



that convincing evidence of criminality had not been provided; and “rendered” detainees for interrogation to governments that practice systematic torture with at best flimsy,

human rights norms. To fight terrorism without regard to the constraints of human rights is to endorse that warped logic.

Second, neglecting human rights helps to create the political and social conditions that give rise to terrorism. There is obviously no single recipe for generating terrorists and much debate about the key ingredients that when added to extremist ideology create a violent mix. Some point to poverty, and certainly economic grievances play a role. Others point to failed states, and certainly the existence of lawless terrain is useful for facilitating meetings and establishing training facilities. But the key ingredient is often political repression – the absence of avenues for peaceful political change. That is, terrorists do not seem to be the poorest of the poor; many are well educated and come from reasonably affluent backgrounds. And helpful as lawless enclaves are for training purposes, terrorists have proven capable of hatching plots in the midst of advanced modern societies. Rather, what most terrorists seem to have in common is a political or social goal that they are unable to advance through an open political system. Most

counterterrorism efforts waged in violation of human rights will grudgingly swallow their resentment and do nothing more. But of greatest concern are the relative handful of people whose resentment will open them to recruitment by the terrorists – the “swing vote.” Presumably, this swing vote represents a small percentage of the public, but even a small percentage when spread over a large population can yield substantial numbers. And it takes very few confirmed terrorists to wreak large-scale death and destruction.

Winning the hearts and minds of this swing vote is essential to the success of the counterterrorism effort. But that requires taking the moral high ground. It requires a counterterrorist strategy that scrupulously and transparently respects international standards. And it requires a positive vision of societies built around democracy, human rights, and the rule of law – something that people can be *for* – to accompany the important but partial vision of being *against* terrorism. The global counterterrorism effort as waged so far has certainly had its successes in detaining particular terrorists. But the continuing proliferation of terrorist groups suggests that this success may be superficial – that the abusive methods often used to crack down on terrorists are also generating new terrorists. To ensure that each terrorist arrested is not replaced by one or more new recruits, the counterterrorism effort should see human rights not as inconvenient obstacles but as essential partners that are integral to the defeat of terrorism.