally.

To better recalibrate the balance between security and civil liberties in the face of potential terrorism, Western policymakers must ask the right questions and think in terms of the human rights implications of their policies (armed conflict or negotiations). The present analysis focuses on the changing conceptions of security—from national or collective security to human security. The latter, which entails freedom from physical violence, poverty, hunger, and disease, places individuals and their moral worth at the core of its investigation. I argue that the provision of human security for citizens offers the strongest and most optimal antiterrorism strategy and that the effectiveness of any counterterrorism and counterinsurgency operation or policy must be gauged within the context of human security.

## The Failure of Unilateralism and Military Intervention

Heavily influenced by neoconservative thinking, the Bush Doctrine described a set of unilateral policies based on the preemptive use of force against security threats—even before they clearly materialize. This doctrine was based on a grand strategy that envisioned a unipolar world that entirely asserted the right of the United States to act unilaterally in the face of perceived threats. As such, the United States was posited to be in a unique position to play a truly hegemonic role. President Bush portrayed Iraq as a threat to national and international security, arguing that Iraq possessed or had actively tried to possess chemical, biological, and nuclear weapons. Having linked Saddam Hussein's regime to the 9/11 terrorist attacks, this policy equated removing Saddam Hussein and his regime with eliminating the threat that his regime posed to international peace and stability. The post-9/11 wars in Afghanistan and Iraq served as clear illustrations of the Bush Doctrine in practice. As the war in Iraq fueled ethnic and sectarian conflicts inside that country and made any future reconciliation among the warring groups immensely complicated, the most visible backlash against the two military interventions emerged in Iraq in the form of an anti-American and antioccupation insurgency.

Theorists of international relations, by scrutinizing the utility of military force as well as the legal and diplomatic resources and strategies to counter terrorism, have both opened new possibilities for the human rights community and widened the divide within it. On one side are those who argue that security and human rights need not necessarily stand in a zero-sum relationship: through the regular application and protection of civil rights, substantial security improvements will manifest a spirit of respected dignity for all concerned. On the other side are those who argue that there is a need to reconcile human rights and security: achieving this goal, according to these scholars, requires a new theoretical discussion, acknowledging that certain rights must be subordinate to the urgent claims of security. The results of the debate between the two sides have been mixed. There is an unmistakable friction in the international community over measures and actions to protect and promote both security and human rights; at the same time, there is a growing consensus as to how the international community should constrain the exercise of power. Finally, many question the extent to which the use of force is an effective tool in the arsenal of counterterrorism.

There are no easy solutions to these contestable dilemmas. What is clear is that the effectiveness of any counterterrorism measure depends on several intersecting political, military, legal, and ethical dynamics, which in turn raise serious concerns and questions about the long-term effectiveness of such counterterrorist measures. In this regard, the most invasive and oft-cited example is the USA Patriot Act, passed by Congress in 2001, which authorizes the detention without due process—potentially indefinitely—of those labeled “suspected terrorists.” In recent years, the uncertainty clouding the “war on terror” has resulted more from the frequent application of force, the practice of rendition, and the use of enhanced interrogation techniques (a euphemism for torture) than from reliance on law enforcement and international cooperation. In most cases, torture has produced false and fabricated information, undermined the legal and moral authority of the United States, and provided terrorist groups with a recruiting and motivational tool.

Furthermore, other negative consequences have followed the violations of humane treatment and due process—the hallmarks of the US Constitution and the Geneva Conventions. These antiterrorism programs have seriously damaged US relations with its allies in the West. Regardless of the short-term gains, violations of the Geneva Conventions have led to enormous losses in moral standing for the United States in the international community. There is reason to doubt that such counterterrorism measures have improved security in an age dominated by the need for international coordination and cooperation, as well as pragmatic solutions. Indeed, decisionmaking regarding the emerging global issues of the twenty-first century is increasingly informed by the concepts of legality, legitimacy, and pragmatism.

