

WAR, TERRORISM, AND TORTURE

PHILOSOPHY 6000

SPRING 2009

Course Description: There has been a long, intellectual tradition in thinking about the moral justification of war, ranging at least from Thomas Aquinas's writings in the 13th century to Michael Walzer's contemporary classic, *Just and Unjust Wars*. The contemporary advent of terrorism arguably challenges central tenets of the just war tradition, replacing the doctrine of preemption with that of prevention, blurring the distinction between civilians and combatants, accelerating both the speed and potential damage of attacks, and so on. How, if at all, should these features of terrorism lead to a revision of just war principles?

In the war on terror, much controversy has emerged over the use of torture. The Third Geneva Convention protects prisoners of war against torture, but there are at least two ways around this convention: either by denying that it applies or else conceiving of torture in such a way that hostile measures nevertheless fall short of it. Should it apply? And what is torture? Independently of the historical and legal status of torture, we can ask whether it could be morally justified. In particular, imagine that the torture of a terrorist will reveal actionable intelligence that is necessary for the protection of innocents. If so, is torture permissible? Regardless, are such scenarios anything other than philosophical fiction?

Professor: Dr. Fritz Allhoff
3006 Moore Hall; Tuesday 2:00-4:00 and by appointment
fritz.allhoff@wmich.edu, 387-4503 (w)

Seminar: Tuesday 4:00-6:30, Moore 3014

Texts: Alexander, Matthew with John R. Bunting. 2008. *How to Break a Terrorist*. New York: Free Press.
Walzer, Michael. [1977] 2006. *Just and Unjust Wars: A Moral Argument with Historical Illustrations*, 4th ed. New York, Basic Books.

All other readings are available online at <http://www.wmich.edu/library/reserves/>. The first time that you visit that site, you must create an account and add this course to that account. The password is graduateseminar.

Grading:	Attendance/participation	20%
	Presentations	20%
	Annotated research bibliography (April 7)	10%
	Research paper (6000-9000 words; April 24)	50%

Attendance/Participation: You are required to attend each seminar and to participate. If you miss a seminar, you may turn in a 1500-word reaction to the assigned readings (half exegetical, half critical) at the beginning of the following seminar to avoid a zero for the previous week. You may do this, at most, two times.

Presentations: This will very much be a student-led seminar with some number of students being responsible for presentations each week. I expect *very good* preparation for these presentations, which we will talk more about. In particular, presentations should *not* simply trace through the text with a bunch of quotations (though these should be there as appropriate), but should rather seek to explicate the project in some integrative manner and to provide substantive questions for discussion. PowerPoint is strongly encouraged.

Annotated research bibliography: Before writing your research paper, you will compile a research bibliography which will support the research for that project. There should be at least twenty sources in this bibliography, at least half of which should be from after 2000. For each source, you should provide full bibliographic information as well as a 100-word précis. Comments will be offered on the bibliography as will be useful for developing the research paper. This is due on April 7.

Research paper: Students will incorporate the annotated research bibliography into a research paper, which will be in the 6000-9000 word range. My preference would be for something approximately in the middle of this range as I suspect shorter papers will lack some of the depth of longer ones and that longer ones will lack some of the focus of more intermediate ones. Nevertheless, you have some flexibility on this length. Papers are due on April 24 if you want a grade by the end of the semester; otherwise, we will work out other arrangements. It is quite possible that, for some/many of these papers, I will encourage (optional) rewrites in order to achieve a higher grade, conference potential, or publication potential; we will coordinate further deadlines together.

Statement on Academic Honesty: You are responsible for making yourself aware of and understanding the policies and procedures in the Graduate Catalog (pp. 25-27) that pertain to Academic Honesty. These policies include cheating, fabrication, falsification and forgery, multiple submission, plagiarism, complicity and computer misuse. If there is reason to believe you have been involved in academic dishonesty, you will be referred to the Office of Student Conduct. You will be given the opportunity to review the charge(s). If you believe you are not responsible, you will have the opportunity for a hearing. You should consult with me if you are uncertain about an issue of academic honesty prior to the submission of an assignment or test.

