

NATIONAL INSECURITY AND HUMAN RIGHTS

Democracies Debate Counterterrorism



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Edited by

ALISON BRYSK AND GERSHON SHAFIR

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1 Human Rights and National Insecurity

Alison Brysk

Human rights is the first casualty of unconventional war. Even in liberal democracies, perceptions of national insecurity can rapidly destroy citizen support for international law and democratic values, such as the rule of law and tolerance. Political leaders and defense establishments arrogate the right to determine national interest and security threat, undermining democratic checks and balances and creating a politics of fear. When terrorist violence is framed as a war—an uncontrollable, external, absolute threat to existence and identity—it disrupts the democratic functioning and global ties of target societies. Terrorism has succeeded in destroying democracy when a national security state, without the knowledge or consent of its citizens, tortures and kills detainees, runs secret prisons, kidnaps foreign nationals and deports them to third countries to be abused, imprisons asylum seekers, spies on its citizens, and impedes freedoms of movement, association, and expression on the basis of religion and national origin.

But some democracies do better than others, even in the face of overwhelming threats. How can liberal democracies cope liberally? We can learn from comparing experiences and exploring alternatives from the United States, United Kingdom, Israel, Spain, Canada, and Germany. We find that counterterror policies reflect a state's history of threat and consequent institutional toolkit, the construction of its national interest, and the public's perception of the threat to that interest. Since similarly situated target states advance different counterterror policies, to safeguard rights in the face of threat we must analyze the influence of differing rights values, legal regimes, incorporation of international norms, and legitimacy base for the exercise of authority. If we can rethink national security so it is not a fixed defense of borders by any means necessary, but an evolving mode of protection for citizens from both external and institutional violence, human rights become

neither a trade-off nor a luxury. Rather, they constitute an integral part of a sustainable defense of the citizenry and the democratic political community.

This book considers the responses to security threat in policies regarding the use of torture, detention, and civil liberties in the “best-case scenarios” of developed liberal democracies: the United States, United Kingdom, Israel, Spain, Canada, and Germany.¹ Beyond comparing distinctive responses, as members of the Western alliance and partners in multilateral endeavors, many of our cases mutually influence policies, from the importation of the “Israeli model” to the United States, to U.S. pressure on Canada. These cases also display different phases of response to historical waves of terror. The general trend shows that lessons learned from a previous phase eventually improve responses that protect rights. Like Art and Richardson’s (2006) wide-ranging study of prior democratic experiences with combating terrorist threats, we conclude that democracy is actually the best basis for a long-term response.

FROM 9/11 TO ABU GHRAIB: IS THE CURE WORSE THAN THE DISEASE?

The now-infamous photos from Iraq’s Abu Ghraib prison—hooded, manacled detainees subjected to torture and degradation at the hands of smiling U.S. guards—were a veritable shot heard ‘round the world representing the loss of human rights standards by a country founded on rule of law that had invaded Iraq to establish democracy. While members of the George W. Bush administration attempted to paint the behavior at Abu Ghraib as an isolated incident, the scandal quickly became intertwined with related revelations: extensive violations and indefinite detention at Guantanamo, dozens of detainee deaths at U.S.-controlled facilities in Afghanistan and Iraq, at least 100 illicit extraditions (“renditions”) to outsource the torture of detainees to abusive allies in the “war on terror,” thousands of undocumented and indefinite detentions within the United States, prolonged imprisonment and/or summary deportation of immigrants and asylum seekers, and widespread loss of civil rights under the Patriot Act and related changes in domestic security policies and practices. Although the United States had not been immune to historical abuses against dissidents and racial and ethnic minorities, or to war crimes abroad, the extent, systematic design, and justification of human rights violations following 9/11 was unprecedented (Ratner and Ray 2004; Mayer 2005a, 2005b; Sidel 2004). Furthermore, the extensive record of memos and debates within the Bush administration, as well as military investigations, show that these abuses were the result of systematic policies, not the excesses of pathological individuals.

