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Human Rights and the War on Terror: U. S. Foreign Policy

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U. S. Foreign Policy¹

by Charles Hess

They hate our freedoms--our freedom of religion, our freedom of speech, our freedom to vote and assemble and disagree with each other (George W. Bush, Address to a Joint Session of Congress and the American People, September 20, 2001).

These values of freedom are right and true for every person, in every society—and the duty of protecting these values against their enemies is the common calling of freedom-loving people across the globe and across the ages (National Security Strategy, September 2002

<http://www.whitehouse.gov/nsc/nss.html>).

The historical connection between U.S. foreign policy and human rights has been strong on occasion. The War on Terror has not diminished but rather intensified that relationship if public statements from President Bush and his administration are to be believed. Some argue that just as in the Cold War, the American way of life as a free and liberal people is at stake. They argue that the enemy now is not communism but the disgruntled few who would seek to impose fundamentalist values on societies the world over and destroy those who do not conform. Proposed approaches to neutralizing the problem of terrorism vary. While most would agree that protecting human rights in the face of terror is of elevated importance, concern for human rights holds a peculiar place in this debate. It is ostensibly what the U.S. is trying to protect, yet it is arguably one of the first ideals compromised in the fight.

The Bush administration has chosen a controversial path to protecting human rights during its war on terror. Criticisms that America is developing an empire bent not on freedom as much as exploitation have only intensified since the U.S. invaded Iraq. At home the USA PATRIOT Act and charges of mistreatment of “unlawful combatants” have eroded the position of eminence once held by the U.S. government regarding concern for human rights.

One could argue that the two dominant approaches to terrorism were neatly contrasted in the U.S. presidential election of 2004. The first approach, frequently referred to as the “Bush Doctrine,” regards taking the fight to the terrorists wherever they are hiding before they attack us at home. Because of the decentralized nature of international terrorism this leads to pre-emptive war all over the globe. Speed is of the essence and resorting to diplomacy takes time. The second approach calls for attacks only when American justification is sound and hopefully globally recognized. Some diplomacy and consultation is advisable. A third alternative looks at the underlying reasons for terrorism, asks if American foreign policy provokes it, and looks to address the motivation for attacking America in the first place.

Whatever popularity the Bush Doctrine enjoys invites further scrutiny. Members of the Bush administration and like-minded analysts have frequently referred to the changed world born on September 12th, 2001. They contend the previous American reliance on sanctions and other forms of “soft power” are insufficient to deal with this new threat. Protecting the peace now means

¹ This section has a supplement that begins on page S-18.

making war pre-emptively as necessary. We must be swift and decisive. Whereas nations like Pakistan, Russia and China were once criticized for human rights violations, they have become key allies in the War on Terror. While the U.S. military makes use of their air space and intelligence-gathering capabilities, many wonder at the consequences of establishing warmer relations with leaders perceived as dictators and regimes perceived as repressive.

American Interests and Oil

The Nation. 2004. "Iraq and 1,000 Deaths." 9(3).

Michael T. Klare. 2002. "Oiling the War Machine." *Utne Reader*. (113): 34.

ABSTRACT: Discusses factors driving the convergence of America's anti-terrorist cause and the goal of securing the nation's oil supply. National energy policy under U.S. president George Bush; Foreign policy on Saudi Arabia and Colombia; Author's question about the validity of the Bush administration's initiative to expand sources of foreign oil.

George Leaman. 2004. "Iraq, American Empire, and the War on Terrorism." *Metaphilosophy*. 35(3): 234.

ABSTRACT: Argues that the U.S. government is trying to secure American military and economic supremacy on a global scale over the long term and that the U.S. invasion and occupation of Iraq is part of this imperial project. Examines these developments in the context of U.S. military spending and foreign policy since the end of the cold war.

Gar Smith. 2002. "Afghanistan: It's About Oil". *Earth Island Journal*. 17(1): 37.

ABSTRACT: Argues that the September 11, 2001 terrorist attacks on the U.S. provided the government with the opportunity to use the military to pave the way for an Afghan oil pipeline. Proponents of the Afghan oil route; Implications of the establishment of a pro-Western government in Afghanistan; Basis of U.S. foreign policy.

Gar Smith. 2002. "Defeat Terrorism: Abandon Oil". *Earth Island Journal*. 17(1): 35.

