AMERICAN EXCEPTIONALISM AND HUMAN RIGHTS VIOLATIONS AFTER 09/11

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The notion of the American nation has its touchstone in the works of the founding fathers and in how they thought the country, according to its basic evaluative. Under this so-called "American creed", the American society would be dissociated and superior to the others because it was built by those who wished to depart from conditions contrary to the Christian ideals of European society to constitute a "beacon among nations". This cultural particularism, pointing to what are the U.S. and be an American, is present in many areas of society, such as the construction of the constitutional order, the meanings of human rights and the enforcement posture and foreign policy. The reality of September 11 demonstrated, however, that human rights violations was committed by the federal government, either by enacting laws, either by the actions of their agencies. The present work thus aims to understand the American foreign policy on human rights point of view of exceptionalism and with the central question of what kind of relationship - the line or contradiction - between the human rights violations occurring in the war on terror in post-09/11 and this exceptionalism.

**Keywords:** American Exceptionalism, terrorism, human rights, September 11.
Introduction

The events of September 11, 2001 brought consequences visible today in American society. There are still cases against citizens and non-citizens that are accused of terrorist in the courts and the reflections of cases tried yet become effective, limiting or covering power of the Executive. The invasions of Iraq and Afghanistan attempted against a series of international standards, especially in the field of human rights. Moreover, the war on terror brought fear in American society, which has seen the regression of a series of civil rights traditionally defended by the U.S. internationally.

Since human rights violations have also occurred in other administrations, which would make the pós-11/09 a particular moment? The peculiarity seems to be located on the fact that, beyond the stigma of the "other" (especially the "other Muslims"), feature strongly present in some visions of exceptionalism - the suppression of guarantees spread to the entire American society from the idea of war against terror, besides it has reached central rights traditionally defended inside and outside the U.S.

The peculiarity of this post-09/11 period brought up the importance of investigating how the war on terror tried to justify it both externally and internally. From this, the notion of exceptionalism is highlighted in the analysis, since it was repeatedly used by the Bush administration to justify the fight against terrorism and its measures, and it is present in the U.S. political thought.

Thus, the present article is the following problem: what is the place of exceptionalism in U.S. foreign policy on human rights in post-09/11? The political analysis of this problem is preceded by another analysis, more historical and conceptual, with which we have to deal as well: is there a single view of exceptionalism? How do different authors discuss this notion? Moreover, how does some of these authors see the

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1 Among these events, it is possible to observe what happened in such cases: the intense use of executive orders, as is the case of Executive Order 13233 entitled "Further Implementation of the Presidential Records Act" in November 2001 that allowed the retention of documents relating to "war on terror," Guantanamo and Abu Ghraib, hiding the already numerous cases of irregularities and human rights violations, including torture. It was justified by lawyers as Jay Bybee and John Yoo, since the Geneva Convention on prisoners of war was considered obsolete and the president was raised to the post above the law by the Department of Defense; the Military Order, allowing the detention of anyone suspected, and the creation of ad hoc military tribunals for trial of these suspects without regard for the rights previously established and preventing them to seek protection in the Federal Courts and not to seek Supreme Court through judicial review. Additionally, restricted human rights from population, through legislative changes, particularly in granting unlimited powers to the Department of Homeland Security and the approval of the USA Patriot Act in 2001, as well as its subsequent amendments.

2 "After 9/11, the Bush Administration had declared the United States to be at war. This declaration of war once again justified the emergency measures that would limit not only the rights and liberties of enemies and foreigners, but also those of American citizens." (Apodaca, 2006, p. 173).
relationship between exceptionalism, foreign policy and human rights, especially in the Bush administration?

In an attempt not to answer only but to problematize such issues, this study will try, even in an introductory way, examining the role of human rights in the American political ideals. Through analysis of the troubled and controversial "notion" of American exceptionalism, it will seek to understand the basis on which the idea of "being American" is continually built, influencing the U.S. relationship with yourself and the world. Finally, the paper wants to understand how the Bush administration linked the narrative of exceptionalism to human rights in its foreign policy to combat terrorism. This paper considers the moment called "war on terror" carried out by the Bush administration could at the same time, emphasize the exceptional American politics and on the other hand, undermine the foundations upon which was built that same exceptional. Therefore, the goal here is to understand and highlight how was possible to use the notion of exceptionalism based on human rights to violate those rights domestically.

2 Visions on Exceptionalism

U.S. foreign policy would be expressed by the idea of exceptionalism, referring to the (self) perception that the U.S. differ qualitatively from other developed nations. This perception is based on the 'single source' of the country in its national creed, its historical development and its distinctive political and religious institutions. Exceptionalism also refers to the distinctive qualities that would proceed to its "unique" political community defined by the values of Republicans and liberal-democratic.

Internationally, this exceptionalism demands that the U.S. government's actions are reflections of liberal political values that define the U.S. as a framework and political environment significantly different from other countries. The foreign policy expresses the belief that Americans are the chosen people, a chosen nation guided by
providence to demonstrate the viability of the spread of democratic and liberal values and institutions according to the American experiment (Monten, 2005, p. 120)³.

Since the beginning of the paper, it is worth noting the difficulty in presenting a unique view of American exceptionalism, and starting from it analyze the period post-09/11, since different views coexist and try to explain significant parts of the American political experience. This leads us to choose not only to present these different visions of exceptionalism, but also detailing the analysis period and confronting them.

