EXCHANGE: DON SCHEID ON INDEFINITE DETENTION OF MEGA-TERRORISTS

Introduction

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A year ago, Criminal Justice Ethics published Don Scheid’s “Indefinite Detention of Mega-terrorists in the War on Terror.” The problem with which it dealt has not disappeared with the Obama administration’s promise to close Guantánamo Bay, for the new administration believes that some who are detained there cannot be either released or appropriately charged and convicted. Scheid addressed the difficult ethical problem posed by their indefinite detention. It is his contention that if indefinite detention is ever justified it is justified in the case of those he characterizes as “mega-terrorists,” that the rationale for indefinite detention must be prevention more than punishment, and that because of the ethically problematic nature of such a determination, special effort needs to be taken to ensure that mistakes are not made.

Not surprisingly, given long-standing liberal resistance to indefinite detention, Scheid’s argument has attracted rejoinders, several of which are produced here. We are grateful to their authors as well as to Scheid, who has provided a final surrejoinder.

Note
