

THE TORTURE MEMOS:

"A DARK AND PAINFUL
CHAPTER IN OUR HISTORY"
BARACK OBAMA

RATIONALIZING THE UNTHINKABLE

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FOREWORD BY

PHILIPPE SANDS



Torture Memos Rationalizing The Unthinkable

Gabrielle Appleby



Torture Memos Rationalizing The Unthinkable:

The Torture Memos David Cole, 2009-09-08 On April 16 2009 the Justice Department released never before seen secret memos describing in graphic detail the brutal interrogation techniques used by the CIA under the Bush administration's war on terror Now for the first time the key documents are compiled in one remarkable volume showing that the United States government's top attorneys were instrumental in rationalizing acts of torture and cruelty employing chillingly twisted logic and Orwellian reasoning to authorize what the law absolutely forbids This collection gives readers an unfiltered look at the tactics approved for use in the CIA's secret overseas prisons including forcing detainees to stay awake for eleven days straight slamming them against walls stripping them naked locking them in a small box with insects to manipulate their fears and of course waterboarding and at the incredible arguments advanced to give them a green light Originally issued in secret by the Office of Legal Counsel between 2002 and 2005 the documents collected here have been edited only to eliminate repetition They reflect in their own words the analysis that guided the legal architects of the Bush administration's interrogation policies Renowned legal scholar David Cole's introductory essay tells the story behind the memos and presents a compelling case that instead of demanding that the CIA conform its conduct to the law the nation's top lawyers contorted the law to conform to the CIA's abusive and patently illegal conduct He argues eloquently that official accountability for these legal wrongs is essential if the United States is to restore fidelity to the rule of law **Torture, Power, and Law**

David Luban, 2014-09-04 David Luban analyzes the torture debate in the struggle against terrorism from a sophisticated philosophical and legal perspective **Economic Growth and the Origins of Modern Political Economy** Philipp R. Rössner, 2016-05-12 Economic Growth and the Origins of Modern Political Economy addresses the intellectual foundations of modern economic growth and European industrialization Through an examination both of the roots of European industrialization and of the history of economic ideas this book presents a uniquely broad examination of the origins of modern political economy This volume asks what can we learn from old theories in terms of our understanding of history our economic fate today and the prospects for the modern world's poorest countries Spanning across the past five hundred years this book brings together leading international contributors offering comparative perspectives with countries outside of Europe in order to place the evolution of modern economic knowledge into a broader reference framework It integrates economic discourse and the intellectual history of political economy with more empirical studies in economic history and the history of science In doing so this innovative volume presents a coherent and innovative new strategy towards a reconfiguration of the history of modern political economy This book is suitable for those who study history of economic thought economic history or European history The Academy of Fisticuffs Sophus A. Reinert, 2018-12-28 The terms capitalism and socialism continue to haunt our political and economic imaginations but we rarely consider their interconnected early history Even the eighteenth century had its socialists but unlike those of the nineteenth they

paradoxically sought to make the world safe for capitalists The word socialists was first used in Northern Italy as a term of contempt for the political economists and legal reformers Pietro Verri and Cesare Beccaria author of the epochal *On Crimes and Punishments* Yet the views and concerns of these first socialists developed inside a pugnacious intellectual coterie dubbed the Academy of Fisticuffs differ dramatically from those of the socialists that followed Sophus Reinert turns to Milan in the late 1700s to recover the Academy's ideas and the policies they informed At the core of their preoccupations lay the often lethal tension among states markets and human welfare in an era when the three were becoming increasingly intertwined What distinguished these thinkers was their articulation of a secular basis for social organization rooted in commerce and their insistence that political economy trumped theology as the underpinning for peace and prosperity within and among nations Reinert argues that the Italian Enlightenment no less than the Scottish was central to the emergence of political economy and the project of creating market societies By reconstructing ideas in their historical contexts he addresses motivations and contingencies at the very foundations of modernity

The Silence of Fallout Michael Blouin, Morgan Shipley, Jack Taylor, 2014-09-26 This collection asks how we are to address the nuclear question in a post Cold War world Rather than a temporary fad Nuclear Criticism perpetually re surfaces in theoretical circles Given the recent events at the Fukushima Daiichi nuclear plant in Japan the ripple of anti nuclear sentiment the event created as well as the discursive maneuvers that took place in the aftermath we might pause to reflect upon Nuclear Criticism and its place in contemporary scholarship and society at large Scholars who were active in earlier expressions of Nuclear Criticism converse with emergent scholars likewise striving to negotiate the field moving forward This volume revolves around these dialogic moments of agreement and departure refusing the silence of complacency the authors renew this conversation while taking it in exciting new directions As political paradigms shift and awareness of nuclear issues manifests in alternative forms the collected essays establish groundwork for future generations caught in a perpetual struggle with legacies of the nuclear

Power Shift Richard Falk, 2016-07-15 This book depicts the challenges associated with the emergence of a new global order in which patterns of conflict and the role of traditional military power are in the process of radical flux Our ideas about global order have yet to catch up with these new behavioral trends including the rise of non state transnational political actors in the context of neoliberal globalization In this historical setting the modern territorial sovereign state is confronted by multiple challenges ranging from climate change to mass migration to transnational political extremism The existing global order seems currently overwhelmed by these challenges resulting in widespread stress and chaos that is transforming global security in ways that endanger democratic governance The future will be determined by whether the peoples of the world make their weight felt in support of sustainable global justice and overcome the impact of oppressive and exploitative patterns of corporate and state behavior It is this problematic set of circumstances that *Power Shift* addresses

International Law and New Wars Christine Chinkin, Mary Kaldor, 2017-04-27 Examines the difficulties in applying

international law to recent armed conflicts known as new wars *When Governments Break the Law* Austin Sarat, Nasser Hussain, 2010-10-20 Recent controversies surrounding the war on terror and American intervention in Iraq and Afghanistan have brought rule of law rhetoric to a fevered pitch While President Obama has repeatedly emphasized his Administration's commitment to transparency and the rule of law nowhere has this resolve been so quickly and severely tested than with the issue of the possible prosecution of Bush Administration officials While some worry that without legal consequences there will be no effective deterrence for the repetition of future transgressions of justice committed at the highest levels of government others echo Obama's seemingly reluctant stance on launching an investigation into allegations of criminal wrongdoing by former President Bush Vice President Cheney Secretary Rumsfeld and members of the Office of Legal Counsel Indeed even some of the Bush Administration's harshest critics suggest that we should avoid such confrontations that the price of political division is too high Measured or partisan scholarly or journalistic clearly the debate about accountability for the alleged crimes of the Bush Administration will continue for some time Using this debate as its jumping off point *When Governments Break the Law* takes an interdisciplinary approach to the legal challenges posed by the criminal wrongdoing of governments But this book is not an indictment of the Bush Administration rather the contributors take distinct positions for and against the proposition offering revealing reasons and illuminating alternatives The contributors do not ask the substantive question of whether any Bush Administration officials in fact violated the law but rather the procedural legal political and cultural questions of what it would mean either to pursue criminal prosecutions or to refuse to do so By presuming that officials could be prosecuted these essays address whether they should *When Governments Break the Law* provides a valuable and timely commentary on what is likely to be an ongoing process of understanding the relationship between politics and the rule of law in times of crisis Contributors Claire Finkelstein Lisa Hajjar Daniel Herwitz Stephen Holmes Paul Horwitz Nasser Hussain Austin Sarat and Stephen I Vladeck *The Politics of the Globalization of Law* Alison Brysk, 2013-05-02 How does the globalization of law the emergence of multiple and shifting venues of legal accountability enhance or evade the fulfillment of international human rights Alison Brysk's edited volume aims to assess the institutional and political factors that determine the influence of the globalization of law on the realization of human rights The globalization of law has the potential to move the international human rights regime from the generation of norms to the fulfillment of rights through direct enforcement reshaping state policy granting access to civil society and global governance of transnational forces In this volume an international and interdisciplinary team of scholars explores the development of new norms mechanisms and practices of international legal accountability for human rights abuse and tests their power in a series of hard cases The studies find that new norms and mechanisms have been surprisingly effective globally in terms of treaty adherence international courts regime change and even the diffusion of citizenship rights but this effect is conditioned by regional and domestic structures of influence and access However law has a more mixed impact on abuses in Mexico

Israel Palestine and India Brysk concludes that the globalization of law is transforming sovereignty and fostering the shift from norms to fulfillment but that peripheral states and domains often remain beyond the reach of this transformation

Theoretically framed but comprised of empirical case material this edited volume will be useful for both graduate students and academics in law political science human rights international relations global and international studies and law and society

The Role of the Solicitor-General Gabrielle Appleby, 2016-06-16 Behind every government there is an impressive team of hard working lawyers In Australia the Solicitor General leads that team A former Attorney General once said The Solicitor General is next to the High Court and God And yet the role of government lawyers in Australia and specifically the Solicitor General as the most senior of government lawyers is under theorised and under studied The Role of the Solicitor General Negotiating Law Politics and the Public Interest goes behind the scenes of government drawing from interviews with over 45 government and judicial officials to uncover the history theory and practice of the Australian Solicitor General The analysis reveals a role that is of fundamental constitutional importance to ensuring both the legality and the integrity of government action thus contributing to the achievement of rule of law ideals The Solicitor General also works to defend government action and prosecute government policies in the court and thus performs an important role as messenger between the political and judicial branches of government But the Solicitor General's position as both an internal integrity check on government and an external warrior for government gives rise to competing pressures between the law politics and the public interest The office of the Solicitor General in Australia has evolved many characteristics across the almost two centuries of its history in an attempt to navigate these tensions These pressures are not unique to the Australian context The understanding of the Australian position provided by this book is informed by and will inform comparative analysis of the role of government lawyers across the world

