



The reciprocity of torture and terror HON 251: Prompts for writing response #6

Instructions:

1. Format: 2 pages (-ish); 12-point type; double line-spaced
2. Deadline: Tuesday, Nov. 13, in class

Note: *You don't have to answer all of the following. Given the assignment's brevity, you likely will choose just one of the four question clusters below.*

Your prompts:

Given the United States's willingness to use torture (and extraordinary rendition, Guantanamo Bay, nuclear weapons, drone missile strikes targeting American citizens without a trial, etc.), what are the limits of our commitment to the rule of law?

The terrorist, like the torturer, lives and acts outside the norms and boundaries of law, with no respect for the rule of law or the "rules" or conventions of war. We typically call such people "criminals." This disavowal of the rule of law produces an asymmetrical war or struggle, one based not on sovereignty but on ideology. How far are we willing to go in suspending or sacrificing our liberal democratic values (like consent, human rights, due process, the rule of law, and the belief that everyone should be treated with the dignity due to an autonomous, rational agent [Kant]) to pursue "victory" in this struggle? What does victory even look like in this context? At what point does this pursuit of tactical or military victory become a defeat of those same liberal democratic values?

Kahn writes (p. 2), "All of us need to take a position on the deployment of violence in our name." Why? And what is at stake here? What IS your position on the deployment of violence in your name?

In this difficult area that pits national security against our liberal democratic values, ideals and beliefs, what should the law do? How should the law speak to the use of torture in "rendition" countries, by surrogates for the United States government? To the targeting of U.S. citizens who may be terrorist cell leaders? To the use of drone missile attacks? To military operations that ignore national territorial rights and sovereignty (the assassination of Osama bin Laden)?