For hundreds of years, a fundamental principle of western justice has been the doctrine that guilty people should go free rather than wrongly convict one innocent person.

But in the past five years, there have been terrorist assaults against the US. suspected terrorists have been jailed at Guantanamo Bay, and Islamic fanaticism is increasing. Now, this fundamental principle is being challenged. As society struggles to balance individual liberty against the needs of shared security, we are starting to question whether it really is better to protect the civil rights of 10 possible terrorists, potentially allowing them to kill thousands, rather than detain one innocent and wrongly-accused person.

Imagine if England had preemptively attacked Germany in 1936 and put an end to Hitler and the Nazis. In retrospect, we know that tens of millions would not have died, but England would have been condemned as a war-mongering aggressor. Consider the following questions raised by this hypothetical scenario.

1. Should any democracy dedicated to human rights go to war to prevent an anticipated attack or provide it with a military advantage?

2. Should a democratic government be able to arrest and hold suspects indefinitely without allowing them any legal process simply because these suspects “might” be planning some terrorist activity?

According to Alan Dershowitz, Harvard law professor and constitutional expert, the answers to these questions are yes.

Dershowitz believes that, in general, the western world is in favor of pre-emption as a means of self-protection, and must consider the implications that in the future there may be no moral absolutes or no principles of justice which will always apply in all situations. Thus, George W. Bush’s policy that the US can and should strike first even before another country has attacked or harmed the US, as well as the CIA arresting suspected terrorists and sending them to jails in other countries where they may be tortured or subject to harsh interrogation methods like waterboarding, are legitimate actions to ensure the safety of the majority.

Dershowitz believe that human rights and civil liberties will not be threatened as long as the strength of evidence, the immediacy of the threat, and the gravity of the consequences are considered. There also needs to be a legal framework to provide clear guidelines so that arbitrary detention, torture, and the abuse of human rights are not left to the whim of governments.

Writers like Alan Gold, a human rights activist, would answer the questions no.

Gold believes that when considering whether a democratic government should take action against people who have not committed any apparent wrong, we must consider how we view curbing extremist speech and whether we agree that police should round up suspects or gang members to pre-empt crimes, or use torture to get information for the same reason.
Gold agrees that everyone wants to prevent another 9/11 or Bali bombing. Gold, however, questions whose civil liberties are expendable in the cause of pre-emption.

For Gold, the problem is that once pre-emptive strikes or use of torture are authorized, it may be a door that will never be closed. If these doors are opened, even for really good reasons like saving hundreds of lives, it will become a gaping black hole into which civil rights will disappear. Gold argues that western democracies have spent hundreds of years developing legal and social benchmarks to deter criminal and anti-social activity and that solutions such as Dershowitz suggests may be more damaging than the acts they try to control.

This excerpt is adapted from “Should Suspected Terrorists have Human Rights”, Alan Gold, Australian Jewish News, 21 September. 2006.

QUESTION:

Should suspected terrorists have access to the same rights and privileges as anyone else in a western judicial system?

Explain your position and provide evidence to support your position through personal experience/knowledge and information gained from external sources such as literature, television, films, etc.

Additional Notes:

- You may write in the “I” voice if the question prompt allows.
- Please write your notes on the scratch paper provided, including this question sheet. You may write your notes in pencil or pen. DO NOT THROW AWAY ANY OF YOUR NOTES. The notes must be turned in with your finished essay.
- Your finished essay must be written legibly on the lined paper provided. You must write your finished essay in blue or black ink.
- Please write your finished essay on one side of the lined paper only and do not skip lines.
- Please remember to write your UH Hilo Student ID number only on your finished essay. DO NOT WRITE YOUR NAME ON YOUR FINISHED ESSAY.

- Mr. Gold believes civil rights will disappear.
- Mr. Dershowitz believes in harsh actions that will ensure the safety of the majority. He does not want another 9/11.
- Do these terrorists have access to the same rights as the country that is being threatened?
- Arab terrorist having American rights.
- Sources: Criminal Law, Ethics, Siddhartha.
- There are only convicted (assumed) terrorists.
Safety of the Majority

The majority of a society always struggles between right and wrong. We Americans, for example, have been struggling lately in regards to terrorism. To us, we think everyone is a suspect. There is a saying: "When you assume, you make an 'ass' out of 'u' and 'me'." Personally, I rather be an ass that is alive than a dead one. This is why I will argue that suspected terrorist should not have access to the same rights and privileges as anyone else in a western judicial system.

The world is not the same as generations ago. We can thank evolution and terrorism. So when the western judicial system says that for hundreds of years, a fundamental principle of western justice has been the doctrine that ten guilty individuals should walk rather than wrongly convict one innocent individual, I say, "Forget that!" Make sure no one is wrongly convicted. The world of today is more life threatening than hundreds of
of years ago; things need to change.

I agree with Mr. Dershowitz. The leaders in charge must ensure the safety of the majority. The Western world is in favor of pre-emption as means of self-protection. Mr. Dershowitz believes that human rights and civil liberties will not be threatened as long as the strength of evidence, the immediacy of the threat, and the gravity of the consequences are considered, as long as legitimate actions are taken to ensure that the government is not in complete control of the harsh interrogation methods.