America in the World Frank Costigliola, Michael J. Hogan, 2013-12-23 This volume includes historiographical surveys of American foreign relations since 1941 by some of the country's leading historians Some of the essays offer sweeping overviews of the major trends in the field of foreign international relations history Others survey the literature on US relations with particular regions of the world or on the foreign policies of presidential administrations The result is a comprehensive assessment of the historical literature on US foreign policy that highlights recent developments in the field

The SAGE Handbook of Punishment and Society Jonathan Simon, Richard Sparks, 2012-09-18 The project of interpreting contemporary forms of punishment means exploring the social political economic and historical conditions in the society in which those forms arise The SAGE Handbook of Punishment and Society draws together this disparate and expansive field of punishment and society into one compelling new volume Headed by two of the leading scholars in the field Jonathan Simon and Richard Sparks have crafted a comprehensive and definitive resource that illuminates some of the key themes in this complex area from historical and prospective issues to penal trends and related contributions through theory literature and philosophy Incorporating a stellar and international line up of

contributors the book addresses issues such as capital punishment the civilising process gender diversity inequality power human rights and neoliberalism This engaging vibrantly written collection will be captivating reading for academics and researchers in criminology penology criminal justice sociology cultural studies philosophy and politics

Transition and Justice Gerhard Anders,Olaf Zenker,2014-12-23 Transition and Justice examines a series of cases from across the African continent where peaceful new beginnings were declared after periods of violence and where transitional justice institutions helped define justice and the new socio political order Offers a new perspective on transition and justice in Africa transcending the institutional limits of transitional justice Covers a wide range of situations and presents a broad range of sites where past injustices are addressed Examines cases where peaceful new beginnings have been declared after periods of violence Addresses fundamental questions about transitions and justice in societies characterized by a high degree of external involvement and internal fragmentation

Law's Wars Richard L. Abel,2018-08-16 The US war on terror which Bush declared and Obama continued repeatedly violated fundamental rule of law values Law s Wars The Fate of the Rule of Law in the US War on Terror is the first comprehensive account of efforts to resist and correct those violations It focuses on responses to abuses in Abu Ghraib efforts by Guant namo Bay detainees to improve conditions of confinement in and win release expos s of and efforts to end torture and electronic surveillance and civilian casualties on the battlefield including targeted killings Abel deploys a law and society perspective to construct and analyze detailed narratives of the roles of victims whistle blowers the media NGOs lawyers doctors politicians military personnel foreign governments and international organizations in defending the rule of law Only by understanding past errors can we hope to prevent their repetition in what promises to be an endless war on terror

The Evolution of Ethics in America Laurence Armand French,2021-11-18 In this book Laurence Armand French frames the emergence of medical clinical and legal ethical standards within the long history of institutional and systemic racial and gender biases in the United States He explores the role that White privilege and elitism play in justifying long held discriminatory practices ranging from the eugenics crusade a century ago to the MeToo and Black Lives Matter BLM movements of today This book identifies and analyzes events highlighting systemic racism in the United States and explores how these events were exacerbated during the presidency of Donald J Trump The evolution of ethical standards in the United States is a reaction to long held practices that discriminate against certain classes of people based on gender age and race and ethnicity The White supremacist worldview contributed to systemic biases that directly affect people of color as well as women and those biases in turn are inherent components of the social structure of economic academic and judicial institutions This process impacts both procedural and social justice the very foundation of ethical standards of which our Constitution is based This work attempts to unravel the social and psychological aspects of human behavior contributing to this phenomenon This concise yet comprehensive book is a valuable resource to a broad audience including students of criminal justice as well as scholars researchers and professionals in both the social and

physical sciences Green Governance Burns H. Weston, David Bollier, 2013-01-21 The vast majority of the world's scientists agree we have reached a point in history where we are in grave danger of destroying Earth's life-sustaining capacity. But our attempts to protect natural ecosystems are increasingly ineffective because our very conception of the problem is limited: we treat the environment as its own separate realm, taking for granted prevailing but outmoded conceptions of economics, national sovereignty, and international law. *Green Governance* is a direct response to the mounting calls for a paradigm shift in the way humans relate to the natural environment. It opens the door to a new set of solutions by proposing a compelling new synthesis of environmental protection based on broader notions of economics and human rights and on commons-based governance. Going beyond speculative abstractions, the book proposes a new architecture of environmental law and public policy that is as practical as it is theoretically sound.

