Alternative accountability after the 'naughts'

BRENT J. STEELE*

Abstract. The article posits that in global politics, and in the scholarly subfield of international ethics, we should begin moving away from intentions and intentionality when considering accountability. Intentionality is problematic in at least three respects – analytically it is hard to determine; normatively it is difficult because we must invest our trust in authority; and it comes coupled with the problematic relationship between means and ends. This article explores these issues through three sections. First, it engages some of the purposes but also overall problems with 'intentions' in world politics (and especially the debate as it has progressed in the field of international ethics). The second section reviews recent theses on accountability, before moving towards an alternative aspect of account-ability which already exists in world politics, termed in this article 'the accountability of the scar'. This last form of accountability refers to the physical damage produced by violence, with reference to three domains – the anthrobiological, the architectural, and the agentic sphere. Two examples of the scar come to us from the different context of the Emmett Till case of 1955 and the more fluid, and recent case of Iranian protestor Neda Agha-Soltan.

Brent J. Steele is an Associate Professor of Political Science and International Relations at the University of Kansas. He is the author of *Ontological Security in International Relations* (Routledge, 2008), and *Defacing Power: the Aesthetics of Insecurity in global politics* (University of Michigan Press, 2010). He is also the co-editor (with Eric Heinze) of *Ethics, Authority and War: Non-State Actors and the Just War Tradition* (Palgrave, 2009). His research has most recently appeared in *International Studies Review*, *Millennium*, the *Cambridge Review of International Studies*, *International Political Science Review*, *International Relations*, *International Studies Quarterly*, and the *Journal of International Relations and Development*, and has a forthcoming article in the *Journal of International Political Theory*. He teaches courses on International Relations theory, international ethics, United States foreign policy, and critical security studies.

Introduction

In the waning days of George W. Bush's presidency, pundits, commentators and political analysts speculated on whether, and how the incoming Obama admin-istration would hold Bush officials accountable for the coercive techniques used in its tenure fighting the 'War on Terror'. The concern travelled into the confirmation hearings for the Obama administration's Attorney General, and was voiced as a

question in President Obama's first national press conference on 9 February 2009.[1]
It culminated in a debate over whether photos of particular interrogations
conducted during the Bush administration should be released to the public.
Throughout the spring of 2009, the Obama administration pushed for the actual
release of photos, and defended the release on several occasions. In one briefing in
April, White House press secretary Robert Gibbs claimed that because the Second
Circuit Court had on the matter ruled that the photos had to be released, 'the
Department of Justice decided based on the ruling that it was hopeless to appeal',
and thus that 'the administration, the Pentagon, and the court entered into an
agreement to release those photos'.[2] And yet the force of the court ruling was not
enough, it seemed, for the administration reversed course as the day of release
approached, culminating in a 13 May press conference where Obama invoked a
national security reason for keeping the photos hidden – that their release would
have a 'chilling effect' on current and future interrogators in trying to acquire
information, and that their release would endanger US soldiers who were then in
harm's way.

The debate over the torture photos brings up three important issues as we move
out of the current decade. First, it exemplifies the enormous task that current
agents in international politics face in cleaning up the mess bequeathed to them via
policies implemented during the decade of the 'Naughts'. Second, it demonstrates
the force of the *image*. A multitude of reports exist which provide detailed, graphic,
but *written* accounts of these interrogation techniques and sessions.[3] So the reality
of what the US did during the Bush administration following 9/11 is widely known.
What this reality *looks like*, however, with the exception of the Abu Ghraib photos,
remains hidden from public view. Third and finally, the reaction to the photos
being kept secret tellingly provides us a window into what function they might
have provided if they had been released. This counter-factual window, I would
argue, is much clearer than Obama's strained and almost comedic claims that, on
the one hand, there was nothing 'particularly sensational' about the photos,
'especially when compared with the painful images that we [Americans] remember
from Abu Ghraib,' and yet that, on the other hand, these un-sensational photos
would still 'inflame anti-American opinion'.[4] (Only one of these claims can be true,

---

[1] The questioner, Sam Stein of the *Huffington Post*, asked 'Today Senator Patrick Leahy announced
that he wants to set up a truth and reconciliation committee to investigate the misdeeds of the Bush
administration. He said that before you turn the page, you have to read the page first. Do you agree
with such a proposal, and are you willing to rule out right here and now any prosecution of Bush
administration officials?' In what would become an almost clichéd response by his administration,
Obama parried on the question by claiming he was 'generally speaking [. . .] more interested in
looking forward than I am in looking backwards'. Available at: {http://www.whitehouse.gov/the_
press_office/PressConferencebythePresident/}.

[2] 24 April 2009, {http://www.whitehouse.gov/the_press_office/Briefing-by-White-House-Press-Secretary-
Robert-Gibbs-4–24–09/}.

[3] One set of 2002–2004 Office of Legal counsel memos released in April of 2004 by the Obama
administration revealed that insects, waterboarding and sleep deprivation were used during
interrogations conducted in 2002. See 'Barack Obama releases Bush administration torture memos',
{http://www.guardian.co.uk/world/2009/apr/16/torture-memos-bush-administration}. Another set of
memos were released 24 August 2009. A summary of the interrogation techniques revealed in those
memos can be found in David Cole's article, 'The Torture Memos: the case against the lawyers', *New
York review of books*, {http://www.nybooks.com/articles/23114}.

[4] Ed Hornick, 'Obama reverses course on alleged prison photos', {http://www.cnn.com/2009/POLITICS/
05/12/prisoner.photos/index.html}.

I think). An attorney for the American Civil Liberties Union, one party on the lawsuit pushing for the release of the photos, stated that 'The release of these photos is absolutely essential for ensuring that justice [is] done, for ensuring that the public [can] hold its government accountable, and for ensuring that torture is not conducted in the future in the name of the American people.'[5]

This article takes another look at the topic of accountability. The typical argument is that, due to anarchy, the prospects for accountability in world politics are slim because we lack either rules, or an enforcement mechanism, or the will, etc. But even in the domestic realm, in those polities which utilise democratic mechanism for accountability, we find some problems as well – problems which are linked to the role of a related concept, intentionality, and with the broader political field of power relations.[6] Thus, whether one is an academic making a proposal for global accountability based on democratic models, or an ACLU lawyer hoping that photos being released will trigger democratic mechanisms, the prospects for holding deviant actors responsible seem rather slim.

My argument here is that in international ethics we should begin moving away from intentions and intentionality to create our regimes of accountability. Intentionality is problematic in at least three respects – analytically it is hard to determine; normatively it is difficult because we must invest our trust in authority; and it comes coupled with the problematic relationship between means and ends (more on this below). I do however allow for three concessions. First, that the move to intentionality in International Relations (IR) theory and its subfield of ethics was not only understandable, but analytically necessary (if not problematic). Second, that my critique of intentionality does not and cannot overlook the important distinctions, established in both philosophy and international ethics, between intent and motive. Third, that intentionality does have a place in an interpersonal context – and may be possible to 'prove' on a case by case basis, however problematic it may be to establish when we try to adjudicate crimes to groups, states, regimes and global polities. One customary resolution to the epistemological problem of intentions on an individual basis is to impute them. This is not without its problems, but it is seen as a largely legitimate solution when we are trying individuals in a court of law (for instance). And indeed, my proposal is that we should still hold agents responsible for their actions. However, in global politics, the grotesque practices that are most damaging cannot be produced by small groups of individuals alone. As I discuss later in the article, who or what 'intended' these processes becomes much more difficult to impute in global politics, thus where we fixate responsibility in terms of the various candidates that made such violence possible becomes a 'levels-of-analysis' problem.

This article explores these issues through three sections. First, it engages some of the overall problems with 'intentions' in world politics (and especially the debate as it has progressed in the field of international ethics). This section also provides up front a discussion of some of my concessions – with brief reference in the

---

[5] Ibid.
[6] In many ways, I'm going in the opposite direction of Hedley Bull. If readers recall, at the end of his second chapter of *The Anarchical Society*, Bull posited 'three weaknesses' in the idea that states can not form a society because of anarchy (Columbia University Press, 1977, chap. 2). I am arguing that even in the domestic realm, the chances for accountability when it comes to abhorrent foreign policies is difficult to even initiate, let alone adjudicate or enforce.

following section of the distinctions between motive and intent, as well as acknowledging the importance of the overall 'normative turn' work produced by constructivists and English School theorists in the 1990s which refocused the field on intentions. The second section reviews a couple of theses on accountability (those of Ruth Grant and Robert Keohane, and Anthony Lang), to examine how a movement towards classic understandings of accountability (based on responsibility), whether they are facilitated by democratic or international (or both) mechanisms, is problematic.

I then provide an alternative form of accountability in the third section, what I title the 'accountability of the scar', with reference to three domains – the anthrobiological, the architectural, and the agentic sphere. After recognising how certain existing accountability mechanisms such as Truth Commissions contain elements of this accountability, I then provide two examples of the scar. These come to us from the different contexts of the Emmett Till case of 1955 and the more fluid, and recent case of Iranian protestor Neda Agha-Soltan.

The limitations of this approach, especially in an internet age where violence can be transmitted instantaneously, overwhelmingly and continuously, are acknowledged in the conclusion. Yet I write this article hoping to leave the reader with two emerging insights. First, that accountability, when linked to intentionality and scaled to the levels of foreign policy and global politics (and regarding the deployment of organised violence), remains an elusive goal, even in democratic settings, and perhaps especially so in this context. For the jurors explicated from a 'democratic community', far from providing a self-critical check on such practices, are implicated in those practices to begin with. I thus share the notion most vibrantly expressed by Hans Morgenthau that the chances for an 'international morality' were removed when nation-states became more democratic.[7] Thus, the second insight advanced is that the accountability of the scar is made possible by considering the particularly damaging effects of organised violence, regardless of the intentions of those who deploy it. This alternative still maintains 'standards' of evaluation, albeit aesthetic ones.

In my conclusion I discuss how this alternative form of accountability can be linked to a pragmatic ethos which asks us to lower our expectations for the 'drama' of conventional accountability as linked to linear 'ends-based' progress, and instead situates us in an ever-spontaneous, and suspended series of means-based presents. Such an ethos, the article argues, may also be an appropriate posture for the academic to power – distant, sceptical, cynical, and immune to the romance of aesthetically pleasing 'ideals' of progressive development, ideals that were put into especially dangerous practice during the most recent decade.

Intentionality in IR theory

What is meant by intentionality? Some scholars find intentionality best understood by distinguishing it from motives. In the terrain of ethics and agency, Anthony Lang discussions intentions as 'actions oriented towards a particular purpose,

---

[7] Hans Morgenthau, *Politics Among Nations*, seventh edition (New York: McGraw Hill, 2006 [1948]), chap. 16.

one that the agent can clearly articulate', whereas motives are 'understood as the dispositions that create certain intentions'.[8] The topics of humanitarian intervention and Just War theory have centralised the importance of intention. Terry Nardin distinguishes the two as:

> The intention of an act is the state of affairs it seeks to bring about. A motive, in contrast, is the frame of mind in which the agent acts – the desires and other passions that propel him. Motives are a necessary element in judgments of responsibility, or praise and blame, culpability and excuse, but are often incidental to judgments of the justification, the objective rightness or wrongness, or an act.[9]

One particular condition of the *jus ad bellum* plank of the Just War tradition considers whether a warring party has a 'right intention'.[10] Connecting the possibility of Private Military Contractors being used as agents for humanitarian intervention with this just war condition, Eric Heinze also provides a 'common analogy' to distinguish motive from intent: 'if I dive into the water to rescue a person in danger of drowning, I have the *intent* of saving that person, though I might be *motivated* by a variety of factors [...] the underlying reasons for my action in this case – my *motive*, which may vary – seem less important than my *intention* to save the imperiled swimmer'.[11]

Considering the importance of intentions in the work on international security, and security dilemmas specifically – for how do we 'know' the intention of the other actor – it is not surprising that such work has sought to disaggregate intent and motive. In an opening endnote to their recent book on the topic, Ken Booth and Nicholas Wheeler state that motives 'refer to the *drivers* of action (emotions, desires, needs, ambitions, perceived interests, etc.) whereas intentions refer to the actions an actor *proposes* to undertake'.[12]

Taken together, then, motives seem to be general dispositions and intentions are the actions (articulated through the spoken word) agents take. One of the major works in IR theory, Martin Hollis and Steve Smith's 1990 study on *Explaining and Understanding International Relations*, provided a 'philosophical first step' by, again, distinguishing intent from motive. For them, an intention is 'what is knowingly communicated by an action or utterance', whereas motives are 'inward reasons for action which agents can keep to themselves'. This implies that *motives* are the more elusive of the two, for we have in front of us the 'data' – agents' words – of intentions.[13] The two can be and often are connected, but this disaggregation provides not only epistemological possibilities (so that we can at least agree on the presence of one – intentions – if not the other – motives), but

---

[8] Anthony F. Lang, *Punishment, Justice and International Relations* (New York: Palgrave, 2008), p. 48.
[9] Terry Nardin. 'Introduction', in Nardin and Melissa Williams (eds), *Humanitarian Intervention*. (New York University Press, 2006). See also, Anthony Lang, 'Humanitarian Intervention', in Patrick Hayden, (ed.), *The Ashgate Research Companion to Ethics in International Relations* (Ashgate, 2009), pp. 133–50.
[10] Alex Bellamy, *Just Wars from Cicero to Iraq* (London: Polity, 2006), pp. 122–3.
[11] Eric A. Heinze, 'Private Military Companies, Just War and Humanitarian Intervention', in Heinze and Steele (eds), *Ethics* (2009), pp. 123–50, 133.
[12] Ken Booth and Nicholas Wheeler, *The Security Dilemma: Fear, Trust and Cooperation* (New York: Palgrave, 2008), p. 200, fn. 1.
[13] Martin Hollis and Steve Smith, *Explaining and Understanding International Relations* (London: Clarendon Press, 1990), p. 175.

also opens the door to acknowledge how the 'is' of world politics is impacted by the 'ought' within the action and of the actor.

There are some important concessions to make in any critique of intentions. First, the move to intentions, which I would say largely (although not solely) occurred during the 'normative turn' of the 1990s,[14] was a necessary and beneficial reaction to the 'neo-neo' synthesis of the 1980s. This saw anarchy reducing the variation of intentionality to a brute driver (motive) of state behaviour – survival, which itself varied only in terms of absolute or relative gains.[15] Both constructivist and 'third generation' English School work during the 1990s brought forth how intentionality could not only vary but, if explicated through the dialectic process of interaction and intersubjectivity, could lead to cooperative outcomes while holding the 'survival motive' constant.[16]

My current problems with intentions are by no means original, and they can be characterised in three forms. My *epistemological* criticism is that it proves nearly impossible to ever make a determination of what 'counts as knowing' what intentions are in international politics.[17] The most persuasive arguments, in my subjective view, made on this issue were advanced in the analytical terrain of discourse analysis. Wheeler's study on humanitarian interventions provided a methodological blueprint for how argumentation and public justifications for action could be used to judge the sincerity of intentions.[18] For Wheeler, we can 'measure' the sincerity of intentions by viewing the timing of particular utterances to see if they properly characterise an action, the relative *reaction* of the community (the necessary condition which precipitates the utterance in the first place), and the extent to which an articulation *constrains future actions*. Mervyn Frost takes us a step further, arguing that what makes intentionality of social actors 'graspable' for the social scientist is that the latter, being a human being, can interpret intentions in light of the context within which they are stated by the social actor. That is, by becoming an internal observer, 'embodying' the subject of study, the scholar begins to 'learn what would count' as an intention.[19]

Yet other scholars point us to the epistemological tensions in intentions. In his classic text, Friedrich Kratochwil notes that neither the 'brute facts' approach to observation, nor the 'language of intention' – 'reconstructing the purposes of the actor' – can explain many practices we seek to understand in global politics. This is because sometimes we simply 'need not necessarily mean what we say',[20] and thus how he advocates the move away from explication of the 'mental states' of

---

[14] Chris Brown, *International Political Theory: New Normative Approaches* (New York: Columbia University Press, 1992).

[15] Ole Wæver 'Figures of international thought: introducing persons instead of paradigms', in Wæver and Iver Neumann (eds), *The Future of International Relations: Masters in the Making*, 1:40 (New York: Routledge, 1997), pp. 18–9.

[16] Alexander Wendt, 'Anarchy is what states make of it', *International Organization*, 46 (1992), pp. 391–425.

[17] For example, note the scepticism inherent in the *jus ad bellum* criterion of 'right intention'. One way to read this felicitous phrase is that there are good intentions and bad intentions – as a normative judgment. The other reading emerges from a particular scepticism – how do we ever know what the true intentions are?

[18] Nicholas Wheeler, *Saving Strangers* (London: Oxford University Press, 2000).

[19] Mervyn Frost, *Ethics in International Relations* (Cambridge: Cambridge University Press, 1996), p. 26.

[20] Friedrich Kratochwil, *Rules, Norms and Decisions* (Cambridge: Cambridge University Press, 1989), p. 27.

those following, or not following, 'rules'.[21] Patrick Jackson argues that 'sincerity is difficult enough to evaluate in private life; trying to determine the sincerity of politicians seems to be nigh upon impossible'.[22] In a footnote to that statement, Jackson provides an effective counter to Wheeler's view on the constraining potential of an utterance – that 'one may go along with her or his previous public articulations not out of a sincere commitment, but out of a calculation of possible gains from appearing to believe in the position previously adopted'. Further, we cannot depend on 'private' accounts – where the constraints of the public sphere are removed – because even here power operates amongst the players in a private meeting.[23] Thus, those 'insider' testimonies which might help us determine the truth (through authentication or refutation) behind a publicly stated intention, are still wrought with dubious authenticity.

The analytical concern exists, sometimes alongside, what can be considered an *anti-authority* scepticism. The assumption here is that when it comes to group forms of intentions and organised violence, we are faced with several obstacles which are only overcome if we invest some amount of 'trust' in the agents of power. Often times, we are treated to an intentionality 'double-move'.[24] For example, take the case of aerial bombing, where high levels of civilian casualties ensue. Often times, we are told both that the intention of the attackers was to 'avoid civilian casualties' while at the same time the 'tragic' situation presented itself because of the *intentions of the enemy*, who was hiding among the 'human shields' of its own civilian population.[25]

The most relevant of the thorny issues here, as I intimated in my introduction, is of course the levels-of-analysis issue – individuals commit war crimes but they may do so on behalf of not only their state, but their political community. Who gave the order? Who provided the permissive environment? The volume of work produced in the field of foreign policy analysis deserves our notice here as a subfield which has made its mark over the past half century explicating and theorising on 'sub-optimal' forms of decision-making. Problematic outcomes might have their origins in the inertia of a national agency's standard operating procedure,[26] or in the issues of misperception.[27] These are all conditions which are endemic to humans and groups – are individuals really *intending* to commit crimes when they are subject to all of these pitfalls of misperception? Humans are

---

[21] Ibid., p. 101.

[22] Patrick Jackson, *Civilizing the Enemy: German Reconstruction and the Invention of the West* (Michigan: University of Michigan Press, 2006), p. 22.

[23] Jackson, *Civilizing*, p. 22, fn. 18.

[24] This moves us in the direction of double-effect, which explicitly incorporates intentions whereby the loss of civilians or 'the innocent' is justified if the attackers' intentions were 'good'. On double-effect as formulated by Aquinas, Vitoria, and Grotius, see Alex Bellamy, *Just Wars: from Cicero to Iraq* (Cambrdige: Polity, 2006).

[25] The July 2006 war between Israel and Hizbollah is a good example where global and national agents used this 'double-move'. See recent studies by Oded Lowenheim and Gadi Heimann, 'Revenge in International Politics', *Security Studies*, 17:4 (2008), pp. 685–724; Brent J. Steele and Jacque L. Amoureux, '"Justice is Conscience": Hizbollah, Israel and the perversity of Just war', in Eric Heinze and Brent J. Steele (eds), *Ethics, Authority and War: non-state actors and the Just War tradition* (New York: Palgrave, 2009), pp. 177–204.

[26] Graham Allison, 'Conceptual Models and the Cuban Missile Crisis', *American Political Science Review*, 63:3 (1969), pp. 689–718; Robert Jervis, *Hypotheses on Perception and Misperception* (Princeton: Princeton University Press, 1976).

[27] Robert Jerrvis, *Hypotheses on Perception and Misperception*.

error-prone – do we fault them for their humanity, even if it comes at the expense, the loss, of other humans? Again these are not only helpful hypotheses on suboptimal decision-making, they are escape hatches for an agent to claim the consequences of their actions were 'unintentional'. Such a finding makes it difficult to locate the intentionality in a crime (and so we are back to the analytical concern).[28]

A third issue arises when we adjudicate intentions with an additionally sceptical eye towards the *'end-means' doctrine*. In *Scientific Man*, Morgenthau notes that 'weigh[ing] the immorality of means against the ethical value of the end' is in the realm of 'impossib[ility]' because we actually never know what is an 'end'. Further sometimes ends 'proceed' to the point of transforming themselves into means towards other ends.[29] In the realm of ethics, the problem arises then that 'the ethical end justifies unethical means leads to the negation of absolute ethical judgments altogether'.[30] Intentions play a role in determining the permissibility of means – 'the ethical worth of the action here judged not by its results but by the intentions of the actor' which themselves are 'nothing but the end of the action as mirrored in the actor's mind',[31] and again we are reduced to the epistemological quicksand of determining the 'mental states' of actors. We might extend this problematic even further, for as the strong agency interpretations of Morgenthau have brought forth, ends prove impossible because humans, 'being unable to predict the consequences of actions means that good intentions will, *inevitably*, go awry as a single action travels an unpredictable course'.[32] As actors practice their agency within the space of a public sphere, intentionality – at best – becomes dynamic as new spaces in that sphere open up. Intentions, even if they are genuine, become largely irrelevant in such a dynamic, violent, and vibrant realm of human interaction.

Accountability: democratic and international

This section briefly assesses, by using the illustration of coercive interrogation practices of the Bush administration, how some accountability proposals 'stack up' in holding particular agents responsible for crimes, by eventually driving toward showing how intentionality makes these problematic. Ruth Grant and Robert Keohane provide a helpful starting point with the assumption that accountability 'implies that some actors have the right to hold other actors to a set of standards, to judge whether they have fulfilled their responsibilities in light of these standards, and to impose sanctions if they determine that these responsibilities have not been

---

[28] A third issue, as it relates to the conduct of war, arises out of some of P. W. Singer's observations in an age where we are *Wired for War* (New York: Penguin Press, 2009). The machines may take on a life of their own and as he discusses in that book, humans actually trust the machines more than their own judgment. Whose intentions do we go after here?

[29] Morgenthau, *Scientific Man v. Power Politics* (Chicago: University of Chicago Press, 1946), pp. 183–4.

[30] Ibid., p. 185.

[31] Ibid., pp. 185–6.

[32] Anthony F. Lang, 'Morgenthau, Agency, and Aristotle', in Michael C. Williams (ed.), *Realism Reconsidered* (London: Oxford University Press, 2007), p. 28, emphasis added.

met'.[33] The authors then propose two 'general models of accountability' for nation-states – again derived from a democratic context. This culminates in a vibrant assertion by Grant and Keohane, that: 'The process of democratic elections can be endorsed *readily* as an *effective* mechanism for accountability.'[34]

'Participation' Model	**'Delegation' Model**
Agents: Direct Democracy (Pres election)	Principal-Agent (representatives)
Discr. Authority: Populist (public opinion)	Trustee

Now, if we take a look at the coercive interrogation policies recently practiced by the United States, and we evaluate these accountability mechanisms on their most favourable ground of a liberal democratic system, we can (with some finessing) argue that any one of these models would not only be problematic for holding agents accountable for violating standards – they may even be somewhat responsible for either sanctioning these policies, adjusting those standards or (finally) ignoring them as unimportant in an electoral context.

For example, in the 'participation model' column, we have direct democracy, which refers to how the 'actions of power-wielders are what those affected (the people) instructed them to do in this contingency'.[35] This is also similar in kind, if not extent, to the 'vertical accountability' that Guillermo O'Donnell once posited was present in new, especially Latin American, democracies. In these regimes, the weakness in vertical accountability was that:

Elections, however, occur only periodically, and their effectiveness at securing vertical account-ability is unclear [. . . and] sometimes they risk merely creating a climate of public disaffection with the government or even the regime itself.[36]

In an early 2005 interview with the *Washington Post*, George W. Bush put into focus the attitude behind direct democracy, famously declaring in a response to a question about the ongoing and deteriorating situation in Iraq, that the opportunity to be held to account had passed. In Bush's words, 'we had an accountability moment, and that's called the 2004 election. And the American people listened to different assessments made about what was taking place in Iraq, and they looked at the two candidates, and chose me, for which I'm grateful.'[37] In the case of torture, a direct democracy model can only 'check' such excesses in an *ad hoc* manner, and even then it provides no account for those who have tortured in the past.

It is in the populist quadrant, where public opinion is both an effect ('policies followed by the power-wielders lead to outcomes approved by those affected') and a future cause ('leading those affected to confer additional powers') that we see one of the main problems with depending upon the US polity to hold leaders accountable for torture. We might intuit that torture would not be popular in a

[33] Ruth Grant and Robert Keohane 'Accountability and Abuses of Power in world politics', *American Political Science Review*, 99:1 (February 2005), pp. 29–43, 29.
[34] Grant and Keohane, 'Accountability', pp. 31, 33, emphases added.
[35] Ibid., p. 31.
[36] Guillermo O'Donnell, 'Horizontal accountability in new democracies', *Journal of Democracy*, 9:3 (1998), pp. 112–26, 113.
[37] Transcript of Bush Interview (16 January 2005), {http://www.washingtonpost.com/ac2/wp-dyn/A12570–2005Jan15}.

democratic polity, but most evidence points to the contrary. As I have noted in another study, the US Military Commissions Act of 2006, which outlawed some interrogation practices, also barred terrorist suspects from their *habeas corpus* right to challenge their detentions in court and allowed the executive to independently further define permissible interrogation techniques. This Act was called to a vote right before the mid-term elections and passed by a roughly 2–1 margin.[38]

Since 2006, further survey data has emerged to indicate that support for torture continues to be strong, with now a slight majority (50–47) of respondents saying that torture is 'often' or 'sometimes' justified against 'suspected terrorists' as opposed to those who answer 'never' or 'rarely'.[39] Yet since the US, in ratifying the Convention Against Torture in 1994 (it was signed in 1988), made torture illegal under *US law*, one might note that even respondents who say that torture is 'rarely' justified are in fact sanctioning an illegal act. When we conflate the 'often', 'sometimes', or 'rarely', the number in support of some kind of torture jumps to 71 per cent – the highest level it has ever been. In short, it is difficult to see how either of the two participatory models of accountability that Grant and Keohane note will be effective at holding US agents responsible for the torture policies of the past decade.[40]

Returning to the Grant and Keohane matrix, the delegatory columns include the view that 'representation is superior to direct democracy'. The distance here between the public and its representatives can provide a clearer picture regarding 'whom to blame' for crimes or bad practices. The principal-agent model, which has been the subject of much work in the IR subfield of international organisations,[41] looks at 'political officials [. . . as] understood to be "employees"', ('agents') of their constituents or their executive superiors ('principals'). The trustee model includes a 'power-wielder who performs duty of office'. Trustees may not necessarily be beholden to the public, and they may even act against the prevailing opinion.[42]

If anything, the delegatory models are even less likely to constrain elected officials from engaging in illegal actions. As Grant and Keohane note, in the trustee model, 'a representative or officeholder could defend an unpopular exercise of power as legitimate by showing that it both was within the officer's jurisdiction and actually served the purposes for which he or she was authorized to act'.[43] Despite the vaguely Schmittean tones to this view of power, this reasoning is important in the context of torture for two reasons. First, it correlates nicely with the reasons provided by Bush and, more recently, former Vice President Dick Cheney, to justify the interrogation policies – that once elected these leaders were

---

[38] Brent J. Steele, 'Ideals that were never really in our possession: Torture, Honor and US Identity', *International Relations*, 22:2 (2008), pp. 243–61, 244.

[39] 'The Religious dimensions of the torture debate', *Pew* (29 April 2009), {http://pewforum.org/docs/?DocID=156}.

[40] Pew, 'Religious dimensions'. Yet even more recently, the support for torture, or at least indefinite detention, extends to even wider sections of the American electorate, with almost 2–1 majorities opposed to the closing of the key detention centre of Guantánamo Bay. Several polls were taken in the spring of 2009 when the Obama administration announced that it was planning to close the detention centre. The results of those surveys can be viewed at: {http://pollingreport.com/terror.htm}.

[41] See summary in Lisa Martin, 'Neoliberalism', in Timothy Dunne, Milja Kurki, and Steve Smith (eds), *International Relations Theories* (Oxford: Oxford University Press, 2006), pp. 109–26.

[42] Grant and Keohane, 'Accountability', p. 31.

[43] Ibid., p. 32.

entrusted to defend the US homeland, as Cheney stated in one of his last interviews before leaving office: 'In my mind, the foremost obligation we had from a moral or an ethical standpoint was to the oath of office we took when we were sworn in, on January 20 of 2001, to protect and defend against all enemies foreign and domestic. And that's what we've done.'[44] Second, the delegatory models both depend largely upon the *intentions of those in power*. We must defer not only to their 'superior expertise and judgment', but also the *purpose* of their actions (as articulated through the spoken word).[45]

And so we are led back around, again, to focusing upon the intentions of those in power as a main driver for accountability. It should not surprise us that one Christian evangelical politician – Gary Bauer – in an essay subtitled 'How Christians can think about the unthinkable', defends torture on these grounds:

the issue which has been ignored to date in the discussion of enhanced interrogation is whether there is a difference between inflicting pain for its own sake or using some harsher methods with deliberation when lives are on the line. When the intent is to extract information necessary to save human beings in imminent danger, harsh treatment may be justified and, I believe, sometimes necessary'.[46]

How far some forms of Christianity have come, it seems, from the days in which the non-violent forms emphasised sacrifice, pain, and even death – what Domingos Barbe refers to regarding Jesus's suffering as 'the logic of the Cross',[47] – to today's current manifestation which justifies the same kind of torture the saviour endured for others, in order for the 'flesh' of humans, which is sin itself, to stay intact and here on Earth. And yet the curious survey results which testify to this – that those who attend church most frequently are most supportive of torture – indicate as well that *belief* is one important functionality which enables torture.[48] Belief is

---

[44] 'Cheney defends War on Terror's morality', *Washington Times* (18 December 2009), {http://washingtontimes.com/news/2008/dec/18/cheney-defends-morality-of-war-on-terror/?page=2}.

[45] Grant and Keohane, 'Accountability', p. 31. The irony of course is that if agents with the most 'superior expertise and judgment' on the issue of interrogations had been consulted by the Bush administration, they would have informed them of the dubious utility (at best) of the information provided by torture. Take for example the account that Ron Suskind (2006), p. 115 relates regarding the treatment of Abu Zubaydah. Zubaydah is a terrorist suspect and detainee who was waterboarded some 83 times by interrogators, beaten, and told of 'his impending death'. Under such conditions, Zubaydah told his CIA interrogators that shopping malls, banks, supermarkets, water systems and even nuclear plants were targets of *Al-Qaeda* plots. Suskind writes: 'Thousands of uniformed men and women raced in a panic to each flavor of target [...] Where would they start sniffing? No idea. Start with [...] *everywhere*', *The One-Percent Doctrine* (New York: Simon and Schuster, 2006) pp. 115–6, emphasis in original. Information on Zubaydah's waterboarding in Stephen Bradbury, Memorandum for John A. Rizzo, Senior Deputy Counsel, CIA, re: application of US Obligations under article 16 of the Convention Against Torture to Certain techniques that may be used in the interrogation. Office of Legal Counsel (May 2005).

[46] 'Just War Theory and Enhanced Interrogation'. I might also note, in further evidence of the embracing of torture by some in the US polity, that at the time I last accessed this article at: {townhall.com}, 25 September 2010, there was an advertisement for 'conservative t-shirts', with a picture of a woman modelling one shirt which stated, 'I'd rather be waterboarding.': {http://townhall.com/columnists/GaryBauer/2009/08/28/just_war_theory_and_enhanced_interrogation__how_christians_can_think_about_the_unthinkable}.

[47] Barbé, Domingos, 'The spiritual basis of nonviolence', in P. McManus and G. Schlabach (eds), *Relentless Persistence* (Philadelphia: New Society, 1991), pp. 266–81. It might be noted here that the first Christians rejected self-defence, and actually first prioritised the use of force not to save themselves but rather only act 'in the defense of others' because 'to kill an attacker in self-defense implied that the individual in question preferred earthly life to a spiritual relationship with God'.Bellamy, *Just Wars*, p. 24.

[48] 'Polls show support for torture among Southern evangelicals', {http://pewforum.org/news/rss.php?

necessary for both envisioning the evil that is being tortured, and for believing that the *intentions* of authorities are, indeed, 'right'.[49] Thus the exercise Gary Bauer asks his readers to engage in: 'imagine [a] scenario: You are a CIA interrogator facing an avowed terrorist who was caught in the act of preparing for murder [. . .]' and so on.

The issue of responsibility (related to accountability) has been given new life in the recent debate over 'state criminality', spearheaded by Anthony Lang.[50] The ability to move through Grant and Keohane's matrix of accountability, noting how those mechanisms partially produced the policy of coercive interrogation, validates, I think, what Lang is trying to say: that reducing violence done in the name of the state *to only individuals* is problematic, that, furthermore only particular forms of violence can be sanctioned and distributed by corporate entities like states. What I find to be most useful is Lang's argument – that states should be held accountable ('for only an organised community has the means to inflict violence on such a large scale'),[51] and that states *can* be held accountable – because it means that no one is exempt, *a priori*, from this accountabilty.

Further, Lang makes a good case for how intentionality can be attributed to states with deliberative bodies (although as he points out, this opens the door as to why democratic states oppose the notion of state criminality). Harry D. Gould, while ultimately concluding that state criminality rests on a series of 'faulty premises' in terms of an improper 'analogy to other notions of corporate criminality found in domestic legal systems',[52] nevertheless gives us a vivid description of the process we find in especially democratic states, via a clever etymological dance in summarising Hobbes:

When one person acts on behalf of another, the former is the actor, and the latter is the author – the author of the representative's actions. Acting on behalf of the author is to act with *authority*. Because the people have authorized the artificial person, the sovereign, to act on their behalf, they are the authors of the sovereign's acts and *bear responsibility for them regardless of whether the 'author' ordered, consented to, or willed them*.[53]

Further, Lang notes that democratic states can have 'intentions' and that it makes more sense for those states to treat them as criminal states, as opposed to dictatorial states where decision-making rests in one (or a small group of) individual(s). When a democratic state

initiates a policy that leads to a crime, it makes more sense to attribute that crime to the state qua agent. It is important to clarify here that attributing a crime to a state does not mean that each individual member of that state is guilty of the crime. Rather, the point is precisely that crimes can be attributed to states without attributing them to individuals.[54]

NewsID=16465}, and 'The Religious Dimensions of the Torture Debate', {http://pewforum.org/docs/?DocID=156}.

[49] Steele, 'Ideals', pp. 252–3.

[50] Some scholars, in addition to Wendt, are quite up-front about this. Lang states that 'states are clearly persons that can act in their system', Anthony F. Lang, 'Crime and Punishment: Holding States accountable', *Ethics and International Affairs*, 21:2 (2007), pp. 239–57, 243.

[51] Lang, 'Crime and Punishment', p. 239.

[52] Harry D. Gould, 'International Criminal Bodies', *Review of International Studies*, 35:2 (2009), pp. 701–21, 705.

[53] Gould, 'International', p. 710.

[54] Lang, 'Crime and Punishment', p. 245.

I agree that states are responsible and can be held accountable, and even that certain crimes can have an intention. Lang's proposal is useful in that it expands the field of responsibility from individuals to states, and in doing so it opens the door to a more rigorous interrogation of which processes past 'the state' make organised violence possible. It is quite difficult, however, to hold *states* accountable via intentions (as I mentioned above in the previous section), considering the variety of policymaking and executing entities in nation-states. My point is only that regardless of intentions, democratic communities, by willing certain agents into authority (to borrow Gould's words), are in a sticky situation in terms of being able to, after the authorisation has been granted, hold those agents responsible. Further, we can ascertain after compromising practices are exposed to that community how much they continue to authorise such compromises (or not) to the extent that they discursively and legally seek to revise them.

In between the focus on intentions and a complete jettison of them, there exists a series of 'middle-ground' alternatives on this issue. The first of these comes from Morgenthau:

> A French proverb says that in politics there is one thing worse than a crime, and that is a blunder. In other words, the political actor has, beyond the general moral duties, a special moral responsibility to act wisely [. . .] the well-intentioned political dilettante may indeed work more evil than the ill-intentioned professional political, and the test of good intention would destroy rather than clarify the ethical significance of their respective actions.[55]

Now, we may read Morgenthau here as saying that we should prioritise 'experience' as a prerequisite to political leadership (as the contrast between the 'dilettante' and the 'professional' leads us to consider). This is probably in part true – and the examples of the 'post-war' handling of Operation Iraqi Freedom, and the aftermath of Hurricane Katrina demonstrate in stark terms the importance of competence. Yet I think what Morgenthau is also saying is that we should hold political leaders on a very short leash in terms of how much trust we invest in their leadership, that we should always be sceptical of their claims, and that we should restrict to the narrowest set of situations the opportunities they have to deploy power. There are certain philosophies (and even ideologies) that for Morgenthau, and us, are less worthy of our 'trust' than others. A second, and related take on intentions comes from Lang's most recent work, where he acknowledges the position of 'some philosophers' who 'argue that not only is moral agency dependent on intentions, it also includes the requirement that an individual be responsible for the effects of his actions that he might not have intended, but that could have been predicted'.[56] This way of thinking forces the agent to consider alternative 'futures' possible from a particular course of action, much in line with the consideration of 'wild cards' posited as part of the method of 'scenario development' found in one iconic study.[57]

A third middle-ground possibility arises by moving away from conceptual devices which centralise intentions, including even some of the most persuasive

---

[55] Morgenthau, *Scientific Man*, p. 186.
[56] Lang, *Punishment*, p. 48.
[57] Steven Bernstein, Richard Ned Lebow, Janice Gross Stein, Steven Weber, 'God gave physics the easy problems', *European Journal of International Relations*, 6:1 (2000), pp. 43–76, 'wild cards' found on pp. 57–8.

work on 'tragedy' or 'tragic' situations,[58] in favour of ones that do not. The tragic, as Niebuhr once noted, is a 'conscious resolution' to do evil for the sake of the good,[59] whereas the ironic requires no connection to 'intentions', but rather pretensions: 'apparently fortuitous incongruities in life which are discovered, upon closer examination, to be not merely fortuitous [...] if strength becomes weakness because of the vanity to which strength may prompt the might man or nation – in such [a case] the situation is ironic'.[60] Ironic situations focus on the activity – the strut, the pomp and circumstance, the preening – which helps bring about the cavalier use of highly destructive means and the outcomes they produce. Our attention is called here not towards the intent of the actor, but the *juxtaposition* that presents itself between their conditional pretence and the ugly outcome of their activity. This final 'middle ground' alternative gets us the closest to the possible processes which spring forth from the accountability of the scar.

The ethos of the scar: an alternative accountability

What is juxtaposed when we move away from intentions? The primary juxtaposition(ing) occurs via the aesthetic investment in language which justifies, brings about, or makes possible violence (allusions to 'glory' and 'honour', for example), and the scarring outcomes produced by that violence. I begin with the observation that there is a beauty out there (even if it is constructed), and that organised violence attacks not only individuals, it destroys beauty – we leave permanent scars on that beauty through violence. Here, one of the few *benefits* of living in a 'cosmetic culture',[61] surrounded by 'beauty myths',[62] is that the recoil of the scar is even more pronounced in post-modern times. And, as I mention below, rapid post-modern media engages viewers with scars almost as fast as they are produced. By focusing on this damage, one of the additional ways in which we might hold others to account is through the raw image. The fuel for this account is the disconnect the scar instantly, and spontaneously creates in human subjects when compared to our imagined notions of beauty, notions facilitated by our media, entertainment and even our leisurely activities.[63]

---

[58] Richard Ned Lebow, *The Tragic Vision of Politics* (Cambridge: Cambridge University Press, 2003).
[59] Reinhold Niebuhr, *The Irony of American History* (Chicago: University of Chicago Press, 2008 [1952]), p. xxiv.
[60] Such a distinction by Niebuhr shows how inaccurate Jean Bethke Elshtain was by invoking Niebuhr in her *Just War against Terror* volume. As Maja Zehfuss notes, Elshtain invokes Niebuhr by reference to floods in canyons. 'A tragedy, then, is marked by a lack of intentionality and will, possibly even of human agency, therefore removing it, significantly for Elshtain, from the realm of punishment.''The Tragedy of Violent Justice: The Danger of Elshtain's Just War against Terror', *International Relations*, 21:4 (2007), pp. 493–501, 493. Yet such a situation for Niebuhr was not tragic, but pathetic: a situation which 'elicits pity', *Irony*, p. xxiii.
[61] Victoria Pitts-Taylor, *Surgery Junkies: wellness and pathology in a cosmetic culture* (New Jersey: Rutgers University Press, 2007).
[62] Naomi Wolf, *The Beauty Myth: How Images of Beauty are Used Against Women* (New York: William Morrow and Company, 1991).
[63] Following Zizek, Debrix describes such a moment as 'exist[ing] and matter[ing] as a haunting mark, a scarring piece of reality that denotes something that refuses to hide the gaping wound left by the initially terrifying sight', *Tabloid Terror*, p. 138. Slavoj Zizek, *The Sublime Object of Ideology* (New York: Verso, 1989).

The accountability of the scar is the revelation of destruction in any of at least three domains. The most immediate and obvious is the *anthrobiological* – the damage done to the human body. With all the impressive work we now find in international theory conceptualising 'trauma' as a psychological term,[64] we must remember that the word originally 'referred to a physical wound, primarily from battle', and that it was only in conjunction with the development of 'a science of mind and memory' that trauma was manifested as a psychological term.[65] As opposed to the psychology of 'mental' scarring, the impact of the physical scar requires very little scientific evaluation. It is human beauty not only denied, but defiled. And it is other humans who have created this damage. The two examples I provide below of scar-accountability are in this domain.

This domain can be, and has been, facilitated by certain forms of existing accountability mechanisms. Certain Truth Commissions (TCs) have displayed the ability to help aid in the revelation of anthrobiological scarring. Three particular elements of various TCs are to note in this context. First, they both inventory the human cost of violence and remind us of the *humanity* that is lost during these occasions. Patricia Haynes provides one important vignette from the Guatemalan TC, which 'beyond gather[ing] the facts [...] the interviewer would ask the deponent to describe the victim, including the person's personality (was he a good father? Was he cheerful or fun?).'[66] Second, TCs largely foreground the necessity of confronting scars in order to heal, a recognition that scarring is a necessity for healing (both physical and societal). Thus, by confronting the scars of the past, the *reabsorption* of both victims and perpetrators can occur. Third, TCs, like the domains of scar accountability, expand the field of responsibility. While one or a small group of individuals may ultimately be held responsible for the crimes that are revealed during a TC, the public nature of many TCs is a recognition that past crimes occurred in a societal, and relational, context. TCs reveal scars for reasons past the restitution of victims' rights. Haynes again refers to the Guatemalan TC in noting that 'it was often the destruction of cultural or religious symbols, or the *forced participation by an entired community in the mutilation of the corpse of a community member*, for example, which were often the most *painful and destructive events*'.[67]

Such destruction of 'cultural or religious symbols' can also be considered an example of a second domain where the accountability of the scar is manifested. This is the *architectural* – damage that is physical but done against the beauty of human material achievements. Architectural scarring can be damage done to important buildings – cathedrals, schools, landmarks, and cultural sites. What is lost in an architectural sense in terms of beauty? Most directly, it is the change in the scenery of a particular community – a skyline, a landscape, or in the case of September 11 the buildings that 'scrape the sky', thus how many individuals talk

---

[64] Kate Schick, 'Mourning and Political Risk: Thinking beyond Atrocity and Justice in World Politics', Paper presented at the annual meeting of the International Studies Association, Chicago, Illinois (2007). Jenny Edkins, *Trauma and the Memory of Politics* (Cambridge: Cambridge University Press, 2003), Karin Fierke, *Critical Approaches to International Security* (London: Polity, 2007), esp. chap. 6.
[65] Fierke, *Critical Approaches*, pp. 124–6.
[66] Patricia Haynes, *Unspeakable Truths* (London: Routledge, 2001), p. 84.
[67] Haynes, *Unspeakable Truths*, p. 84, emphases added.

about not only the direct human losses of 9/11, but the 'gaping hole' left behind where the towers once stood.[68] In the case of buildings that serve a societal or institutional function – it is the world of those served by that institution which is shattered. One example can be seen in an Associated Press picture which made the rounds on the internet during the recovery stages of the recent 'Gaza War'. It shows a small girl, clad in winter clothes: a stocking cap, scarf, and a jacket which hangs slightly off her body. As the AP caption describes the scene:

> A Palestinian schoolgirl inspects her classroom which was burnt during Israel's offensive, at UNRWA's (UN Relief and Works Agency) primary school in Beit Lahia in the northern Gaza Strip on January 24, 2009. Some 200,000 Gaza children returned to school for the first time since Israel's offensive, many having lost family members, their home and their sense of security. The main UNRWA centre and several schools were destroyed by Israeli bombing during the 22-day war.[69]

The scar here remains deeply human – while physical structures can be replaced, there is a scarring of order by removing this child from her school, from her routine, and from the 'nurturing environment' that she once found there. The loss of a school reminds us of the distinctions between children from adults – the former cannot yet exercise the full capacity of their human agency, an agency that is only cultivated in a secure sphere. Children are a 'going-on being, who has to be called into existence' by this environment,[70] and the school is a 'protective cocoon', a trust system that when destroyed, destroys creativity itself.[71] We need know, in my view, nothing more (or less) about this scar than that – not who is to 'blame' for this violence (Hamas fighters 'hiding' amongst civilians; or Israeli military power for destroying the building), nor what the intentions are for its deployment. The picture is a moment before 'ideology is effectively implemented, recognised, and internalised by the individual subject',[72] but it also represents a break, a rupture, from a previous series of ideological interventions (by radically juxtaposing with the idealism inherent in such interventions).

Like in the anthrobiological domain, architectural cars can be 'healed' or even 'absorbed'. Those who have visited Westminster Abbey may recall a form of scar 'absorption' that took place when the stained glass found in the North Aisle of St. Margaret's Church cathedral was hit by German bombs in the Second World War. The panes of glass in the Chapter House were replaced with plain glass, although the reparations included an added 'touch' – replacement panes with small depictions of bombs falling out of planes, buildings burning and soldiers. We should not underestimate the anthropomorphising that takes place in the wake of architectural scarring, either. For example, in the case of the Twin Towers, even the limited progress on building something at ground zero has been characterised

---

[68] This might also explicate the rather ambiguous frustration levelled by Americans across the political spectrum during 9/11 anniversaries regarding the delays in providing a replacement tower at the site.

[69] The picture was posted to several blogs during this time, including Andrew Sullivan's, where it can be accessed at time of writing (December 2010): {http://andrewsullivan.theatlantic.com/the_daily_dish/2009/01/face-of-the--18.html}.

[70] Anthony Giddens, *Modernity and Self-Identity*.(Stanford: Stanford University Press), p. 39; D. W. Winnicott *The Maturational Processes and the Facilitating Environment* (Karnac Books, 1996 [1965]), p. 57.

[71] Giddens, *Modernity*, pp. 40–1.

[72] Francois Debrix, *Re-envisioning Peacekeeping: The UN and the Mobilization of Ideology* (Minneapolis: University of Minnesota Press, 1999), p. 122.

in favourable terms by one local official as no longer being 'a pit,' but rather 'a sense of rebirth'.[73]

A third domain where we find the accountability of the scar is the agentic sphere – what Anthony Lang calls the 'space of politics, the institutions necessary to continue the contest' of politics. Such spaces are both 'physical, such as parliaments and international organizations, and ideas, such as international law and political ideologies'.[74] These are the products of political action – spaces which 'outlive individual human lives'.[75] A particularly iconic scar can leave an indelible mark on such spaces, as evidenced to a certain degree by Secretary General Ban Ki-Moon, who on a visit to Rwanda on 29 January 2008 stated: 'It is impossible to pass through these halls and not be affected – indeed, shaken to the core – by what the Rwandan people have endured. This genocide here *will haunt the UN, and the international community*, for generations to come'.[76]

Illustrations: Emmett Till and Neda Agha-Soltan

So what does this form of account look like? I have partially communicated some examples already, but let me provide two further. These both come to us from internal domestic contexts but I think they still suggest to us the forceful accountable possibilities of the scar stemming from the denial of human beauty.

Emmett Till, an African American, was fourteen years old when he took a trip from his native Chicago to visit relatives in Leflore County, Mississippi, in August of 1955. On 24 August, Till whistled at a white woman, Carolyn Bryant, as she was exiting a store her husband owned. In the early morning hours of 28 August, Bryant's husband, Roy, and at least two companions, J. W. Milam and another unknown individual, went to Till's great-uncle's house (where Till was staying) and kidnapped Till.[77] The two men beat, tortured and shot Till, attached him to a cotton gin fan with barbed wire and deposited him into the Tallahatchie River. His body was recovered on 31 August 1955. His mother, Mamie Carthan Till, had his body brought back to Illinois where she insisted, and was granted, an open casket funeral.

There are several issues which come forth from the Till case. The first of these is how entirely derelict the legal mechanisms at that time and space (1950s Mississippi) were in adjudicating a proper verdict for the murder. The perpetrators were not held to account in a court of law, and in fact were acquitted by an all-white jury that deliberated for just over an hour.[78] The defence for Bryant and Milam appropriated a conspiracy theory – that the badly decomposed body was not Till's but rather a random corpse deposited by Northerners or civil rights

---

[73] Port Authority Executive Director Chris Ward, quoted in Jennifer Peltz, 'Developer Sends Ground Zero Impasse to Arbitration', Associated Press (5 August 2009).

[74] *Agency and Ethics* (SUNY press, 2002), p. 8.

[75] Lang, *Agency*, p. 11.

[76] Ban Ki-Moon, 'Preventing genocide is a collective responsibility', Message on the 15th anniversary of the Rwandan genocide (7 April 2009).

[77] Federal Bureau of Investigation, 'Prosecutive Report' (2007), p. 6, available at: {http://foia.fbi.gov/till/till.pdf}.

[78] Richard Rubin, 'The Ghosts of Emmett Till', *The New York Times Magazine* (31 July 2005).

leaders in order to stir up racial tensions. In this case, the defence not only did not deny the racism of the accused, they used it to their advantage. One defence lawyer, John Wallace Whitten Jr., was quite clear about this in his closing remarks to the jury:

> There are people in the US who want to destroy the way of life of Southern people [. . .] who will go as far as necessary to commit any crime known to man to widen the gap between the white and colored people of the US. They would not be above putting a rotting, stinking body in the river in the hope it would be identified as Emmett Till [. . .] *I'm sure that every last Anglo-Saxon one of you men in this jury has the courage to set these men free.*[79]

I recognise that while the analogy from the Till case to today's struggles with holding US officials accountable for torture may be strained, what it shows is how a community struggles to come to grips with justice in the context of a field of power relations. It may be tempting here to view the jury as, in the words of Rubin, 'a machine, an instrument of racism and segregation, a force of history', but of course it's never that simple.[80] Rather, in the child of Till we find an unwelcome foreigner challenging a 'way of life', an encroachment upon tradition, a Trojan horse which opens up a vortex of cultural change. No matter how much evidence we have, how many facts we accumulate – no matter how much we hope for a heroic moment of legal justice (that is, accountability), juries are members of this community, even (and perhaps especially) in a democracy.

A second interesting issue arose when Till's killers later admitted the details of the crime in an interview with William Bradford Huie in *Look* magazine. While we must maintain our methodological scepticism about the true 'intentions' of actors, both Bryant and Milam claimed that they did not originally 'intend' to murder Till. Instead they wanted to pistol whip him and 'scare some sense into him', but then, because of his defiance (they said), they reacted more violently and eventually battered, shot and killed him.[81] Here we can recall Lang's observation noted above about single actions travelling 'an unpredictable course', and the problem this entails with focusing on intentionality and outcomes.

A third issue comes from the observation that to this day not all of the facts have been 'recovered'. This is so even after a recent, and intense, FBI investigation (2004–2007), which brought forth many unearthed bits of information but still failed to uncover others (such as who accompanied Milam and Bryan to Till's great-uncle's house the night of the kidnapping). And this is from a case that is over fifty-years old, which took place in the relatively 'stable' polity of the US. The Till case gives special pause to those of us who try to make an accountability determination in the 'data mines' of international ethics – which include conflict-ridden areas or those post-conflict societies where 'researching war'[82] proves difficult. Some facts will never be ascertained – our judgments can never be anything but premature if we hope to 'wait' for these facts.

---

[79] Rubin, 'Ghosts'.
[80] And indeed, in his research on the topic Rubin found that one juror actually tried to get a hung jury – voting twice for conviction before eventually giving up, Rubin, 'Ghosts'.
[81] William Bradford Huie, 'The Shocking Story of Approved killing in Mississippi', *Look* Magazine (January 1956), reprinted at: {http://www.pbs.org/wgbh/amex/till/sfeature/sf_look_confession.html}.
[82] Elizabeth Dauphinee, *The Ethics of Researching War: Looking for Bosnia* (Manchester: Manchester University Press, 2007).

And yet, Emmett Till's mother provided us an alternative form of account – her son's badly damaged, battered and decomposed body. After Till's body was recovered, his mother, Mami Till Bradley, pushed for an open casket funeral, because in her words she 'wanted the world to see what they done to my baby'.[83] Why is this important? This image of Till is, to this day, the only form of accountability that we have for the crime against him.

The accountability of this scar implicates more than just the killers – it is a political statement, interrogating racism, a region of the US, a *status quo* sensibility of 'the way things have always been done', and an ontology of a certain sector of America – and the abetting of all of these by power. Noteworthy is that even though the funeral was in Chicago, the State of Mississippi attempted to keep the casket shut. We might conclude this example asking by what 'standards' we should judge this action? They are purely aesthetic ones, with two juxtapositions: (1) of a battered face vs. the beauty of a fourteen year-old boy and, (2) a 'way of life' of Southern people (to borrow the defence attorney's phrase) vs. the same way of life which produces such a scar.

A second more recent (and, fluid) example comes from the protests in Iran stemming from the most likely fraudulent 2009 Iranian Presidential election of 12 June. Sometimes termed the 'Green revolution', in honour of the colour worn by supporters of opposition candidate Mir-Hussein Mousavi, the mass protests began after lopsided results were reported giving incumbent president Mahmoud Ahmadinejad 63 per cent of the vote. Following several nights of protest, on Friday prayers Iran's Supreme Leader Ayatollah Ali Khamenei issued a warning to opposition leaders that: 'Flexing muscles on the streets after the election is not right. It means challenging the elections and democracy. If they don't stop, the consequences of the chaos would be their responsibility.'[84] With this warning in the background, another large gathering of protestors occurred in the streets of Tehran the following day (20 June). It was in these protests that Neda Agha-Soltan, a 27 year old woman, was shot.

Several videos recorded Soltan's fall, and by the end of the evening on 20 June websites, including youtube, were disseminating the images of Soltan dying in the streets of Tehran.[85] The contrast of a smiling young woman with the fallen image of a dying protestor provided was stark, and it was carried throughout the world.

I recognise, of course, that in this particular example there is a strain of Said's 'Orientalism' in the evaluation of a non-Western culture, movement, group and woman as exotic and beautiful, even mystical.[86] But like the Till illustration there is also something juxtaposing and rupturing about the vision of Neda. It is, for one, the poignant scene of her and her music teacher, two generations of Iranians, attending a peaceful rally, contrasted with the violence of Iranian state power,

---

[83] In one interview over forty years after the killing and funeral, Mrs. Till (now Mamie Till-Mobley) was asked if there was some larger intention for her display of the body. Her response: 'I didn't even think of the benefits to society. The main thing I thought about was: "Let the world see what has happened, because there is no way I could describe this." And I needed somebody to help me tell what it was like.' {http://www.emmetttillmurder.com/Mamie%20Interview.htm}.

[84] Nazila Fathi, 'Iran's Top Leader Dashes Hopes for a Compromise', *New York Times* (19 June 2009).

[85] The video, which requires an age verification due to graphic content, can be viewed at: {http://www.youtube.com/verify_age?&next_url=/watch%3Fv%3DOjQxq5N--Kc}.

[86] Edward Said, *Orientalism* (New York Vintage Books, 1979).

coalescing at the moment when she is struck down. There are the pictures of Neda, showing a beautiful woman, that protestors thereafter carry, also in contrast to the carnage of the scene. There is, in short, the spontaneous moment when we view the video, the uncertainty of what might follow now or in the future, and the Arendtian notion that alternative choices of action unfold in front of us all the time; of 'natality' – unpredictability, and 'the emphasis on immanent potential for innovation, even revolution'.[87] We do not know, of course, where or if the fallout from Neda's death will partially be responsible for a 'regime change' in Iran (but then again, neither do the Iranian authorities). Such causality is impossible to foresee or, in retrospect, determine. We do not know who shot this woman, what their *intent* was or who they targeted, let alone if they will ever be held legally accountable. What we do know, however, is that the scar as a 'haunting image' holds another form of accountability.[88] It reminds us, again, that for all of the ceremony associated with its reign, raw power produced this outcome. It is a power that has ceased being political ('power over the minds and action of men') in favour of a naked military force.[89]

There are three key sets of limitations to the scar that should not be overlooked – that they could have too much impact, that they could have a polyvalent impact, or that they could have no impact at all. First, images of scarring could backfire if they become gratuitous. One thinks of the rather counter-productive results which the pro-life movement has faced when using sensational tactics via the display of pictures of aborted foetuses in high-traffic public areas.[90] Second, images could have a strong impact but be interpreted in multiple, even opposing ways. A photo, for instance, of a victim of organised violence might be interpreted with sympathy for the victim, but it could also elicit judgment ('they must have done *something* to deserve it!').[91] Finally, in an internet age of hyper-communication where attention-deficits are widespread, the communities which view the scar could be desensitised or overloaded, much in the same way as the phenomena of children who have increased exposure to violent video games become desensitised to 'real' violence.[92] This dovetails with research on the aesthetisation effects of violence itself, where 'agonal action' is beauty,[93] coupled with post-modern realities where 'processes of technological, political, and moral habituation', 'dull', desensitise, or otherwise overwhelm viewers to the horrors of war.[94]

These limitations are real, yet the speed or saturation of the internet works both ways, for 21st century power is now at a point where it cannot corral the speed and vibrancy of the image. Advances in technology have made the gathering of the image, of 'data', at once both micro and surreal. This creates a condition where

---

[87] John Williams and Anthony F. Lang, 'Introduction', to Lang and Williams (eds), *Hannah Arendt and International Relations* (New York: Palgrave, 2005), p. 7.

[88] See fn. 59.

[89] Morgenthau, *Politics*, chap. 3.

[90] One very recent example of this comes from Michigan, where an anti-abortion activist was shot and killed while holding a sign which showed the image of an aborted foetus, see: {http://www.detnews.com/article/20090914/METRO/909140325/Obama-deplores-killing-of-activist}.

[91] I would like to thank an anonymous reviewer for pointing me to this particular limitation/possibility.

[92] Craig Anderson, D. A. Gentile, and K. E. Buckley, *Violent video game effects on children and adolescents: theory, research and public policy* (London: Oxford University Press, 2007).

[93] Debrix, *Tabloid Terror*, pp. 113–4.

[94] Frank Moller, 'The looking/not looking dilemma', *Review of International Studies*, 35 (2009), pp. 781–94.

violent power is perpetually suspended because it cannot know if, or when, or from where, it might be held accountable by the moment of a scar. There is, to update a phrase made famous by Arendt, too much virtuality, and too many people, 'in the world to make oblivion possible' ever again.[95]

Conclusion

What is the value added from an accountability of the scar? I can think of at several possibilities. First, it allows us, again after a(nother?) incredibly violent decade where incompetence and strained truth by the makers of world politics reigned,[96] to dispense with a trust of *authority* as a basis for our judgments. Most immediately, it means that we can, in certain contexts, move away from intentionality as dependent upon the justificatory discourse of such authorities (including policymakers and statecraft intellectuals). Obviously, but perhaps also ironically, it moves us onto a more pragmatic footing, where we ask not, in the words of Rorty, what 'is our nature' but rather 'what can we make of ourselves'.[97] As mentioned, we need not any objective standards to evaluate what is or is not scarring – it is thus a move *away* from foundation in favour of 'moral imagination'.[98] The force of the scar may be better understood, then, by engaging in future research these avenues of intersection with Rortyan philosophy.

Rorty's 'sentimental education' may be what forces us to recognise the content of 'the wrong' we experience, when we, for instance, see the picture of the schoolgirl standing in the remnants of what was once her school.[99] Thus, a second benefit comes from the ability to pass judgment on this destruction, before all the data becomes available to us, by asking simply how such damage is possible.[100] This judgment occurs before discourses of power – political, academic, commentariat academic-commentariat, or otherwise – can come in to provide closed-ended interpretations about the 'intentionality' of the agent. The initial aesthetic judgment of 'how possible' expands into a more fluid field of responsibility – past the bombardier, the suicide bomber, the interrogator – and into the *political community*

---

[95] Hannah Arendt, *Eichman in Jerusalem* (New York: Penguin books, 2006 [1964]), p. 233.

[96] Thus why I have chosen the phrase 'naughts' to refer to the now-ended decade. The term has been making the rounds in popular culture and thus my use of it is somewhat colloquially mimetic. I use it as it has been invoked, as in the decade that was 'all for naught'.

[97] Richard Rorty, *Achieving our country* (Massachusetts, Harvard University Press, 1998), p. 168. James Brasset, 'A pragmatic approach to the Tobin Tax campaign: the politics of sentimental education', *European Journal of International Relations*, 15 (2009), pp. 447–76, 456.

[98] Molly Cochran, *Normative Theory in International Relations: a pragmatic approach* (Cambridge: Cambridge University Press, 1999), pp. 207–9. Jacque Amoureux, 'Theory and Praxis in International Politics: How Critical Theory Informs a "Dia-Ethics" of "Moral Reflexivity"'. Paper Presented at the 'Thinking with(out) borders', International Political Theory conference, University of St. Andrews, Scotland (June 2008).

[99] Rorty titles 'sentimental education', an education that 'concentrate our energies on manipulating sentiments [...] That [...] sufficiently acquaints people of different kinds with one another so that they are less tempted to think of those different from themselves as only quasi-human.' {http://www.usm.maine.edu/bcj/issues/three/rorty.html}.

[100] On 'how possible' questions, see Alexander Wendt, 'On constitution and causation in IR', *Review of International Relations*, 24 (1998), pp. 101–18, 105.

of which we are all a part. Such 'how possible' questions may then lead to other possibilities – such as informal and formal forms of accountability.[101]

The scar reminds us, third, of the fragility of bodies – humans, buildings – and the beauty they provide us. Those of us who champion democratic mechanisms of accountability might posit that at the very least, vertical forms of accountability still obtain[102] – and that if agents who are truly corrupted by power commit heinous acts, they will be voted out in due course. Yet 'the problem' is even deeper than any individual, or group, or a party or a nation-state, or even global polity. The crimes we have seen in the recent past, and most likely before that, come from a state of mind, a sensibility, a posture, a comfort blanket in the form of a rigid discourse with abstract references, one that resonates with swaths of people even in liberal-democratic settings – one that sees 'toughness' as necessary, strength in action as vital to the survival of nations, and one that can cover up *a priori* the damage it produces and reproduces through romantic language. It is a language that invests aesthetic character into that for which there is nothing beautiful. As the American ambulance driver in Hemingway's *Farewell to Arms* remarked:

I was always embarrassed by the words sacred, glorious, and sacrifice and the expression in vain. We had heard them, sometimes standing in the rain almost out of earshot, so that only the shouted words came through, and had read them, on proclamations that were slapped up by billposters over other proclamations, now for a long time, and I had seen nothing sacred, and the things that were glorious had no glory and the sacrifices were *like the stockyards at Chicago if nothing was done with the meat except to bury it* [. . .] Abstract words such as glory, honor, courage, or hallow were obscene beside the concrete names of villages, the number of roads, the names of rivers, the number of regiments and the dates.[103]

There is a vitalist discourse with us today that continues to invoke such 'embarrassing' words, which sees conflict as invigorating for (especially) democratic republics. It is an impressively romantic discourse that thrives on emotion. And it is a discourse that outlasts the Bush administration which skilfully deployed it.

What's important here to note regarding the fragility revealed in the scar, is that which makes organised violence so abhorrent is also the precise stock of fuel that can be used to combat it: By revealing violence against the body of human beings, the carnage, smell, sounds, visions, agony – or even the physical destruction of an environment that is part of our daily existence, we are creating the most extreme juxtaposition one can create,[104] between the romance of the violent Idealist and the reality of human destruction. Such a meeting will never eradicate violence from our existence – but it can provide a particular community an opportunity for pause, for reflection, and create a space within which further reflection is possible.[105]

---

[101] We might consider one 'informal' mechanism the possible initiation of what Finnemore and Sikkink title a 'norm lifecycle', Martha Finnemore and Kathrin Sikkink, 'International Norm Dynamics and political change', *International Organization*, 52:4 (1998), pp. 887–917.
[102] 'Democratic elections are examples of both accountability through participation and accountability through judging the performance of one's delegates', Grant and Keohane, 'Accountability', p. 33.
[103] Ernest Hemingway, *Farewell to Arms* (New York: Scribner, 1995 [1929]), pp. 184–5.
[104] On juxtaposition, see Roland Bleiker and Martin Leet, 'From the sublime to the subliminal: fear, awe and wonder in international politics', *Millennium*, 34:3 (2006), pp. 713–37.
[105] Lang, 'Morgenthau, Aristotle, and Agency'.

Finally, then, this leads us to what I consider to be one possible posture for the academic to power – distant from it, not caught up in its romance, or a progressive ideal that we can change the whole world by providing those in power – those with the licence to deploy organised violence – with 'solutions' to the world's problems and that they'll carry these solutions out in good faith. We should instead approach such actors (and our own work as well) with anti-trust, scepticism, and even (on occasion), cynicism.

Thus, to return to where I began this article, this all suggests why the release of the torture photos, *even if such release results in no prosecutions whatsoever*, is so important.