Mr. Gold believes that once this door of pre-emptive strikes or use of torture is opened, it will never be closed, creating a gaping black hole of injustice and the disappearance of civil rights. What Mr. Gold must understand is that civil rights is not the only thing that will disappear. Humans will disappear unless actions are taken! I must side with the lesser of evils, though I understand how difficult such choices are to make. Who are we to say what is wrong and what is right?
Suspected terrorists should not have access to the same rights and privileges as anyone else in a western judicial system. The world is different from yesterday. Yesterday does not entirely apply to today. A source I used to confirm my answer is a book titled "Crime and Punishment." (The author's name I have forgotten.) This book details the difficulties between the wrongs and rights of civil rights. One may find that life is not always fair, especially with the innocent. It all depends on the majority's choice.
Stereotypes Create Inequalities

The intelligent Sander L. Gilman once said (in his book of Difference in Pathology) “Everyone creates stereotypes. We cannot function in the world without them” (Gilman 16). For one to come to terms with this truthful and argumentative opinion, they must go through the processes: discovering how human evolution is transcending with stereotypes, critical thinking some key ideals related to stereotypes, and learning how particular stereotypes coincide with certain eras throughout history—particularly the fourteenth century through the twentieth century. One must also know human communication, public awareness, and interactions evolved in the form of technology breakthroughs, globalizing stereotypes. Throughout this document readers will be educated in these many relationships of stereotypes, have a better sense of stereotypes in the world today, and know how imbedded stereotypes are in the human psychology. With these statements said and convincing evidence throughout this text, it can be stated human psychology cannot prevent their creation and usage of stereotypes—only create and evolve them—whether they have negative or positive connotations, there will be a constant flow of inequality amongst the world’s inhabitants through the series of stereotypes.

The first emergence of the term stereotype came from its truncation: eighteenth century technical design for casting multiple paper copies. Social psychologists, around the
twentieth century, then adopted such a term to designate images through which humans' categorize the world (Gilman 15-16). Eventually as technology evolved in the way of printing press and/or other technological advantages, the term was then voiced to many minds by media, propaganda campaigns, personal experiences, speech...the list goes on. And as humans' pass through time, they project their stereotypes. They may either create new ones by "blending" or stick to their original biased ones. The later usually prevails because the creation of stereotypes—according to Gilman—comes from the human psychological need for security (Gilman 16).

A brilliant man named Abraham Marslow argued humans' create unsatisfied needs for themselves to acquire throughout their existence (Jones 211). He was a U.S psychologist whom categorized these unsatisfied needs into a pyramid of five. They were 1) physiological needs, 2) security needs, which coincide with Gilman's argument of why humans' create stereotypes; 3) belonging needs, 4) esteem needs, and 5) self-actualization or self-fulfillment (Jones 212). This pyramid is useful because it identifies the many needs of individuals. Each person has a different structure of these unsatisfied needs, and because of those differences a form of division by assortment is implemented, giving to the many varieties of stereotypes—this is one of the many opinions Gilman tries to argue. And through the repetitious nature of creating and using stereotypes, humans eventually evolve along this sense of security. The studies of these two educated psychologists have created a general understanding to why humans' create stereotypes and why there are so many.

Of course there are many other reasons to why there are so many varieties of stereotypes. Everyone has something they are insecure about, so they label (a stereotype)
to feel secure about it. These insecurity issues are the basses for inequality. And since there are infinite ways to create countless stereotypes, there are also endless ways to create inequalities. The creation of inequalities will be thoroughly understood with a further insight into human evolution and coexistence with stereotypes.

Humans' have interactions (war/peace), memory capabilities, advancing technology, education of health; even Charles Darwin’s theory of natural law has something to do with human evolution. The list can be countless of course, but the point is not how many ways humans' can evolve but knowing through each step of evolution there was a set of stereotypes partnered with it. These sets of stereotypes can also be placed in certain time periods (eras of category). Depending on the era’s description one can already assume the set of stereotypes created from a certain era. One era that will undergo examination will be the era of the Hitler regime; experts would call “the age of anxiety” (Bently 582).

Born in the year 1889, Adolf Hitler was barely a teen when Germany went to war alongside Central Powers (also known as the Triple Alliances) (Bently 566). He held bitterness when the Paris Peace Conferences concluded World War 1, and during the years he was a chairman of the party known as the National Socialist German Worker’s Party, Hitler pledged to himself he would alter the tides of change (Bently 593). While conducting the Nazi movement Hitler blamed the Jews for defeat, and as he gained military support from fascists and eventually created revisionist nation based on a belligerent form of nationalism (chauvinism) and fear of foreign people (xenophobia), Hitler began a genocide of “undesirables” (Bently 592).
Hitler's stereotypical judgment for the Jews created vast genocide policies. He conducted the “Final Solution,” which was attempted murder of all Jews in Europe (Bently 629). The Hitler regime is a concise example of stereotypical judgments in a negative connotation use. This era definitely expressed inequalities, not just amongst Jews, but other “undesirables.” Gypsies and Slavs were amongst the many incarcerated in Hitler's concentration camps. There are many key ideals that effected stereotypes within this era; a few are expressed next.