The promoters of the “power-trumps-justice” notion maintain that power can serve justice—specifically in the case of fighting terrorism through preemptive strikes, military interventions, and regime change, which all are held to be warranted under certain circumstances. This rationale is adamantly opposed by those who are reluctant to approve the politics of intervention without strong moral and legal sanction. Under such circumstances, the best that can be expected appears to be a two-pronged approach: supporting a move toward the creation of international law-enforcement mechanisms to hold individuals accountable under the standards of international justice while simultaneously promoting domestic laws to achieve local and national mechanisms of legal accountability vis-à-vis terrorism.

## Counterterrorism Models and Their Limits

In this book, I offer three models of counterterrorism: (1) the security model, (2) the social model, and (3) the legal-diplomatic model.

The security model posits that sacrificing human rights in the interest of security is justified and provides the most effective means of countering terrorism. Security mechanisms, including military repression and preemptive strikes, are the hallmarks of this strategy. Some policymakers in the Bush administration underscored the importance of the security model, placing emphasis on security at the expense of human rights and the rule of law. The lead-up to the wars in Iraq and Afghanistan and the administration's disdain for the rule of law in conducting its counterterrorism activities were excellent examples of this precarious implementation and its pitfalls. In recent years, disagreements over the primacy of this approach and fears of much deeper entanglement in a protracted conflict have led to divisions among NATO members in their continued collaboration against the resurgent Taliban in Afghanistan. Notwithstanding the Bush administration's primary emphasis on security, there were others in that administration who claimed that the chief antidotes to terrorism were democracy and free market reforms. There is as of yet no empirical support for this contention.

The controversy surrounding preemptive strikes and military interventions has evoked varied responses. First, the proponents of intervention—humanitarian or otherwise—view any violations of human rights as legitimate grounds for invoking such an act. They also contend that it is morally imperative to “prevent or mitigate” human suffering and injustice when one has the capacity to do so. An alternative view holds that advocates of military intervention lack a secure theoretical home. Many holding this view argue that, to the extent that advocates of military intervention seek to revise, reform, or overturn the prevailing norm of nonintervention in international law, they challenge both realist and liberal notions of national security and international peace. They contend that the case for military intervention can be made on purely military and political grounds, often overriding the legal tradition of nonintervention by qualifying the “war on terror” and toppling “rogue states” as just cause for intervention.

A third perspective comes from the critics of military intervention, consensual or nonconsensual. These critics claim that the costs and consequences of such action—civilian suffering, regional instability, and the

fueling of internal tribal, ethnic, and sectarian tensions—run counter to the stated objectives of military intervention: the ending of genocide, mass slaughter, and terrorism. Likewise, they argue that counterinsurgency and counterterrorism operations will encounter many difficulties since these measures often assume contradictory and competing approaches, involving trying to balance the security of the population under occupation with the objective of defeating terrorists or insurgents hiding among the local people. Under such circumstances, the use of military force achieves short-term tactical victories at the expense of the long-term goal: the winning of popular support that would form the backbone of an effective and sustainable strategy. Those who advocate this view emphasize how difficult it is to overcome the deeply ingrained perception of subjugation, occupation, and exploitation that has characterized the modern history of Western intervention in the Middle East.

At the core of my second model of counterterrorism, the social model, lies the protection of individuals from a wide range of threats—economic, environmental, criminal, military, and political. The social model postulates that targeting economic security and development assistance is a far more effective counterterrorism strategy than the one predicated on the number of tanks, ships, planes, and troops.

According to the social model, development aid for Afghanistan, for example, aimed at rebuilding the country, would be a crucial step toward winning the hearts and minds of village populations and tribes. This is a human-centered approach, focusing on the provision of security for individuals while promoting freedom from “fear” and “want.” The advocates of this model argue that states cannot declare war on nonstate actors, such as al-Qaeda, and that the most effective counterterrorism strategy is one predicated on improving the lives of local people and gaining their support for the fight against terrorism. This is done simply by investing in the country’s infrastructure, such as schools, hospitals, and water projects. On a broader level, this model attributes the cause of terrorism to the lack of social justice, making it crucial to bear in mind that economic opportunity is a more attractive alternative to people than supporting terrorism, and that this is especially true if that economic opportunity is actually available—regardless of winning “hearts and minds.”

