

## TORTURE, POWER, AND LAW

This volume brings together the most important writing on torture and the "war on terrorism" by one of the leading US voices in the torture debate. Philosopher and legal ethicist David Luban reflects on this contentious topic in a powerful sequence of essays including two new and previously unpublished pieces. He analyzes the trade-offs between security and human rights, as well as the connection between torture, humiliation, and human dignity; the fallacy of using ticking-bomb scenarios in debates about torture; and the ethics of government lawyers. The book develops an illuminating and novel conception of torture as the use of pain and suffering to communicate absolute dominance over the victim. Factually stimulating and legally informed, this volume provides the clearest analysis to date of the torture debate. It brings the story up to date by discussing the Obama administration's failure to hold torturers accountable.

DAVID LUBAN is University Professor in Law and Philosophy at Georgetown University. His many publications include *Lawyers and Justice: An Ethical Study* (1988), *Legal Modernism* (1994), *Legal Ethics and Human Dignity* (2007), and well-known essays on just-war theory and international criminal law.

# Torture Power And Law

**Christophe Paulussen, Martin Scheinin**



## **Torture Power And Law:**

**Torture, Power, and Law** David Luban, 2014-09-04 This volume brings together the most important writing on torture and the war on terror by one of the leading US voices in the torture debate. Philosopher and legal ethicist David Luban reflects on this contentious topic in a powerful sequence of essays including two new and previously unpublished pieces. He analyzes the trade offs between security and human rights as well as the connection between torture, humiliation, and human dignity; the fallacy of using ticking bomb scenarios in debates about torture; and the ethics of government lawyers. The book develops an illuminating and novel conception of torture as the use of pain and suffering to communicate absolute dominance over the victim. Factually stimulating and legally informed, this volume provides the clearest analysis to date of the torture debate. It brings the story up to date by discussing the Obama administration's failure to hold torturers accountable. **The**

**Promise of Human Rights** Jamie Mayerfeld, 2016-04-15 International human rights law is sometimes criticized as an infringement of constitutional democracy. Against this view, Jamie Mayerfeld argues that international human rights law provides a necessary extension of checks and balances and therefore completes the domestic constitutional order. In today's world, constitutional democracy is best understood as a cooperative project enlisting both domestic and international guardians to strengthen the protection of human rights. Reasons to support this view may be found in the political philosophy of James Madison, the principal architect of the U.S. Constitution. *The Promise of Human Rights* presents sustained theoretical discussions of human rights, constitutionalism, democracy, and sovereignty, along with an extended case study of divergent transatlantic approaches to human rights. Mayerfeld shows that the embrace of international human rights law has inhibited human rights violations in Europe, whereas its marginalization has facilitated human rights violations in the United States. A longstanding policy of American exceptionalism was a major contributing factor to the Bush administration's use of torture after 9/11. Mounting a combination of theoretical and empirical arguments, Mayerfeld concludes that countries genuinely committed to constitutional democracy should incorporate international human rights law into their domestic legal system and accept international oversight of their human rights practices. **Lutheran Theology and Secular Law** Marie A.

Failinger, Ronald W. Duty, 2018-04-17 This collection brings together lawyers and theologians in the U.S. and Europe to reflect on Lutheran understandings of the political use of the law by secular governments. The book furthers the intellectual conversation about how Lutheran insights can be used to develop jurisprudence and specific solutions to legal issues in which there is strong conflict. It presents the basic theological and interpretive assumptions of the Lutheran tradition as they may inform the creation of legislation and judicial interpretation at local, national, and international levels. The authors explore Luther's conception of the foundations of modern secular law and understanding of vocation. The work discusses the application of Lutheran theological principles to contemporary issues such as the war on terror, native land rights, property law, family law, church and state, medical experimentation, and the criminal law of rape, providing ethical insights for lawyers.

and lawmakers      **Security and Human Rights** Benjamin J Goold, Liora Lazarus, 2019-09-05 This is the second edition of the acclaimed *Security and Human Rights* first published in 2007. Reconciling issues of security with a respect for fundamental human rights has become one of the key challenges facing governments throughout the world. The first edition broke the disciplinary confines in which security was often analysed before and after the events of 11 September 2001. The second edition continues in this tradition, presenting a collection of essays from leading academics and practitioners in the fields of criminal justice, public law, privacy law, international law, and critical social theory. The collection offers genuinely multidisciplinary perspectives on the relationship between security and human rights. In addition to exploring how the demands of security might be reconciled with the protection of established rights, *Security and Human Rights* provides fresh insight into the broader legal and political challenges that lie ahead as states attempt to control crime, prevent terrorism, and protect their citizens. The volume features a set of new essays that engage with the most pressing questions facing security and human rights in the twenty-first century and is essential reading for all those working in the area.