ABSTRACT: Argues that the U.S. government should abandon its dependence on petroleum in order to defeat terrorism. Encourages a shift to clean, renewable energy even at the cost of superpower status. Provides a brief list of human rights abuses by the U.S. government presumably related to the greater foreign policy goal of securing access to foreign oil.

Slavoj Zizek. 2004. "Iraq's False Promises." *Foreign Policy*. (140): 43-50.

ABSTRACT: Criticizes the U.S. government for attacking Iraq in early 2003. Allegations of the U.S. government on the involvement of Saddam Hussein in the September 11, 2001 terrorist attacks; views of neoconservative thinkers on the National Security Strategy calls of George W. Bush; intention of the U.S. to take over Iraq's oil industry.

Analysis and Reflection as a Means to Combat Terrorism

Phyllis Bennis. 2003. *Before & After: U.S. Foreign Policy and the September 11th Crisis*. New York: Olive Branch Press.

Diplomats and Military Commanders for Change. 2004. <http://diplomatsforchange.com/>.

From the website: Diplomats and Military Commanders for Change is an unprecedented bipartisan coalition of 27 career chiefs of mission and retired four-star military leaders who have launched a nationwide campaign to change U.S. foreign and defense policy because they are deeply concerned by the damage the Bush administration has caused to our national and international interests.

Rahul Mahajan. 2003. *Full Spectrum Dominance: U.S. Power in Iraq and Beyond*. New York City: Seven Stories Press.

Argues that Iraqi connections to al-Qaeda; its putative weapons of mass destruction; and the Bush administration's stated desire to bring peace, democracy, and liberation to the Middle East are obscure and fundamentally offensive postures by the United States. Addresses questions that remain unresolved by the military effort. Examines U.S. intentions in occupying Iraq and its plans for the Middle East and the administration's compromising positions on weapons of mass destruction, international law, and oil.

Rahul Mahajan. 2002. *The New Crusade: America's War on Terrorism*. New York, NY: Monthly Review Press.

Argues that the War on Terror is inhumane in theory and application and benefits only a few American elites. Criticizes the mainstream media for distortions and affection for easy answers. Distinguishes between terrorist apologists and people who believe in the existence of legitimate grievances against the US. Cites an economic agenda that preserves the U.S. position of power as both motivation for the War on Terror and a cause of terrorism. Anticipates new directions in the War on Terror presciently including Iraq.

Detainees and "Unlawful Combatants"

Amnesty International. 2004. *Restoring the Rule of Law: The Right of Guantánamo Detainees to Judicial Review of the Lawfulness of Their Detention*. <http://web.amnesty.org/library/Index/ENGAMR510932004?open&of=ENG-USA>.

Five-part legal memorandum arguing for the application of international human rights law in Guantanamo Bay, Cuba. Builds from the presupposition that human rights are inherent in the person and not subject to creative reinterpretation in times of war.

Richard Falk. 2004. "Human Rights." *Foreign Policy*. (March/April): 18.

ABSTRACT: Looks at the most effective and most misguided ways for promoting human rights worldwide. Absence of global consensus on the universality of human aspirations for human rights; error of the notion that human rights are violated more as of 2004 than in previous years; discussion on the notion that human rights are irreconcilable with the war on global terrorism launched by the United States in 2001; truth of the allegation that human rights abuses worsened worldwide after September 11, 2001; contention that human rights include political, social and economic freedoms.

Edward Greer. 2004. "‘We Don’t Torture People in America’: Coercive Interrogation in the Global Village." *New Political Science*. 26(3): 371.

ABSTRACT: While not publicly acknowledged, after 9/11 the systematic deployment of torture on captured Muslims became America’s policy and practice. It is utilized for the purpose of counterinsurgency intelligence-gathering. Based exclusively on publicly available documentation (prior to the Abu Ghraib revelations), the article conclusively demonstrates that the Bush administration deliberately chose this policy option. The evidence of this authorization includes: post-9/11 testimony before Congress; statements to news media by intelligence operatives who engaged in physical coercion in secret facilities; and a focused, aggressive legal strategy to strip suspected terrorists of all human rights. This legal posture included positive representations to the federal courts that the Executive has entitlement to torture; and an official determination that the Geneva Convention protection against coercive interrogations would be circumvented.

Rebuts the official U.S. position on the use of torture to extract information from detainees. Details perceived contradictions in the Bush administration’s statements regarding torture depending on venue. Presents torture as an integral and ultimately self-destructive tool in the War on Terror.

