

The Ethics of Torture



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Overview

Introduction

Background: Psychological Research

- Tortuous TV
- Hannah Arendt on the Banality of Evil
- Milgram's Obedience to Authority experiments
- Zimbardo's Stanford Prison Experiments

The Definition of Torture and the Geneva Convention

Arguments in favor of Torture

Arguments against Torture



Torturous TV

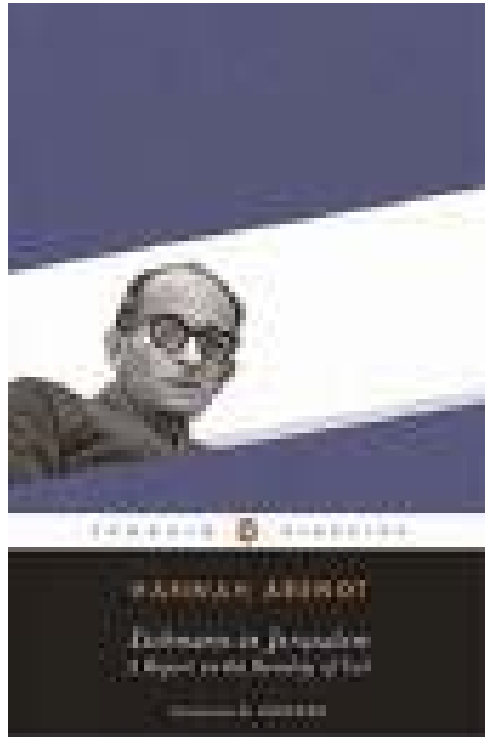
Before Sept. 11th, an average of four torture depictions per year on TV

In its first five seasons, “24” had 67 torture scenes.

What effect does this have on soldiers? On the world’s image of us?



Arendt on the Banality of Evil



Hannah Arendt covered the trial of Adolph Eichmann for the New Yorker. Her dispatches were subsequently published as *Eichmann in Jerusalem*. She was struck by the ordinariness of Eichmann, by what she called “the banality of evil.”



Milgram on Obedience



Stanley Milgram's classic shocking studies were intended to test obedience to authority

Resources on Milgram:

- <http://www.stanleymilgram.com/>

Documentary: "Ghosts of Abu Ghraib":

- http://www.ghostsofabughraib.org/videos/ghosts_abu_ghraib_wm_384.wmv
(Trailer)
- Website:
<http://www.ghostsofabughraib.org/index.htm>



Zimbardo's Prison Experiment

Official Stanford Prison Experiment website:

- <http://www.prisonexp.org/>

Google video:

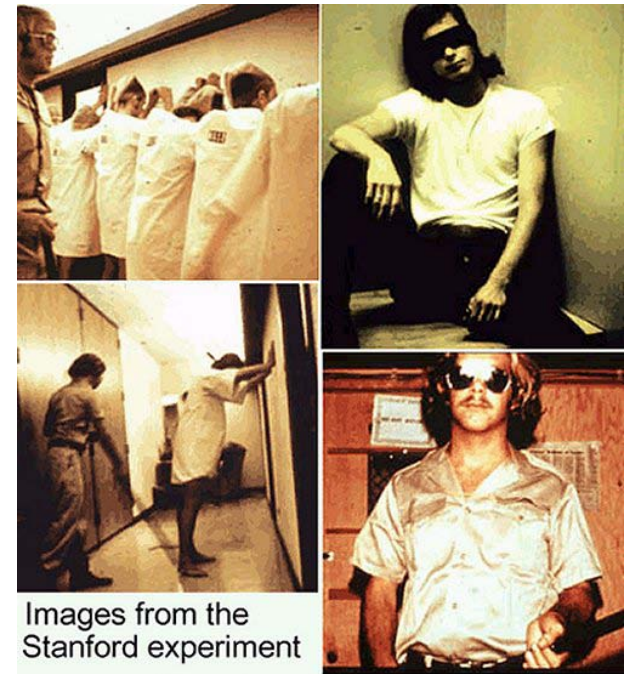
- <http://video.google.com/videoplay?docid=-22650799994423481&ei=p3orSeGwB4Xc-AG58KmzBQ&q=stanford+prison+experiments>

- Retrospective by Phil Zimbardo:

- <http://www.guba.com/watch/3000048452>

Zimbardo on Abu Grhaib:

- http://www.oculture.com/weblog/2006/12/tinking_humani.html



Images from the Stanford experiment

(with thanks to Philip Zimbardo)

The Lucifer Effect

Zimbardo's book, *The Lucifer Effect*, applies his ideas to Abu Grahib.

<http://www.lucifereffect.com/>

Video: How ordinary people become monsters ... or heroes

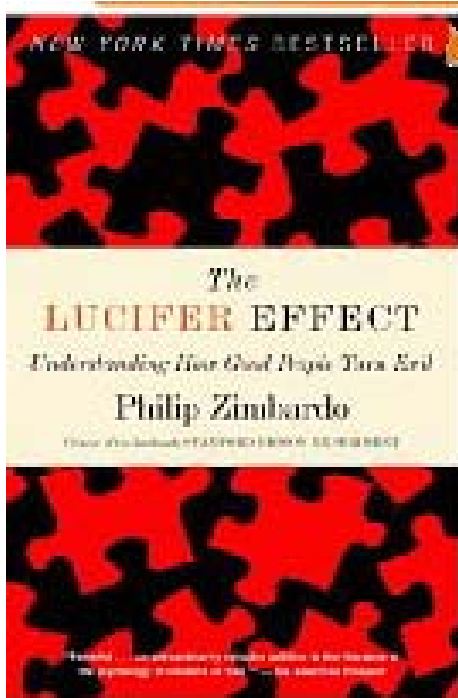
http://www.ted.com/index.php/talks/philip_zimbardo_on_the_psychology_of_evil.html