This model fosters the creation of an environment in which civil society organizations and prodemocracy Muslim organizations can flourish. The social approach deserves more attention, but it is not

without its own complexities. When searching for the origins of terrorism, it is not simply the lack of socioeconomic development but also local political and cultural dynamics that need to be accounted for. The transatlantic rift over the Iraq war, as well as the experience of the European Union with its Muslim immigrants in the post-9/11 era, serve as good examples. US-European relations deteriorated markedly over the appropriate response to terrorism with the onset of the US invasion of Iraq in 2003. Growing support for the Iraqi resistance to US occupation throughout the Muslim world, along with the difficulties facing NATO forces in Afghanistan, drove a wedge between US leaders and their allies. This political and diplomatic dissonance exacerbates long-standing political divisions regarding the nature and terms of US–EU/NATO commitments.

The leaders of the European Union, having recently experienced terrorism motivated by radical Islamic movements on their own continent, and facing challenges similar to the ones faced by the US government, have become acutely aware of the difficulties and flaws of counterterrorism measures being promoted by the US-led “struggle against violent extremism.” Significantly, these European leaders have realized that national security is far more contingent upon the inclusion of Muslim immigrants than their exclusion from European societies. The deep interconnection between security and integration has never been more apparent, yet in perilous times, integration policies tend to come under attack. As concerns over violent extremism grow in the West, European governments are rethinking their approaches to integration.

The third of the three models of counterterrorism, the legal-diplomatic model, employs the full panoply of law-enforcement instruments and justice system practices—not to mention international cooperation, intelligence sharing, and diplomacy. These tools are essential to both a successful response to acts of terrorism as well as to the prevention of future attacks.

The legal-diplomatic model offers a comprehensive definition of the “war on terror,” stressing increased international cooperation and substantive cross-border participation. In the United States, this approach seems to have been widely embraced by the Obama administration. Many Europeans have castigated the United States for its unilateral occupation of Iraq. They have argued that the broad failures in Iraq have demonstrated that collective action, mobilization, cooperation, and support are indeed essential for combating terrorist organizations like al-

Qaeda. Significantly, proponents of the legal-diplomatic model argue that fighting terrorism should be a matter of law enforcement or the judiciary, rather than primarily a military affair.

What continuously emerges from this debate is that simply adapting to new political realities is woefully inadequate. A dynamic and original way of thinking is required to demonstrate that the commitment to liberty is resilient enough to withstand the brittle tyrannies of terrorism. If the campaign against terrorism fundamentally distorts the basic truths of Western existence, then the case can be made, however grudgingly, that the terrorists have been exceptionally successful. Proper moral weight must be given to both liberty and security because these two values are not irreconcilable or mutually exclusive. There is no easy remedy to the starkly apparent tensions between security needs and human rights. But to pursue a security template that invariably sacrifices civil liberties is not only morally debilitating but, over the longer term, also politically imprudent. More seriously, because terrorism is largely a modern political phenomenon, it is vitally important to address the grievances that fuel it in the first place.

To frame the tension between security and human rights in absolutist terms is fundamentally misleading. Although promoting and protecting deeply held legal and moral values is one way to enhance security, such basic values are better protected and advanced only within a stable and secure environment. The practices of torture and coercive interrogation techniques at Abu Ghraib and Guantanamo Bay are widely regarded as cruel, inhuman, and degrading. The real risk inherent in treating detainees inhumanely in the interest of national security, even under supreme emergencies, is that such a basis for action is outside the law—both moral law and statutory law. We should look for ways to tackle and overcome terrorism without putting our basic liberties and democratic ideals at risk.