Human Rights Watch. 2002. "Background Paper on Geneva Conventions and Persons Held by U.S. Forces." <http://hrw.org/backgrounder/usa/pow-bck.htm>.

Highlights international law issues pertaining to the treatment of Taliban and al-Qaeda fighters from Afghanistan in U.S. custody. Cites the need for a formal and individualized determination of prisoner-of-war status in ambiguous cases. Also sets out international law requirements governing prisoners of war and "unlawful combatants," including humane treatment, interrogation and prosecution.

Wedgwood, Ruth. 2002. "al Qaeda, Military Commissions, and American Self-Defense." *Political Science Quarterly*. 117(3): 357-372.

ABSTRACT: Critically examines the U.S. detention of al Qaeda prisoners and others accused of being enemy combatants. In a world where terrorist action flirts with catastrophic weapons, the competing paradigms of crime and war may provide no more than analogies. Fitting the law to this new world will require tact, judgment, and the weight of a heavy heart.

Just War and Preemptive War

Anthony Burke. 2004. "Just War or Ethical Peace? Moral Discourses of Strategic Violence after 9/11." *International Affairs*. 80(2): 329.

ABSTRACT: Deconstructs arguments made using just-war theory to excuse the humanitarian costs of the War on Terror. Argues that just-war theory may liberate war rather than morally restrain it. Concludes by developing "ethical peace" as an alternative conceptual framework that seeks to create a genuinely universal moral community.

Bob Catley. 2003. "The USA and the Second Gulf War." *Quadrant*. 47(4): 8.

ABSTRACT: Analyzes the foreign policy of the U.S. from the perspective of a realist theory of politics. Information on major books about political realism; foreign policy objectives of the U.S. after it won the Cold

War against the Soviet Union; justifications of the U.S. for its plan to invade Iraq and oust Iraqi President Saddam Hussein; legality of the pre-emptive attack policy of the US; and public opinion on the U.S. plan to attack Iraq.

Richard Falk. 2003. The Great Terror War. New York: Olive Branch Press.

ABSTRACT: *Criticizes the categorization of the War on Terror as a means of responding to current and preventing future terror attacks. Outlines a comprehensive historical framework, and provides new insights into the entire range of issues that must be addressed if terrorism is indeed to be eradicated. Judges the erosion of liberties at home and human rights in general as an indirect victory for al Qaeda and anticipates the greatest cost of September 11 will be the damage done to the global normative order consisting of international law, limits on warmaking, the authority of the UN, and the promotion of human rights.*

Gerard Huiskamp. 2004. "Minority Report on the Bush Doctrine." *New Political Science*. 26(3): 389.

ABSTRACT: *Provides a framework for understanding the implications of the Bush administration's War on Terror through an analysis of Stephen Spielberg's 2002 film, Minority Report. Spielberg's film has been called prescient for the eerie similarity between its fictitious Precrime program and actual post-Patriot Act Department of Justice operations. Illuminates the administration's foreign policy doctrine of pre-emptive war in battling international terrorism.*

Gerd Oberleitner. 2004. "A Just War against Terror?" *Peace Review*. 16(3): 263-268.

Analyzes the premise that the War on Terror is just and real through a review of the history of just war from Ancient Rome to today. Juxtaposes definitions of war versus crime in responding to terrorism. Categorizes pre-emptive self-defense as against international law and just war as a concept righteously abandoned long ago.

Diplomatic or Military Engagement?

Richard K. Betts. 2002. "The Soft Underbelly of American Primacy: Tactical Advantages of Terror." *Political Science Quarterly*. 117(1): 19.

Examines the imbalance of power between terrorist groups and counterterrorist governments and the operational advantage of attack over defense in the interaction between terrorists.

Thomas Donnelly. 2003. *Fighting Terror: Lessons and Implications from the Iraqi Theater*. The American Enterprise Institute. http://www.aei.org/publications/pubID.18061,filter.all/pub_detail.asp.

Representative of conservative thought on the War on Terror. Argues that it is first a struggle to bring the fight to the terrorists before they can bring it to us and ultimately a political struggle for the hearts and minds of Muslims throughout the greater Middle East. Sets a mission of spreading democracy and respect for human rights.

Robert F. Drinan. 2003. "Wars and Terrorism Threaten Civil Liberties and Human Rights." *Human Rights: Journal of the Section of Individual Rights & Responsibilities*. 30(1): 2.