2.1 The Construction of the American Exceptionalism

The term "American exceptionalism" was created in the mid-twentieth century as part of an attempt by social scientists to explain the absence of a revolutionary socialist response to the decline of American industrial capitalism in the Great Depression. However, the vision of what is to be part of the U.S. and its relationship to the world is prior to and influenced the formation of the American academy itself, especially in terms of Social Sciences (Ross, 1991).

The nature of the notion of American exceptionalism is seen differently by each author that seeks to match its definition or as a cultural distinctive or as a political identity. It can be understood as a narrative that oscillates between putting the United States as uniquely sacred, brutally secular, hyper-individualistic, conformist or highly violent (Schmidt, 2006) in one hand, or as the American Creed which can also be understood as the union of different elements such as freedom, equality, individualism, populism and laissez-faire (Lipset, 1996). The United States differs from Europe because there were not a feudal past or a Marxist thought that might have stimulated the construction of a revolutionary alternative to the political discourse of the New Deal (Hartz, 1991; Lipset, 1996, Ross, 1991). This difference came to attention in the U.S., and permitted a whole generation of politicians and intellectuals insisted that the U.S. would have a "unique and essential American soul," synthesized by certain virtues and a mission of global reach, given that the U.S. would be a model for the rest of humanity.

³ In this sense, the U.S. interest in promoting democracy would be a moral commitment to liberal values, more than a maximization of material interests, and it derives from three sources: Calvinism, the Enlightenment and functional necessity or historical (Montem, 2005, p. 121).
In the decades after the mid-XX century, the idea of "exceptionalism" start being used more widely in the social sciences to refer to the belief that American political history would be radically different from the experiences of any other nation and, indeed, his experience would be example for other nations. One of the first elements that conformed this idea of exceptionalism stems from John Locke, and it is called the American wilderness. According to Locke, the U.S. is represented both as a possession of England and as a representation of human life without the advent of money. However, the interest in this concept would have appeared exactly in the literature outside the country itself and the Tocqueville's work, *Democracy in America*, is one of them (Lipset, 1996).

The Puritans, however, had a different understanding about what would this exceptionalism be. For them, the New England colonies were theocratic republics, putting into practice their faith and their political principles in the "deserts" of the New World. John Winthrop who was featured this thought by stating that the colony should be: "...as a city upon a hill, and the eyes of the world shall be upon us" (Miller, 1956: p. 79). According to the Puritan view, the colonies of New England were seen as a laboratory of God before he extended his deal with to the rest of the world. God had entrusted the task of bringing their lights to the unregenerate world. This perception enhanced by post-Independence patriotic fervor led to the idea that the Americans are a chosen people in possess of divine missions far beyond the evangelical community. "Thus, the theory of the chosen nation, the redeemer nation, proved to be almost an official creed." (Schlesinger, 1992: p. 20).

The plagues imposed by God to the Puritans would be represented, as the wars waged against the redemption of Native Americans, which, when considered pagans, constitute the element of otherness from which Americans define their identity and mission. In other words, the idea of "the another pagan" was fundamental to the definition and consolidation of American exceptionalism. Thus, the exceptional nature of the U.S. would be defined by its sacred wars narrative that, somehow, remains the

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4 This Puritan position was of great significance, because being a model for other nations involved in paying the "high costs" of dealing with God, the constant responsibility to live as a community teaching, testing and even plagued by a "jealous" deity.
basic structure of some exceptionalist version of the story of the American republic (Fonseca, 2007).

However, it is not only for the puritanical interpretations that religion is very important. In fact, individualism is the term most often cited in the literature to identify the base of American Creed and this same individualism has its roots in how people relate themselves to religion. Both Tocqueville and survey data at the time Lipset has developed his research, shows great proximity between the population and religion, including in terms of acceptance of biblical truths. However, they are not the traditional Christian denominations (Anglican, Catholic, Lutheran and Orthodox), but the non-traditional, such as Methodists and Baptists, which should increase the number of worshipers to raise funds because there are numerous Christian denomination and not a state policy exclusively to churches. Therefore, with Independence, it was possible to fervent Protestants to identify the American Republic with the advent of the millennial period that culminated with the final salvation of humanity and the end of history (Ross, 1991, p. 23).

Nevertheless, there are alternative views to what would be exceptionalism, besides the religious view. In one of them, which invokes the founding of New England, the first generation of scholars attempt to explain U.S. policies from the notion of American exceptionalism, stemming from Locke, stating that the New World would be a space of individuals guided by economic rationality that had a chance to structure all aspects of that new society. There would be no space for a revolutionary thought in the U.S., even before the crisis, because this tradition exceptional and long-term based on Lockean individualism. In another of them, since the turn of the twentieth century, American exceptionalism is related to the continuous and perpetual American expansion westward (in the binomial civilization-barbarism) that made the U.S. unique, and it is not the returning to the American wilderness, as Puritans suggested. This expansive pattern would force the U.S. to evolve and adapt its institutions on an ongoing basis, giving rise to unique institutions, not copied from Europe (Turner, 1996).

