

TORTURE
TERROR
— AND —
TRADE-OFFS

*Philosophy for the
White House*

JEREMY
WALDRON

Torture Terror And Trade Offs Philosophy For The White House

Carl Wellman



Torture Terror And Trade Offs Philosophy For The White House:

Torture, Terror, and Trade-offs Jeremy Waldron, 2010 Torture Terror and Trade offs Jeremy Waldron has been a challenging and influential voice in the moral political and legal debates surrounding the response to terrorism since 9 11 His contributions have spanned the major controversies of the War on Terror including the morality and legality of torture whether security can be balanced with liberty and the relationship between public safety and individual rights He has also tackled underlying questions essential to understanding the practical debates including what terrorism is and what a right to security would entail This volume collects all Waldron s work on these issues including six published essays and two previously unpublished essays It also includes a new introduction in which Waldron presents an overview of his contribution and looks at the problems currently facing the Obama administration and the UK Government in dealing with the legacy of the Bush White House The volume will be essential reading for all those engaged with contemporary politics security law and the continuing struggle for an ethical response to terrorism

Debating Targeted Killing Tamar Meisels, Jeremy Waldron, 2020-05-14 Known terrorists are often targeted for death by the governments of Israel and the United States Several thousand have been killed by drones or by operatives on the ground in the last twenty years Is this form of killing justified Is there anything about it that should disturb us In this for and against book political theorists Jeremy Waldron and Tamar Meisels engage in extended debate to illuminate these issues They consider the actions of targeting and hunting down named individuals and they address concerns about the possibility of this practice getting out of hand and being extended beyond the realm of counter terrorism

State Terror, State Violence Bettina Koch, 2015-12-16 The volume critically discusses theoretical discourses and theoretically informed case studies on state violence and state terror How do states justify their acts of violence How are these justifications critiqued Although legally state terrorism does not exist some states nonetheless commit acts of violence that qualify as state terror as a social fact In which cases and under what circumstances do illegitimate acts of violence qualify as state terrorism Geographically the volume covers cases and discourses from the Caucasus South East and Central Asia the Middle East and North America

International Human Rights Law and Practice Ilias Bantekas, Lutz Oette, 2013-04-25 Innovative mix of theory and practice coupled with engaging writing style and integrated interviews to guarantee students interest and understanding

Political Technology and the Erosion of the Rule of Law Günter Frankenberg, 2014-01-31 This timely volume by distinguished scholar Günter Frankenberg offers a sophisticated analysis and sharp critique of the reactions of nations such as the US Great Britain and Germany to perceived terrorist threats organized crime actions and other political emergencies that have occurred in recent years

Modern Just War Theory Michael P. Farrell, 2013-06-20 Contributions to Illuminations A Scarecrow Press Series of Guides to Research in Religion provide students and scholars lay readers and clergy with a road map to research in key areas of religious study All commonly constructed with introductions to the topic and reviews of key thinkers concepts and events

each volume includes surveys of the primary and secondary sources with critical evaluations of their places in the canon of thought and research on the topic. Focusing primarily on the knowledge required by today's students and scholars, each guide is a must have for any student of religion. The twentieth century saw an explosion of wars and an accompanying explosion of literature on the morality of war. Thinking among Christian clerics and scholars on the idea of just war shifted with developments on the battlefield. Alternatives to just war theory such as pacifism and realism found new proponents in the published work of the neo-Anabaptists and Niebhurians. Meanwhile proponents of Christian just war theory had to address challenges from competing ideologies as well as those presented by the changing nature of warfare. *Modern Just War Theory: A Guide to Research* by scholar and librarian Michael Farrell serves as a manual for students and scholars studying Christian just war theory, helping them navigate the wealth of just war literature produced in the twentieth and twenty-first centuries. Farrell's guide provides an introduction to the major developments of just war theory in the twentieth century, including sections on how to research just war theory, an overview of some of the most important theorists and developments of the twentieth century, and discussions of key search terms and related topics. Farrell then surveys and evaluates key primary and secondary sources for researchers on just war theory as well as related sources on Christian realism and the responses of just war theorists to proponents of pacifism and secular just war theories. *Modern Just War Theory* will appeal to students and scholars of theology, military history, international law, and Christian ethics.