The 9/11 attacks—the catalyst for new U.S. counterterror policies—unleashed a dynamic of escalating unconventional war described as a newly necessary response to the threat of globalized terror networks. Yet that response bears comparison to historic and comparative patterns of abusive counterinsurgency, from Algeria to Argentina. The approximately 3,000 Americans who were tragically and reprehensibly murdered at the World Trade Center and the Pentagon have not been honored by the similar numbers brutalized in Guantanamo, Abu Ghraib, Afghan battlefields, and third-country renditions—nor by the now estimated 150,000 Iraqi civilians killed since the U.S. invasion. There is no credible evidence that post-9/11 policies have improved the security of American citizens or prevented further attacks (Benjamin and Simon 2004), and indeed a lack of intelligence coordination and multilateral support—which the 9/11 investigations suggest increased U.S. vulnerability—has only been exacerbated by the new national security state (9/11 Public Discourse Project 2005; Pfaff 2005). Of 417 suspects charged in terror-related investigations, only 39 have been convicted—most of lesser charges (Shane and Bergman 2006). The only country where attacks arguably have been forestalled, the United Kingdom, has followed a distinctive model incorporating much greater accountability to the rule of law (albeit not absent abuses). At this point, it seems fair to say that the cure has been worse than the disease (Hersh 2004).

At the same time, a historic weakness of U.S. security policy and scholarship has been a reluctance to consider relevant comparative experience. That is the goal of this volume. This gap is especially ironic since national security by definition must occur within an international context of interaction with allies, enemies, and border-crossing flows and forces. Cross-national comparisons reveal a broader set of potential responses to national insecurity that can often provide a more justifiable mode of protection for citizens.

The case studies in this book analyze the determinants, incidence, and implications of counterterror policy in terms of human rights, complementing several recent theoretical and global examinations (Wilson, ed., 2005; Roth and Worden 2005). We find that counterterror policies are determined by the construction of national security, struggles between legal regimes and the politics of fear, and the international context.

THE CONSTRUCTION OF NATIONAL SECURITY

Historical experience plays a dynamic role in the construction of national security, as states learn and institutionalize different modal responses to the trauma of war, previous terrorist threat, shifting national and regional boundaries, and alliances (Katzenstein 2003). For example, whereas the

United States faced 9/11 with a relative dearth of recent security doctrine and an emerging default unilateralism, Germany had absorbed a systematic reconstitution of its identity following defeat in World War II, previous democratic response to a more manageable terrorist threat during the 1970s, and a strong normative and institutional commitment to European regional security. Such baseline experiences are renegotiated by national elites when new threats emerge, by reference to broader constructions of national security by their own publics, security forces, experts, and the international community.

Does national security mean the protection of borders, citizens, or government? As authorities face a variety of internal and external threats to public order, a critical question in their response will be, security *for whom*? This, in turn, depends on whether the state is conceived as a territorial, ethnic, democratic, or cosmopolitan political community. Each of these conceptions dictates a corresponding orientation to national security: sovereignty for territory, nationalism for ethnic membership, citizenship rights for democratic domestic community, and international law for global community.

Perception of the source of threat is also crucial, that is, security *from what*? Is the use of violence by nonstate actors constructed as a war (local, global, or metaphorical), crime, social conflict—or even a state of nature? National defense will depend upon who is being defended from what. Security from conventional war dictates military means, typically partially restrained through the Hague and Geneva Conventions, whereas unconventional war downplays interstate laws of war and multilateral alliances. In contrast, control of criminal violence is usually subsumed in democratic legal systems, although it may be less subject to international monitoring and standards. The view of terrorism as an expression of social conflict reflecting comprehensible grievances (albeit not necessarily justifiable) has not been widely accepted by the cases in our study, but would theoretically articulate with global initiatives of developmentalism, humanitarian intervention, and/or conflict prevention in source areas—something resembling a human security perspective.

Furthermore, all of these types of states and national defense concepts are *most* at risk for systematic violations of rights when challengers are defined as “evildoers” beyond the scope of human community. When terrorists are inscribed as part of a state of nature—a transhistorical plague, or “enemies of humanity,” as pirates once were—they forfeit even the rights of enemies or criminals. Since terrorists reject the distinction between soldiers and civilians by definition, the stage is set for the state to respond in kind. National secu-

rity ideology can predispose or exacerbate obedient enactment of total suppression, when counterinsurgency is predicated on eradicating the identity and existence of the Other, not just controlling the illicit use of violence. Although legitimate war and policing commonly resort to the dehumanization of their target group, counterterror policies against an unmarked threat that crosses both identity boundaries and state borders are especially prone to this political imaginary, as a psychological defense against radical uncertainty.