*Presidential Accountability in Wartime* Stuart Streichler, 2023-11-16 The American presidency has long tested the capacity of the system of checks and balances to constrain executive power, especially in times of war. While scholars have examined presidents starting military conflicts without congressional authorization or infringing on civil liberties in the name of national security, Stuart Streichler focuses on the conduct of hostilities. Using the treatment of war on terror detainees under President George W. Bush as a case study, he integrates international humanitarian law into a constitutional analysis of the repercussions of presidential war powers for human rights around the world. Putting President Bush's actions in a wider context, *Presidential Accountability in Wartime* begins with a historical survey of the laws of war with particular emphasis on the 1949 Geneva Conventions and the Nuremberg Tribunal. Streichler then reconstructs the decision-making process that led to the president's approval of interrogation methods that violated Geneva's mandate to treat wartime captives humanely. While taking note of various accountability options from within the executive branch to the International Criminal Court, the book illustrates the challenge in holding presidents personally responsible for violating the laws of war through an in-depth analysis of the actions taken by Congress, the Supreme Court, and the public in response. In doing so, this book not only raises questions about whether international humanitarian law can moderate wartime presidential behavior but also about the character of the presidency and the American constitutional system of government.

*Liberal Disorder, States of Exception, and Populist Politics* Valur Ingimundarson, Sveinn Jóhannesson, 2020-12-20 Liberal democracy is in trouble. This volume considers the crosscutting causes and manifestations of the current crisis facing the liberal order. Over the last decade, liberal democracy has come under mounting pressure in many unanticipated ways. In response to seemingly endless crisis conditions, governments have turned with alarming frequency to extraordinary emergency powers, derogating the rule of law and democratic processes. The shifting interconnections between new technologies and public power have raised questions about

threats posed to democratic values and norms Finally the liberal order has been challenged by authoritarian and populist forces promoting anti pluralist agendas Adopting a synoptic perspective that puts liberal disorder at the center of its investigation this book uses multiple sources to build a common historical and conceptual framework for understanding major contemporary political currents The contributions weave together historical studies and conceptual analyses of states of exception emergency powers and their links with technological innovations as well as the tension ridden relationship between populism and democracy and its theoretical ideological and practical implications The book will be of interest to scholars and students of a number of disciplines in the humanities and social sciences history political science philosophy constitutional and international law sociology cultural studies anthropology and economics

*Research Handbook on Modern Legal Realism* Shauhin Talesh, Elizabeth Mertz, Heinz Klug, 2021-03-26 This insightful Research Handbook provides a definitive overview of the New Legal Realism NLR movement reaching beyond historical and national boundaries to form new conversations Drawing on deep roots within the law and society tradition it demonstrates the powerful virtues of new legal realist research and its attention to the challenges of translation between social science and law It explores an impressive range of contemporary issues including immigration policing globalization legal education and access to justice concluding with an examination of how different social science disciplines intersect with NLR

*The Colonial Prison in Bengal, 1860-1945* Animesh Bag, 2025-09-26 This book presents alternative histories of the colonial prison in Bengal 1860 1945 focusing on the experiences of the colonised subject as produced in literary writings including fiction dramas and life writings The colonial prison as defined by penal acts jail codes jail manuals committee reports administrative data and statistics was a modern punitive institution that evolved from the religio local and the Company's capricious system into an effective humanitarian machine for the rule of law However it was the site of torture humiliation and repression which was subsequently challenged defied and resisted The book establishes a comprehensive linkage between the macro historical and the micro historical perspective of the colonial prison exploring its changing image in Bengali society its extended contribution to the formation of individual and collective identity intricate tempo spatial regulations within jails and various techniques of corporeal and mental torture The book also highlights resistance tactics of the prisoners both ordinary and political and finally it addresses the gendered dynamics and the gender specific modalities of resistance and subversion