The lessons for the West and the rest of the world beyond September 11 are varied and many. First, the responsibility for security and stability in the post-9/11 era, especially after the Afghanistan and Iraq wars, must be shared locally, regionally, and globally. The emergence of regional actors such as Turkey, capable of mediating conflicts and tensions in the region, has provided a unique opportunity that merits attention. Second, human rights may *not* provide a suitable vehicle for handling every political and legal issue. In times of crises, such as civil wars or acts of terrorism, stability and the preservation of international peace need to be balanced against—but not necessarily be detrimental to—the strict

adherence to justice and human rights. In situations both before and after a crisis, however, the preservation of human rights is directly bound up not only with states' internal stability but also with international peace and tranquility. Under such circumstances, the dichotomy between human rights and security is an imprecise way of framing the debate. I argue rather that the notion of a reconstruction of security—collective and individual—can be more effectively employed to invoke debate over the consequences of military intervention or the use of force in the context of combating terrorism.

Iraq is perhaps the most telling example of counterinsurgency. Seven years after the US invasion, Iraq has become the epicenter of global terrorism, as the Bush Doctrine—manifested in unilateralist and interventionist policies—has contributed to greater levels of insecurity there. Experts caution that, for reasons ranging from ethnic conflict and sectarianism to military intervention, the invasion of Iraq has posed intractable challenges to US counterinsurgency efforts. The fact that Iraq has become a breeding ground for cultivating al-Qaeda's supporters for the global jihadist movement offers grim confirmation of such military misadventures.

The Bush administration's inconsistent and erratic position toward balancing the "war on terror" with the grandiose plan of democracy promotion proved inept and problematic, further compromising US foreign policy objectives. On balance, the longer-term cost of a military approach authorizing the use of force, torture, detention, and extraordinary rendition far outweighed its sporadic and unpredictable short-term benefits. The real question is: What is the most effective way to defeat terrorists? The answer is still up for debate. Some combination of the three approaches outlined above is perhaps the most effective way to mount a sustainable campaign against terrorism and hold together a coalition of support for that purpose.

One of the basic precepts of counterterrorism is that the fight against terror need not always be viewed in primarily military terms. Likewise, in counterinsurgency programs it is often said that "sometimes, the more force used, the less effective it is." Knowing when the use of force is effective and when it is counterproductive is essential. Exercising this choice prudently requires employing a comprehensive strategy that focuses on winning popular support, promoting reconstruction efforts, and establishing the rule of law. Military intervention and regime change, as we have come to see, did not work under the Bush administration. Driven by a culture of fear and crusade against jihadism,

the US foreign policy agenda has proven self-defeating. The US presence in the pre-9/11 and post-9/11 periods, the latter under the rubric of a “war on terror,” has given birth to terrorist movements with diverse, even contradictory, political agendas. It is reasonable to assume that an Arab-Israeli peace treaty that, among other things, promises a homeland for the Palestinians will prove the most effective antidote to counteract the poison of terrorism in the region. A reasonable and peaceful solution to the Arab-Israeli conflicts will provide the ultimate example of how diplomatic efforts to assuage feelings of resentment in the region may have far better results than a military approach.

In the post-9/11 period, we have to face the fact that both the Afghans and the Iraqis will determine their own fate. One can further argue that pragmatic and multilateral efforts, such as seeking the cooperation of allies on law enforcement and intelligence sharing, along with diplomatic campaigns, might offer the best way to balance human rights and security considerations. In a speech delivered at Cairo University on June 4, 2009, President Obama struck a fresh tone by asking for a “new beginning between the United States and Muslims around the world.” President Obama went on to assert that “so long as our relationship is defined by our differences, we will empower those who sow hatred rather than peace, and who promote conflict rather than the cooperation that can help all of our people achieve justice and prosperity. This cycle of suspicion and discord must end.” Obama’s speech resonated strongly among moderate Muslims throughout the world, as he laid down crucial markers that signaled a new US approach to the Middle East and beyond.

After reviewing the US strategy in Afghanistan, Obama decided to send an additional thirty thousand US troops to Afghanistan as part of AfPak policy, setting 2011 as a drawdown date. His goal was twofold: (1) to prevent al-Qaeda from returning to Afghanistan (it was from Afghanistan that 9/11 was executed) and (2) to keep Taliban insurgents from overthrowing the Karzai government. The additional US troops were intended to secure several population centers and to assault Taliban strongholds such as Marjah and Kandahar. US forces were expected to collaborate with the Afghans and create an independent, full-fledged army. Skepticism regarding this policy and exit strategy continued to grow as the nagging question persisted: Would sending more troops increase the difficulty of getting them out in an appropriate and timely manner? Beyond this and related operational questions, the vexing issue of human and material costs associated with security-oriented options,

which often required the sacrifice of civil liberties and political freedoms in the name of combating terrorism, necessitated a rethinking of US counterterrorism strategies.

Equally contentious are growing divisions within NATO concerning Afghan policy. In Afghanistan, despite eight years of occupation, an enormous US leadership effort, and more than 150,000 troops on the ground, NATO has failed to achieve its objectives and is beginning a retreat without a clear victory. Given the existing trend in NATO away from real solidarity, some observers have cautioned that without US leadership, the alliance is likely to hollow out from within.<sup>1</sup> How President Obama will respond to this new challenge remains to be seen.

Moreover, the Obama administration's decision to withdraw US troops from Iraq by December 31, 2011, has resulted in mixed reactions from both Iraqi authorities and civilians. A broad consensus in Kirkuk, an area with a predominantly Kurdish population in northern Iraq, holds that a continued US military presence is integral to their region's stability. Because Kirkuk lacks a unified security force of its own, many Kurdish leaders warn against the possibility of terrorist groups concentrating on places such as Kirkuk and Mosul, where they can exploit political differences among the groups. They argue that under such circumstances the United States can play a key role as a broker among different communities in Kirkuk and intervene in times of crisis.<sup>2</sup> It is worth noting that under intense US pressure, Iraqi prime minister Nouri al-Maliki has agreed to start negotiations on keeping some US soldiers in Iraq. Despite the opposition of the followers of Shiite cleric Muqtada al-Sadr, Prime Minister Maliki has enough support for such an agreement to be passed by parliament.

## **The Argument**

In the chapters that follow I examine the limits of the use of force, torture, rendition, and externally imposed democratization processes, while pressing the case for the continued relevance of international law and diplomacy as effective tools to sever the roots of terrorism in the Middle East. My point of departure lies in questioning the so-called "enhanced interrogation techniques" that the Bush administration authorized after the attacks of September 11, 2001. The involvement of US departments and agencies in detainee abuse in Iraq's Abu Ghraib,

Guantanamo Bay, Afghanistan's Bagram Air Base, and other locations has been well documented.<sup>3</sup> A recent study of the lives of former detainees once held in US custody in Afghanistan and Guantanamo Bay has revealed the prevalence and systematic nature of this abuse and the propriety of specific interrogation methods.<sup>4</sup>

Moreover, the 2011 democratic uprisings in North Africa and the Middle East demonstrate that maintaining order and stability can no longer be divorced from upholding human rights, human security, and social justice. The young generation of educated men and women throughout the Arab world and beyond appear to be more open and sympathetic to a liberal, constitutional order. Increasingly, their generation has shown more interest in addressing economic and political grievances, including governmental competence, corruption, and growth, rather than in making grand ideological statements.<sup>5</sup> The leaderless uprisings in Tunisia, Egypt, and the rest of the Arab world attest to the old order, built archaically around negotiation and collaboration with Arab autocrats, having fundamentally unraveled. It is no longer cost-effective to back dictators.<sup>6</sup> The time has come to underline the need for a more nuanced view of stability in the Middle East. The pursuit of a security template that suspends basic civil liberties not only is morally bankrupt but also has become increasingly imprudent politically.

In light of the 2011 uprisings, and given the complexity of the campaign against terrorism, this book's central argument is that peaceful, democratic change from within and from below offers an effective counternarrative to the so-called war on terror, illustrating the inevitability of change in an age of rebellious youth and failing traditional party politics. Increasingly, against the background of the home-grown uprisings, the role of powerful foreign meddlers in upholding authoritarian but pro-West regimes in the region has become practically obsolete.

In keeping with my core argument, I seek to reframe the debate on security and human rights while supporting legal and diplomatic counterterrorism tools. I subscribe to the notion that legal instruments—such as treaties, conventions, and covenants—and diplomatic means can bring about positive, lasting change.<sup>7</sup> Thus, this book is largely about the conditions under which such tools can be properly utilized. Its limitations notwithstanding, diplomacy has many principled advantages in facilitating new opportunities for the peaceful resolution of regional conflicts such as the Israeli-Palestinian one.

For instance, many experts argue that bringing a lasting end to the Israeli-Palestinian conflict through creating an independent, viable, and contiguous state for the Palestinians will minimize the threat of terrorism in the region more efficiently than a simple invasion (consider, for example, the dreadful consequences of the US invasion of Iraq). Because of its enormous resonance throughout the Muslim world, the Palestinian issue is one of the central issues fueling Islamic radicalism—the specific brand of militancy labeled most menacing to the United States.<sup>8</sup>

Although the examination of other counterterrorism tools (e.g., the interdiction of financial assets, the use of intelligence measures, reliance on the criminal justice system) are beyond the scope of this book, it is worth noting that effective intelligence gathering is critical for reducing the likelihood of terrorism and that prosecutions and the strict application of national law contain counterterrorism value far beyond simple emotional revenge. Some observers have noted that the creation by the US Department of Defense of a system of military tribunals to put captured people (alleged to be terrorists) on trial has demonstrated that the military and criminal justice systems are not entirely separate counterterrorism instruments.<sup>9</sup>

The arguments and examples cited in this introduction illustrate the need for reframing the debate over how best to deal with terrorism. I will also argue that there is a need for refining the conversation surrounding the notions of *universality*, *identity*, and *enforceable commitment* on the basis of legality and legitimacy, and not expediency alone. As such, terrorism is best dealt with as a crime, inside state borders, and through cooperative international law-enforcement efforts. This reframing offers a realistic and substantive opportunity to address a number of contemporary human rights problems in the context of the struggle against violent extremists, juxtaposed against the slogan “You are either with us or against us in the fight against terror.”<sup>10</sup>

Such reframing goes to the heart of the challenge facing the global community in terms of “utilizing its advantages to win the war of ideas that motivates and sustains those responsible for the current wave of terrorist violence.”<sup>11</sup> It is in this context that Western support for authoritarian yet friendly regimes in the Middle East and North Africa must be reevaluated. The popular uprisings that started in early 2011 have contributed to a new climate of political activism and change that is enormously receptive to ideas of peaceful democratic transformation and electoral democracies. These uprisings have provided a unique opportu-

nity, for the Western world in general and the United States in particular, to exploit these internal political battles, because they can undermine the narrative of bringing about change through militancy and terrorism methods and tactics.

With the demise of Osama bin Laden, the debate over the withdrawal of US forces from Afghanistan has renewed opposing views. While the proponents of surgical strikes advocate attacking terrorist cells with special forces as they arise, supporters of counterinsurgency underscore the importance of relying on significant troop deployment.<sup>12</sup> Any fresh review of the post-bin Laden era must take into account both risks and benefits of counterterrorism measures. Failure to reframe and adequately alter the debate in this more refined direction will severely stunt and stymie the progress of the human rights project throughout the world, especially at a time when it seems to have gathered new and historic momentum in the Middle East and North Africa.

