

■ BOOK REVIEW

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**Darius Rejali, *Torture and Democracy*,
Princeton University Press, 2007,
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A word of clarification in advance: The reviewer is a legal expert on the issue of torture and the prevention of such practices and does not intend to write a critique from the standpoint of history or political science.

From the outset, the author of "Torture and Democracy", Darius Rejali, a professor of political science at Reed College, acknowledges that the title of his book is misleading (preface). And indeed, the reader who expects to be provided with a scientifically proven causal connection between the phenomenon of torture and its prevalence in democratic States will be disappointed. The author deals with this specific question in merely 20 pages of this voluminous book (chapter 2, pp. 45-63). The real added value of "Torture and Democracy" lies therefore not in adding to the body of knowledge of different types of regimes and their proneness to use torture and other forms of ill-treatment; it can rather be found as a most comprehensive genealogy of a selected number of so-called "clean" torture methods (methods that leave little or no marks on the victim) as well as in a revelation of their possible sources, modifications and ways of dissemination (chapters 3-19, pp. 69-401).

The main historical claim of the book is that "clean" techniques had their first historic appearances in traditionally democratic States, such as Great Britain, America and France. From there, the author gives a thorough overview on how they spread and eventually re-appeared in recent or current conflicts in Iraq, Afghanistan, Algeria and Northern Ireland. Although, as mentioned above, this review cannot legitimately discuss as to whether the American epoch of slavery, where a great number of persons were barred from any political rights, or the British or French colonial empires constituted democracies, the question nevertheless arises whether these regimes genuinely exhibit the most important characteristics of a democracy.

In the introduction, the author explains his definition of "clean" torture techniques, i.e. methods that do not leave marks or scars on the victim's body. A clear delineation between psychological and physical torture methods is not provided. In the author's view, the techniques of torment described in the main part of the book are of a purely *physical* nature. He does not enter the discussion whether certain methods described, such as water boarding or sensory deprivation, have a predominant psychological element rather than constituting merely physical torture; nor is it explained why he deems psychological torture not to fall under the category of "clean" torture – although these methods have certainly also seen a renaissance in many (democratic) countries in recent years.

Besides outlining his main subject of the origin and distribution of certain methods in the introduction, the author poses the question why "clean" methods of torture purportedly constitute the preferred means of public officials in democratic States. His answer is surprisingly simple: they do so because of public monitoring. He attests that human rights monitoring is a "core value in modern democracies". From there, he follows that public officials in democracies, who feel compelled to apply torture, have to invent methods that leave no marks to be detected by the monitoring bodies. In raising this hypothesis, the author seems to contradict his main historical claim, namely, that "clean" methods of torture have their origin in American slavery, British and French colonialism or disciplinary punishments within these countries' military systems. None of the listed sources can be particularly characterised by extensive human rights monitoring or even a functioning complaints system. And the author, too, immediately puts his own theory into question and admits that "it is not possible to prove beyond a shadow of a doubt that monitoring is the sole source for the emergence of clean torture techniques in democracies". But in any case, he does not differentiate nor does he lose a word on the importance and advantages of monitoring and thereby provides the reader with a rather unbalanced picture. To abandon a few pages of doubtful hypotheses would not have diminished the overall value of the book; whereas ill-conceived and fragmentary arguments against human rights monitoring may mislead the reader to conclude that this important tool in the fight against torture was dispensable or, even worse, counterproductive.

In chapter 1 ("Modern Torture and Its Observers"), the author provides the reader with an (incomplete) historical overview of the varying definitions of torture as well as of diverse monitoring bodies. He offers his personal definition of the term "torture" as being "the systematic infliction of physical torment on detained individuals by state officials for police purposes, for confession, information, or intimidation", as well as certain acts by non-State actors. Despite his very narrow definition, which, e.g., only applies to persons in detention and leaves out psychological torture all together, the author goes on to criticise the definition for torture provided for in the UN Declaration against Torture for not being broad enough. Most surprisingly, however, is his complete omission of the main international legal instrument in this regard, the UN Convention against Torture, whose Article 1 gives the most comprehensive definition of torture; a definition which is, after all, legally binding for three quarters of all States of the world (146 States parties).

As mentioned above, the question whether and why torture also exists in democracies – the book's title suggests that this question is the main issue at stake – is primarily raised in chapter 2. The author reasons plausibly, albeit shortly, and based on historical as well as contemporary examples with three different models: The "National Security Model", where security driven bureaucrats overwhelm democratic institutions in political emergencies; the "Juridical Model", where the judiciary places too much emphasis on confessions in criminal procedure; and the "Civic Discipline Model", where "righteous citizens" simply feel safer when action of any kind is taken against "suspicious elements". These models can also overlap or occur simultaneously, thereby increasing the risk of torture in a given (democratic) society.

The most extensive part (and the part that provides added value to the understanding of the phenomenon of torture) begins with a clarification of the apparent myth that many modern torture methods derived from Stalinism or Nazism (chapters 3-5). The author exposes that the use of bright lights, sleep deprivation or extreme heat was used in other countries long before Stalin's times. Equally, torture by electricity or the use of water was, according to his line of argument, not invented by the Nazis but had their roots in France, in particular in French colonialism. Despite the sometimes irritatingly facetious language the author uses for his chapter titles to describe methods invented for human suffering ("Singing the World Electric", "Stun City", "Sticks and Bones"), the meticulously researched history of torture by use of electricity, magnetos, water, forced positions, noise or drugs, and how these methods originated in British, American and French contexts, spread out and finally ended in places like Abu Ghraib and Guantánamo, deserves appreciation. It would go beyond the scope of this review to discuss in detail the content of chapters 3 to 19; however, the historical insights offered here make the book a worthwhile tool for the interested public as well as human rights practitioners and academics.

In the following chapter, the author re-examines some of his historical claims, including his overly simplified hypothesis on public monitoring, but he also touches on other possible reasons for the use of "clean" torture methods in democracies (chapter 20). Furthermore, he poses the highly relevant question whether the use of torture was effective in producing information. In a comprehensible manner, he divides the issue of effectiveness into eight questions, such as whether pain could be administered under controlled conditions, whether interrogators could tell if the gained intelligence was right or wrong, and whether torture was more effective than other methods of interrogation. Answering one by one in the negative by basing his arguments on historical facts and expert opinions, the author makes a convincing case against the assumption that torture really works (chapter 21). After this innovative line of argument it seems almost superfluous to read "what the apologists say" (chapter 22).

In the concluding chapters (23-24), the author explores the question why governments or societies at large do not learn from past failures in the context of torture. In summary, the book provides a respectable overview of the historical development of certain "clean" methods of torture, as well as convincing arguments against the assumed effectiveness of torture in general. The author, however, would have been better advised to choose a title for his work that reflects the content more accurately, thereby avoiding disappointment. Furthermore, he could have done without certain chapters that add nothing to the discussion – because they only repeat well-known arguments or because they are dealt with in an incomplete or undifferentiated manner – and distract the reader from the main conclusions. Instead, the prevalence of psychological torture methods in democratic systems could have been examined. Lastly, by completely omitting the work of the UN Special Rapporteur on Torture, the main independent expert mechanism of the United Nations to assess the situation of torture worldwide and to give expert opinions on diverse issues (e.g. the situation of trade in and production of equipment which is specifically designed to inflict torture, its origin, destination and forms, by former Special Rapporteur Theo van Boven), and the UN Committee against Torture, the monitoring body of the above mentioned

Convention against Torture, the author has missed the opportunity to draw upon reliable and often applied sources in this regard.

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