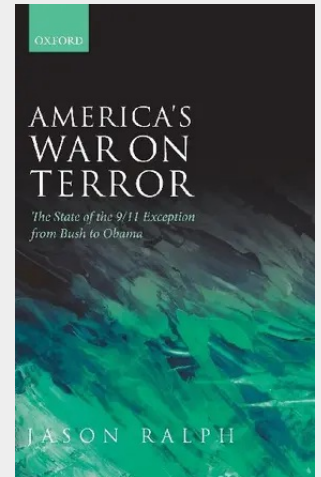


America's War on Terror

The State of the 9/11 Exception from Bush to Obama

Following 9/11 the United States faced a situation of exceptional insecurity. In that period the Bush administration argued that certain international norms did not apply to US conduct. Its argument was underpinned by the claim that the United States was in a state of armed conflict or war with a new kind of enemy. The purpose of this book is to examine whether this approach outlasted the moment of insecurity that gave rise to it. More than a decade on from those attacks, and following a change of administration, what influence do these arguments have on American policy? To answer this question it focuses on four areas of policy: the use of force and the prosecution, detention and interrogation of suspected terrorists. It demonstrates how the Bush policy programme was contested by liberals and realists from the outset. Any expectation that the war on terror would end following the election of President Obama has, however, proven unfounded. Obama consolidated the liberal pushback against aspects of the Bush programme but the US has continued to argue a state of armed conflict exists. The scope of the battlefield and the definition of the enemy has been a source of intense debate but the fact that the Guantanamo Bay detention facility remained open long after the President promised to close it is indicative of the underlying continuity. It is argued that this is driven in part by domestic politics and in part by an understanding of how the terrorist threat is evolving.

The US response to 9/11 was exceptional. The 'war on terror' went against the norm in the sense of being unusual and it challenged certain international norms as articulated in international law. This book focuses on four specific exceptions: US policy on the targeting, prosecution, detention, and interrogation of suspected terrorists. The Bush administration argued that in each of these areas the US was not constrained either by customary international law or by treaty law. This policy programme has been cited by followers of the legal theorist Carl Schmitt as evidence supporting his claim that liberal internationalism was responsible for the occurrence of ever more violent types of war. Professor Ralph argues that the Schmittian thesis is useful for interpreting aspects of America's response to 9/11 but that it is wrong to conclude that the exception is inherent to liberal internationalism. The reason the war on terror fits so squarely with Schmittian thinking is because it was conceived by conservatives who sought either to defend American liberalism (in their realist guise) or to promote liberal democracy abroad (in their neoconservative guise). Liberal internationalists, particularly defensive or republican liberals, opposed the American exception. They were supported in many instances by defensive realists who argued the exception did not make the United States safer. The book considers the political strength of these arguments in the post-Bush period and concludes that the post-9/11 exception continues to influence US policy despite the election of President Obama.



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