The Making of Barack Obama Matthew Abraham, Eric Smith, 2013-10-01 *The Making of Barack Obama: The Politics of Persuasion* provides the first comprehensive treatment of why Obama's rhetorical strategies were so effective during the 2008 presidential campaign, during the first four years of his presidency, and once again during the 2012 presidential campaign.

Current Legal Problems 2009 Colm O'Cinneide, 2010-02-04 This year's volume covers topics such as military detention, English criminal law, terrorism, democracy, human rights, civil liberties, the media, and international law, family law, child welfare, health, feminism, economic theory, corporate law, competition, regulation, contract law, biotechnology, biodiversity, and more.

Lords of Secrecy Scott Horton, 2015-01-06 Horton argues that the rise of the National Security State is stabbing at the heart of American democracy.

Military Courts, Civil-Military Relations, and the Legal Battle for Democracy Brett J. Kyle, Andrew G. Reiter, 2020-12-22 The interaction between military and civilian courts, the political power that legal prerogatives can provide to the armed forces, and the difficult process civilian politicians face in reforming military justice remain glaringly underexamined despite their implications for the quality and survival of democracy. This book breaks new ground by providing a theoretically rich global examination of the operation and reform of military courts in democratic countries. Drawing on a newly created dataset of 120 countries over more than two centuries, it presents the first comprehensive picture of the evolution of military justice across states and over time. Combined with qualitative historical case studies of Colombia, Portugal, Indonesia, Fiji, Brazil, Pakistan, and the United States, the book presents a new framework for understanding how civilian actors are able to gain or lose legal control of the armed forces. The book's findings have important lessons for scholars and policymakers working in the fields of democracy, civil-military relations, human rights, and the rule of law.

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Table of Contents Torture Memos Rationalizing The Unthinkable

1. Understanding the eBook Torture Memos Rationalizing The Unthinkable
 - The Rise of Digital Reading Torture Memos Rationalizing The Unthinkable
 - Advantages of eBooks Over Traditional Books
2. Identifying Torture Memos Rationalizing The Unthinkable
 - Exploring Different Genres
 - Considering Fiction vs. Non-Fiction
 - Determining Your Reading Goals
3. Choosing the Right eBook Platform
 - Popular eBook Platforms
 - Features to Look for in an Torture Memos Rationalizing The Unthinkable
 - User-Friendly Interface
4. Exploring eBook Recommendations from Torture Memos Rationalizing The Unthinkable
 - Personalized Recommendations
 - Torture Memos Rationalizing The Unthinkable User Reviews and Ratings
 - Torture Memos Rationalizing The Unthinkable and Bestseller Lists
5. Accessing Torture Memos Rationalizing The Unthinkable Free and Paid eBooks

- Torture Memos Rationalizing The Unthinkable Public Domain eBooks
 - Torture Memos Rationalizing The Unthinkable eBook Subscription Services
 - Torture Memos Rationalizing The Unthinkable Budget-Friendly Options
6. Navigating Torture Memos Rationalizing The Unthinkable eBook Formats
 - ePub, PDF, MOBI, and More
 - Torture Memos Rationalizing The Unthinkable Compatibility with Devices
 - Torture Memos Rationalizing The Unthinkable Enhanced eBook Features
 7. Enhancing Your Reading Experience
 - Adjustable Fonts and Text Sizes of Torture Memos Rationalizing The Unthinkable
 - Highlighting and Note-Taking Torture Memos Rationalizing The Unthinkable
 - Interactive Elements Torture Memos Rationalizing The Unthinkable
 8. Staying Engaged with Torture Memos Rationalizing The Unthinkable
 - Joining Online Reading Communities
 - Participating in Virtual Book Clubs
 - Following Authors and Publishers Torture Memos Rationalizing The Unthinkable
 9. Balancing eBooks and Physical Books Torture Memos Rationalizing The Unthinkable
 - Benefits of a Digital Library
 - Creating a Diverse Reading Collection Torture Memos Rationalizing The Unthinkable
 10. Overcoming Reading Challenges
 - Dealing with Digital Eye Strain
 - Minimizing Distractions
 - Managing Screen Time
 11. Cultivating a Reading Routine Torture Memos Rationalizing The Unthinkable
 - Setting Reading Goals Torture Memos Rationalizing The Unthinkable
 - Carving Out Dedicated Reading Time
 12. Sourcing Reliable Information of Torture Memos Rationalizing The Unthinkable
 - Fact-Checking eBook Content of Torture Memos Rationalizing The Unthinkable
 - Distinguishing Credible Sources
 13. Promoting Lifelong Learning
 - Utilizing eBooks for Skill Development

- Exploring Educational eBooks

14. Embracing eBook Trends

- Integration of Multimedia Elements
- Interactive and Gamified eBooks

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