Key ideals were guests in the home of stereotypes. One of the four key ideals discussed in this text is self-determination, which is the idea that peoples with the same ethnic origins, language, and political ideals had the right to form sovereign states (Bently 564). This is similar to another key ideal: nationalism. What these two key ideals have in common is the ability of motivate people with common stereotypes into a state or national identity. Though these terms may eventually hold negative connotation that will eventually lead to inequality, they are not as severe as the next two key ideals: scientific racism and fascisms. These two key ideals will be discussed with further detail next.

Scientific racism was an academic pursuit of social and cultural differences. Theorists believed at the time there was no biologically pure race but in a sense the human species consisted of several distinct racial groups (Bently 557). These categories were based off of physical characteristics mainly, and this ideal drew heavily from Charles Darwin's findings of natural selection (Bently 557). An example of scientific racism at work is Johann Forester’s voyage to Oceania.
"Forester was typical of Enlightenment scholars in the sense that his interests and writings ranged widely across theoretical and applied inquiries and over subjects that subsequently became the provinces of distinct and segregated disciplines..." (Bently XI). This statement from Johann Forester's book "Observations Made during a Voyage round the World," briefly explains Forester's purpose for voyaging through Oceania. This statement also hides a stereotypical judgment based off of an influential individual. A particular section of Forester's book, for example, focuses on the varieties of men (Forester 153).

Forester analyzes South Sea Islands, categorizing them into two great varieties: fair skin, well limbed, athletic stature, and tempered; the other was blacker skinned, had wooly hair and their temper was more menacing (Forester 153). These stereotypes were then ranged from island to island—Forester grading the islands from best to worst. This grading system from one man was then pieced together with his other observations and published London in 1778 (Forester XI). The public then absorbed this bit of knowledge from the outside world and sculpted their stereotypes based off of Forester's observations.

Through Forester's observation the people of Europe based their stereotypes off of one man's opinion. This later caused inequality to the inhabitants of Oceania because of the intense grading Forester implemented onto them. Scientific racism is one of many key ideals that only inflicted more inequality onto individuals of certain stereotypical characteristics. Fascism is another.

"Fascism, a political movement and ideology that sought to create a new type of society, developed as a reaction against liberal democracy and the spread of socialism and
"communism" (Bently 591). This key ideal was first created under Italy's Benito Mussolini around the early twentieth century, and the program emphasized virulent nationalism called the Italian Combat Veteran League (Bently 592). The most famous fascist movement would be the Hitler regime (stated earlier). Other fascist regimes were in Japan where racism was a profound feature. Another example of a Japanese fascist movement is the Japanese expansion of 1931 (Bently 618). Which eventually lead to World War 2, Japan leaders defied peace settlements and attacked—first China's Manchuria—in an attempt of claiming "Asia for Asians" (Bently 618 & 624). The Rape of Nanjing—what historians refer to—is the epitome of brutality as the capital of China became victims to Japanese swollen with war passion and racial superiority (Bently 618). Fascism, as the world has seen in these past centuries, is labeled as a negative stereotype to many individuals.

Now that human evolution and the evolution of stereotypes have been analyzed, the eras of history having particular highlighted stereotypes have been explained, and critical key ideals of those ears have been expressed, one is left only with the educating of how stereotypes became globalized.

Advancing technology came in many forms. One had the industrialist with their labor intensive machines. The naval bases even had their own race to see who would control the seas. There were even technological breakthroughs in public voice. During the World Wars, for example, the public was ever listening for news (media of the government) and voicing their approvals and disapprovals. As self-determination filtered through the many different societies and war was in the streets, there were many propaganda campaigns, radio broadcasts, and billboards of advertisement; it was an era of vast
communication and information to the individual. It is only obvious those situations of intense media would be the breading ground of stereotypes.

Governments would purposefully issue propagandas about the opponent in the war, blatantly altering the facts and disfiguring the leaders just to bring the public into more hatred against them (Bently 570). To many who were gullible, false stereotyping only bread belief in the stereotype itself. Even technological advance in transportation helped globalize stereotypes as thousands of characters were pushed or pulled into far reaches from home. As every individual was dragged to their home fronts for the World Wars—especially World War 2—it is only a matter of time for the stereotypes to globalize.

Some say there are many stereotypes with positive connotations attached to them. This is true. Positive stereotypes enlighten many with a boost of confidence and create goal setting position for those lower on the hierarchy. But this constant yearning, this obsession for brilliance leads, inevitably, back to the repetitious bombardment of negative stereotypes. Positive stereotypes are needed to bring a level to the playing field, but it is noticeable negative stereotypes have been in the lead since the beginning of human creation. And it seems to be gaining a wide birth.

The coexisting of humans and their created stereotypes through their psychological needs and critical ideals in specific eras throughout history coinciding with technological advances has created the stereotypes we face today. And even today we are facing inequalities, just as our ancestors have and their ancestors before them. We will always have this constant change of stereotypes, but with these stereotypes come inequalities, also.
Works Cited


