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Three Questions on Torture

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Abstract. This article describes three common questions intrinsic to public discourse on torture.

Public discourse on torture throughout recorded human history has focused on three main questions. The first is what constitutes torture. Seeking to identify valid constituents, some individuals emphasize specific behaviors such as applying electric shock to genitals, whipping the soles of feet, anal rape with inanimate objects, or sticking pins through fingernails. Other individuals emphasize threats of specific behaviors, such as those above as well as of comparable and even more severe behaviors towards loved ones. Still other individuals emphasize the degree of noxious consequences of behaviors and of threats of behaviors for those to whom behaviors and threats of behaviors are applied—and whether or not such consequences are experienced by their targets. Yet other individuals emphasize the intentions of those who order and/or effect the behaviors and threats irrespective of consequences. It seems as if answers to this first question—i.e., what constitutes torture in the abstract and in specific instances—are most often developed to be compatible with a priori ideologies as opposed to systematic application of semantic rules.

The second question is whether torture can be justified as legal, ethical, and/or moral. Some individuals emphasize the consequences of torture independent of context or dependent on context in the short term, mid-term, or long term. Some individuals emphasize the intrinsic nature of whatever is deemed to constitute torture. Other individuals emphasize the intention of those who order and/or effect torture. Still others emphasize combinations of the three approaches just described. It seems as if answers to this second question—i.e., whether torture can be justified—are most often developed to be compatible with the desired consequences of individuals engaged in the calculus of justification even if consequences are rejected as an approach to justification.

The third question—at least among individuals who believe torture cannot be justified—is how to prevent torture from occurring. Here there are three significant approaches. One is to allow torture to occur but only in specific situations with specific approval procedures. Another is to allow behaviors and threats approaching torture to occur but not something called torture. The third is to ban torture outright. Anecdotal and empirical data suggest that the first two approaches can even lead to an increase in torture, while the third seems to lead to a tendency to attenuate torture's frequency and intensity—even with some egregious exceptions.

This précis on public discourse on torture is germane within a larger discourse on the United States (US)-declared war against terrorism with global reach. It has been alleged that torture is being used to obtain information that has antiterrorism and counterterrorism value. And these allegations are being explicated through the three questions that we have reviewed, as well as a host of other cognitive and emotional heuristics concerning superpower status, the justification for the US-led war against Iraq, and anything else that can bear some associational status. As is often the case, truth as to torture's constituents, justification, and prevention may get lost in the shuffle. (See Author. (July 1963). KUBARK: Counterintelligence Interrogation; Bowden, M. (October 2003). The dark art of interrogation. *The Atlantic Monthly*, pp. 51-76; Sironi, F., & Branche, R. (2002). Torture and the borders of humanity.

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