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# How The Gloves Came Off: Lawyers, Policy Makers, And Norms In The Debate On Torture (Columbia Studies In Terrorism And Irregular Warfare)



## Synopsis

The treatment of detainees at Abu Ghraib prison, Guantánamo Bay, and far-flung CIA "black sites" after the attacks of 9/11 included cruelty that defied legal and normative prohibitions in U.S. and international law. The antitorture stance of the United States was brushed aside. Since then, the guarantee of American civil liberties and due process for POWs and detainees has grown muddled, threatening the norms that sustain modern democracies. *How the Gloves Came Off* considers the legal and political arguments that led to this standoff between civility and chaos and their significant consequences for the strategic interests and standing of the United States. Unpacking the rhetoric surrounding the push for unitary executive action in wartime, *How the Gloves Came Off* traces the unmaking of the consensus against torture. It implicates U.S. military commanders, high-level government administrators, lawyers, and policy makers from both parties, exposing the ease with which powerful actors manipulated ambiguities to strip detainees of their humanity. By targeting the language and logic that made torture thinkable, this book shows how future decision makers can craft an effective counternarrative and set a new course for U.S. policy toward POWs and detainees. Whether leaders use their influence to reinforce a prohibition of cruelty to prisoners or continue to undermine long-standing international law will determine whether the United States retains a core component of its founding identity.

## Book Information

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## Customer Reviews

Arsenault's book provides a much-needed historical context for the torture policy that emerged

during the post-9/11 years. It is comprehensive, well researched, and, at the same time, digestible. (Karen J. Greenberg, Director, Center on National Security at Fordham Law School) One of the most perplexing and disturbing outcomes of the 9/11 attacks and the rise of global terrorism was America's adoption of torture against captured suspected terrorists—so-called detainees. This outstanding book by Elizabeth Grimm Arsenault lays out—in a reliable, scholarly, and readable manner—how this overreach occurred, how it profoundly violated U.S. norms and devotion to human rights, and what might be done to ensure a more appropriate balance between security and liberty for the United States in the future. For my own teaching and research endeavors, I keep this important volume close at hand. (Loch K. Johnson, Regents Professor, University of Georgia) This is a thoughtful and provoking account of how the United States abandoned its own—and the world's—legal and normative prohibitions against the use of torture. At its core are a compelling story about how once-cherished legal norms can unravel and the poignant observation that there is no single culprit but rather a system of actors—including top policy makers, their lawyers, and interrogators—aided by shifting public attitudes and cultural norms. (Emilie Hafner-Burton, University of California, San Diego) I recommend that you read this book. It will provoke thoughts within you, but it will also provide you a broader and deeper insight into human nature, regardless of where you lie on the line between assuring national security and upholding agreed-upon legal norms against torture. (Sonu Chandiram Biz India) This is a well-written, superbly researched work that should find its way onto the bookshelves of every person interested in how the US government journeyed into the abyss of torture during the global war on terrorism. (J. R. Hedtke, Cabrini College Choice)

Elizabeth Grimm Arsenault is a visiting assistant professor in the Security Studies Program at the Edmund A. Walsh School of Foreign Service at Georgetown University. She has worked in the defense and security sectors of the U.S. government and is the recipient of Georgetown's Dorothy Brown Award for excellence in teaching and the School of Foreign Service Faculty of the Year Award.

I still remember where I was when the Abu Ghraib scandal broke. I remember thinking, "We just lost our last remaining claim to being the good guys." Elizabeth Grimm Arsenault's new book shows how a nation which had once been at the forefront of humane P.O.W. treatment lost its way. The shock of 9/11 convinced too many U.S. policy-makers that the struggle against terrorism required "rough methods." Not only did these methods break with long-standing American tradition and international

norms--they were also worse than useless, as they inspired new waves of anti-American propaganda while providing little useful intelligence data. This deeply-researched book is not an "easy read," but it is highly recommended for students of international law, military justice, and policy-making. Dr. Arsenault's recommendations at the end provide a possible path forward. Future leaders (and our current president) would do well to heed these recommendations if the U.S. is to recover its reputation and make the American flag once again stand for (as Bruce Springsteen said) "who we are, and what we'll do, and what we won't."

Terrorism and Irregular Warfare) by Elizabeth Grimm Arsenault is a book every American should read. This book dives into the subject of how America let torture become normal. Torture is against all of America's values yet torture became normal for a great deal of time, and maybe still going on. Why and how is addressed in this book. It is a gut-retching and face-slapping, eye-widening book book we all need to read to keep this from happening again (?), expanding...esp with the White House we have now. This White House says they want to kill all the family of terrorist too, women and children too, what kind of torture would they use if they could? This really frightens me.

An excellent book for anyone with an interest in the important and timely issues of detainee treatment and counter-terrorism policy. The author contributes a great deal to the recent scholarship of the GWOT by viewing U.S. detainee policy through a theoretical lens. Rather than focusing on what happened or why these things were done, the author presents a powerful argument about HOW the U.S. government came to adopt the policy and practices put in place during the GWOT. This informs the already rich legal, ethical, and strategic debate on these issues, while helping us to think critically about national security policy. What are the norms that shape individual, organization, and state behavior? Where do they come from and how do they change? What is the role of individual actors in shaping a system? The book remains highly readable while still challenging the reader. Very well researched, written, and argued. Highly recommended!

An incisive analysis by a brilliant and thoughtful scholar.

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