ANALYSIS

TORTURE: A PRACTICE WHICH IS ALWAYS WRONG

BY RON JACOBS

In 1960, when I was a first grader at a Catholic school near Washington DC, my teacher regaled us with horror stories about torture administered to Christians by the Maoist government in China. Reading from a conservative Catholic newspaper, she told my classmates and me about soldiers placing bamboo under the fingernails and multiple other tortures. Of course, we were told the point of these tortures was to convince the Christians to give up their religion. Furthermore, our teacher and the priests at church emphasized that torture was never practiced by US forces. Imagine my surprise a few years later when I heard for the first time that US Special Forces and their Vietnamese trainees were torturing and killing suspected insurgents using tactics much more painful and “scientific” than those used by the Chinese forces. As my understanding of how governments and their police forces actually worked expanded, it became clear that torture was accepted by many more countries than I had been led to believe.

In western studies, much of the history of torture in the Post-World War Two era is focused primarily on authoritarian regimes in the southern hemisphere and in Asia and Africa. This is due in large part to the existence of the struggle between the United States and the Soviet Union. A struggle that took place on many fronts-commercial, ideological, diplomatically and militarily, it manifested itself most brutally in these regimes. Many of these governments were allied with Washington, while some were in the Soviet sphere of influence. Despite Washington’s all-too-often claim of ignorance regarding the regimes in its sphere utilizing torture, the fact is that the Pentagon and CIA were intimately involved in the training of the torturers and, in the case of the CIA, often involved in the torture itself. The anti-communist mindset of Washington and other western capitals provided those governments with a rationale needed to oppose indigenous resistance movements in subject nations. By labeling such movements communist, western intelligence and military forces believed that any means they chose could be used to subvert and destroy them.

Perhaps nowhere was this process more obvious than in southern Vietnam. After the French lost the country of Vietnam (leaving their own legacy of torture and brutality), Washington stepped in. In a story familiar to most, the US commitment began with a relatively small force whose job was to create a client military to prop up the client regime installed in Saigon. Eventually over half a million US troops were involved in fighting a revolutionary army supported by the military of northern Vietnam, which was in turn supported by the Soviet Union. Stories of torture and brutality came from both sides, encompassing combatants and civilians alike. In addition, the program known as Operation Phoenix coordinated by US military and intelligence forces in Vietnam was notorious for its torture of non-combatants. Despite this history of cold war torture, there seemed to be a gradual
momentum across the globe towards eradicating torture prior to September 11, 2001.

September 11, 2001 and Its Aftermath

Generally understood to have begun in medieval Europe, the use of torture has ebbed and flowed since then. In recent years, not only has its use spread across the world, but tolerance for its methods has also increased. One can place much of this increased tolerance to the public endorsement of torture by the United States in its so-called Global War On Terrorism (GWOT). The official acknowledgment of the use of torture by US interrogators allowed other regimes historically identified with torture to continue their practice merely by stating that those they were torturing were terrorists. After all, this reasoning is exactly what the self-identified world’s greatest democracy was using and getting away with. From Bangladesh to Syria; from Indonesia to China; and all points in between; all a nation had to do was identify an individual as a terrorist. Once identified, any type of interrogation was permissible.

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This situation rendered a decades-long trend towards eradicating torture essentially irrelevant. In addition, the legal arguments proffered by US officials like former Secretary of Defense Donald Rumsfeld and former Justice Department Attorney John Yoo made a mockery of years of work by the United Nations and non-governmental organizations like Amnesty International. In the best tradition of George Orwell, torture became redefined as enhanced interrogation. Washington’s attempts to redefine torture made it clear that the definition of torture, once thought to be absolute, is clearly dependent on who is doing the defining and, more importantly, who is being defined. A perfect example of this can be seen in the case of Syria and Egypt, once Washington’s favored destinations for those suspects rendered by Washington for torture and further interrogation. Those very same regimes and techniques are now condemned by elements of the US government as the old regimes fall from favor.

