

Important Summer Session 2009 Dates

	Session I	7-wk Sess	8-wk Sess	10-wk Sess	Session II
Last day to enroll/add online	June 27 (Sat) (11:59 pm)	June 27 (Sat) (11:59 pm)	June 27 (Sat) (11:59 pm)	July 4 (Sat) (11:59 pm)	Aug 1 (Sat) (11:59 pm)
Last day to drop online	June 28 (Sun) (11:59 pm)	June 28 (Sun) (11:59 pm)	June 28 (Sun) (11:59 pm)	July 5 (Sun) (11:59 pm)	Aug 2 (Sun) (11:59 pm)
Withdrawal Period at Summer Office (no refund)	June 29 – July 10 (8:00-4:00)	June 29 – July 17 (8:00-4:00)	June 29 – July 24 (8:00-4:00)	July 6 – July 31 (8:00-4:00)	August 3 – August 14 (8:00-4:00)
Note that during Summer Session there is no auditing of classes, no "Add by Petition" and no "Administrative Drop by Instructor". Failure to attend class does not constitute a "Drop". All deadlines are final.					

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AMST 180: The Torture Debate in America

Introduction

This course seeks to examine the torture debate in America. A rigorous approach to this topic necessitates an investigation into the conditions of possibility (historically, legally, politically, psychologically, strategically, etc.) for the specific form in which the torture debate in America has taken shape. What are the arguments for torture? What are the arguments against torture? And what does the law say about torture? That is, what is the relation between the respective arguments for/against torture in the context of the liberal democratic project and both national and international laws prohibiting its practice?

General Trajectory of the Course

The general trajectory of the course will roughly proceed as follows: We will outline our objects of analysis –which is namely, (1) The torture debate in America before and after 9/11 and (2) the national and international laws prohibiting its practice: On the one hand, we will look at the history of the torture debate in a pre-9/11 United States. On the other hand, we will look at the form this debate has taken in a post-9/11 world. After looking briefly at the history of torture, we will situate the contemporary torture debate in America in the context of US legal code, Supreme Court rulings, and international humanitarian law (Geneva Conventions, UNCAT, etc.). We will assess the nature of the debate in the context of the current war on terror and attempt to project how the debate will develop in the future.

Goal of the Course

This course aims to introduce students to historical and political conditions that have given rise to the torture debate in America. Careful attendance to the assigned readings and lecture will result in an informed understanding of the torture debate in America from a historical,

political, legal, and moral perspective.

Requirements

Students are invited to attend all classes, arriving prepared to discuss the readings for that day –there are roughly 50–100 pages of reading each week.

The grade breakdown is as follows: (1) Midterm Exam 30% (2) Final Exam 30% (3) Participation 10% (4) Final Essay 30%

Required Texts (available at the Literary Guillotine)

– The Torture Debate in America, Ed. Karen Greenberg, Cambridge University Press, New York, 2006

–Torture and Truth: America, Abu Ghraib, and the War on Terror, Ed. Mark Danner, NYREV, New York, 2002

– The Lucifer Effect: Understanding How Good People Turn Evil, Philip Zimbardo, Random House, New York, 2007

– All other articles are found online or on ERES (E) {the password is “torture”}

Schedule

I. An Introduction to the Torture Debate in America

A. Brief History of Torture

Introduction to the course: What is the torture debate in America? What are the terms, stakes, and various sides of the debate?

Itinerary:

Going Through the Syllabus

Introduction to The Torture Debate in America

What is torture? How has torture functioned throughout history? Who has tortured, and for what purpose?

*Readings:

M. Foucault (selections from) Discipline and Punish pg. 3–69 (E)

John Langbein, “The Legal History of Torture” pg. 93–103 (E)

Jeremy Skolnick, “American Interrogation: From Torture to Trickery” pg. 105–128 (E)

Paul Kramer, “The Water Cure: The First Torture Debate”, The New Yorker, Feb. 25th 2008,

http://www.newyorker.com/reporting/2008/02/25/080225fa_fact_kramer

Itinerary:

Lecture: History of the practice of torture (part I): Torture throughout history

B. Liberalism and Torture

What is the liberal position on torture?