It is interesting to note that, by incorporating the idea of chosen people from the reference to the Puritans, the U.S. gradually created a national history that focused on some issues and neglecting others. In this sense, to highlight Puritans central role in shaping the culture of New England, we excluded, for example, the contribution of the Southern U.S. in shaping the nation and neglected is the role of other religious groups, not Puritans (Junqueira, 2003).
Besides all the potentiality that alternative views about American Exceptionalism brings with them, interpretations that include religion as a base has stronger explanatory power to the subject of the war. The person who follows one of the existing religious denominations must follow a moral code determined by their own conscience and that reflects your personal relationship with God and interpretation of the Bible. This makes the relationship with foreign policy also an exercise of personal conscience. To make citizens support the war and fight for the cause, it is necessary to define the role of the United States in terms of good versus evil, of being on the side of God against Satan, His enemy, and not in terms of material gains (Lipset, 1996, p. 19-21). The Lockean array creates a dilemma in American society (and Law), because while it finds the exceptionalism in liberal individualism and rational, it produces an explanation for the macro definition of what it is to be an American. Thus, the exceptionalism demands that Americans must be aware of their "essential soul," but since this "soul" is shared, it comes into conflict with the uniqueness that characterizes the rational individualism (Hartz, 1991). Due to this complex "identity" dilemma, American liberals shifted their insecurity and irrationality to the "other" excluded and, thus, they could maintain their belief in their belonging to a list of self-governing individuals. Nevertheless, the price of that security is the demonization of the "other" that is outside the liberal democratic line.\(^6\)

Related to Human Rights, the American Creed is strongly centered on the Constitution and the Declaration of Independence, which for some is the maximal explanation of that belief (Lipset, 1996, p. 19-21). This Creed is also argued in terms of promoting democracy and human rights human. The relationship between the American and the liberal values are part of American nationalism, as well as its expansion across the globe (Monten, 2005, Fonseca, 2007). Accordingly, we find that there are two perspectives for the promotion of democracy and human rights in the long run that are based in the same spirit of exceptionalism. The first is characterized as "exemplarism," conceiving the U.S. as a nation founded in separation with the Politics of the “Old World” and the idea of balance of power. It suggests that institutions and American

\(^6\) Rogin (1998) does not preclude to Hartz approach. However, for Rogin, in addition to Lockean individualism, exceptionalism becomes sometimes a race and nationalist question. Moreover, Rogin adds an important element to American exceptionalism: the self-made man. Hannah Arendt (1990) states that the U.S. is insistence on "self-evident truths" and this claim in the Declaration of Independence, demonstrates a desire coercive and non-political foundation to find a priori to establish the identity and mission undoubtedly American.
values should be preserved and perfect (often, but not exclusively) through isolationism. The second perspective, "vindicationism," also shares the idea of "city on the mountain," but argues that the U.S. should move beyond example and take active measures to spread its universal political values and institutions, i.e. be such as evangelists and missionaries.

There are many critics of the idea of exceptionalism. In the post-colonial criticism and linked to the human rights debate, this concept is a hindrance to the advancement of a global consensus on the issue. In this sense, the Puritans who arrived in the United States did not deny completely the European past. It would indeed be a specific denial of the moral and political "degeneracy" of Europe, but bringing from there the development (especially technological and technical) to the indigenous Americans. The U.S. would therefore be a new civilization based on the sum of Western development (puritan values associated with technical advances and technological born in Europe). According to Saito (2009), the American settlers invoked international law to legitimize their independence. More than that, they invoked it to legitimize their status as "better" than England settlers did. In order not to extend this right to self-determination for indigenous peoples, the American settlers drew on notions of progress and western development. Since indigenous people did not "controlled and transformed" nature, they would not be "civilized" and as such, they were not subject of rights to colonize and dominate the place. In Saitos’s view, this was probably one of the foundations of American manifest destiny and westward expansion, for example.

As can be seen, there is little consensus about what, in fact, represents the American exceptionalism. Given this variety of views about the meaning of American exceptionalism, Goodhart (2011) proposes to separate such views, reaching three types, designated by him as: historical, behavioral and cultural exceptionalism.

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7 In this sense, Junqueira said that the construction of the American nation located exceptionalism grounded in the U.S. as an exclusive and exclusionary society: "From this perspective, they created not only a single company, but a universal model of organization, which should be followed for all, any alternative would be walking in the wrong direction. Within this order of ideas, built a model of society profoundly exclusionary: at the domestic level were excluded Indians, blacks, Catholics and immigrants (started after Independence the version that the United States, the "deep America" was formed by white male, Anglo-Saxon, Protestant), and it was an exclusive society also at international level, because the idea of people and exclusive society who rode became difficult to recognize different cultures of the Protestant culture."(Junqueira, 2003: p. 167, translated by the authors).

8 “[…] the concept means different things to many people – including, to some, nothing at all. It has been used promiscuously of late, littering mainstream magazines and newspaper op-ed pages as well as scholarly books and journals. It is invoked to praise or blame a range of policies, including the Bush Administration’s human rights policy, its doctrine of preemption, and its wider war on terror.” (Goodhart, 2011: p. 67).
The first one - historical exceptionalism - concerns with the claim that the USA has an origin and a unique historical development. He was associated with arguments about the absence of socialism in the U.S., no feudal past, abundant land, etc.. In general, the historical exceptionalism seeks explanation in the differences between the U.S. and the world, particularly Europe. This vision is linked to the peculiarity of what Tocqueville called the American point of departure. The problem with this view, according to the author, is that the fact the U.S. has a distinct origin and a history of other countries is not enough different to become an epistemological problem, considering that all countries have trajectories and origins distinct and they must be known to study them. A second type of exceptionalism Goodhart identified is named behavioral exceptionalism. Under this type, the actions of U.S. and international policies are unique and distinct. The third type is identified as cultural exceptionalism. The author refers to customs, beliefs, habits and attitudes of Americans about the world and the special place they occupy. Goodhart's focus is on that specific type of exceptionalism, which he calls providential exceptionalism. He regards the belief of Americans in the U.S. as the chosen nation, upon which the divine providence would have given special blessings and invested a special mission to cultivate and promote its values. This kind of exceptionalism that tries to understand the motivations that animate the actions and attitudes of the U.S., and it goes beyond its uniqueness.