SEMINAR AND READING SCHEDULE

W1a	1/6	Just War Theory	Aquinas (2006); Walzer (2006), Preface, Part I
W1b	1/10	Just War Theory (cont.)	Walzer (2006), Part II, Part III
W2	1/13	Just War Theory (cont.)	Walzer (2006), Part IV, Part V
W3a	1/20	1 st half: LTC Cyrulic 2 nd half: Defining Terrorism	Coady (2004a); Primoratz (2004)
W3b	1/24	The Moral Status of Terrorism	Rodin (2004); McPherson (2007); Nathanson (2007)
W4a	1/27	The Moral Status of Terrorism (cont.)	Coady (2004b); Wolfendale (2006a)
W4b	1/31	Historical and Legal Background on Torture	Langbein (2004); Third Geneva Convention (1949); Convention against Torture (1984); Yoo (2004); Parry (2004)
W5	2/3	Classical Readings on Torture	Bentham (1973); Quinton (1971); Shue (1978); Levin (1982)
W6	2/10	What Is Torture and Why Is It Wrong?	Rejali (2007), pp. 65-403 (excerpts)
W7	2/17	What Is Torture and Why Is It Wrong? (cont.)	Wolfendale (unpublished); Sussman (2005); Allhoff (unpublished-a)
W8	2/24	No seminar	None
Spring Break	3/3	No seminar	None
W9	3/10	Defending Torture	Dershowitz (2002); Allhoff (2003); Allhoff (2005)
W10	3/17	No seminar	None
W11a	3/21	Negative Consequences	Bufacchi and Arrigo (2006); Wolfendale (2006b)
W11b	3/24	Inhumane Treatment	May (2005); Davis (2005); Davis (2007)
W12	3/31	Thinking about Methodology	Shue (2006); Allhoff (unpublished-b)
W13	4/7	Institutions and Liberal Society	Miller (2005); Luban (2005)
Research Bibliographies Due			
W14	4/14	Is Torture Necessary? Does It Work?	Alexander (2008); Rejali (2007), 446-479
Finals Week	4/21	Catch-up/Student Presentations	Research Papers Due (April 24)

Reading List

Required

Alexander, Matthew with John R. Bunting. 2008. *How to Break a Terrorist*. New York: Free Press.

Allhoff, Fritz. 2005. A Defense of Torture: Separation of Cases, Ticking Time-Bombs, and Moral Justification. *International Journal of Applied Philosophy* 19.2: 243-264.

Allhoff, Fritz. 2003. Terrorism and Torture. *International Journal of Applied Philosophy* 17.1: 105-118.

Allhoff, Fritz. Unpublished-a. The War on Terror and the Ethics of Exceptionalism.

Allhoff, Fritz. Unpublished-b. Rethinking Torture and Ticking Bombs.

Aquinas, Thomas. 2006. Just War and Sins against Peace. In Gregory M. Reichberg, Henrik Syse, and Endre Begby (eds.), *The Ethics of War: Classical and Contemporary Readings*. Oxford: Blackwell Publishing, pp. 169-198.

Bentham, Jeremy. 1973. Of Torture. Bentham MSS Box 46, 63-70; 56-62. Reprinted in W.L. Twining and P.E. Twining, Bentham on Torture, *Northern Ireland Legal Quarterly* 24: 307-356.

Bufacchi, Vittorio and Jean Maria Arrigo. 2006. Torture, Terrorism and the State: A Refutation of the Ticking Time-Bomb Argument. *Journal of Applied Philosophy* 23.3: 355-373.

Coady, C.A.J. 2004a. Defining Terrorism. In Igor Primoratz (ed.), *Terrorism: The Philosophical Issues*. London: Palgrave MacMillan, pp. 3-14.

Coady, C.A.J. 2004b. Terrorism, Morality, and the Supreme Emergency. *Ethics* 114.4: 772-789.

Davis, Michael. 2005. The Moral Justifiability of Torture and other Cruel, Inhuman, or Degrading Treatment. *International Journal of Applied Philosophy* 19.2: 161-178.

Davis, Michael. 2007. Torture and the Inhumane. *Criminal Justice Ethics* 26: 29-43.

Dershowitz, Alan M. *Why Terrorism Works: Understanding the Threat, Responding to the Challenge* (New Haven: Yale University Press, 2002), pp. 131-163.

General Assembly of the United Nations. 1984. Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. New York.

Langbein, John H. 2004. The Legal History of Torture. In Sanford Levinson (ed.), *Torture: A Collection*. Oxford: Oxford University Press, pp. 93-103.

Levin, Michael. 1982. "The Case for Torture." *Newsweek* (February 7): 7.

Luban, David. 2005. Liberalism, Torture, and the Ticking Bomb. *Virginia Law Review* 91.6: 1425-1461.

May, Larry. 2005. Torturing Detainees During Interrogation. *International Journal of Applied Philosophy* 19.2: 193-208.

