

The Politics of Torture

POSC 4931/5931 - 103

Marquette University

Fall 2016
T TH 2:00pm-3:15pm
Wehr Physics 150

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Course description

Torture is both universally condemned and routinely practiced. The right to be free from torture is enshrined in international and domestic laws as among the most fundamental human rights, yet its use appears to be as widespread as ever. This course explores the modern politics of torture, and in doing so, aims to shed light on this apparent paradox.

The course is divided into three parts. The first examines the **practice of torture**. We will explore the different types of actors (e.g. police, militaries, security services) who use torture, the different reasons they use it, and how it becomes possible for these actors – politically and personally – to torture in the first place. The second part examines the **prohibition of torture**. Until the 18th century, torture was a lawful feature of most European states' criminal justice systems. Yet today it is widely prohibited in international and domestic law. We will learn about how a global torture prohibition emerged and examine domestic and international law to prevent and combat torture. We will also survey research on the effectiveness of both legal prohibitions and non-legal mechanisms for combatting and preventing torture. The final part examines the **ethics of torture**. We will survey arguments for and against the permissibility of torture and explore research on whether torture is even effective. We will also explore public opinion on torture and how depictions of torture in television and film may influence it.

While this course will devote significant attention to the recent use of torture in and by the United States, we will also examine the themes outlined above through a variety of other cases from around the world. In doing so, this course will draw on material both from within political science and beyond it, including primary source documents, journalistic accounts, television and film, and research from psychology, philosophy, anthropology, and criminology. Ultimately, this course will provide students with a sophisticated understanding of the social and political dynamics of torture, which will better equip them to reflect on and engage with public policy debates over its use.

Course learning objectives

Upon completion of this course, students will be able to:

- Identify and describe the variety of actors who use torture, the social and political purposes torture serves, and the conditions under which torture is or is not likely to be used.
- Identify and discuss the range of legal and non-legal mechanisms designed to combat and prevent torture and evaluate the prospects and limitations of each.
- Summarize and critique arguments for and against torture's permissibility and effectiveness.
- Investigate and analyze the practice and patterns of torture in-depth in one particular country and apply and synthesize course ideas to explain why those patterns have or have not changed over time.

Grading scale

A	93+	4.0
AB	87-92.9	3.5
B	82-86.9	3.0
BC	77-81.9	2.5
C	72-76.9	2.0
CD	67-71.9	1.5
D	60-66.9	1.0
F	below 60	0.0

Requirements and grading

Participation	25%
Country expert paper 1	25%
Country expert paper 2	25%
Film analysis paper	25%

Attendance: You are expected to attend every class. However, I do not deduct points for absences. If you must miss class for some reason, you are responsible for everything we cover during your absence. *Do not contact me to find out what you missed.* Instead, it is your responsibility to contact your classmates to get up to speed.

Participation (25%): You are expected to participate in class discussion and group activities. You will be graded on the quality and quantity of your participation. Quality participation means not only answering questions, but also thoughtfully and constructively responding to other students' comments. If you do not participate at all, you will get 0 points for participation. It is my goal to promote an inclusive and encouraging environment for class participation. If you feel that there are factors holding you back from participating, please come talk to me so we can try to figure out how to overcome them.

Papers: You will complete two papers for a Country Expert Project and one Film Analysis paper. See details below.

Required texts

There is one required book for this course. All other readings will be uploaded to D2L.

- Conroy, John. (2000). *Unspeakable Acts, Ordinary People: The Dynamics of Torture*. University of California Press. (ISBN: 9780520230392).

Country expert project

The purpose of this project is for you to research the patterns of torture and efforts to combat it over time in one particular country. At the start of the semester you will select a country of your choosing, and over the course of the semester you will conduct research about torture in that country in two different time periods. (See the document *Resources for Researching Torture* posted on the course D2L site.) In class I will elaborate on these instructions and offer some guidelines for selecting a country.

This project is divided into two separate paper assignments:

- **Part 1: The patterns of torture: 2001-2009** (1400-1600 words)
(Due by class time September 29)

In this paper, you will draw on concepts and frameworks from class to answer the following questions about your country:

1. Who uses torture: During this time period, what types of actors and/or agencies used torture and how frequent and widespread was it? What are the most common techniques?

2. Who is tortured: What types of actors or groups was torture used against?
3. Why they are tortured: For what purposes was torture used? What are the social or political contexts that made torture possible and/or useful?

- **Part 2: Combatting torture 2009-2016** (2200-2600 words)
(Due by 5:00pm December 13)

In this paper, you will again draw on class concepts, frameworks, and arguments to answer the following questions about your country:

1. What has been done: What domestic or international efforts have been undertaken to combat or prevent torture?
2. Has it been effective: Have these efforts reduced the prevalence of torture today? If so, in what ways have the patterns of torture (as you identified them in Part 1) changed? If not, in what ways have the patterns of torture stayed the same or become worse?
3. What is the result: Drawing on ideas and arguments from class material, discuss possible reasons why these efforts have or have not been effective.

