

# The war on terrorism and the end of human rights

## The War on Terrorism and the End of Human Rights

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### Abstract

In response to the crimes of September 11, the U.S. has declared a War on Terrorism. By selectively combining elements of law with elements of war, Washington is able to maximize its ability to mobilize lethal force against terrorists and combat the risks they pose. But the new hybrid of war and law eliminates most traditional rights of military adversaries and those of innocents as well. It raises the troubling question of whether international human rights will be a casualty of the War on Terrorism.

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DOI: <http://dx.doi.org/10.13021/G8pppq.222002.381>

Philosophy and Public Policy Quarterly  
[Institute for Philosophy and Public Policy](#)  
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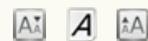
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In the War on Terrorism, what becomes of international human rights? It seems beyond dispute that the war model poses a threat to international human rights, because honoring human rights is neither practically possible nor theoretically required during war. Combatants are legitimate targets; non-combatants maimed by accident or mistake are regarded as collateral damage rather than victims of atrocities; cases of mistaken identity get killed or confined without a hearing because combat conditions preclude due process. The aim of the war is not to kill the enemy—killing the enemy is the means used to achieve the real end, which is to force capitulation. In the War on Terrorism, no capitulation is possible. Respect for human rights and the rule of law must be the bedrock of the global fight against terrorism. This requires the development of national counter-terrorism strategies that seek to prevent acts of terrorism, prosecute those responsible for such criminal acts, and promote and protect human rights and the rule of law. It identifies some of the critical human rights issues raised in the context of terrorism and highlights the relevant human rights principles and standards which must be respected at all times and in particular in the context of counter-terrorism.