

# How Do You Define Torture?

The United States government, or its agents or contractors, have used and may still be using a method of interrogation called waterboarding. It consists of binding a person to a board, wrapping his head in plastic, and then dowsing his head with water.

John Edwards, in his historical study of the Spanish Inquisition, writes: "Apart from the secrecy of denunciations and interrogations, the main question on which the Inquisition's more recent objectors have concentrated is that of the use of torture. ... Torture was used to extract evidence [confessions] and not as a means of punishment. ... Three main methods of torment were used by the Inquisition. The first, the 'garrucha', consisted of a pulley attached to the ceiling, from which the prisoner was hung with heavy weights attached to his feet. The torture consisted of raising the accused slowly to the ceiling and letting him fall with a jerk, thus stretching and often dislocating the arms and legs. The second method, known as 'toca', involved tying the accused down on a rack, keeping his mouth open by force, and pouring water continuously into it through a linen cloth (or toca). The third technique, which was most commonly used after 1600, was the 'potro', in which the prisoner was tied to a rack with ropes that were tightened by the orders of the inquisitors. Both men and women were stripped to a few flimsy garments for these procedures, which might be repeated on numerous occasions in order to bring a prisoner to a state of submission. [*The Spanish Inquisition*, by John Edwards, 1999, Tempus Press, USA and UK, ISBN 0 7524 1770 3, p.111]

The second of the two methods of 'interrogation' described differs only in minor details from waterboarding. The evident effect on a prisoner is the same in either case, namely, fear of asphyxiation and panic.

Call this interrogation or torture, as you please. How clever is it of the Bush administration to be seen to be using some of the same methods as the Spanish Inquisition?

Copyright 2006 by Flash qFiasco  
<http://www.flashq.org>

**Postscript:** December 2014: The United States Senate Intelligence Committee has issued a 5,000 page report documenting the use of "enhanced interrogation techniques" by the CIA (President Obama outlawed such practices in 2006). Former Vice-President Cheney has publicly criticized the report, but also explicitly confirmed what many had long suspected, that then-President Bush had been involved from the beginning, that he knew of and authorized the techniques. Cheney defended the practices by saying that they saved lives. He stated that intelligence gained by torturing people enabled the U.S. to thwart some planned terrorist attacks. I shall address this claim.

First, one suspect in particular, Kahlid Sheik Mohammed, was waterboarded 183 times. The CIA eventually realized that he was delivering no information which the CIA did not already know from other sources (who had not been tortured). So, what was the point of torturing this man repeatedly for years, if he knew nothing? Presumably, the claim that torturing terrorist suspects saved lives is based on the intelligence provided by torturing some other people, not Kahlid Sheik Mohammed.

Suppose you had 500 suspects in custody, one of whom might know something about some impending terrorist attack. Are you prepared to torture all of them, to waterboard each of the 500, only to discover that 499 of them know nothing? Either you state that you are prepared to torture people who know nothing, or you do not go down that road at all. Either you state that you are prepared to torture innocent people (and I am not saying that Kahlid Sheik Mohammed is innocent--I am merely stating that he knew nothing relevant to any on-going security operation)--or you do not torture people at all, ever, however expedient or urgent it may seem at the time. Why? Because you cannot know what another person does not know. And if the only way to find out is by torturing him, then you are poten-

tially torturing innocent people. I take it as axiomatic that torturing innocent people, even if it saves lives, is morally untenable. And that even Dick Cheney must admit this.

Second, is the argument that torturing people saves lives morally tenable? Cheney's claim that torture was justified because it saved lives amounts to the claim that ends justify means. It then follows that killing one person to save two is morally tenable. It then follows that killing one million to save one million and one is morally tenable. Any stopping point between one and a million is arbitrary; either you accept a million deaths, or you don't go down that road at all. I take this as a *reductio* of the claim that "torturing people saved lives" is morally tenable.

Third, it may be disputed that torturing terrorist suspects has in fact saved lives. Even supposing that some other suspects who were tortured did indeed divulge some information which the security forces did indeed use in thwarting some planned attack [those are a lot of 'ifs']--this is an extraordinarily short-sighted view of the 'success' of the interrogation program. The longer and broader view suggests just the opposite. Far from having vanquished the terrorist threat in the Middle East originally posed by al-Qaeda, U.S. policies have made yet more, and bitterer, enemies in the Islamic world. Newer, even more aggressive, and more professionally managed and financed, terrorist cells than al-Qaeda have arisen and carried the fight far beyond its original domain. Some of the operatives of these other terrorist cells have explicitly stated that their beheading of Western hostages is a specific response to the U.S. policies of incarcerating suspects at Guantanamo and torturing them.

Finally, the claim that torturing people was justified because it saved lives is retrospective. It is just the sort of claim politicians often make to justify economic policies. For example, implementing an economic recovery program will invariably be claimed to have been justified, after the fact, if it succeeds. 'Justification by success' (after the fact) is never a tenable in morality, however, because it does not give a guide to action before the fact. In the case of torturing people, it was not known at the time that torturing any particular suspect *would* save lives. Because it could not have been known: a) that any of the suspects in custody did know anything about any impending terrorist attacks which the security forces did not already know; b) that any information which any suspect might divulge would be still relevant (after having been apprehended by the security forces, their comrades must surely have realized that they might divulge details of any impending attack, leading their comrades to change their plans); c) that the security forces would be able to correctly interpret any information which might be divulged; d) that the security forces would in fact thwart such an impending attack, even assuming that the information turned out to be timely, accurate, and relevant. Those are a lot of 'ifs'.

It has been claimed that torture does not 'work' in the sense that people under torture are likely to say anything to get the torturer to relent and stop the agony. This may be so, but it is not the primary *moral* argument why torture should not be practised. The claim that torture does not 'work' (i.e., does not generate reliable intelligence) is essentially the argument from success backwards. And if the argument from success is not valid (morally tenable), then the reverse is not either. If torture is abominably wrong, then it is abominably wrong always and in all circumstances, not sometimes depending on its success or failure in any specific case.

I suppose someone might counter that it is not necessary to *know* in some epistemologically strong sense that a terrorist suspect knows something which would in fact lead to the thwarting of a terrorist attack if he were to divulge what he knew; it might be argued that the public weal is served if there is a *reasonable suspicion* on the part of the security forces that a suspect might know such things, and that this is sufficient grounds for torturing a suspect if he refuses to divulge what he knows willingly. I suppose that this is the sort of thing Dick Cheney might argue, if he thought about it.

Thirteen colonies revolted against the British crown in the 18th century precisely because English kings had a rather bad habit of throwing people into the Tower of London, on the merest suspicion or allegation of "sedition", keeping them there indefinitely without charge and without due process of law, and torturing them to see whether they might divulge the names of accomplices. The reasons for prohibiting that sort of practice then are still valid today. The Tower of London is now an island in the Caribbean and the merest suspicion is now called "terrorism" instead of "sedition"--but the principles are the same.

Suspects have a right to remain silent. This means that the state and its agents may not compel them to speak. This is anchored in the principles of the rule of law. Both the United States and the European Union recognize this right. The United States is also signatory to various international treaties and conventions outlawing the use of *any* interrogation techniques to get prisoners of war to divulge *anything* beyond name, rank and serial number. These conventions explicitly apply equally to non-uniformed combatants, including those resisting what *they* consider to be an occupation army. The United States policy of waterboarding terrorist suspects is clearly in breach of these laws and conventions.