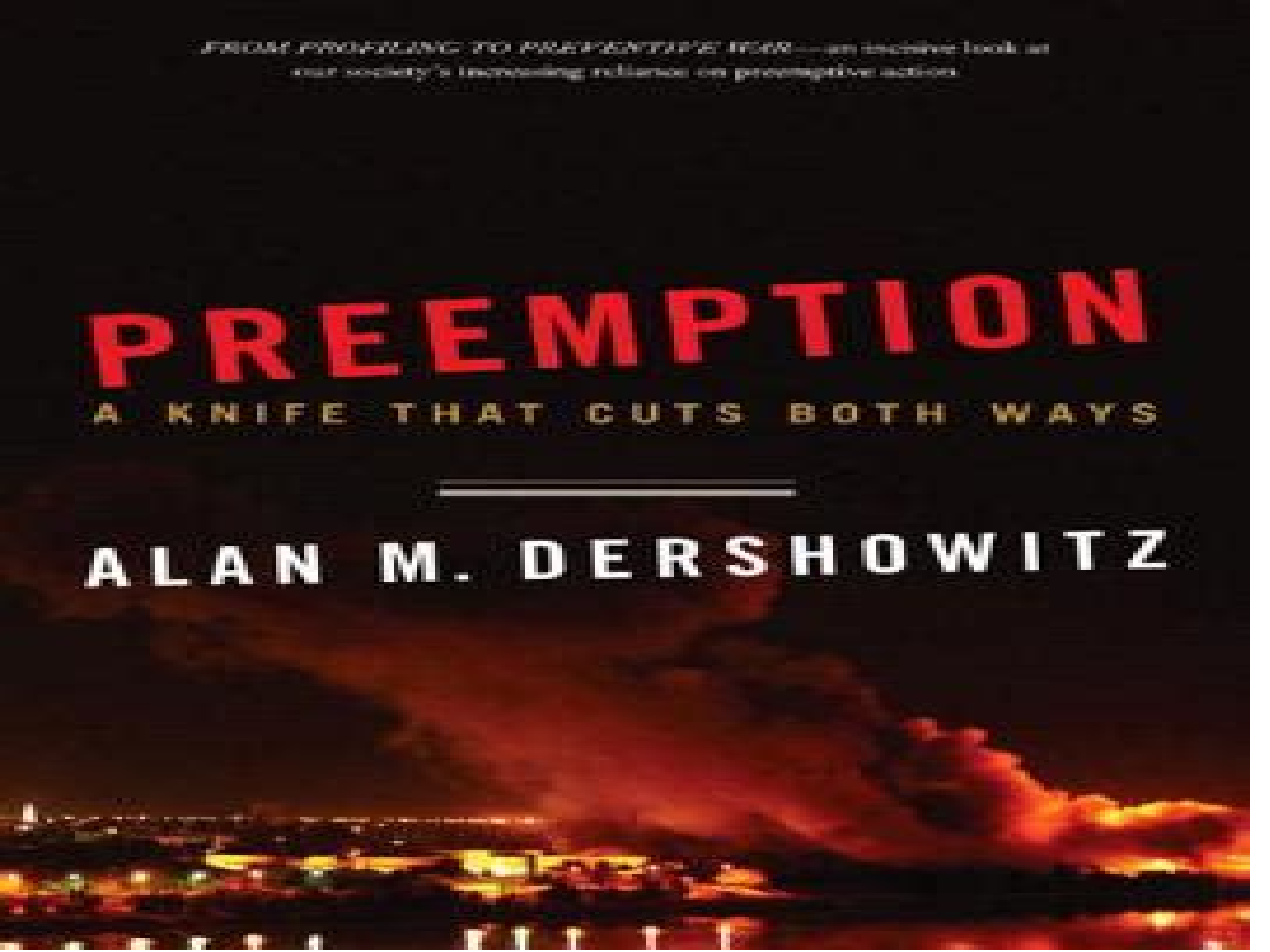


PREEMPTIVE PROFILING AND PREEMPTIVE POLICE WORK—an incisive look at
our society's increasing inclination for preemptive actions

PREEMPTION

A KNIFE THAT CUTS BOTH WAYS

ALAN M. DERSHOWITZ



Preemption A Knife That Cuts Both Ways

Lamont Colucci



Preemption A Knife That Cuts Both Ways:

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

Preemption: A Knife That Cuts Both Ways Alan M. Dershowitz, 2006-02-17 Identifies the benefits and consequences of the nation s paradigm shift toward more preventive and proactive approaches to conflict arguing that the seeds of such a shift were planted prior to the events of September 11

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

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 Preventive State Alan Dershowitz, 2005-05-20 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

Zeitschrift für Politikwissenschaft, 2007

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 **Neue politische Literatur**, 2006 Staatstechnik Günter Frankenberg, 2010 Staatstechnik bezeichnet die Art und Weise wie politische Macht ausgebt wird Ihre Methoden haben sich im Zuge der historischen Entwicklung des Rechtsstaates dramatisch gewandelt Die liberal rechtsstaatlich eingehegte Staatstechnik muss sich in Krisenzeiten stets gegen die Versuchungen des Ausnahmezustandes zur Wehr setzen Günter Frankenberg konzentriert sich in seinem Buch auf die Bedrohungsszenarien das Instrumentarium sowie die Regeln und Strategien der Gefahrenabwehr Er zeigt wie Staatstechnik vor allem in Zeiten des Krieges gegen den Terror die rechtsstaatlichen Schranken überschreitet und zur exekutiven Sicherheitstechnik pervertiert Ziel ist es sowohl die Ambivalenzen von Rechtsstaatlichkeit auszuleuchten als auch die demokratische Legitimität gegen Tendenzen zu verteidigen die den Ausnahmezustand zum Normalzustand werden lassen **Symposium**, 2008 *The Evil of Terrorism* Uriel Rosenthal, Erwin R. Müller, 2007 Erwin Müller is professor of Safety and Security Law at the Law Faculty of Leiden University and director of COT Institute for Safety Security and Crisis Management in The Hague **International Law Review**, 2005

Crusading Realism Lamont Colucci, 2008-06-27 Crusading Realism discusses the presidential dominance of American foreign policy and the religiosity and leadership style of President George W Bush Contrasting the post 9 11 Bush administration with its earlier incarnation and with that of its immediate predecessor the development of a distinctive policy position founded on preemption prevention primacy and the promotion of democracy is examined The emergence of the Bush Doctrine from 2001 2003 is analyzed in relation to four distinct phases its genesis initial development further evolution and maturation The Bush Doctrine in this period culminates in the decision to invade Iraq in the light of the heightened sense of threat occasioned by a toxic nexus of transnational terrorism weapons of mass destruction and rogue states The standard accounts of neo conservative coup are reassessed and dismissed Attempts to characterize the Bush Doctrine in terms of Realism Idealism or other theories of international relations are considered and the concept of Crusading Realism returns America to its political roots in the idea of natural law the American Revolution and the foundation of the Republic

Torture and the Ticking Bomb Robert Brecher, 2007-09-11 This book addresses itself to the arguments for legalising the limited use of interrogational torture and for making torture an accepted weapon in the war on terror **Blasphemy** Alan Dershowitz, 2008-06-16 In Blasphemy How the Religious Right is Hijacking the Declaration of Independence author Alan Dershowitz proves that no relation exists between the Declaration of Independence's Creator and Nature's God on the one hand and the Judeo Christian God of the Old and New Testaments on the other hand Learn about the religious right's goal to

Christianize America by using the Declaration of Independence and arguing that this document proves that the United States was founded on Biblical law Understand everything from the argument to the documentation that Dershowitz uses to disprove this historical distortion [Minnesota Law Review](#) ,2011 [The Israel Journal of Foreign Affairs](#) ,2007

[Debating the War of Ideas](#) Eric Patterson, Eric D. Patterson, John Gallagher, 2009-12-15 The War of Ideas is being fought both within Islamic societies and between some Muslim voices and the West The War of Ideas is a struggle between moral claims political philosophies and historical interpretations that compete for assent within a society and across borders Like the ideological component of the Cold War the War of Ideas is about the fundamental principles of human society from the basis for law and structures of governance to gender relations and the nexus of religion and politics It is a global War the foes have resorted to arms to protect and promote their worldview This book brings together some of the most important voices from different partisan theoretical and religious perspectives to argue and forecast the next phase in the War of Ideas

National Security Law Craig Force, 2008 National Security Law is a comprehensive handbook that focuses on the law and legal instruments governing the Canadian state's response to events that jeopardize its national security This text part of Irwin Law's Essentials of Canadian Law series is informed by international and comparative law It is up to date to the end of July 2007

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