

Yes, We Tortured Some Folks

By now everyone in the world has heard about the recently released U.S. Senate Torture Report, which details the shocking and mind-numbing inhumanity of the torture program sanctioned by the Bush administration and operated by the C.I.A. after 9/11. With the appearance of this new report, there has been an enormous amount of press coverage and commentary in America and around the world, which must be considered a victory for freedom of speech, press, and information. One representative example of good reporting on this case is this recent [New York Times article](#). The more we understand and discuss this issue, the better we can avoid ever repeating the same crimes* (I use this word rather than the more euphemistic “mistakes”, as in the common *newspeak* example “mistakes were made”, as can be seen in the C.I.A. director’s unrepentent rebuttal to the report).

The issue of torture is one that has troubled me for some time. At a press conference last year, American President Barack Obama uttered the phrase “We tortured some folks.” While this acknowledgement was a small step in the right direction in admitting the possible existence of responsibility and guilt in the highest levels of government, it is troubling in its own ways. First of all, the phrasing itself is incongruous, with the transitive verb “torture” being followed by the unlikely direct object phrase “some folks”. Obama has most likely been advised by his speaking coaches to use more down-to-earth vocabulary like “some folks” in order to seem less “professorial” and more simple “middle American” (in America, there is a prevalent view that the best way to win votes is to appear as normal and mediocre as possible). Anyway, “some folks” is not a phrase that should follow “tortured”. I have enough trouble imagining people being tortured who may be actual terrorists without also having to imagine the torture of average innocent “folks”.

The second problem with Obama is that he apparently tried to stop, delay, or water-down the Senate Torture Report for reasons slightly mystifying. Obama famously cancelled his predecessor's torture program in his first week in office and has often said how he disagrees with what was done (notice the use of the passive voice). The only reason he would stand in the way of this report is respectful fear of the intelligence community, namely the C.I.A. And I don't blame him—the C.I.A. scares me a lot more than any actual terrorist organization. Even as an American citizen who is ostensibly "protected" by the C.I.A. because of my natural born citizenship, I am still somewhat fearful of attempting to openly criticize this organization by describing in greater detail its long criminal history. Its crimes are so widespread over the course of its entire seven-decade history that the only shocking thing is that more people in America do not know or care anything about what is done by such powerful and unaccountable organizations in the name of their security. In fact, in many countries in the world, where the C.I.A. has supported assassinations, regime change, torture, and state-sponsored violence, it is quite strongly believed to be an evil terrorist organization in itself, but in America people still believe the old lie that it protects Americans' safety and interests. A revealing fact is that for the first time ever the director of the C.I.A., currently John Brennan, has testified in front of a Senate hearing. In a long and sordid history, the governing body overseeing this organization has never resorted to a public investigative hearing until now. What we do know is that not only is this one of the most unsupervised and counter-productive of publicly-funded American agencies, but also one of the most flagrantly dishonest, with lies covering up deceptions covering up misinformation. No matter if it is spinning counter-intelligence abroad or testifying in front of elected lawmakers, we can be sure that the lies run deep. The proper thing to do would be to disband the C.I.A. and start over with a smaller and less problematic intelligence agency.

The details of the torture report, which is 6000 pages in length, of which 500 are declassified, are so harrowing and brutal that I do not want to mention them here. They have been widely reported and the readers are encouraged to look into it further if you have not already. Or just take my word for it that it is worse than you can imagine. There is something about torture that is more emotional and horrifying than anything else we can imagine. Thinking about humans, even ones possibly guilty of some crime or another, being tortured by other humans makes my stomach turn and makes me want to break down and cry. Thinking that it was done repeatedly to humans who sometimes committed no crime at all is too much to bear. Accordingly, this article is being written in a haphazard way, guided by my emotions and my wandering train of thought rather than in well-ordered paragraphs. In his book *Contingency, Irony, Solidarity*, Richard Rorty often repeats the claim of Judith Shklar that “liberals are the people who think that cruelty is the worst thing we do...the willful inflicting of physical pain on a weaker being in order to cause anguish and fear...or the willful infliction of a certain kind of nonphysical pain called humiliation.” That quote has stuck with me, not because of its political context, but because of its ethical ramifications.

For years after 9/11, we heard about how torture was necessary if it allowed us to stop “the next attack”. The word torture was never used—it was defined as “enhanced interrogation techniques” for obvious euphemistic reasons—and the media never challenged the new fear narrative that gripped the country. The use of language can be a powerful tool in the hands of media and politicians, and they knew that there would be less concern about something labelled “enhanced interrogation techniques” than there would be for the much more visual and visceral “torture”. We could similarly rebrand the death penalty as “enhanced state-run life-taking procedure”, or war as “enhanced state-sanctioned attack and defense system”. In this kind of Orwellian *newspeak*, meaning

is both hidden and meaningless at the same time. It is no coincidence that TV programs like "24" were popular in these years. I never watched it, but I am aware of its false glorification and justification of the use of torture because the soldiers around me during my deployments were often prone to become obsessed with certain TV shows and binge watch an entire series in a week. The truth, which we can see clearly now that the fear has passed and some of our rationality has slowly come creeping back, is that torture never stopped the next attack, and that there never was and never will be any legal justification for torture.

Even now, after the release of this report, the torture apologists have crawled out of their caves insisting on the same lies, as though even had all of this torture stopped a single attack, it would have been worth it. It is telling that cowardly men like former Vice President Dick Cheney (who avoided military service at all costs) refuse to acknowledge regret for the black tide of illegal war and immoral acts they duped the country into, yet men like John McCain, who was tortured as a prisoner of war in Vietnam, remain firmly against it due to hard-lived experience and certainty of its inefficacy and immorality. It is also troubling that no less than a Supreme Court justice has justified the case for torture using the ticking time bomb situation ([Antonin Scalia's Case for Torture](#)) and saying things like "I think it's facile for people to say, 'Oh, torture is terrible.'" Yes, it's facile because it is terrible, and illegal, and immoral.