What do these constructions of national insecurity mean for universal standards of individual human dignity? Territorial states defending their sovereignty against unconventional war, such as the United States, may quickly trade their internal democratic commitments against external threat; human rights stop at the water's edge. Ethnic states like Spain will also face severe challenges, but will be more successful at maintaining rights standards when challengers are defined as internal criminals subject to domestic standards rather than external ethnic enemies. Further along the spectrum, states with cosmopolitan identities like Germany or strong citizenship regimes such as Britain should be more responsive to universal norms. Although all states reflect some shifting blend of security identities and threat perceptions, we can identify dominant characteristics and link them to rights outcomes. However, all liberal democracies now face the additional challenge of a post-neoliberal securitization of state identity, in which the shrinking welfare state reinscribes its role as a guardian of public order. But when security *from unconventional threat* overwhelms public deliberation and the rule of law, national insecurity becomes a recipe for human rights abuse.

"DIRTY WAR" ON DEMOCRACY: THE POLITICS OF FEAR

All social systems include some rule-governed coercive responses to unauthorized violence. But when states' monopoly of coercion is challenged by domestic or transnational wielders of violence, rather than by competing militaries, some leaders argue and citizens come to believe that conventional defense cannot protect them. The politics of fear includes the construction of threats as total and unknowable, enemies as subhuman Others, and the use of force as a healthy and necessary assertion of identity that overrides the rights of potential enemies. In times of national insecurity, paternalistic elites manipulate primal fears to answer the question, *security by whom?* by narrowing decision making into the executive branch of government, and even within an individual executive.

Under conditions of national insecurity, security elites often invoke

"states of exception" to suspend the rule of law, which may also include derogations of international commitments. They argue that individual rights to liberty are trumped by the collective right to security—and fearful publics often support such arguments. "Necessity," they claim, knows no law. Democratic institutions that check executive and military power are denigrated, courts evaded, and opposition parties co-opted. And when security threats are constructed as total war, the need for intelligence becomes the overwhelming logic of counterinsurgency, all of which shifts military doctrine and institutional forms toward military dominance, executive privilege, the use of special forces, and the unchecked power of intelligence agencies.

The unpredictability of terror heightens its disruptive impact, especially in open societies whose functioning depends on high levels of flow of people, production, and communication across borders, as Richard Falk's chapter in this volume makes clear. National insecurity as radical uncertainty pushes state policies toward three distinct but linked distortions of democracy and the rule of law: state terror, the use of torture, and outsourcing of the state's "legitimate monopoly on coercion." State terror is the adoption of unaccountable unofficial structures and tactics by state agents that shadow the official national security state, "fighting fire with fire" through the creation or redeployment of special forces, and practices such as targeted assassination. These forces use torture, which eventually spreads through regular military and police units in the speculative belief that it can yield information on the hidden enemy—even though that belief has proven ineffective and even counterproductive in the larger political struggle. In a related vein, states seek to escape from accountability for the indiscriminate and illegitimate use of force in counterterrorism by creating grey zones of governance: quasi-autonomous units like paramilitaries and private security contractors, offshore and clandestine detention centers, and closed military tribunals (Lelyveld 2005).

Although these developments have occurred in somewhat parallel fashion across threatened democracies, the ideology and practices of national insecurity have been accepted more readily in some cases than in others. For example, U.S. security deliberations revealed in the Guantanamo and Abu Ghraib investigations show that presidential directives, Justice Department memos, and military commanders consistently argued for the permissibility of coercive interrogation in terms of intelligence gathering and systematically created parallel zones and units of state violence (Danner 2005; Margulies 2006). By contrast, Britain's Law Lords ruled against indefinite detention, and even after the July 2005 London bombings the British Parlia-

ment debated and modified a proposed extension of the period of preventative detention.

This variation in policies can be mapped against variation in prior legal regimes, which are reinforced or reconstructed in response to terror. *Unitary* legal regimes such as Germany's apply uniform legal standards derived from universal norms to all members of the political community, backed by ample processes of judicial review. Legal regimes such as Britain's depart from the same standard but permit rule-bound *derogations* from international standards and transparent modifications of domestic norms. Conflicted polities like Israel often host *differential* legal regimes in which universal standards and legal recourse apply to only one part of the population. The most anomalous and disturbing trend has been the move by the United States away from a regime similar to Britain's and toward the construction of a systematic parallel zone of illegality, a *grey zone* of state action not subject to legal standards but operating alongside a standard liberal democratic regime. This grey zone is replete with military tribunals, unregistered detentions, and other features characteristic of authoritarian dictatorships.

THE INTERNATIONAL CONTEXT

Despite the hegemonic ambitions of the United States and the nationalist character of other targets of terror, no nation really acts alone in constructing national security. The globalized threat of transnational terror networks is matched by the international norms of human rights and the necessity of multilateral cooperation. Counterterror policies are not just comparable but are constructed across states by relations of power and influence. In a collaborative vein in which multilateral cooperation has pulled human rights performance up, the European Union has pressed member states to set human rights as a standard for common response. At the opposite end of the spectrum, the United States, as a global hegemon, has pushed allies toward a lowest common denominator of total-war counterinsurgency tactics. For example, the United States has successfully pressured traditionally respectful countries like Sweden and Canada to participate in illegal and abusive renditions of their citizens to torture zones.

International power, law, and cooperation push and pull counterterror policies, but we find the overriding framework is the way in which international factors affect domestic perceptions of national interest and legal regimes. Thus, Germany's investment in a European notion of national interest and legality overcomes the imperatives of security cooperation with

the United States. Britain's human rights record with respect to counterterrorism reflects a balancing act between a U.S.-influenced interpretation of national insecurity and the European Court's conditioning of domestic legal regimes. In Spain, the combination of direct threat and lessons learned from domestic legal deviations produced a reaction against U.S. influence and a rewriting of national interest in more rights-respectful terms.

THE GOAL: HUMAN RIGHTS AS HUMAN SECURITY

What does it mean to respect human rights in security policies? Human rights constitute a set of universal norms that limit the use of legitimate force in order to preserve human dignity: the physical security and freedom from fear that are our birthright. Counterterror policies involve the state's use of coercion to control violence by nonstate actors, and thus intrinsically involve potential threats to the freedom and bodily integrity of subjects of state power. A rough international consensus on minimal basic rights of the person is codified in the collective overlapping norms of the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights (ICCPR), the Geneva Conventions, the Convention on Genocide, and the Convention against Torture. These international legal instruments, along with emerging global jurisprudence, stipulate that legitimate national defense must not involve unregulated assassination, torture, systematic targeting of civilians, covert or indefinite detention, cruel and inhumane punishment or prison conditions, or systematic suppression of identity (Forsythe 2000). It is against this benchmark that the United Nations Human Rights Commission condemned U.S. counterterror policy in Guantanamo as a violation of articles 7, 9, 10, 14, and 18 of the ICCPR, as well as articles 1, 3, 12, 13, and 16 of the Convention against Torture—both core standards the United States has endorsed and promoted abroad (United Nations, Economic and Social Council, Commission on Human Rights, 2006).

While international law is both an expression and a legitimation of human rights norms, the case for universal human rights rests on a deeper range of philosophical foundations. Numerous religious and moral traditions that predate and transcend national identities assert human rights as an absolute defense of human dignity and equal moral worth (although religious conceptions often exclude nonbelievers) (Ishay 2004). If these traditions or their modernized successors are accepted as the goal of political community, their version of human rights would be a national value not generally subject to trade-offs or political calculus.

In the liberal democratic model of the modern state, human rights is also written into the constitution of the body politic—albeit in a more contingent way. The social contract that legitimates the state's monopoly on coercion is premised on the rule of law. Liberal states provide not only order but governance—predictable, accountable access to a system of bounded social control. The state's right to rule and broad basis of participation are the protection of individual integrity and liberty (Orend 2002).

But human rights is also justified on pragmatic grounds that mix freely with cosmopolitan, absolute, and liberal foundations. Human rights are not just right—they are argued to produce more peaceful, stable, democratic, developed, or sustainable societies. The apogee of this position is represented by the book *In Our Own Interest*, by William Schulz, the president of Amnesty International USA (Schulz 2001). Schulz's book is a brief for the promotion of human rights as the prudent pursuit of long-term national interest that links human rights to global goods as diverse as public health, beneficial trade patterns, and environmental preservation.

These bases for human rights stand in a variety of relationships to national security and human security. If security itself is conceived as a universal individual right, the foundation of counterterror would be the protection of the individual from both external threats and state violence. Human rights expand the social contract of citizenship, in which the state guarantees both order and justice in return for collective allegiance, to a universal claim. But under conventional constructions of security, that claim too often collides with the state's enforcement of internal authority and national defense. A broader notion of national security that includes the state's responsibility to provide security *for its citizens* implies more rights, not less (Wilson 2005).