## **Organization of the Book**

To open my review of the different strategies for combating terrorism within local, regional, and international contexts, Chapter 2 examines the roots of terrorism and revisits the competing ethical views on how to respond to it. Chapter 3 investigates the risks and costs of applying military solutions. Chapter 4 reveals the flaws of trying to export democracy to the Middle East by examining the Bush administration's democratization agenda in the region, and I also espouse embracing a new realism in US foreign policy toward the region. Chapter 5 critically examines the US-led war on terror as a campaign that has been largely fought based on US military prowess, a strategy devoid of utilizing diplomatic assets. In Chapter 6, I explore the issue of counterterrorism and human rights, arguing that the trade-off hypothesis (security over human rights) is far too crude to do justice to the human rights discourse. Chapter 7 offers an analysis of the costs and consequences of the current "war on terror" strategy for the West, including an examination of the socioeconomic and political conditions facing Muslim immigrants in the United States and Europe in the post-9/11 era. And in the concluding chapter, I assess alternative strategies for combating terrorism and discuss the US military misadventures in Iraq and Afghanistan and the failure of current counterterrorism measures. To overcome the legacy of the Bush administration and its flawed approach to the war on terror, it is crucial to seri-

ously examine the components of the trade-off thesis: security over human rights.

## Notes

1. Kurt Volker, "Afghanistan and Libya Point NATO to Five Lessons," *Christian Science Monitor*, August 1, 2011, p. 35.

2. Mahammed A. Salih, "Why Oil-Rich Kirkuk Wants US to Stay," *Christian Science Monitor*, August 15 and 22, 2011, pp. 12–13; see esp. p. 12.

3. Shadi Mokhtari, *After the Abu Ghraib: Exploring Human Rights in America and the Middle East* (New York: Cambridge University Press, 2009).

4. Laurel E. Fletcher and Eric Stover, *The Guantanamo Effect: Exposing the Consequences of U.S. Detention and Interrogation Practices* (Berkeley: University of California Press, 2009), pp. 11–12.

5. Fareed Zakaria, "How Democracy Can Work in the Middle East," *Time*, Feb. 3, 2011; available at <http://www.time.com/time/world/article/0,8599,2045888-4,00.html>; accessed Feb. 14, 2011.

6. Fouad Ajami, "Demise of the Dictators," *Newsweek*, Feb. 14, 2011, pp. 18–27.

7. Beth A. Simmons, *Mobilizing for Human Rights: International Law in Domestic Politics* (New York: Cambridge University Press, 2009), pp. 12–13.

8. Paul R. Pillar, *Terrorism and U.S. Foreign Policy* (Washington, DC: Brookings Institution Press, 2001), p. xlv.

9. *Ibid.*, pp. xxix–xxxiii.

10. President Bush made such remarks several times throughout the course of his presidency. On September 20, 2001, he said in his address to a joint session of Congress and the American people, "Either you are with us, or you are with the terrorists." See Address to a Joint Session of Congress and the American People, The White House, September 20, 2001, available at <http://georgewbush-whitehouse.archives.gov/news/releases/2001/09/20010920-8.html>. Again on November 6, 2001, during a joint news conference with French president Jacques Chirac, President Bush said, "You're either with us or against us in the fight against terror." See "Bush Says It Is Time for Action," CNN, November 6, 2001; available at <http://edition.cnn.com/2001/US/11/06/ret.bush.coalition/index.html>.

11. James D. Kiras, "Terrorism and Globalization," in John Baylis and Steve Smith, eds., *The Globalization of World Politics: An Introduction to International Relations*, 3rd ed. (New York: Oxford University Press, 2005), pp. 479–497; see esp. p. 495.

12. Anna Mulrine, "Bin Laden Raid: A New Template?" *Christian Science Monitor*, May 23, 2011, p. 20.