Goodhart argues that the concept of "federal" freedom is central to understanding the American unwillingness to be bound by rules, treaties and international organizations. This "federal" freedom is directly linked to the fulfillment of divine purposes, therefore, be free to exercise freedom is the right way for the nation chosen to fulfill the mandate it was given by God. Thus, the unwillingness U.S. in relation to international standards is not due to a simple devotion to popular sovereignty, but the special duty to use their freedom for the correct purposes (divine), making the submission to an authority or multilateral international suspicion, since it is undergoing the nation chosen by God to a non-divine authority.

This feeling of "federal" freedom and chosen nation present at the founding and initial development of the U.S. was winning secular traits, which fostered a sense of independence from the U.S. and its formatting Republican. With this junction, the U.S. role would then be a defender and promoter of freedom and democracy around the globe, resulting, in the nineteenth century, in the doctrine of Destiny Manifest, for
example. The exceptionalism, which until then was linked more to the belief in the chosen nation (special paper - religious field), have become more secular as they put the U.S. as having a destiny already mapped out by force, including its institutions republican and trampled on freedom (civil creed).

Moravcsik (2005) is critical to a vision of exceptionalism built on religious grounds which transposes into the political realm, as Goodhart says, for example. Moravcsik argues that American exceptionalism, regarding the human rights field, can be understood as the aversion to any formal acceptance of standards and enforcement of International Law of Human Rights (ILHR). It puts a paradoxical question: resistance to accept these rules of international law on the one hand and, secondly, the long tradition of U.S. promotion of human rights, both in the domestic courts, and politically externally.

2.2 Exceptionalism and Human Rights

The relationship between the role of human rights in the U.S. means there is a paradoxical position of human rights within the "language" exceptionalist brought by the war on terror. On the one hand, the international promotion of human rights was brought into the context as a central element of the mission of the U.S. exceptional. Thus, the legitimacy brought by this normative framework was essential to "legitimize" the war on terror. On the other hand, this same exceptionalism justified a way to combat terrorism that, in various dimensions, violated human rights internally and externally. Therefore, before we look at this paradox in light of the war on terror, it is worth a brief discussion about the complex relationship between exceptionalism and human rights, especially in relation to adherence to the international law and international human rights.

We identified three types of behavior exceptionalist in the sphere of human rights. The first would be the exemptionalism, which refers to the habit of the U.S. to negotiate agreements and multilateral regimes only if they allow exemptions for U.S. citizens (stocks, delays or refusals to ratify agreements or low domestic mobilization for the approval of these treaties). The second, called the double standards, concerns the U.S. practice of judging themself by standards different from those used to judge other
countries and their allies to try to standards different from those used to analyze the behavior of their enemies. Finally, the legal isolationism, which refers to the indifferent attitude of U.S. courts in relation to international standards of human rights and international jurisprudence and other countries (Ignatieff, 2005).

Regardless, all these consequences can be seen as patterns of the same phenomenon, namely, the unwillingness to impose to them general rules of international law that the U.S. government considers as fair in principle. It must be remembered that in the few cases in which the U.S. ratify an international convention on human rights, make the inclusion of more reserves than any other democracy.

The culturalist explanations see American exceptionalism to human rights as the result of widespread cultural values and in the long date about the legitimacy of procedure that makes international standards do not inherently attractive to Americans. Moravcsik does not agree with such explanations of American exceptionalism. He rejects, for example, analyzes that take cultural elements such as explaining the extremely tense relationship between the U.S. and international law of human rights. Commonly, these cultural explanatory elements – that Moravcsik openly disagrees with - are the following: a) international obligations would contravene the wide reverence for the U.S. Constitution and political institutions as sacred symbols of the legal elite and citizens; b) the enduring American belief in popular sovereignty and local government predispose Americans to oppose centralized judicial standards; c) a popular American culture of negative rights rooted in an individualistic world view would be inconsistent with obligations under international law of human rights.

These statements have great difficulty proving. Those who share a vision that "sanctifies" the U.S. Constitution, as the current spread of legal interpretation called "originalism" suggests, are the biggest critics of the implementation of human rights.

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9 This attitude of refusing to international norms of human rights, such as the construction of an international order in the light of American values, is justified, according to Ruggie, in the foundations of American exceptionalism and as key element of American identity: civic nationalism, defined by the institutions and practices that bind Americans, whose ultimate expression was the Constitution. This "exemptionalism" is traditionally linked to the Congress. This exemptionism pronounced, according to the author, especially in the areas of human rights and social issues, in which the discourse is structured in terms of protecting the rights of states (Provinces) against the incursions of international treaties, negotiated level federal.