**The UN Convention on the Rights of Persons with Disabilities** Ilias Bantekas, Michael Ashley Stein, Dimitris Anastasiou, 2018-10-25 This treatise is a detailed article by article examination of the United Nations Convention on the Rights of Persons with Disabilities CRPD Each article of the CRPD contains a methodical analysis of the preparatory works followed by an exhaustive examination of the contents of each article based on case law and concluding observations from the CRPD Committee judgments from national and international courts and tribunals pertinent UN and other reports the key literature on the article under review The volume features commentary from a broad range of scholars across a variety of

disciplines in order to provide a comprehensive study of the legal psychological education sociological and other aspects of the CPRD This encyclopaedic commentary on the CRPD effectively covers all the issues arising from international disability law and practice and will be an ideal resource for all working in the field Tracing Value Change in the International Legal Order Heike Krieger, Andrea Liese, 2023 The international legal order is undergoing a crisis of unusual proportions This book brings together multiple interdisciplinary contributors to explore whether the values underpinning international law itself are changing the processes and mechanisms through which changes might be taking place and how these changes can be negotiated **The Politics of Atrocity and Reconciliation** Michael Humphrey, 2013-04-15 The Politics of Atrocity and Reconciliation examines contemporary political violence and atrocity in the context of the crisis of the nation state It explores the way violence is used to unmake the social world and how its product suffering is used to try to remake the social world Humphrey considers both the unmaking of the world through torture war urbicide and ethnic cleansing and the resultant remaking of the world through testimony and witnessing in the forums of truth commissions and trials The discussion thus moves from terror to trauma **Human Dignity and Human Security in Times of Terrorism** Christophe Paulussen, Martin Scheinin, 2019-12-09 In this book it is explained that despite a current drop in the number of deaths terrorism should still be considered a serious and widespread problem However the responses to this phenomenon are often more problematic from a long term perspective With the human rights framework under serious pressure this edited volume offers a timely important and critical in depth analysis of human dignity and human security challenges in the lead up and in the responses to current forms of terrorism It aims to map how human dignity and human security can be secured and how law can constitute a source of trust at a time when Europe and the rest of the world continue to be plagued by terrorism The authors are both established names and upcoming talent in this fastchanging and exciting field of law They thoroughly analyse a variety of topical subjects in more conceptual chapters for example calling for the humanisation of the security discourse and in highly practical contributions in which for instance the Kafkaesque situation in which rendition and torture victim Abu Zubaydah still finds himself today is considered This book which focuses on but is not limited to the situation in Western countries aims to inspire not only academics through further theorisation on the sometimes elusive but important concepts of human dignity and human security but also practitioners working in the field of countering terrorism It will hopefully convince them even more that following a human rights approach will be indispensable in securing human dignity and human security for all Even or in fact especially in times of terrorism Christophe Paulussen is a Senior Researcher in the Research Department of the T M C Asser Instituut in The Hague The Netherlands and Martin Scheinin is Professor of International Law and Human Rights in the Department of Law of the European University Institute EUI in Florence Italy **Executive Power and Its Constitutional Limitations** United States. Congress. House. Committee on the Judiciary, 2009 **The War Lawyers** Craig Jones, 2020-11-26 Over the last 20 years the world s most advanced militaries

have invited a small number of military legal professionals into the heart of their targeting operations spaces which had previously been exclusively for generals and commanders. These professionals trained and hired to give legal advice on an array of military operations have become known as war lawyers. The War Lawyers examines the laws of war as applied by military lawyers to aerial targeting operations carried out by the US military in Iraq and Afghanistan and the Israel military in Gaza. Drawing on interviews with military lawyers and others, this book explains why some lawyers became integrated in the chain of command whereby military targets are identified and attacked whether by manned aircraft, drones and/or ground forces and with what results. This book shows just how important law and military lawyers have become in the conduct of contemporary warfare and how it is understood. Jones argues that circulations of law and policy between the US and Israel have bolstered targeting practices considered legally questionable, contending that the involvement of war lawyers in targeting operations enables, legitimises and sometimes even extends military violence.

