

AN ABERRATION OR THE NEW NORM? EXAMINING AMERICA'S USE OF TORTURE DURING THE 21ST CENTURY

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Abstract: This paper examines the change in United States' policy on the use of torture from the ratification of the Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment (CAT) in the General Assembly of the United Nations in 1984, through the proliferation of use of "Enhanced Interrogation Techniques" under the George W. Bush administration, and to the appointment of Trump administration officials. After the attacks on American soil on September 11, 2001, the Bush administration systematized the use of torture while building legal cases to weaken anti-torture international agreements and exempt the U.S. from the jurisdiction of the International Criminal Court. In an attempt to rehabilitate the nation's image on the international stage, the Obama administration depicted the use of torture as an aberration – the mistake of one administration in a moment of crisis, not the policy of the nation. The administration's refusal to address the crimes of its predecessor has entrenched a system of impunity, where torturers have no fear of punishment for their violations of international law. Now Trump administration appointees, including some of the most prominent figures involved in the Bush-era systematization of the use of torture, have led the questioning of whether the use of torture was an ephemeral aberration in U.S. policy as claimed by the Obama administration or the new normal.

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