Film analysis paper

The purpose of this project is for you to analyze the depiction of torture in a feature film. You will select one film of your choosing from a list of pre-selected films and watch it outside of class. You will write a paper that is 1400-1600 words and draws on course concepts and arguments to answer the following questions:

1. In the film, who uses torture, against whom do they use it, and why do they use it?
2. What does the film's depiction of torture tell us or imply about torture? Discuss the validity and/or accuracy these points in relation to class material.

This paper is not a film summary, nor is it a film review. In other words, the purpose is neither to provide a synopsis of the film, nor is it to explain why or why not you liked it. You should summarize only as much of the film as you need to in order to make your points. The purpose of the paper is for you to analyze how torture is being depicted, what messages about torture those depictions convey, and how those messages are or are not supported by what we have learned about torture in class. If you have any questions about what is expected of you, please ask me.

Other policies

Reading: You expected to complete all the assigned readings prior to the meeting in which they are due. You are responsible for everything contained in them – even material I do not discuss in class. You are also required to bring the readings with you to class.

Late and make-up assignments: No late assignments whatsoever will be accepted without notice and permission at least 24 hours prior the start of class in which the assignment is due. If you are unable to attend class in person to turn in your assignment, I expect you to email it to me no later than the start of class in which the assignment is due.

Electronics: In general, laptops *may not* be used in class. An exception is if I ask you to bring your laptops to class in order to carry out an activity that I assign. If you believe that you benefit greatly from using your laptop to take notes, then you may receive a waiver *only* if come to my office hour and ask for permission. You may not use your cell phones during class for any purpose.

Disabilities and accessibility: If you have any disabilities that require special accommodations, please bring them to my attention as early as possible in the semester so that we may determine what remedies are available.

Academic integrity: Academic dishonesty, including plagiarism, cheating, or fraud, will not be tolerated whatsoever on any assignment. Any and all cases of academic misconduct will be reported immediately to the administration. The University's definitions of and policies on academic misconduct can be found here:

<http://bulletin.marquette.edu/undergrad/academicregulations/#academicintegrity>

Academic work and mental health

As a student, you may experience a range of challenges that can interfere with learning, such as strained relationships, increased anxiety, substance use, feeling down, difficulty concentrating and/or lack of motivation, trauma, a loss of loved ones, eating disorders, or bullying. These mental health concerns or stressful events may diminish your academic performance and/or reduce your ability to participate in daily activities. Confidential services are available at the Marquette Counseling Center 24 hours a day, and treatment does work. You can learn more about confidential mental health services available on campus at <http://www.marquette.edu/counseling/>. Getting help is a smart and courageous thing to do – for yourself and for those who care about you.

If someone you know needs support, is distressed, or exhibits concerning behavior, help them by reaching out and offering to accompany them to the counseling center or to identify relevant services.

Schedule

I. The Practice of Torture

August 30: Course introduction

- *No reading due*

September 1: Torture throughout history

- Conroy, Chapter 4
- “16 Awful Abuses From the CIA Torture Report,” *Mother Jones* (December 12, 2014)

September 6: Why torture? The purposes of torture in nondemocracies

- Amnesty International, “Suppression of Lawyers who Expose Lawyers and Other Ill-Treatment,” from *No End in Sight: Torture and Forced Confessions in China*, pp. 8-13 (2015)
- Tom Stevenson, “Sisi’s Way: Inside Sisi’s Prisons,” *London Review of Books* (vol. 37, no. 4, 2015)

September 8: Why torture? The purposes of torture in democracies

- Conroy, Chapters 1-3

September 13: When torture? The conditions that produce torture in democracies

- Darius Rejali, "Torture and Democracy," chapter 2 in *Torture and Democracy* (Princeton University Press: 2000)

Recommended:

- Cynthia Banham, "The Torture of Citizens after 9/11: Liberal Democracies, Civil Society and the Domestic Context," *The International Journal of Human Rights* (vol. 20, no. 7, 2016)

September 15: Torture in the war on terror

- Jane Mayer, "The Black Sites," *The New Yorker* (August 13, 2007)
- David Forsythe, "The military: Afghanistan, Guantánamo, Iraq," chapter 4 in *The Politics of Prisoner Abuse: The United States and Enemy Prisoners after 9/11* (Cambridge University Press: 2011)

September 20: How does someone become a torturer?

- Conroy, Chapter 8

Recommended:

- Rachel Wahl, "Justice, Context, and Violence: Law Enforcement Officers on Why They Torture," *Law and Society Review* (vol. 48, no. 4, 2014)

September 22: How do governments legitimize torture?

- Richard Jackson, "Language, Policy and the Construction of a Torture Culture in the War on Terrorism," *Review of International Studies* (vol. 33, no. 3, 2007)

September 27: How do democratic governments respond to torture accusations?

- Conroy, Chapters 5-7

September 29: Review of the practice of torture

- *First paper due, no reading due*

II. The Prohibition of Torture

October 4: Where does an international prohibition against torture come from?