ABSTRACT: Advocates a new U.S. foreign policy that lives up to the ideals of human rights proclaimed in the United Nations Charter. Identifies a need for American lawyers to act as moral architects who will restrain policies that teach that violence, armed conflict, and military might can solve the moral, spiritual, and human problems of humanity.

David Hastings. 2003. "Myths, Motivations and 'Misunderestimations': The Bush Administration and Iraq." *International Affairs*. 79(2): 279.

ABSTRACT: Explores the myths and motivations behind U.S. foreign policy toward Iraq in America's War on Terrorism. Argues that the foreign policy of the Bush administration is widely misunderstood. Addresses arguments that the Bush administration is motivated by oil, revenge or hubris as well as the more mainstream arguments.

Nathan Gardels. 2002. "Anticipatory Defense in the War on Terror." *NPQ: New Perspectives Quarterly*. 19(4): 5.

ABSTRACT: Interviews U.S. National Security Adviser Condoleezza Rice on the pre-emptive actions of the U.S. against terrorism. Views on anticipatory defense; information on the U.S. government's policy of containment; role of United Nations resolutions in the U.S. campaign against Iraq's weapons of mass destruction.

Victor Davis Hanson. 2004. *Between War and Peace*. New York: Random House Trade Paperbacks.

Drawing from essays first published in the *National Review Online*, this collection takes a positive view of the War on Terror as it unfolded between January 2002 and July 2003. Predicts American success in backing up a humanitarian message of liberal reform with military strength aimed at eradicating rogue regimes. Frequently criticizes Arab states for their support of fanaticism and tolerance of corruption, the U.N. for its undermining of U.S. policy and self-loathing Americans uncomfortable with their nation's dominance.

Michael Hirsh. 2002. "Bush and the World." *Foreign Affairs*. 81(5): 18.

ABSTRACT: Theorizes a new international consensus on the War on Terror is possible, but it will require some political sacrifice. U.S. allies must accept that some U.S. unilateralism is inevitable, even desirable. The U.S. must strive to minimize rather than emphasize its power advantage.

Michael Hirsh, Martha Brant, Tamara Lipper and Mark Hosenball. 2002. "Hawks, Doves and Dubya." *Newsweek* (August 2).

ABSTRACT: Discusses U.S. foreign policy in Iraq. Debate within the administration of U.S. President George W. Bush about a strategy to take action against Iraq; concern that a unilateral rush into pre-emptive war in Iraq could undercut worldwide support for the War on Terror and cast the U.S. as an aggressor nation; perspectives of members of the Bush administration, including (former) Secretary of State Colin Powell and Secretary of Defense Donald Rumsfeld; goal of ousting Saddam Hussein; need for Republican consent before the nation can consent.

Michael Ignatieff. 2004. *The Lesser Evil: Political Ethics in an Age of Terror*. Princeton University Press.

Ignatieff recommends a middle course between a civil libertarianism and pragmatism that would judge counterterrorism measures solely by their effectiveness. Allows for emergency suspensions of civil liberties provided they are temporary, publicly justified, and employed as a last resort.

Proposes providing oppressed groups with peaceful political means of redress as a successful alternative to terrorism. Looks extensively at terrorism in history.

Douglas Kellner. 2004. "Preemptive Strikes and the War on Iraq: A Critique of Bush Administration Unilateralism and Militarism." *New Political Science*. 26(3): 417.

ABSTRACT: Examines the unilateralism evident in the manner U.S. military power is used to advance U.S. interests and geopolitical hegemony. Sketches out the genesis and origins of Bush administration foreign policy and its application in Afghanistan and the build-up to the Iraq war. Develops a critique of the Bush doctrine and its application in the 2003 Iraq invasion.

W. Lafeber. 2002. "The Bush Doctrine." *Diplomatic History*. 26(4): 543.

ABSTRACT: Analyzes the doctrine propagated by U.S. President George W. Bush's administration after the September 11, 2001 terrorist attack. Purposes of presidential doctrines; Bush's priorities in the field of international relations; approach of the government in fighting terrorism; foreign policy transformations resulting from the terrorist attack.

Mark Mazzetti. 2004. "Two for One." *New Republic*. 230(12): 18-22.

ABSTRACT: Argues that the U.S. military is becoming increasingly strained by its commitments in Iraq and Afghanistan, thereby limiting the ability of America to threaten rogue states with military action and fight the War on Terror. Anticipates the U.S. military will have significant obligations in Iraq and Afghanistan for years and evaluates the consequences.