10 In this passage, it is clear how Fonseca puts exceptionalism outside material, unlike Moravcsik, "The concept of "exceptionalism" is the main determinant of American national identity as expressed in foreign policy. In this sense, it can import as much as the material interests that may lead the country to this or that position." (Fonseca, 2007, p. 156, translated by teh authors).
norms. ILHR would also accept the problems of democratic deficit, according to those critics who point to the lack of legitimacy of the unelected international bureaucracy in contrast to the national democratic system. A strong relationship with popular sovereignty would be an impediment to the implementation of standards of international human rights law. However, for the author, the procedure by which the bureaucracy of international organizations is elected would not be the major concern of those who oppose compliance with the U.S. in relation to international human rights law. According to Moravcsik, the problem is in the idea of localism regarding political institutions. The skepticism regarding the implementation of international human rights come from the U.S. geopolitics, its position as a stable democracy and from an active minority of conservative political institutions decentralized and fragmented. There would be four important characteristics: the external superpower, democratic stability, conservative minorities and political veto-group. The author argues that just to have exacerbated these four characteristics is that the U.S. is skeptical of implementing international standards at the domestic level. Although Moravcsik see the U.S. as a democracy with a history of intense concern for civil rights at home and a great sense of solidarity with other liberal democracies, this would be a more plausible explanation for the ambivalence with regard to international human rights law than cultural explanations of nature. In his view, this would be the true U.S. exceptionalism.

The pluralistic visions, whose ideas Moravcsik shares, strengthen the relationships of interest, institutions and the "logic of consequence." Moravcsik gives strong attention to the role of institutions in shaping U.S. policy on human rights. Thus, the institutional, substantive positions of policy formation and distribution of political power enters into the calculation of pluralism.

The explanation most convincing and consistent with U.S. political history and which is in accordance with the constitutional procedure in the U.S., would be fragmented nature of American political institutions. Still according to Moravcsik, from the political madsonian representation, the U.S. government, based on a scheme of "checks and balances" and separation of powers, having everything else constant, what will determine whether or not the approval of treaties and other international obligations is what he calls "veto players". "Veto players are considered as those who can prevent or block a government action. The greater the number of "veto players", the more likely
not to succeed in adopting human rights standards. The decentralized system of American institutions would generate thereby a large number of "veto players"\textsuperscript{11}.

Unlike Moravcsik, Saito (2009) puts great emphasis on the founding myths of America to think about his stance on the international regime of human rights. The myth of the founding of the U.S. and redeeming its uniqueness, he said, meant that American leaders have emphasized the importance of bringing human rights, democracy and the rule of law to all people. At the same time, these foundational myths "exempted" from the U.S. to submit to international legal regimes that they themselves have worked to create, as are the case of the international regime of human rights. The U.S. does not need to observe these regimes precisely because they would be the last stage of Western progress, regardless of external constraints. Thus, for example, the U.S. rejected the International Criminal Court, elaborated a doctrine of "preemptive" war that violates the UN Charter and considered "obsolete" and "optional" the Geneva Conventions. In addition, U.S. citizens, immigrants and citizens of other countries disappeared and were arbitrarily detained in violation of customs and treaties of international law, apart from subjecting prisoners to practice condemned internationally as torture.

What emerges from this brief review is that, as noted, American exceptionalism is not only an outright claim of the religious field (though largely guided in this field), nor an ideology (though the American Creed be for many a kind ideology that must be accepted by all Americans). It would be better characterized as a widespread perception by society and the American political spectrum, that is, not as a description, but as a "claim" socially widespread.

3. Exceptionalism, Human Rights and "War on Terror"

As at other times in U.S. history, officials of the Bush administration put human rights as an objective independent foreign policy in their speeches. It is worth to note the vagueness of these speeches, which do not define the rights, nor refer to the conditions of realization of such rights. It is observed with the split between the various objectives of U.S. foreign policy, human rights were exploited, justifying the actions of

\textsuperscript{11} There would be at least three main features to understand the issue: (1) the super majority voting rules (qualified majority needed for approval of such standards) and the Senate committee structure, (2) Federalism and (3) prominent role of the judiciary to adjudicate human rights issues.
government in other areas, given the fact that on the rhetorical level protection for these rights was guaranteed (Hancock, 2010).

Thinking on the external consequences of this exceptionalist perception, it should be noted the National Security Strategy of 2002. This document, prepared for the war on terror, argues that the position of primacy of the U.S. created an opportune time to extend the benefits of freedom across the globe. The U.S. would like to actively work to bring hope for human rights, democracy, development, free markets and free trade to every corner of the world. This expectation of the U.S. government about its own "civilizing" role seems to be highly related to the exceptionalist narrative, which is the belief that American power is the main pillar supporting a liberal world order that is driven precisely by the principles they believe.

The presence of elements from the exceptionalist narrative on the war on terror could be seen clearly in the speeches of Bush. Moments after the attacks, he addressed the nation through a forceful speech using such highly emblematic expressions such as "freedom was attacked," "democracy was attacked," "this is a war of good against evil", "America is being tested." Moreover, this happened in the justifications, for example, to the Iraq invasion, when Bush presented the operation as a mission of salvation to the Iraqis, or a speech in close agreement with the idea that the U.S. is so unique and exceptional circumstances that are endowed with a civilizing mission for the rest of the world.