ACADEMIC CONSTRUCTIONS OF NATIONAL SECURITY

Academic and legal constructions of national security have both interpreted and influenced counterterror policy. The paradox of a *democratic* national security state is that while specific counterterror policies may not be known or challenged, the overall national security ideology is potentially subject to civil society debate and usually submitted to some form of legislative and/or judicial review. In the United States the White House, Pentagon, and Department of Justice sought legal opinions on the status of POWs and legitimate methods of interrogation prior to drafting policy, while the German Parliament has received studies and recommendations from the German Human Rights Institute. In some cases, mainly in Europe, academic critique has sup-

ported a mobilized and transnationalized civil society, while the debate among U.S. academics has been more oriented to domestic standards and government action. Social scientists and legal scholars have reflected a representative range of positions on the potential for a trade-off between human rights and security.

The *realist* position epitomized by U.S. government legal analysts such as John Choon Yoo was laid out in academic terms—prior to 9/11—by Frank Biggio. Adopting the statist perspective associated with *Realpolitik*, this school advises the untrammelled pursuit of national interest and sovereignty as the right and duty of democratic leaders. Since terrorism is represented as a total threat to the existence of democratic societies, unilateral and preemptive actions are justified as a defense both of the hegemon and of the stability of the world order. Such perspectives are usually coupled with a reading of terrorism as war, an assertion that the threat is unprecedented, and a description of strategic scenarios in which intelligence is paramount to the survival of the political order. Biggio specifically argues that acts of terrorism should be considered acts of war under international law, and that terrorists forfeit both national and humanitarian protection as “enemies of mankind” meriting universal prosecution by any means necessary. “Although acts such as military strikes against terrorist camps, kidnapping terrorist leaders, or assassinating terrorist leaders may be illegal under international law, moral justification could make them tolerable and allow for emergence into customary international law” (Biggio 2002: 38).

In direct contrast to this position, *civil libertarian* legal scholars and human rights advocates argue for the applicability of international law and the supremacy of international human rights over national interest. For example, U.S. legal scholars demonstrate the incompatibility of U.S. use of military tribunals with the U.S. Constitution and international treaties (Wallace and Kreisel 2003; Fitzpatrick 2003). European legal scholars also tend to concentrate on the compatibility between counterterror policies and international law (such as the special issue of the *European Journal of International Law* 15[5], 2004), with special attention to the European states’ multilevel regional as well as global institutional commitments (Warbrick 2004). Legal scholars show that U.S. counterterror policies embody discrimination among ethnic and religious groups, between citizens and noncitizens, among citizens of various foreign countries, and against refugees (Roberts 2004; also see Goldstone 2005).

While civil libertarian scholars do not usually address the political context of national security policy like their realist peers, human rights advocates like

Amnesty International's Paul Hoffman and Human Rights Watch explicitly argue for the pragmatic as well as the principled role of human rights standards in counterterrorism. After pointing out the contravention of universal norms by coercive interrogation, preventative detention, profiling, and renditions, these authors also argue that they are ineffective responses to terror that undermine international cooperation and erode public support (Hoffman 2004, Human Rights Watch 2003, 2004b). The comparative legal scholar Kim Scheppele provides an incisive and comprehensive argument for the sociological value of constitutionality and international law in the face of "states of exception" (Scheppele 2004). For normative as well as prudential reasons, many civil libertarians argue for an absolute respect for human rights. However, some variance is possible through derogations: many international human rights norms (notably the ICCPR) already countenance a sliding scale of unbreachable core human rights of bodily integrity, surrounded by a penumbra of civil liberties that may be suspended temporarily in true emergencies—subject to international and judicial review (also see Howard Adelman's chapter in this volume).

But the novel scholarly position in the post-9/11 world is the cluster of historically liberal analysts who accept the logic of a trade-off between human rights and the new security threat, and struggle to reconcile the norms and processes of democracy with the selective derogation of *core* universal standards. The civil liberties attorney Alan Dershowitz has argued for the permissibility of the isolated and supervised use of torture to gain intelligence in situations of imminent threat to public security (Dershowitz 2002). Others argue for an unregulated trade-off (Posner 2005). However, many analysts have questioned the plausibility, logic, and historical evidence of the oft-cited scenario of a "ticking bomb" that can be defused by information revealed through torture (Luban 2006).