National Security, Public Health: Exceptions to Human Rights? Myriam Feinberg, Laura Niada-Avshalom, Brigit Toebe, 2017-10-02. The book deals with the complicated relationships between national security and human rights and between public health and human rights. Its premise is the fact that national security and public health are both included in human rights instruments as exceptions to the human rights therein sanctioned yet they can arguably be considered as human rights themselves and be equally valuable. The book therefore asks to what extent the protection of the individual could or should be overridden to enable the protection of the national security or public health of the general public. Both practice and case law have shown that human rights risk being set aside when they clash with the protection of national security or public health. Through theoretical analysis and practical examples, the book addresses the conflicts that arise when the concepts of national security and public health are used and abused and other rights including freedom of speech, procedural freedoms, individual health are violated as a consequence. It provides many interesting findings on the values that states are ready to protect and forego to ensure their safety which can contribute to the ongoing debate on the protection of human rights. This book was originally published as a special issue of The International Journal of Human Rights.

*Iraq and the Crimes of Aggressive War* John Hagan, Joshua Kaiser, Anna Hanson, 2015-06-09. This accessible account of the war in Iraq argues that US military actions constituted a criminal war of aggression.

*The Routledge Handbook of Dehumanization* Maria Kronfeldner, 2021-02-25. A striking feature of atrocities as seen in genocides, civil wars or violence against certain racial and ethnic groups is the attempt to dehumanize—to deny and strip human beings of their humanity. Yet the very nature of dehumanization remains relatively poorly understood. The Routledge Handbook of Dehumanization is the first comprehensive and multidisciplinary reference source on the subject and an outstanding survey of the key concepts, issues and debates within dehumanization studies. Organized into four parts, the Handbook covers the following topics: The history of dehumanization from Greek Antiquity to the 20th century, contextualizing the oscillating boundaries, dimensions and hierarchies of humanity in the history

of the West How dehumanization is contemporarily studied with respect to special contexts as part of social psychology as part of legal studies or literary studies and how it connects to the idea of human rights disability and eugenics the question of animals and the issue of moral standing How to tackle its complex facets with respect to the perpetrator s and the target s perspective metadehumanization and selfdehumanization rehumanization social death status and interdependence as well as the fear we show toward robots that become too human for us Conceptual and epistemological questions on how to distinguish different forms of dehumanization and neighboring phenomena on why dehumanization appears so paradoxical and on its connection to hatred essentialism and perception Essential reading for students and researchers in philosophy history psychology and anthropology this Handbook will also be of interest to those in related disciplines such as politics international relations criminology legal studies literary studies gender studies disability studies or race and ethnic studies as well as readers from social work political activism and public policy

**War Ethics: Theory, Practice, and Memoir** Brian Orend, 2025-04-23 War Ethics Theory Practice and Memoir is an extraordinarily diverse collection of over ninety readings on the ethics law morality and justice of armed conflict Each of the foundational theories of war ethics realism pacifism just war theory and international law is examined in depth as are challenging alternative perspectives from feminist thinkers and the world s major religions A substantial section on contemporary issues covers topics ranging from cyberwar A I terrorism and drones to torture war s environmental impacts and the rights of soldiers and veterans Also included is an extensive collection of riveting first person accounts from soldiers civilians and observers which powerfully convey the personal impacts of war Introductory discussions and summary articles from Brian Orend are integrated throughout the text including a closing essay on new technologies and the future of war

**Law's Ethical, Global and Theoretical Contexts** Upendra Baxi, Christopher McCrudden, Abdul Paliwala, 2015-10-22 Law s Ethical Global and Theoretical Contexts examines William Twining s principal contributions to law and jurisprudence in the context of three issues which will receive significant scholarly attention over the coming decades Part I explores human rights including torture the role of evidence in human rights cases the emerging discourse on traditional values the relevance of Southern voices to human rights debates and the relationship between human rights and peace agreements Part II assesses the impact of globalization through the lenses of sociology and comparative constitutionalism and features an analysis of the development of pluralistic ideas of law in the context of privatization Finally Part III addresses issues of legal theory including whether global legal pluralism needs a concept of law the importance of context in legal interpretation the effect of increasing digitalization on legal theory and the utility of feminist and postmodern approaches to globalization and legal theory

**International Human Rights Law** Daniel Moeckli, Sangeeta Shah, Sandesh Sivakumaran, David John Harris, 2022 Written by leading experts in the field this textbook explores the essentials of international human rights law from foundational issues to substantive rights and systems of protection A variety of perspectives bring this subject to life making International Human Rights Law the ideal companion for



students of human rights

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