Zimbardo at Google:

- <http://video.google.com/videosearch?q=Phil+Zimbardo&site=search=>

At the Salk Institute:

- http://video.google.com/videoplay?docid=-1503712409267149308&ei=ipQrSeXLHYGE_AGbwcM_BQ&cc=Phil+Zimbardo
- <http://thesciencenetwork.org/programs/beyond-candles-in-the-dark/philip-zimbardo>



Definition of Torture

Conflicting definitions

- Geneva Convention, 1949
- 1984 Convention against Torture
- Rome statute, 1998
- John Woo, Alberto Gonzales



The Geneva Convention

Article 17

“No physical or mental torture, nor any other form of coercion, may be inflicted on prisoners of war to secure from them information of any kind whatever. Prisoners of war who refuse to answer may not be threatened, insulted, or exposed to any unpleasant or disadvantageous treatment of any kind.”

--August, 1949



The Geneva Convention

Article 130

“Grave breaches to which the preceding Article relates shall be those involving any of the following acts, if committed against persons or property protected by the Convention: willful killing, torture or inhuman treatment, including biological experiments, willfully causing great suffering or serious injury to body or health, compelling a prisoner of war to serve in the forces of the hostile Power, or willfully depriving a prisoner of war of the rights of fair and regular trial prescribed in this Convention.”

--August, 1949



Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1984

Article 5 Right to Humane Treatment

Every person has the right to have his physical, mental, and moral integrity respected.

No one shall be subjected to torture or to cruel, inhuman, or degrading punishment or treatment. All persons deprived of their liberty shall be treated with respect for the inherent dignity of the human person.

Punishment shall not be extended to any person other than the criminal.

Accused persons shall, save in exceptional circumstances, be segregated from convicted persons, and shall be subject to separate treatment appropriate to their status as unconvicted persons.

Minors while subject to criminal proceedings shall be separated from adults and brought before specialised tribunals, as speedily as possible, so that they may be treated in accordance with their status as minors.

Punishments consisting of deprivation of liberty shall have as an essential aim the reform and social readaptation of the prisoners.



Rome statute of the International Criminal Court, 1998

Article 7

"Torture" means the intentional infliction of severe pain or suffering, whether physical or mental, upon a person in the custody or under the control of the accused; except that torture shall not include pain or suffering arising only from, inherent in or incidental to, lawful sanctions;"



Torture, Woo, and Gonzales

"organ failure, impairment of bodily function, or even death"

Justice Department: "'Physical pain amounting to torture must be equivalent in intensity to the pain accompanying serious physical injury, such as organ failure, impairment of bodily function, or even death. For purely mental pain or suffering to amount to torture (under U.S. law), it must result in significant psychological harm of significant duration, e.g., lasting for months or even years. . . . We conclude that the statute, taken as a whole, makes plain that it prohibits only extreme acts.'"



Arguments in Support of Torture

- Gain valuable information quickly
- Everyone else is doing it
- Who is a prisoner of war?



The Efficiency Argument

Torture can elicit information more quickly and efficiently than any other method.

The “ticking bomb” case: necessary in order to prevent a much greater catastrophe.

--Alan Dershowitz



Everyone else is doing it

Other countries regularly use torture to obtain information.

To ban torture is to put our country at a competitive disadvantage



Who is a prisoner of war?

Geneva Convention restrictions apply to prisoners of war, i.e., soldiers from other countries' armies.

Terrorist groups are not nation states and thus not deserving of Geneva Convention protections

Terrorist groups do not respect the Geneva Convention and are not signatories to it.

Sees morality as a contract and some people (terrorists) as not accepting the contract.



The Arguments against Torture

- **The Inefficiency Argument**
- **The Slippery Slope**
- **The Reciprocity Argument**
- **The Consistency Argument**
- **The Dignity Argument**



The Inefficiency Argument

Under torture, prisoners will say anything to end the torture.

Other techniques are much more effective in eliciting reliable information.



The Slippery Slope

Even if justified in rare “ticking bomb” cases, it would quickly be used in other situations.

How do we know the suspect has the crucial information?



The Reciprocity Argument

The best way to protect our troops from torture by the enemy is to refrain from torturing our own prisoners.



The Consistency Argument

By torturing, we are saying that it is permissible for others to torture as well.

We give up the moral high ground.



The Argument from Our Dignity

It is wrong to torture because it degrades us as a nation, putting us on the same level as our worst enemies.



David Sussman: “What’s Wrong with Torture?”

David Sussman:

“Torture does not merely insult or damage its victim’s agency, but rather turns such agency against itself, forcing the victim to experience herself as helpless yet complicit in her own violation. This is not just an assault on or violation of the victim’s autonomy, but also a perversion of it, a kind of systematic mockery of the basic moral relations that an individual bears both to others and to herself. Perhaps this is why torture seems qualitatively worse than other forms of brutality or cruelty. The violence of war or police action may injure or insult an agent’s capacities for rational and moral self-governance, but such violence need not make the victim an accomplice in his own violation. Torture, in contrast, involves not just the insults and injuries to be found in other kinds of violence, but a wrong that, by exploiting the victim’s own participation,”