Winston P. Nagan and Craig Hammer. 2004. "The New Bush National Security Doctrine and Rule of Law." *Berkeley Journal of International Law*. 22(375): 375-434.

ABSTRACT: Seeks to advance the discussion of national security in general, with specific regard to American foreign policy as outlined by President George W. Bush. Examines historically significant national security doctrines as well as the legal basis underlying the 2003 American attack on Iraq in order to explore the Bush administration's international policy determinations.

Joseph S. Nye Jr. 2004. "Soft Power and American Foreign Policy." *Political Science Quarterly*. 119(2): 255-270.

Analyzes recent developments in U.S. foreign policy in light of evidence that American "soft power" has eroded. Nye suggests that the challenges posed by transnational terrorism require more attention to soft power and cooperation with allies and institutions.

Paul R. Pillar. 2001. *Terrorism and U.S. Foreign Policy*. Washington, D. C. : Brookings Institution Press.

Argues that counterterrorism is not accurately represented by the war metaphor and that the problem of terrorism cannot be solved, only managed. Defines the purpose of counterterrorism as saving lives without unduly compromising national interests and objectives. Focuses more on the effect of U.S. counterterrorism efforts on foreign relations than on domestic concerns like civil liberties. Encourages the use of multiple methods, including "soft power."

Human Rights Violators as Allies

2004. "Our Former Man in Uzbekistan." *Economist*. (October 23).

ABSTRACT: *Comments on the ousting of Craig Murray, a British diplomat in Tashkent, Uzbekistan. In August 2003, after increasingly outspoken criticism of human rights abuses in Uzbekistan, a key ally in the War on Terror, Murray was disciplined and asked to resign. Some say Downing Street is stifling dissent at the expense of human rights.*

Thomas Carothers. 2003. "Promoting Democracy and Fighting Terror." *Foreign Affairs*. 82(1): 84.

ABSTRACT: *Focuses on President George W. Bush's approach to the promotion of democracy during the War on Terror. Bush the realist seeks warm ties with dictators who may help in the fight against al Qaeda, while Bush the neo-Reaganite proclaims that democracy is the only solution to terror.*

Thomas Carothers and Paula J. Dobriansky. 2003. "Democracy Promotion." *Foreign Affairs*. 82(3): 141.

Offers a response to the article "Promoting Democracy and Fighting Terror" by Thomas Carothers. Argues that the Bush administration has struck the right balance between security concerns, economic issues, and human rights imperatives in the War on Terror. Includes a reply from Carothers.

Rosemary Foot. 2004. "Human Rights and Counter-Terrorism in America's Asia Policy." *Adelphi Papers*. 363(1).

Focuses on five Asian countries: Pakistan, Uzbekistan, Indonesia, Malaysia, and China. Analyzes how U.S. policy toward each, particularly in the area of human rights, has shifted after September 11, 2001. Takes the position that human rights concerns have been weakened in U.S. foreign policy for political, normative and institutional reasons.

Rosemary Foot. 2003. "Bush, China and Human Rights." *Survival*. 45(2): 167-186.

ABSTRACT: *Questions whether the September 11th attacks on the U.S. have resulted in a reduction in the Bush administration's attention to China's human rights record. Argues the administration will find it difficult to downgrade the issue. References the U.S. designation of the "East Turkestan Islamic Movement" as a terrorist organization operating in China.*

Mohan Malik. 2002. *Dragon on Terrorism: Assessing China's Tactical Gains and Strategic Loss Post-September 11*. Strategic Studies Institute.

ABSTRACT: *Offers an overview of China's foreign policy goals and achievements prior to September 11, examines Beijing's response to terrorist attacks on the U.S. mainland, provides an assessment of China's tactical gains and strategic losses following the September 11 attacks, and concludes with an evaluation of Beijing's future policy options. Argues that the U.S. led War on Terror has ushered in a new geopolitical alignment whose ramifications will be felt far into the future. Lists muted criticism of China's human rights record as a transitory benefit to China of the U.S. led War on Terror.*

Kate Martin. 2002. "Intelligence, Terrorism, and Civil Liberties." *Human Rights: Journal of the Section of Individual Rights & Responsibilities*. 29(1): 5.

ABSTRACT: Broadly outlines the historical distinction between intelligence and law enforcement agencies and how the barrier between them has been eroded through acts of congress, particularly the USA PATRIOT Act. Expresses concern that protection of intelligence methods has become a justification for limiting liberty and the rule of law.