The Ethics of Counterterrorism
Isaac Taylor, 2018-05-11. States across the globe spend billions of dollars fighting terrorism annually. As well as strategic questions about the way in which the money should be spent, we are also confronted with a host of moral issues, many of which are poorly understood. *The Ethics of Counterterrorism* offers the first systematic normative theory for guiding assessing and criticising counterterrorist policy. Many commentators claim that state actors combating terrorism should set aside ordinary moral and legal frameworks and instead bind themselves by a different and generally more permissive set of ethical rules than is appropriate in other areas. The book assesses arguments for this view and more specifically investigates whether widely endorsed restrictions on state action in the areas of surveillance, policing, armed conflict, criminal justice, diplomacy, and cultural integration need to be weakened when we are confronted with terrorist threats. With its novel overall framework for assessing counterterrorist strategies, its comprehensive analysis of existing practices, and its bringing the tools of analytic philosophy to bear on new questions regarding how states can fight terrorism both effectively and morally, *The Ethics of Counterterrorism* promises to be an important point of reference for future debates in this area.

Philosophical Foundations of Human Rights
Rowan Cruft, S. Matthew Liao, Massimo Renzo, 2015-04-30. What makes something a human right? What is the relationship between the moral foundations of human rights and human rights law? What are the difficulties of appealing to human rights? This book offers the first comprehensive survey of current thinking on the philosophical foundations of human rights. Divided into four parts, this book focuses firstly on the moral grounds of human rights for

example in our dignity agency interests or needs Secondly it looks at the implications that different moral perspectives on human rights bear for human rights law and politics Thirdly it discusses specific and topical human rights including freedom of expression and religion security health and more controversial rights such as a human right to subsistence The final part discusses nuanced critical and reformative views on human rights from feminist Kantian and relativist perspectives among others The essays represent new and canonical research by leading scholars in the field Each section is structured as a set of essays and replies offering a comprehensive analysis of different positions within the debate in question The introduction from the editors will guide researchers and students navigating the diversity of views on the philosophical foundations of human rights

Law in Politics, Politics in Law David Feldman, 2013-12-05 A great deal has been written on the relationship between politics and law Legislation as a source of law is often highly political and is the product of a process or the creation of officials often closely bound into party politics Legislation is also one of the exclusive powers of the state As such legislation is plainly both practical and inevitably political at the same time most understandings of the relationship between law and politics have been overwhelmingly theoretical In this light public law is often seen as part of the political order or as inescapably partisan We know relatively little about the real impact of law on politicians through their legal advisers and civil servants How do lawyers in government see their roles and what use do they make of law How does politics actually affect the drafting of legislation or the making of policy This volume will begin to answer these and other questions about the practical day to day relationship between law and politics in a number of settings It includes chapters by former departmental legal advisers drafters of legislation law reformers judges and academics who focus on what actually happens when law meets politics in government

The Meaning of Terrorism C. A. J. Coady, 2021 C A J Coady offers to clear up confusion about what terrorism is His tactical definition focuses on terrorist acts as violent attacks upon non combatants He discusses what it means to be a non combatant considers various philosophical attempts to defend terrorism and examines the idea of a connection between religion and terrorism

Terrorism and Counterterrorism Carl Wellman, 2013-01-17 This book presents a definition of terrorism that is broad and descriptive and much needed to prevent misunderstanding The book identifies the features that make terrorism wrong including coerciveness the violation of rights and undermining of trust Next it evaluates reasons given for terrorism such as the protection of human rights and the liberation of oppressed groups as not normally justified Following this the book identifies and evaluates international responses to terrorism taking into account General Assembly and Security Council resolutions United Nations conventions and criminalization in international law It also looks at national responses which often take the shape of surveillance detention interrogation trials targeted killings intrusion and invasion Finally the book discusses how if at all the moral norms of personal morality apply to the actions of nation states