Similarly, the Harvard law professor and former Deputy Attorney General Philip Heymann concludes that preventative detention may be justified albeit unpopular, and that "outsourcing" is justified:

The United States can reap the benefits of these activities, forbidden by international human rights conventions . . . if we attempt to export the counterterrorism costs of extensive searches, electronic surveillance, coercive interrogation, and limitations on association, detention, and speech. Each of these measures, controlled or forbidden by the United States Constitution, are likely to be promising ways of obtaining needed information about terrorists' plans and of otherwise preventing terrorist initiatives. (Heymann 2002: 454)

Heymann organized a Harvard conference in 2004, in conjunction with the Department of Justice, for experts to design democratic mechanisms of control for the suspension of guarantees and the use of coercive measures.

Michael Ignatieff's *The Lesser Evil* offers the most extensive development of the position he labels a middle course between a pure civil libertarian position and a totally pragmatic trade-off of human rights to national security. Although eschewing torture, illegal detention, and unlawful assassination, he nevertheless argues that "necessity may require us to take actions in defense of democracy which will stray from democracy's own foundational commitment to dignity" (Ignatieff 2004: 8). Thus, Ignatieff relies on democratic *process*—such as public debate, judicial review, and sunset clauses—to determine the appropriateness of measures that may violate international or even constitutional standards. Although he does not specify a package of acceptable policies, at various times Ignatieff refers to government adoption of emergency powers, forms of coercive interrogation short of torture, nondiscriminatory preventative detention, and suspensions of civil liberties such as free speech and assembly. He goes on to state that "judicial responses to the problem of terror . . . are no substitute for military operations when terrorists possess bases, training camps, and heavy weapons" (Ignatieff 2004: 20). Although Ignatieff subsequently modified the acceptable equations for the trade-off in the wake of revelations of U.S. abuses, his calculus remains utilitarian (Ignatieff 2005). In contrast to his fellow post-liberals, who argue that trade-offs are required because the threat of terror is unprecedented, Ignatieff bases his conclusions on an extensive comparative and historical study of previous counterterror experiences, including several of the cases presented in this volume (Northern Ireland, Israel, and Germany). We contest his conclusions in the course of this book.

Critics of the post-liberal position (including this author) insist on the indivisibility of human rights and contend that the selective rejection of some rights leads ineluctably to the violation of core boundaries of torture, murder, and inhumane imprisonment. The slippery slope from select cases of legally mandated coercive interrogation to widespread use of torture can be seen in Israel, while the abuse of preventative detention and its link to inhumane imprisonment and torture is evident in Guantanamo and Abu Ghraib (Mayer 2005a, 2005b). Populism is no substitute for democratic legal boundaries: public debate on the suppression of violent challengers will not necessarily deter majorities from democratically endorsing violations of the rights of Others, as several of these authors have recognized in previous writings (Sullivan 2005). Ignatieff and Heymann's versions of a sliding-

scale rule of law adjusted for the level of security threat simply displace the derogation of human rights standards to an unbounded process subject to the same dangers as the Weimar Republic's Nuremberg Laws, and unaccountable to international norms. As Wilson avers, "lesser evil advocates have been wildly overconfident about the probity of government and the ability of democratic institutions to monitor closely the boundary between coercion and torture. The evidence points to the contrary view." (Wilson 2005: 20). Simply put, human rights undergird democracy.

After criticizing many of the hidden assumptions of the argument for trade-offs, David Luban concludes that the abstract question of trading someone else's liberty for our own unverifiable claims of collective security is the wrong question. Luban reminds us that concrete experiences of the history of rights restrictions in the name of national security teach us that the ultimate impact is both more personal and more universal. Thus, he contends that the real question is, "How much of your own protection against bureaucratic errors or malice by the government—errors or malice that could land you in jail—are you willing to sacrifice in return for minute increments in security?" (Luban 2005: 256).

Like all academic research on complex and consequential policy debates, our first task is to frame the debate on human rights in hard times by asking the right questions. We can transcend the false trade-off of human rights for national security if we ask, "*security for whom?*" "*security from what?*," and "*security by whom?*" It is a sign of the interconnectedness of both the global threat to democracies from terror and the global project of human rights that we have come together as scholars from half a dozen countries to bring comparative perspectives and information to this international debate. Our conclusion is that national security requires human security, and that global human security must be based in global human rights.