- Ann Marie Clark, "Torture," chapter 3 in *Diplomacy of Conscience: Amnesty International and Changing Human Rights Norms* (Princeton University Press: 2001)

October 6: What does international law say about torture?

- *United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* (1984)
- J. Herman Burgers and Hans Danelius, "The Essentials of the Convention," chapter 1 in *The United Nations Convention against Torture: A Handbook on the Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment* (Kluwer: 1988)

October 11: Does international law reduce torture?

- Oona Hathway, "The Promise and Limits of the International Law of Torture," chapter 11 in *Torture: A Collection*," (Oxford University Press: 2004)
- Adam Chilton and Mila Versteeg, "The Failure of Constitutional Torture Prohibitions," *The Monkey Cage* (April 25, 2015)

Recommended:

- Beth Simmons, "Humane treatment: The prevalence and prevention of torture," chapter 7 in *Mobilizing for Human Rights* (Cambridge University Press: 2009)

October 13: What does U.S. domestic law say about torture?

- 18 U.S. Code Chapter 113C – Torture
- 18 U.S. Code § 2441 (“War Crimes Act”)
- U.S. Bill of Rights
- 18 U.S. Code § 242 (“Deprivation of rights under color of law”)
- Conroy, Chapters 7 and 9

October 18: How do democratic governments enforce the prohibition against torture?

- Conroy, Chapters 9-10

October 25: Does international monitoring prevent torture?

- Tobias Kelly, “The Shame of Torture,” chapter 6 in *This Side of Silence: Human Rights, Torture, and the Recognition of Cruelty* (University of Pennsylvania Press: 2012)

Recommended:

- James Ron, “Varying Levels of State Violence,” *International Organization* (vol. 51, no. 2, 1997)

October 27: Do organizational reform and human rights education prevent torture?

- Danielle Celermajer and Jack Saul, “Preventing Torture in Nepal: A Public Health and Human Rights Intervention,” *Journal of Bioethical Inquiry* (vol 13, no. 2, 2016)
- Marc DuBois, “Human Rights Education for Police,” in *The Phenomenon of Torture: Readings and Commentary* (University of Pennsylvania Press: 2007)

November 1: Case study in torture prevention: Chile

- Karinna Fernández Neira and Par Engstrom, “Chile,” chapter 5 in *Does Torture Prevention Work?* (Liverpool University Press: 2016)

November 3: How did the prohibition against torture influence U.S. behavior in the War on Terror?

- Kathryn Sikkink, “Is the United States Immune to the Justice Cascade?” chapter 7 in *The Justice Cascade: How Human Rights Prosecutions are Changing World Politics* (W. W. Norton & Co.: 2011)

Recommended:

- Courtenay Conrad and Will Moore, “What Stops the Torture?” *American Journal of Political Science* (vol. 54, no. 2, 2010)

November 8: Review of the prohibition on torture

- *Second paper due, no reading due*

III. The Ethics of Torture

November 10: When is torture justified?

- Alan Dershowitz, “Torture Warrants” in *The Phenomenon of Torture: Readings and Commentary* (University of Pennsylvania Press: 2007)
- Mirko Bagaric, “A Case for Torture,” *The Age* (May 17, 2005)
- Bruce Hoffman, “A Nasty Business,” *The Atlantic* (January 2002)
- Richard Bernstein, “Kidnapping has Germans Debating Police Torture,” *New York Times* (April 10, 2003)

November 15: Why is torture not justified?

- David Sussman, “What’s Wrong with Torture?” in *The Phenomenon of Torture: Readings and Commentary* (University of Pennsylvania Press: 2007)
- Alex Bellamy, “No Pain, No Gain? Torture and Ethics in the War on Terror,” *International Affairs* (vol. 82, no. 1, 2006)

November 17: Does torture work?

- Darius Rejali, “Does Torture Work?” chapter 21 in *Torture and Democracy* (Princeton University Press: 2000)
- Ali Soufan, “My Tortured Decision,” *New York Times* (April 22, 2009)

November 22: Is torture worth it?

- Robert Pape, “The Strategic Costs of Torture,” *H-Diplo/ISSF Forum* (No. 5, 2015)

Thanksgiving break!!

November 29: Should US officials be held accountable for torture?

- Michael Walzer, “Trying Political Leaders,” *The New Republic* (May 20, 2010)
- Adam Hosein, “Prosecuting Torture Isn’t Politics, It’s Human Rights,” *Boston Review* (December 18, 2014)

December 1: When does the public support torture?

- Peter Miller, Paul Gronke, and Darius Rejali, “Torture and Public Opinion: The Partisan Dimension,” chapter 2 in *Examining Torture: Empirical Studies of State Repression* (Palgrave Macmillan: 2014)

December 6: What is the relationship between politics and popular cultural depictions of torture?

- Jane Mayer, "Whatever it Takes," *New Yorker* (February 19, 2007)

December 8: Review of the ethics of torture and conclusion of the course

- *No reading due*