What's Wrong with Rights? Nigel Biggar, 2020 iWhat s Wrong with Rights i argues that contemporary rights talk obscures the importance civic virtue military effectiveness and the democratic law legitimacy It

draws upon legal and moral philosophy moral theology and court judgments It spans discussions from medieval Christendom to contemporary debates about justified killing

Preventive Justice Andrew Ashworth, Lucia Zedner, 2014-03-27 This book arises from a three year study of Preventive Justice directed by Professor Andrew Ashworth and Professor Lucia Zedner at the University of Oxford The study seeks to develop an account of the principles and values that should guide and limit the state's use of preventive techniques that involve coercion against the individual States today are increasingly using criminal law or criminal law like tools to try to prevent or reduce the risk of anticipated future harm Such measures include criminalizing conduct at an early stage in order to allow authorities to intervene incapacitating suspected future wrongdoers and imposing extended sentences or indefinite on past wrongdoers on the basis of their predicted future conduct all in the name of public protection and security The chief justification for the state's use of coercion is protecting the public from harm Although the rationales and justifications of state punishment have been explored extensively the scope limits and principles of preventive justice have attracted little doctrinal or conceptual analysis This book reassesses the foundations for the range of coercive measures that states now take in the name of prevention and public protection focussing particularly on coercive measures involving deprivation of liberty It examines whether these measures are justified whether they distort the proper boundaries between criminal and civil law or whether they signal a larger change in the architecture of security In so doing it sets out to establish a framework for what we call Preventive Justice

The Global Model of Constitutional Rights Kai Möller, 2012-10-25 Since the end of the Second World War and the subsequent success of constitutional judicial review one particular model of constitutional rights has had remarkable success first in Europe and now globally This global model of constitutional rights is characterized by an extremely broad approach to the scope of rights sometimes referred to as rights inflation the acceptance of horizontal effect of rights positive obligations and increasingly also socio economic rights and the use of the doctrines of balancing and proportionality to determine the permissible limitations of rights Drawing on analyses of a broad range of cases from the UK the European Court of Human Rights Germany Canada the US and South Africa this book provides the first substantive moral reconstructive theory of the global model It shows that it is based on a coherent conception of constitutional rights which connects to attractive accounts of judicial review democracy and the separation of powers The first part of the book develops a theory of the scope of rights under the global model It defends the idea of a general right to personal autonomy a right to everything which according to the agent's self conception is in his or her interest The function of this right is to acknowledge that every act by a public authority which places a burden on a person's autonomy requires justification The second part of the book proposes a theory of the structure of this justification which offers original and useful accounts of the important doctrines of balancing and proportionality

"Partly Laws Common to All Mankind" Jeremy Waldron, 2012-05-29 Should judges in United States courts be permitted to cite foreign laws in their rulings In this book Jeremy Waldron explores some ideas in jurisprudence and legal theory that could underlie

the Supreme Court's occasional recourse to foreign law especially in constitutional cases. He argues that every society is governed not only by its own laws but partly also by laws common to all mankind *ius gentium*. But he takes the unique step of arguing that this common law is not natural law but a grounded consensus among all nations. The idea of such a consensus will become increasingly important in jurisprudence and public affairs as the world becomes more globalized.

Interpretation in International Law Andrea Bianchi, Daniel Peat, Matthew Windsor, 2015-02-26 International lawyers have long recognised the importance of interpretation to their academic discipline and professional practice. As new insights on interpretation abound in other fields, international law and international lawyers have largely remained wedded to a rule-based approach focusing almost exclusively on the Vienna Convention on the Law of Treaties. Such an approach neglects interpretation as a distinct and broader field of theoretical inquiry. *Interpretation in International Law* brings international legal scholars together to engage in sustained reflection on the theme of interpretation. The book is creatively structured around the metaphor of the game which captures and illuminates the constituent elements of an act of interpretation. The object of the game of interpretation is to persuade the audience that one's interpretation of the law is correct. The rules of play are known and complied with by the players even though much is left to their skills and strategies. There is also a meta-discourse about the game of interpretation, playing the game of game playing which involves consideration of the nature of the game, its underlying stakes and who gets to decide by what rules one should play. Through a series of diverse contributions, *Interpretation in International Law* reveals interpretation as an inescapable feature of all areas of international law. It will be of interest and utility to all international lawyers whose work touches upon theoretical or practical aspects of interpretation.

Faith, Force, and Reason David M. Beatty, 2022-03-31 *Faith, Force, and Reason* follows the evolution of the rule of law from its birth in the marshes of Mesopotamia over 4 000 years ago to its battle against apartheid in South Africa in the last twenty-five years. It is recounted through the voices of emperors and kings, judges and jurists, and popes and philosophers who have thought about what the rule of law is all about and how it works. All of law's most momentous achievements, Justinian's *Corpus Juris Civilis*, the Magna Carta, and the American Bill of Rights, and most celebrated advocates, Plato and Aristotle, Cicero, Aquinas, Edward Coke, Hugo Grotius, and John Marshall, are featured. So are law's darkest moments, the trial of Socrates, the burning and beheading of witches and heretics, the persecution of Jews, and the proclamation of *Lex Regia* which legalized the dictatorial powers of Roman emperors and medieval kings. *Faith, Force, and Reason* challenges readers to think about the lessons of the history they have read. What does the rule of law mean in our own time? What does it demand of us as well as our political leaders?

Trade Justice James Christensen, 2017 This book examines socioeconomic justice and international trade from the perspective of analytic political theory.

Critical Perspectives on Counter-terrorism Lee Jarvis, Michael Lister, 2014-12-17 This volume examines the rationale, effectiveness, and consequences of counter-terrorism practices from a range of perspectives and cases. The book critically interrogates

contemporary counter terrorism powers from military campaigns and repression through to the prosecution of terrorist suspects counter terrorism policing counter radicalisation programmes and the proscription of terrorist organisations Drawing on a range of timely and important case studies from around the world including the UK Sri Lanka Spain Canada Australia and the USA its chapters explore the impacts of counter terrorism on individuals communities and political processes The book focuses on three questions of vital importance to any assessment of counter terrorism First what do counter terrorism strategies seek to achieve Second what are the consequences of different counter terrorism campaigns and how are these measured And third how and why do changes to counter terrorism occur This volume will be of much interest to students of counter terrorism critical terrorism studies criminology security studies and IR in general

Proportionality in Crime Control and Criminal Justice Emmanouil Billis, Nandor Knust, Jon Petter Rui, 2021-04-22 This edited volume seeks to reassess the old and to analyse and develop novel approaches to the notion of proportionality in criminal matters and the new security architecture The discourse is not limited to conventional constitutional constellations and standard problems of sentencing in traditional criminal proceedings Rather the book offers an interdisciplinary and cross jurisdictional exploration of highly topical proportionality related issues pertinent to penal theory and legal philosophy criminalisation policies security and anti terrorism strategies alternative types of justice delivery and supranational enforcement as well as human rights and international criminal and humanitarian law In today's global risk society with its numerous visible and invisible enemies of the state and the individual balancing freedom and security has become nothing less than an attempt at untying a Gordian knot Against this background the proportionality of measures of crime prevention and repression is unquestionably an issue of utmost importance which basic research and legal policy in rule of law based systems are urgently called to address The timely and fascinating contributions in this book covering jurisdictions from both the common law and the civil law as well as hybrid and international jurisdictions will appeal to academics researchers policy advisers and practitioners working in the areas of national and international criminal law comparative criminal justice criminology and legal philosophy as well as constitutional and security law

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