The philosophy of utilitarianism derived from Jeremy Bentham and John Stuart Mill is a useful and interesting moral calculus for certain types of situations. In certain cases, the best thing to do is the one in which the most number of people will benefit or be happy. We can stretch this even into financial considerations of how to best spend money in a way which will benefit the most number of people. This should be

considered one tool among many to weigh the merits and demerits of a particular decision, but not a hard and fast ethical rule. Doing so leads us into any number of thought experiments where we are playing with human lives and trying to decide the most moral thing to do. Utilitarianism is one form of consequentialism, which basically says that the benefit of an action is decided by its consequences, and not in the action itself. Thus, with the famous trolley car thought experiment, we are asked whether we will shift a runaway train onto a track where it will kill only one man instead of five. Though some will disagree, these types of problems are a proverbial "bridge too far" in the field of ethics. Once human life is involved, rather than mere lifestyle or economic questions, the equation changes. It becomes more emotional, more blurry, less calculable. If I was asked to kill one man to save five, or even to save 100, I am not sure that I could do it. That is exactly the situation presented in John Fowles' book, *The Magus*. The Nazis on a Greek island (it is also no coincidence that Nazis and torture are our two ubiquitous subjects for testing the extreme limits of various ethical positions) gave the character a choice of shooting three men in order to save the village, but he could not pull the trigger. When we are asked to do the dirty deed, or to unjustly take human life, something changes in the consequentialist calculus and the ends no longer justify the means.

In the system of ethics devised by Immanuel Kant, "duty" ethics, a man is called to do his duty by acting so that his action will make a universal law. This so-called categorical imperative calls for us to never treat someone as a means to an end, but rather an end in himself. There are holes in this line of thinking, especially that it is too categorical (for example, Kant would have us tell the truth even if a lie protected a loved one from harm), and that what a man wills can differ from person to person (for example, what was willed by the Nazis into being universal law is not what we want to

represent our infallible sense of morality). What I take from Kant's system is his dignity for humanity and for each person existing as an end rather than a means. This is important. Paradoxically, torture cannot be justified in a Kantian system of ethics since it violates personal sovereignty and dignity, yet National Socialism could be justified if it was willed into being as the representation of universal law by a society.

Back to modern times, this brief synopsis was intended to give some philosophical perspective, but I must insist, against certain consequentialist philosophers, some film and TV producers, and some politicians that there is no situation in which torture can be justified. Ever. A situation will not arise in which torture is necessary for any reason. There is no ticking time bomb. There are no lives to save. It is all dissimulation in order to maintain some sense of power and control by the torturer. "The torturer", in this case, must be understood to represent not America as a whole, but a certain specific regime that controlled America for some years before losing democratic election. Since torture is not only immoral in all circumstances, but also illegal according to the United Nations Declaration of Human Rights and many other national and international laws, someone should rightfully be held accountable for such crimes. In comparable historical contexts, I would not hold the modern countries of Chile and Argentina accountable for the crimes and torture inflicted by the authoritarian regimes of Pinochet and Videla, to name just two examples; the responsibility is of those who held power and made decisions first and foremost. On the other hand, these countries renounced the crimes of their dictator regimes and prosecuted anyone who was involved whenever possible. This raises the question of prosecuting members of the Bush administration and the C.I.A. leadership for crimes against humanity. It is an open question in which I will leave to the legal authorities and scholars whether it is legally possible or politically wise, but I think it is safe to say that the

torture report is a step in the right direction, but seeing high-ranking abusers of power on trial would be an even more powerful statement than a partially declassified report.

It is also troubling that while Obama has refused to prosecute anyone for admitted crimes, saying things like "it's important to look forward and not backwards" (do they ever say that about any other situation where someone committed a crime?), the only person who has been prosecuted in the C.I.A. torture case is the person who leaked information about it to the press. His name is John Kiriakou, and he is currently serving a 30-month prison sentence for leaking information about illegal activity, while the illegal activity itself goes unpunished.

Lastly, I would like to briefly speculate on the principles behind the practice of torture which, in my opinion, comes from the corrupt desire to exert complete power and control over another living being. One of the best books I've read that deals with torture is the novel *Waiting for the Barbarians* by Nobel laureate J.M. Coetzee. Bertrand Russell, in his 1938 book *Power: A New Social Analysis*, attempted to define a new sociology based on power being the supreme guiding principle of social science. He says, "The ultimate power of the Law is the coercive power of the State. It is the characteristic of civilised communities that direct physical coercion is (with some limitations) the prerogative of the State, and the Law is a set of rules according to which the State exercises this prerogative in dealing with its own citizens". Here, we can understand his "direct physical coercion" to include not only torture but police brutality, war (including the violence it brings to combatants and non-combatants alike), and the death penalty. Most of these things are done legally because it is the prerogative of the state which makes its own laws. Torture, though illegal according to the U.N. Charter of Human Rights and many international treaties, is the only form of violence which is exercised

merely as a form of total control over an individual. This key characteristic of totalitarianism comes from the corrupting influence of unchecked power. As Dostoyesky (a former prisoner) once said, "The degree of civilization in a society can be judged by entering its prisons." While this quote could easily apply to modern-day America, we could paraphrase it by saying "The degree of civilization in a society can be judged by how those in power treat those without power." If the answer is to torture with impunity, then we are no longer living in civilization but in hell.