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## Book Review: Torture: A Sociology of Violence and Human Rights

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## **Review of *Torture: A Sociology of Violence and Human Rights***

Hajjar, Lisa. *Torture: A Sociology of Violence and Human Rights*. Taylor & Francis, Routledge Press. 2013. ISBN: 978-0-415-51806-2. 83 pages. \$10.40.

Lisa Hajjar's *Torture: A Sociology of Violence and Human Rights* (2013) is an addition to the Routledge series "Framing 21st Century Social Issues." The objective of the series is to use central tenets of sociology to probe contemporary social problems, and to that end this book makes a certain contribution. Often considered "taboo," too controversial or ugly for conversation, torture is a practice both abhorrent and pervasive. For that reason alone it demands attention in works such as this. Hajjar offers us an accessible, introductory-level examination of historical and contemporary uses of torture, the discourse surrounding its use, and recent U.S. policy evolution. This book is useful for those looking for an introduction to the topic of torture and likely a worthwhile addition to an undergraduate classroom; though, some careful consideration ought be given to additional readings to supplement Hajjar's treatment of human rights more generally.

Hajjar opens her work looking at the evolution of U.S. discourse regarding torture since 9/11. In doing so, she highlights changes in news coverage, popular opinion, punditry, and even entertainment plots. In this first chapter, Hajjar skillfully reviews the policy changes introduced by the Bush Administration along with the shifts in interrogation practices as a means to understand the ways in which, and the reasons for which, "we are *still* talking about torture" (p. 13). The reader is also introduced to a variety of concepts central to the torture debate, including the "ticking time bomb" scenario, consequentialism, deontology, and "torture lite" (pp. 3-4). Events Hajjar notes as central to the course of U.S. debate include the Abu Ghraib prison photographs and the "torture memos." Thus from this important chapter, the reader understands not only the general landscape of popular discourse in the United States regarding torture, but also the events and environment that prompted shifts in opinion.

The second and third chapters introduce the reader to the historical and contemporary uses of, or justifications for, torture. The second chapter looks at the ways in which the utilization of torture ebbed and flowed through religious conflicts and the shifting conceptualization of the state. The third chapter traces the way in which the practice traveled through Cold War politics. Hajjar pays particular attention to the use of the "national security doctrine" in justifying certain efforts against perceived enemies, including torture. One of the strengths of the chapter is the discussion of how and when different types of regimes torture. Hajjar looks briefly at some of the more predictable and well-known authoritarian cases, including Argentina and Chile. She then importantly turns to democratic states, looking specifically at Great Britain in Northern Ireland and Israel in the occupied Palestinian territories.

While Hajjar's strength clearly lies in the specific topic of torture, in the fourth chapter she pans the lens out a bit to take a broader look at the concept of "rights," within which she has (rightly, of course) situated her discussion of torture. In introducing her reader to this concept of "rights," however, Hajjar takes what I interpret to be a "legal positivist" approach (Goodhart 2013, 17) without introducing the reader to alternative conceptualizations, and despite a seeming contradiction with some of her earlier statements about torture. I will explore this in a bit more depth below.

The post-Cold War human rights regime is explored briefly in chapter five, particularly as it relates to the evolution of international accountability. Here, the reader is introduced to the international tribunals for Yugoslavia and Rwanda, the International Criminal Court (ICC), as well as the "Pinochet Precedent" and Universal Jurisdiction. The author also provides a litany of potential ramifications created by these precedents for select former Bush Administration officials. It is a short chapter, but recognizes an important trend toward international accountability.

Hajjar makes what will likely be her most lasting contribution to the reader, perhaps particularly for the "newcomer" to the debate on torture, in her debunking of the myth of torture. In chapter six, she first looks at the lasting impact of torture on its victims, then turns to specifically address the question of whether torture "works." Discussing two specific cases of individuals held in U.S. custody and "questioned" with the so-called "harsh interrogation" techniques, and citing additional sources on the question of torture's utility for the United States more generally, Hajjar argues that actionable intelligence was not garnered via torture. She furthermore suggests that the practice did not mitigate threats to the United States, and actually created challenges for the country. For those interested in intelligence gathering techniques, this chapter, if brief, is of particular relevance.

Hajjar is clearly an authority on the topic of torture. Her discussion of the U.S. use of torture during the "War on Terror" is insightful if succinct. Yet in discussing "rights" more broadly, the book could benefit from a bit more depth. Hajjar defines rights as "legal entitlements that are created through laws" (p. 33). She later refers to the "creation of human rights" (pp. 38; 44) as a post-World War II event. This reflects (though it is not said overtly) a "legal positivist" perspective, where rights do not exist sans written law (Goodhart 2013, 17; Shestack 2007, 23-24). This perspective is viewed as problematic by some human rights scholars, myself included, partly because it obfuscates the advocacy for or the claiming of rights in the absence of law (Goodhart 2013, 17); scholars not of this school differentiate between human *rights* as inherently belonging to individuals and human rights *guarantees* as provided by a state or international regime (Goodhart 2013, 17; also Donnelly 2013, 20). Additionally, faced with a positivism perspective, one is left to ask: did regimes which tortured or committed genocide prior to the codification of legal prohibitions violate human rights? Or was slavery not a human rights violation while legal? For those who define "rights" as inherent to each human being, the answer is of course yes, those regimes violated rights, if not laws. As Jack Donnelly rightly notes, "Human rights

is the language of victims and the dispossessed. Human rights claims usually seek to alter legal or political practices” (2013, 20).

Not everyone agrees with this perspective on rights, of course. Yet it is important to note that Hajjar does not introduce this conceptualization of rights, nor any other alternative perspective. Furthermore, her treatment of torture in places outside of chapter four seems to contradict her definition of rights. For instance, in the Preface the author argues that “[e]very person on earth has the right not to be tortured under all circumstances. You don’t have to be a good person to have this right; you just have to be a person” (p. xi). Note the lack of any reference to law. Here, the reader might presume that Hajjar is asserting that there is *no* condition or exception for the right not to be tortured, yet later she introduces the role of law in creating (versus guaranteeing) rights.

For an introductory course in human rights, the chapters devoted to torture would be useful and constructive additions to a syllabus. However, instruction on human rights as a concept and as a field of study would likely have to include a more holistic, inclusive text in order to compensate for the narrow presentation in chapter four.

Despite this shortcoming, Hajjar succeeds in bringing the evaluation of torture from the cloudy corner of uninformed assumptions, challenging popular assertions that “it works” or that there is some “not quite torture” means of torturing. *Torture: A Sociology of Violence and Human Rights* is appropriate for an undergraduate audience. The text benefits from a solid balance between accessibility and using the language of the debate (defined and explained where appropriate). It is brief, yet covers a great deal of ground at an introductory level. For those looking for an introduction to the subject of torture, particularly in the post-9/11 U.S. context, this (with some supplemental materials for chapter four) will fit the bill.

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## References

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