

Civilizing Torture: An American Tradition, by W. Fitzhugh Brundage

*Published by Harvard University Press. 2018.
Cambridge. (ISBN 9780674737662)*

John W. Schiemann*

Civilizing Torture: An American Tradition is part history of torture in America, from the colonial period to the present, and part intellectual history about the debates surrounding torture in the same time span. The writing is lively and engaging despite its academic heft.

The introduction sets out the book's framework, explaining that the phrase "American Tradition" refers to "the debates that Americans have waged regarding torture. Like a minuet . . . the debates have unfolded in predictable fashion," invoking American exceptionalism of rationality, constitutional protections of liberty, and other claims to civilization (2).¹ On the assumption that "[t]orture cannot be disentangled from the discourse surrounding it," Brundage argues that the historical study of torture in the US means identifying not just acts of violence "but also the explanations, justifications, and denunciation of them" and so he "traces debates over forms of vi-

olence and coercion that at least some contemporaries labeled as torture" (6). Doing so reveals a "choreography," "a strikingly consistent pattern" in which both those defending torture and those opposed do their best to align their position with "the nation's professed principles and with the dictates of modern civilization". The choreography appears to have the following seven stages:

1. Officials respond to allegations of torture with categorical denials;
2. More evidence by accusers prompts officials to admit a few exceptional mistakes;
3. Defenders "dismiss victims as neither credible nor deserving of sympathy;"
4. Supporters of victims risk guilt by association;
5. Defenders claim that methods were justifiable and effective;
6. Opponents claim that methods were immoral and ineffective;
7. Once torture ceases the debate shifts to the significance of practice.

The remainder of the book is organized chronologically into eight chapters, each of which treats a different period or episode of torture in American history. Chapter one relays anecdotes, memoirs, and reports of torture by both North American Indians and European colonists in pre-revolutionary North America, showing how each side believed the other had violated the norms and customs of warfare. The second chapter examines early cycles of prison reform in the new democracy, resulting in punishments often amounting to torture and eventually the establishments of state institutions with total control over their charges. Chapter three turns to the torture of slaves in the antebellum South, with a focus on the ex-

1 All numbers in parentheses refer to page numbers in the book.

*) Professor of Government & Law, Fairleigh Dickinson University.
Correspondence to: jws@fdu.edu.

ploitation of stories of cruelty to mobilize support for the abolitionist cause and the backlash it engendered among slavery's southern supporters. Chapter four turns to *bellum*: the civil war between the North and the South and the conditions that led to atrocities on the battlefield and in the prison camps. Chapter five explores the episodes of torture prior to 9/11: the Philippine-American War from 1899-1902. The chapter summarizes the multiple factors that led to torture and other abuse by occupying American forces. Chapter six recounts the post-Civil War emergence and movement to the shadows of the so-called "third degree". Chapter seven traces the US government's efforts to develop a science of torture early in the Cold War and then the applications of torture on the "frontiers of American empire" in Vietnam and Latin America. The eighth and final chapter brings the narrative up to the present by discussing both torture for national security reasons after 9/11 and torture in the Chicago police department.

The book is organized chronologically but Brundage does not systematically trace the debates according to the choreography in the introduction. Each chapter after the introduction is essentially freestanding. Perhaps given the historical span and varying contexts, it should not be surprising that there appears to be no single choreography but rather quite different American dances with torture over time. Indeed, occasionally the author digresses from torture in America or even torture entirely.

Along the way, however, Brundage makes some valuable points both about elements of torture specific to different historical episodes and more generally. For example, in chapter one, "The Manners of Barbarians," Brundage notes that "[w]herever Indians

practiced torture, they did so according to traditions that were as coherent as any that regulated in Europe" (15). Ritual torture cohered with spiritual beliefs about countering vengeful souls, cultural norms and customs related to clan, honor, just retribution, and the practice of Indian warfare, which did not include prisoner exchanges. In chapter three on slavery, he demonstrates the role of political institutions, including courts and the law, in carving out a legal space for torture and other cruelty in the private sphere on the plantation. This served to sustain and maintain the slave order by "instilling terror" in the slaves (99, 102). Chapter six on police torture traces the connection between the police use of the "third degree" and the lynching of African-Americans in the US South.

More thematically, his review identifies some factors common to both the military and domestic incarceration contexts as well as shared features within each. Common to all is the demonization of a certain class of people rendering them "unworthy of sympathy" and so torture-able (331). "The history of torture, above all, reveals the toxic consequences when rhetoric and policies that dehumanize 'the enemy within' or a foreign foe exploit popular anxiety about security" (332). To this necessary condition is added, in the military context, poor training and counterinsurgency against an indigenous population fighting for independence or counter-terrorism conflicts. In both, the enemy blends with the local population. To the necessary condition of racism in the domestic incarceration context (whether prison, plantation, or police station) are added institutional rules, social norms, and cultural practices which formally prohibit torture but make its informal practice pos-

sible by creating a space for it to flourish out of sight (333).

Civilizing Torture amplifies the echoes of pre-9/11 American experiences with torture – dehumanization of the enemy, justifications for torture, claims of efficacy, the fleeting nature of the public debate about torture and what it meant, and more – and in so doing reminds us of how the traditional seems forever new — and so is repeated all too often.