Importantly, these Bush speeches had a goal to mobilize the American public and to highlight the leading position of the U.S. in post-Cold War. Human rights were raised in such statements due precisely because of their power to represent the Americans, i.e., to encode the political discourse by means of a language - albeit very vague and nebulous - of human rights, "reminding" North Americans that they all were part of a unique and exclusive community, and, thus, legitimate to take such rights to the rest of the world. Therefore, it should be noted that this does not mean that the entire U.S. population agreed with Bush at that time but knew that all those expressions as manifestations of minimally shared identities.

In post-09/11, there were three factors that made the struggle for human rights extraordinarily difficult: the economic supremacy and U.S. military and its unilateral use for the advancement of U.S. interests; (unprecedented) contempt by the U.S. for institutions and norms; and the cooptation of the discourse of human rights by the U.S.
government as an instrument to satisfy U.S. interests contrary to the principles of human rights\(^\text{12}\) (Mertus, 2005). Therefore, there is a peculiarity of the period pós-11/09 with respect to prior periods. From the nineties, the issue of human rights was more present on the political agenda and had more important role in decision making than in previous periods. During Bush Administration, however, it seems that human rights have failed to overcome the climate of fear that stifled civil liberties and imperial policies that made this possible\(^\text{13}\).

The end of the Cold War reduced the manifestations of exceptionalism regarding the international regime of human rights - as double-standards and legal isolationism. United States ratified four key human rights treaties - the Convention against torture, genocide, elimination of racial discrimination and the covenant of civil and political rights - and participated in the creation of ad-hoc tribunals in Yugoslavia and in Rwanda and humanitarian interventions Somalia, Haiti, Bosnia, and Kosovo. U.S. behavior became less incompatible with international standards, laws and expectations in the field of human rights. Moreover, the fact that human rights have become the great global standard of political legitimacy and the normative discourse of politics has great-unparalleled global influence of more active participation of the U.S. in its international regime, in view of Goodhart:

> How much a role American acquiescence played in the strengthening of the normative core of the regime is difficult to assess. Yet it should be emphasized that the United States was not merely a passive bystander in these developments; it often (though not always) played an active and constructive role in promoting the development of human rights norms globally. There is undoubtedly much for critics to criticize in American performance on human rights throughout the long 1990s. Yet at bottom the American view that the triumph over Communism both reflected and affirmed the strength of its values certainly enabled the regime’s development (Goodhart, 2011: p. 80).

The U.S. policy and posture in post-11/09 turned back to the shape of the Cold War (Goodhart, 2011). The U.S. position between the end of the Cold War and the 09/11 would not have followed the previous pattern. According to the author, it cannot

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\(^\text{12}\) There was great difficulty in obtaining information by human rights defenders before the frame of restraint and classification of documents, for example (Mertus, 2005, p. 318). Moreover, Bush administration exerted great pressure on the human rights groups, demanding that organizations diminish the publicity of abuses internally. Even a little known issue is that organizations that receive federal funding have been given to determine whether there was among employees who were then created in the blacklisting of government (Mertus, 2005, p. 319).

\(^\text{13}\) Previous studies showed that in the meantime, the civil society that seeks the protection of human rights law has had mixed reactions (Mezarobba; Hernandez and Rosa, 2010).
be said that this change in U.S profile. has caused the further development of international human rights regime of the nineties, but it can be argued that it has greatly facilitated this construction. In this sense, the war on terror, led by the United States, would constitute a threat to the normative development of the international regime of human rights witnessed in the nineties.

When the external environment is considered normal, as well as the level of their threats (to freedom and democracy), the style of engagement of U.S. foreign policy tends to be more pragmatic (which does not rule out the use of force) with a more realistic approach, based on a goal of preservation (U.S. and scenery) and the tone of policymakers and negotiators tend to be more diplomatic, despite the use of moral rhetoric. This kind of pattern, assisted during the nineties, fits with exceptionalism in that it is also grounded in virtue of geographic isolation American face to the rest of the world.

In turn, when the external environment and its threats are filtered and perceived as serious, the very mission / mandate of the United States are perceived as threatened. In this scenario, the engagement of foreign policy tends to be messianic, in order to maintain this mission through its internationalization. It is precisely why the prospect of this kind of engagement is much more of redemption and the goal of transforming the landscape. As a result, the tone of decision makers and negotiators are likely to be much more rigid (and Manichean), from a moralizing rhetoric point of view. When under threat, the U.S. salvation hinge upon its ability to "save" the world. This is the pattern observed during both the Cold War and the war on terror. In this case, it would be the end of the bipolar conflict the major contributor to the pragmatic turn in American foreign policy, allowing the flourishing of the international legal human rights during the nineties.

The reversion to engage with human rights record, typical of the Cold War, ends up repeating after the 09/11. The U.S. exempted the Geneva Conventions and the Convention against Torture. They adopted double standards, allying with regimes human rights violators such as Pakistan and Uzbekistan, tolerated Chinese and Russian aggression to minorities. Moreover, the war on terror (with its purpose to "rid the world of evildoers" and bring freedom to rely tactics such as arbitrary detention and torture) and evidence brought renewed vigor to charges of hypocrisy suffered historically by the U.S.. Goodhart said: "If history repeats itself as tragedy, the tragedy of American human
rights policy since 9/11 was written during the Cold War. In almost all respects, in style and in substance, the United States has reverted to its Cold War form.” (Goodhart, 2011: p. 83).

Despite this argument about reversion in the engagement of the Cold War, Goodhart see a big "quirk" in the period pós-11/09, precisely due to its comparison with the nineties. More than just concerns over issues of torture and illegal detention - that the more serious they could be, they were not yet sufficient to completely degenerate the international regime of human rights - the great threat posed by the war on terror would have been to position the security paradigm above national human rights paradigm as a normative doctrine and structure to global politics. The rise of the paradigm of security would have put in erosion fundamental place human rights achieved in the nineties, in international relations as a global standard of political legitimacy. The security paradigm "authorizing" a series of practices that are inconsistent with the requirements of human rights and his regime, even though the war on terror is carried out and justified paradoxically in the name of freedom, democracy and human rights14.

The exceptionalism, however, is far from unique to the Bush administration, which, at various moments, articulated speeches stressing the uniqueness of U.S. beneficial to the world15. The exceptionalism is constantly reaffirmed in a way that would become central to American identity the idea that the U.S. is the most advanced stage of development in human history. The theme of the peculiarity of the period post-09/11 is not unanimous. There are those who argue that there would be no peculiarities in the U.S. position during the war on terror. This is because, since 2001, the American leaders often invoke the requirements of the new threat from global terrorism to explain the deviations of the U.S. in relation to international law and international law of human

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14 Goodhart's argument is closer to what Mertus argues that when the 11/09 attack on the status achieved for human rights in post-Cold War world, i.e. the re-rise of the paradigm of national security calls into question the human rights as a global political parameter for legitimacy. On the other hand, they disagree as to the peculiarity of the period post-09/11. According to Goodhart, sharing arguments with Donnelly (2003), the U.S. position in post-09/11 closely resembles the demonization of the other also promoted during the Cold War. Mertus, in turn, believes that the 09/11 has a uniqueness in that unlike earlier periods, after the attacks, regressive measures were taken in a context in which human rights defenders exerted greater influence on the political agenda and the decision making process. Thus, the effectiveness of these regressive measures made it seem that the human rights framework was not managing to cope with the climate of fear that legitimatated the suppression of civil and political liberties, and could not have curb policies “imperial” President George W. Bush.

15 According to Saito, Obama also, especially in his inaugural speech, has explored one of the most common images of American exceptionalism, which is the United States as the embodiment of freedom and democracy and, as such, as the hope for the rest of the world.
rights can be justified because the existing standards are not adequate to protect America and Western civilization from "barbarism." However, practices that disregard international law are very similar to many other practices carried out by the U.S. throughout the twentieth century, when terrorism was not considered the single biggest threat. Thus, critics argue that the position taken by the U.S. post-09/11 was not fundamentally different from that invoked by the founders when they used the law to justify their colonial occupation of North America, on one hand, and the prerogative to deviate from requirements of that law in view of the "greater good" of increasing Western civilization to a more advanced level, on the other (Saito, 2009).

Although the post-colonial critique of Saito - that locates the major impediment to the development of human rights in the Eurocentric nature of human rights and American exceptionalism - is highly relevant and large analytical possibilities for the study of human rights in the U.S., it is important to highlight the systematic pattern of human rights violations committed in the name of the war on terror and the paradoxical linkage of these practices to American exceptionalism and their own normative framework of human rights. This makes the period present marked differences, particularly with respect to the nineties and it must be emphasized, especially in regard to the place occupied for human rights in contemporary international system. At various times in history, the U.S. declared themselves promoters of human rights internationally at the same time that not only had relations with authoritarian countries, but also promoted these systems (Sikkink, 2004; Apodaca, 2006; Mertus, 2004). However, from the war on terror, this equation has become more complex. This is because the ambivalence mixed with the difficulty of understanding the role that the U.S. will plead compared to other countries at the same time systematically and deliberately began to violating human rights domestically.

Given this peculiarity of post-09/11, it is plausible to argue, as Apodaca does, that the war on terror has made human rights a calculated victim of the anti-terror campaign, which would have virtually eradicated the agenda of human rights policy outside the U.S.. Critics of these rights and the framers of the Bush foreign policy have argued that the U.S. should abandon them temporarily in the name of the most urgent goals. In this sense, the Bush’s rhetoric followed the emphasis on moral concern of the population in relation to wars (Lipset, 1996) and, therefore, was restrictive, dichotomic and Manichean: Good vs. Bad, Allied vs. Enemy… From 09/11, the U.S. returned to
have an enemy, and this time, unlike the Cold War, an enemy diffuse and ambiguous. Thus, this enemy could be embodied in a terrorist and their organizations (al Qaeda and bin Laden) in tyrant leaders (Saddam Hussein) or in "disobedient" schemes (Axis of Evil - Iran, Iraq and North Korea). Given the "dispersion" of the enemy, Bush’s war on terrorism favored autocratic military regimes, since they do not need to respond to its citizens, but only to U.S. demands:

Human rights violations could now be justified by the global fight against terrorism, particularly if the institution of democracy and the respect for human rights would bring to power a political party that did not support U.S. hegemony and influence in the region (Apodaca, 2006: p. 184).