* Readings:

Thomas Hobbes, Chapter 1 “Of the State of Men Without Civil Society” in De Cive

<http://socserv.mcmaster.ca/econ/ugcm/3ll3/hobbes/hobbes1>

Judith Shklar, “The Liberalism of Fear” pg. 21–38 (E)

Michel Montaigne “Of Cruelty” in The Complete Essays, trans. Donald M. Frame, 1958 (*)

United Nations Convention Against Torture <http://www2.ohchr.org/english/law/cat.htm>
3rd Geneva Convention <http://www.unhchr.ch/html/menu3/b/91.htm>

Itinerary:

Lecture: History of the practice of torture (part II): What is the liberal position on torture?

Film: The War Within

II. The Torture Debate: For, Against, and In-Between

A. Arguments For Torture

What are the principle arguments for torture today? (part I)

* Readings:

Military Order of November 13th 2001: Detention, Treatment, and Trial of Certain Non-Citizens in the War Against Terrorism in Danner pg. 78-82

Memo for the Vice-President et al from the President: Humane Treatment of Al Qaeda and Taliban Detainees, February 7th 2002 in Danner pg. 105-106

Bybee-Gonzales August 1, 2002 Memo Re: Standards of Conduct for Interrogation in Greenberg pg. 317-360

Jonathan Alter, "Time to Think About Torture", Newsweek, November 2001

http://findarticles.com/p/articles/mi_kmnew/is_200111/ai_kepm315300

Jane Mayer, "Whatever it Takes: The Politics of the Man Behind '24'", in The New Yorker, February 19th 2007 http://www.newyorker.com/reporting/2007/02/19/070219fa_fact_mayer

Itinerary:

Lecture: Arguments for torture (part I)

Video: (scenes from) "24" starring Kiefer Sutherland

What are the principle arguments for torture today? (part II)

* Readings:

Alan Dershowitz. "Want to Torture? Get a Warrant" SF Chronicle, January 22nd 2002

<http://www.sfgate.com/cgi-bin/article.cgi?file=/chronicle/archive/2002/01/22/ED5329.DTL>

Andrew C. McCarthy, "Torture, Thinking the Unthinkable" in Greenberg pg. 98-110

Lee A Casey and David B. Rivkin, "Rethinking the Geneva Conventions" in Greenberg pg. 203-213

Heather McDonald, "How to Interrogate Terrorists" in Greenberg pg. 84-97

Itinerary:

Lecture: Arguments for torture (part II)

Video: Alan Dershowitz debate

B. Arguments Against Torture

What are the principle arguments against torture today? (part I)

* Readings:

§1002-§1003 (The McCain Amendment) The Detainee Treatment Act, Division A Title X of the DOD Appropriations Bill 2006

<http://www.legislationline.org/upload/legislations/4d/0e/7374e99d914558e9c75a6e939af4.pdf>

Mark Danner, Torture and Truth: America, Abu Ghraib, and the War on Terror pg. 1-74

Jane Mayer, "The Memo: A Hidden History of Torture Policy" in The New Yorker, Feb. 27th 2006, pg. 32-45 http://www.newyorker.com/archive/2006/02/27/060227fa_fact

Seymour Hersch, "Torture at Abu Ghraib" in The New Yorker, May 10th 2004

http://www.newyorker.com/archive/2004/05/10/040510fa_fact

Itinerary:

Lecture: Arguments against torture (part I)

Midterm Exam

What are the principle arguments against torture today? (part II)

* Readings:

Scott Horton, "Through a Mirror, Darkly: Applying the Geneva Conventions to a "New Kind of Warfare" in Greenberg pg. 136-150

Noah Feldman, "Ugly Americans" in Greenberg pg. 267-279

Seymour Hersch, "The General's Report" in The New Yorker, June 25th 2007

http://www.newyorker.com/reporting/2007/06/25/070625fa_fact_hersh

David Bowker, "Unwise Counsel: The War on Terrorism and the Mistreatment of Detainees in U.S. Custody" in Greenberg pg. 183-202

Itinerary:

Lecture: Arguments against torture (part II)

Video: The Ghosts of Abu Ghraib

III. Theories of the Torture Debate

A. Theories of Torture (part I)

Why torture?

* Readings:

Philip Zimbardo, The Lucifer Effect: Understanding How Good People Turn Evil pg. 3-22 & 324-443

Itinerary:

Lecture: The psychology of torture

Video: Quiet Rage

B. Theories of Torture (part II)

Why torture?

* Readings:

David Luban, "Terrorism, Torture, and the Ticking-Time Bomb" in Greenberg pg. 25-83

Benjamin Lozano, "On the Sad Necessity of the Reluctant Torturer" pg. 1-15 (E)

FINAL EXAM

'Thou shalt not suffer a witch to live' (Exodus 22:18)