McPherson, Lionel K. 2007. "Is Terrorism Distinctively Wrong?" *Ethics* 117: 524-546.

Miller, Seumas. 2005. Is Torture Ever Morally Permissible? *International Journal of Applied Philosophy* 19.2: 179-192.

Nathanson, Stephen. 2007. Terrorism and the Ethics of War. In Steven P. Lee (ed.), *Intervention, Terrorism, and Torture*. Dordrecht: Springer, pp. 171-185.

Parry, John T. 2004. Escalation and Necessity: Defining Torture at Home and Abroad. In Sanford Levinson (ed.), *Torture: A Collection*. Oxford: Oxford University Press, pp. 145-164.

Primoratz, Igor. 2004. "What Is Terrorism? In Igor Primoratz (ed.), *Terrorism: The Philosophical Issues*. London: Palgrave MacMillan, pp. 15-27.

Quinton, Anthony. 1971. Views. *The Listener* (December 2): 757-758.

Rejali, Darius. 2007. *Torture and Democracy*. Princeton, NJ: Princeton University Press, 2007.

Rodin, David. Terrorism without Intention. *Ethics* 114.4: 752-771.

Shue, Henry. 1978. Torture. *Philosophy and Public Affairs* 7.2: 124-43.

Shue, Henry. 2006. Torture in Dreamland: Disposing of the Ticking Bomb. *Journal of International Law* 37.2&3: 231-239.

Sussman, David. 2005. What's Wrong with Torture? *Philosophy & Public Affairs* 33.1: 1-33.

Third Geneva Convention. 1949. Geneva. Available online at <http://www.icrc.org/ihl.nsf/7c4d08d9b287a42141256739003e63bb/6fef854a3517b75ac125641e004a9e68>.

Walzer, Michael. [1977] 2006. *Just and Unjust Wars: A Moral Argument with Historical Illustrations*, 4th ed. New York, Basic Books.

Wolfendale, Jessica. 2006a. Terrorism, Security, and the Threat of Counterterrorism. *Studies in Conflict & Terrorism* 29: 753-770.

Wolfendale, Jessica. 2006b. Training Torturers: A Critique of the “Ticking Bomb” Argument. *Social Theory and Practice* 32.3: 269-287.

Wolfendale, Jessica. In press. Torture Lite and the Normalization of Torture. *Ethics and International Affairs*.

World Medical Association. 1975. World Medical Declaration of Tokyo. Tokyo. Available online at <http://www.hrweb.org/legal/cat.html>.

Yoo, John. 2004. Memorandum for William J. Haynes II, General Counsel of the Department of Defense. Office of the Deputy Assistant Attorney General. Available online at http://www.aclu.org/pdfs/safefree/yoo_army_torture_memo.pdf.

Optional

Brecher, Bob. 2007. *Torture and the Ticking Bomb*. Oxford: Blackwell Publishing.

Harbury, Jennifer K. 2005. *Truth, Torture, and the American Way*. Boston: Beacon Press.

Kamm, F.M. Failures of Just War Theory: Terror, Harm, and Justice. *Ethics* 114.4: 650-692.

Kershner, Stephen. 2005. For Interrogational Torture. *International Journal of Applied Philosophy* 19.2: 223-241.

Lee, Steven P. (ed.). 2007. *Intervention, Terrorism, and Torture: Contemporary Challenges to Just War Theory*. Dordrecht: Springer.

Levinson, Sanford (ed.). 2004. *Torture: A Collection*. Oxford: Oxford University Press

McCoy, Alfred W. 2006. *A Question of Torture: CIA Interrogation from the Cold War to the War on Terror*. New York: Owl Books.

McMahan, Jeff. 2004. The Ethics of Killing in War. *Ethics* 114.4: 693-733.

Reichberg, Gregory M., Henrik Syse, and Endre Begby (eds.). 2006. *The Ethics of War: Classical and Contemporary Readings*. Oxford: Blackwell Publishing.

Smilansky, Saul. 2004. Terrorism, Justification, and Illusion. *Ethics* 114.4: 790-805.

Wellman, Christopher Heath (ed.). 2004a. Symposium on Terrorism, War , and Justice. *Ethics* 114.4: 647-805.

Wellman, Christopher Heath. 2004b. Introduction. *Ethics* 114.4: 647-649.

Zohar, Noam J. 2004. Innocence and Complex Threats: Upholding the War Ethics and the Condemnation of Terror. *Ethics* 114.4: 734-751.