Other administrations have also been accused of supporting regimes that disrespect human rights; however, Bush administration was accused of having placed human rights violations (torture, etc.) as government policy. The severity of this situation, this stance of Bush came into direct conflict with international law and in contradiction with on American exceptionalism, which has human rights one of its main pillars (notably the rights of individuals). The contrast, therefore, is no longer with the violation of human rights in other countries simply, but with the violation of human rights in American society itself. His foreign policy to human rights and his image as promoter of human rights lost legitimacy at a time when the protection of human rights was no longer guaranteed internally.

Neoconservatism, occasionally described as alarmist and conspiratorial, is situated in a way, within a tradition vindicationist. This tradition is not an aberration, but, it consistent with a history of nationalist ideology rooted in liberal exceptionalism. Therefore, the peculiarity of the period post-09/11 lies precisely in the exacerbation of this doctrine vindicationist, mobilized by neoconservatives combating terrorism, aligned

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16 According Mertus, U.S. population has not developed a culture of human rights. The author, reporting to a survey by Amnesty International (Mertus, 2005, p. 326) says that 94% of American adults and 96% of young people are not even aware of the existence of the Universal Declaration of Human Rights. This gap has contributed to the U.S. governments, with strong emphasis on Bush administration managed to suppress rights internally while is worth the alleged violations occurred externally to the imposition of sanctions and even invasions. Moreover, according to Mertus, devoid of culture, the Americans do not have full of instruments and tools for human rights to evaluate and criticize the foreign policy decisions of government.

17 According to Ruggie, Bush administration truly represents the great political inflection in favor of a position adverse to the international human rights law: "But what may be the most politically Significant shift, the Bush administration has Been far more hospitable to the exemptionalist agenda than any of excellent predecessors. Indeed, in excellent Vigorous Opposition to the ICC it may end up sabotaging what most American Allies Consider the crowning achievement of the postwar moves Toward global governance."(Ruggie, 2005, p. 306).
to the narrative of exceptionalism and justified by the evocation of values such as democracy and human rights.

Concluding Remarks

The influence of American exceptionalism in U.S. foreign policy is very large, especially from the point of view of the speech built on human rights. Moravscki argues that the U.S. position and the internal and external events of human rights violations undermined the legitimacy of U.S. actions internationally, giving the feeling that the country does not protect human rights internally. For him, some people believe that this stance has undermined even the "war on terror" by confusing distinctive principles between terrorism and counterterrorism, by exacerbating political and social conditions that breed terrorism and by undermine international cooperation.

Even President Bush declared that the invasion of Iraq was part of a lesson based on the democratic idea of U.S. exceptionalism and uniqueness. Bush's statements about national security, as shown by Schmidt, make clear that there is only on design to the former president, a single successful model that has survived the twentieth century - the American way - and that, because of this, the U.S. would only be responsible for giving the example and expand this model throughout the world. As can be seen here, the peculiar place of exceptionalism in foreign policy to combat terrorism after 09/11 was extremely important for mobilizing the discourse of human rights for U.S. international actions. As already mentioned, this type of mobilization is not unprecedented in the history of U.S. foreign policy. However, the peculiarity of pós-11/09 would be exacerbated in the linkage between exceptionalism and vindicationism advocated by neoconservatives.

The peculiarity of the period does not end in this linkage. It also stands alone because of the internal degree of violation of rights traditionally defended by the USA. This degree of violation placed the notion of exceptionalism in contradiction, since the practices that attempted against rights constituting the notion of exceptionalism was mobilized and justified from a discourse that is anchored in the same exceptionalism.

This huge degree of contradiction and ambivalence - between the existence of a strong identity discourse pointing the nation as a promoter of human rights and the
violations of basic constitutional rights - could only be accommodated due to ignorance and fear and by the introduction of highly invasive surveillance techniques. The climate of fear created after the terrorist attacks mainly by the constant state of alert that the population was exposed, made this same population "support" human rights violations committed by the Bush administration, accepting policies on the rhetorical of American exceptionalism that violate the core of that exceptionalism, i.e. human rights and their civil and political dimension.

Finally, a remark about methodology. Subject to the diversity of views that attempt to define exceptionalism and elasticity that allows it to be constantly mobilized in discourse, it is argued here that the exceptionalism does not have a sufficient internal concatenation logic and formal coherence to the point of being considered a concept nor a analysis tool of U.S. foreign policy. This multiplicity of definitions and their respective elasticity does not permit to use it as an analytical tool. However, it allows us to observe the terms of political rhetoric in the construction of domestic politics and thus leads to understand the value given to certain concepts over others.

Despite this possibility of recurring instrumentalization in the service of interests surrounding the formulation and execution of U.S. foreign policy, exceptionalism cannot be on the other hand, regarded as a mere rhetorical tool of U.S. policy elites. What became apparent with this study is that exceptionalism, more than a concept, is a perception that resonated in both the social and political sphere and in the U.S. academy. We must remember that the exceptionalist attempt to synthesize the essential American soul is very penetrating, just want to be insufficient to overcome it or point it as a mere empty talk. The American exceptionalism is absolutely central to American political thought to be eradicated. According to Schmidt, it is possible, as noted throughout the text, that their shape is changed, but the narrative itself is the favorite mode of autobiography U.S. domestically. Therefore, the researcher does not try to reverse or redeem exceptionalism, but rather confront it in an attempt to find new ways to analyze the U.S. role in the new century. Moreover, this research also take care not to adopt as a methodological assumption - consciously or unconsciously - the idea that there is indeed a true essential American soul and that she would grant the U.S. the responsibility for promoting human rights internationally.
References