The Nuremberg Principles clearly defines the responsibility of torturers in this way: “The fact that a person acted pursuant to order of his Government or of a superior does not relieve him from responsibility under international law, provided a moral choice was in fact possible to him.” 1 In the fervor surrounding Barack Obama’s election to the presidency of the United States, several calls to try the torturers of Abu Ghraib and Guantanamo Bay went up and were quickly thwarted. As of this date, the only people to stand trial for any of the torture ordered by Donald Rumsfeld and other officials of the Bush administration have been a few low-ranking soldiers. As Anupama Rao wrote in an article for India’s Economic and Political Weekly in 2004: “We run the risk again today of singling out the perpetrators of torture, while ignoring the structural brutality, the profound redefinition of humanity, which characterises the 21st century emergence

of a new imperial formation.” In other words, the real criminality of today’s torture encompasses considerably more than the specific acts carried out by soldiers, police and so-called contractors on prisoners. In fact, it is reasonable to argue that the redefinition of humanity utilized by those who establish the rationales for torture is considerably more harmful in the long term, given that a generalized acceptance of this redefinition could, in a worst case scenario, make almost any type of torture acceptable.

Concomitant to the aforementioned attempts to redefine torture as enhanced interrogation is the argument made that torturing a suspect can save hundreds of lives. Despite the testimony of several military and intelligence operatives who swear that information derived via torture is most often unreliable, this claim continues to be made and provoke discussion, especially in the media. By providing a forum for this discussion about the supposed usefulness of torture, the media is enabling torturers to get away with serious crimes that would appall most people if they were being committed against them or their families. The debate around the systematic torture of prisoners in US custody or the custody of any other nation should not be about the efficacy of such tactics, but about the elimination of those tactics.

The fact that the discussion is centered around tactics and their efficacy shows how far the discussion about torture has regressed. Until recently, the international trend was edging away from torture, with the United Nations taking on regimes known for the practice. Unfortunately for the tortured, the UN endeavor depended on the clarion example of nations that rightly or wrongly represented a commitment to human rights like the United States. Now that Washington is known as a nation that not only tortures, but publicly defends its actions, the UN’s struggle to outlaw torture must find new allies. Like Rosemary Foot writes in an article in International Affairs: “Emulation of the powerful has always been important in world politics; thus US behavior has done untold damage, not only to the rights of those held in US detention centres, but far more broadly to the human rights regime, particularly in a part of the world (Asia and Middle East-Ron J.) where the hold of this norm was already somewhat tenuous.”

Unfortunately, torture is a common human experience. Different torturers may have used different techniques, but the desired result was the same. However, when we begin to examine the colonial and postcolonial history of torture in Asia (and elsewhere in the world for that matter) we begin to see a commonality in techniques. Much of this can be traced to the colonial forces teaching the indigenous torturers. Naturally those teachers were members of the colonial and imperial armies and their mercenary counterparts. Along with the development of western military and policing techniques came the adoption of western torture techniques as well.

The practice of torture varied according to cultural and political realities in each country. Despite the variations in its frequency and methodology one would be hard put to find a government that forsook the use of torture entirely. Equally true is the fact that as humankind became more “civilized” the use of torture has become more common.

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This is despite claims to the contrary. If one examines this phenomenon more closely, a rather convincing argument can be made connecting the growth of colonialism and imperialism to a greater use of torture. It seems also safe to assume that the expansion of torture is directly related to the imperial nations’ attempts to subjugate the people’s whose land and resources they covet.

A key part of this gradual transition was a move from purely physical torture to a more psychological approach. The latter approach does not eliminate physical pain but relies more on the threat of such pain to extract something from the tortured. No matter what, as J. Jeremy Wyznewski and RD Emerick make clear in their 2009 text The Ethics of Torture, torture is first and foremost about manipulating the human mind. It might even be fair to argue that the long term effects of psychological torture are more harmful than torture of a purely physical brand. There simply is not enough data to draw a clear conclusion.

Psychological or otherwise, torture is always wrong. No government claiming to be concerned with human rights can make such a claim as long as they allow torture in their name. Indeed, no government concerned with human rights can make such a claim unless they prosecute those within their legal sphere who either are involved in torture or provide administrative and legal support to those who do. Unless and until the human rights organizations so willing to challenge torture undertaken by regimes in the developing world are willing to mount a comparable charge on the capitals of the west, their agency as accountable voices against the scourge of torture will be ignored.

Ron Jacobs is the author of The Way the Wind Blew: History of the Weather Underground (Verso 1997) He has also published two novels and a collection of essays. He is a regular contributor to Counterpunch and other webzines and journals. His reviews, essays and articles have appeared in journals around the world. A labor and an antiwar activist, he currently resides in Burlington, Vermont, USA.

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