Module Summary: Using the aftermath of 9/11 and the US invasion of Iraq as a case study, this module asks why states engage in torture, giving particular consideration to why liberal states euphemise, conceal, and downplay this practice. We will examine the ramifications of 9/11 across multiple legal domains, domestically within the US and internationally. As part of their involvement with the War on Terror, US politicians, commentators, and jurists developed a range of new legal measures that reconceptualised international law, human rights, and civil liberties. Our inquiry into these transformations is divided into four parts. Part I considers the jurisprudence of emergency within liberal states historically, through the writings of Carl Schmitt and Giorgio Agamben. Part II links the theoretical foundations of part I with US discourses justifying the invasion of Iraq and immigrant detention, including treating the immigrant as an enemy. Part III considers the impact of these discourses on the rule of law within the United States and globally in connection with torture, the denial of habeas corpus and extraordinary rendition. Part IV concludes by considering how the war on terror has fostered the domestic suppression of Muslim dissent, violated freedom of expression rights, and underwritten the effort to ban Muslims from entering the United States.
I. SEMINAR SCHEDULE AND ASSIGNED READINGS

1. All texts listed in this section are essential required reading.

I. THEORETICAL FOUNDATIONS

SESSION 1 (1 October 2018): Sovereignty and the Exception

SESSION 2 (8 October 2018): States of Emergency

2 student presentations in the morning session, with 2 students assigned to produce non-evaluative commentaries for uploading on Canvas.

II. STATES OF EXCEPTIONALITY

SESSION 3 (15 October 2018): Migration detention
Case Study: Film Screening: Clark Lyda and Jesse Lyda, The Least of These (2008), full film online at https://vimeo.com/179342261 (Essential and to be added to the resource list).

2 student presentations in the morning session, with 2 students assigned to produce non-evaluative commentaries for uploading on Canvas.

SESSION 4 (22 October 2018): Invading Iraq
Film Screening: Alex Gibney, Taxi to the Dark Side (109 minutes) (Essential and to be added to the resource list).

2 student presentations in the morning session, with 2 students assigned to produce non-evaluative commentaries for uploading on Canvas.

III. UNDERMINING THE RULE OF LAW

SESSION 5 (29 October 2018): Torture

2 student presentations in the morning session, with 2 students assigned to produce non-evaluative commentaries for uploading on Canvas.

READING WEEK: 5 NOVEMBER 2018

SESSION 6 (12 November 2018): **Habeas Corpus**

2 student presentations in the morning session, with 2 students assigned to produce non-evaluative commentaries for uploading on Canvas.

SESSION 7 (19 November 2018): **Extraordinary Rendition**

2 student presentations in the morning session, with 2 students assigned to produce non-evaluative commentaries for uploading on Canvas.

IV. **SUPPRESSING MUSLIMS**

SESSION 8 (26 November 2018): **Free Speech**
Case Study: Tarek Mehanna, “Sentencing Statement”; Audio version at https://www.youtube.com/watch?v=jtDReECm9oE.

2 student presentations in the morning session, with 2 students assigned to produce non-evaluative commentaries for uploading on Canvas.

SESSION 9 (3 December 2018): **The Prevent Strategy**

2 student presentations in the morning session, with 2 students assigned to produce non-evaluative commentaries for uploading on Canvas.
SESSION 10 (10 December 2018): **Banning Muslims and Immigrants**


Final session concludes with overview of key concepts and cases discussed in the preceding weeks.

II. ASSESSMENT DETAILS

1. **Individual oral presentation**: 30 minutes duration (50% of total grade)

   **Due date: different session assigned to each student (2 students per session).**

   **Presentation Guidelines:** Presentations should focus on the assigned readings for that session and incorporate any additional texts from the recommended readings/viewings or beyond. 30 minutes includes discussion. You are welcome to read from a written script for up to 20 minutes, as in a conference presentation, and to turn in the written script (approx. 2000 words) for the purposes of evaluation by instructor. You may also use PowerPoint if you wish but are advised not to rely on this exclusively.

2. **Non-evaluative written commentary on presentations**: 600 words (10% of total grade)

   **Due date: different session assigned to each student (2 students per session).**

   **Commentary Guidelines:** The purpose of these commentaries is to draw out key points in the readings and discussion, while also engaging in a non-evaluative manner with your peers, in order to inform discussion in future sessions. You should draw on the readings and the student presentations.

3. **Essay**: 1500 words (40% of total grade)

   **Topic to be based on written prompts from instructor or to be chosen in consultation with instructor.**

   **Due date: 10 December 2018 (TBC)**

   **Essay Guidelines:** You are encouraged to be creative and inventive in your choice and treatment of topic. Closely textual analysis is extremely important, as is rooting your theoretical claims in assigned readings. You will be given a set of topics but will also have the option of developing your own topic, in consultation with the instructor. Please use Chicago style citation in the text of your essay (footnotes rather than parenthetical citations) and include a bibliography at the end.
III. BACKGROUND READING AND WATCHING


Kennedy, Rory. *Ghosts of Abu Ghraib* (HBO, 2007)

**Hearings Held by the House Judiciary Committee, Viewable on C-Span**


Detainee Treatment and Interrogation Policy: