

September 20, 2004

To: Faculty Colleagues, Boalt and Elsewhere, Visitors and Interested Graduate Students

**Re: GALA, Thursday, September 30, 2004 at 4:00 p.m. -
Faculty Lounge, Room 336, Boalt Hall, North Addition**

Fr: Kadish Center



GALA guest **Jeremy Waldron**, *Maurice and Hilda Friedman Professor of Law and Director, Center for Law and Philosophy, Columbia University Law School* will be our initial presenter for the Fall 2004 semester. Professor Waldron has provided the following abstract of his paper entitled: *"Torture and Positive Law: Jurisprudence for the White House."*

ABSTRACT

Revelations of ill-treatment of prisoners by American forces at Abu Ghraib and the publication of memoranda showing that Bush administration lawyers have been seeking to narrow the application of the Convention against Torture and other similar provisions – these developments make it necessary for us to think afresh about the character and significance of the various legal prohibitions on torture. This paper argues that the prohibition on torture is not just one rule among others, but a legal archetype – a rule which is emblematic of our larger commitment to break the link between law and brutality. Characterizing the prohibition as a legal archetype affects how we think about the implications of authorizing torture (or interrogation methods that come close to torture); it affects how we think about issues of definition in regard to torture; and it affects how we think about the fragility and contingency of the provisions of positive law that stand between us and barbarism.

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The paper is circulated to our list of regular GALA subscribers. An electronic version is also available for download at the Kadish Center GALA web site, www.law.berkeley.edu/cenpro/kadish/gala.html. If you do not receive a paper and would like one or would like your name included on our list of subscribers, please contact Ms. Amatullah Alaji-Sabrie, 642-3627, sabriea@law.berkeley.edu. All other inquiries should be directed to Professor Christopher Kutz at 642-6053, ckutz@law.berkeley.edu.