

Ethics of torturing prisoners of war philosophy essay



**ASSIGN
BUSTER**

Throughout this semester, I have been exploring the moral question of whether or not it is ethical for the United States to torture prisoners of war with emphasis on using torture to gain information. Torture is defined as decisively harming someone who is in detention, thus being unable to defend themselves. Other violent practices, such as assault, also involve the purposeful causing of pain but lack the dimension of custodianship. The United Nations Convention Against Torture clarifies the distinction between torture and other intentional violent acts by stating in its definition that legally, severe pain, suffering, humiliation and injury only constitute torture if it serves a public purpose and if the role of the torturer originates from a public authority. This is contingent on whether the person being harmed is in custody[1]. The question of what constitutes torture and whether it is ever morally permissible has wide implications. Arguably, the response to these questions could jeopardize many American lives.

The ambiguity surrounding the term “torture” in both national and international law plays a primary role in this ethical controversy.

Notwithstanding the qualifications laid out by the United Nations, there is no clear line distinguishing torture from other violent acts. In this way, torture is considered a variant of violence, but the question that emerges is whether it is a justified or unjustified form of violence. Due to the vagueness of the term as well as the circumstances that surround situations that may be defined as torture, there are many gray areas in this controversy. For example, being beaten while being arrested transforms “cruel treatment” into “torture” once “custody” has been achieved. This minor change in circumstance dictates the legal implications. The distinction between “torture” and “

cruel, inhumane and degrading treatment” language in the same laws also contributes to this confusion surrounding torture, which is further exacerbated by the exclusion of painful (yet legal) punishments such as floggings or the death penalty. As so many forms of violence can lead to torture, but what defines torture (and what makes torture an “ international crime”) is violence (either physical or psychological) against a person while detained by an authority.

An “ authority” is a distinction that obviously includes states and agents of the state, but it is important to note that it does not exclude non-state groups, their agents, or civilians[2]. The classification of an act as torture is not dependent on the legitimacy of a state or its jurisdiction, however it is dependent on an organized authority rather than an individualized capacity to place a person into custody and then harm them for a purpose that is not personal (ie murder) but is public, such as issues of national security. I am thoroughly against the use of torture in attempts to gain information as it is a violation of a human’s basic rights and leads to the degradation of the moral character of our nation.

The right not to be tortured was declared a human right in 1948 when international law prohibited the practice, and established legal liabilities and penalties[3]. An individual’s right not to be tortured is one of their many human rights, but it arguably stronger than other human rights because the prohibition of torture is absolute as the law recognizes no exceptions (The only other absolute human rights are right not to be prosecuted for acting in a way that was not a crime and the right not to be enslaved[4]). Because of this, no person or government has a “ right” to torture, and that every <https://assignbuster.com/ethics-of-torturing-prisoners-of-war-philosophy-essay/>

human has a right not to be exposed to tortured. Furthermore, it also means that anyone who participates in or assists in torture is committing a crime. This international ban of torture sheds light on an important issue with the rights of human beings. This right not to be tortured is held in high regards throughout the world as a norm of human rights because it proclaims that people, regardless of their social status, political identity or affiliations, have (in a way) a sovereign right over their bodies and minds, although limited to situations found within the legal definition of torture[5]. While in contrast, the right of persons not to be persecuted through genocide centers on an identity as members of a national, religious or ethnic group. The right not to be intentionally targeted in war hinges not on one's humanity but rather on one's individual status as a civilian or non-combatant. The prohibition of torture is a traditional international law and therefore allows for a universal jurisdiction, meaning that if a person accused of torture is not prosecuted by/in his or her own country, he or she can be prosecuted in any functional legal system anyplace in the world. Therefore, the right to be protected against tortured is held in higher regard in law than the self-governing rights of states because torture is prohibited under all circumstances, including senerios that could pose a threat to said nation. The United Nations' Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984), states that " no exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification for torture." It is important to note that the United States ratified this convention in 1994 despite being accused of torturing insurgents during the Bush Administration. Here one sees that torture is not only inhuman but also <https://assignbuster.com/ethics-of-torturing-prisoners-of-war-philosophy-essay/>

a highly criminal act as specified by international law. However, my concern with torture does not stop despite being outlawed throughout the globe.

While coercive Israeli interrogation tactics (Israel's laws legalize the use of torture) have provided information about militant organizations, arms caches, and foiled plans of possible bombers the act of torture (while legal in this case) is still morally reprehensible[6]. My biggest source of reasoning on this case is Thomas Aquinas's principal of double effect which states one may not do something intrinsically wrong to bring about a good end (e. g., commit murder to save innocent lives), but something that would be intrinsically wrong if you did it directly can be tolerated as a non-moral evil if it is the unintended, secondary effect of an otherwise morally good or permissible action, and if you have a proportionately grave reason.

Therefore, torture is morally unacceptable because it consists of one knowingly doing evil to achieve a good[7]. Theoretically, torture could be acceptable if the harm done to the victim was a byproduct of trying to gain vital information in an honorable fashion. This argument is the one in which I put the most stock in, as it is the toughest to counter in my own reasoning. One cannot argue that it is acceptable to assault or psychologically manipulate another human, especially a defenseless one. While this human being a captive or an enemy of the state might change some viewpoints that the harmful actions are unacceptable, many are still not comfortable with excessive punishment of a criminal.

This argument also has a touch of spirituality, however does not hang on the receiver having a Christian perspective or even a religious point of view. This allows my argument to have more validity and legitimacy in the public

<https://assignbuster.com/ethics-of-torturing-prisoners-of-war-philosophy-essay/>

sphere. While I value Scripture and let it inform most of my decisions, I understand it is not a legitimate source for all those involved in the discussion. In regards to this particular debate, Scripture states to value human life and treat all humanity (even an enemy) in a dignified and moral fashion so that gives starts my double effect by saying that the harsh treatment of detainees is an evil act. This also goes along with my tradition (as the grandson of persecuted Irish immigrants) that has always taught me that “ no man is better then you and you are no better than any man”. Here my tradition reinforces that I should treat every person with respect and understand that circumstance plays a huge role in how one develops. My tradition (in addition to my own reasoning) has informed me that if I was born in the Middle East, I myself could have turned out to be a “ freedom fighter” and that I cannot judge others while I stand in a place of privilege. I say this not to condone the actions of an alleged terrorist, but to provide a more thorough understanding of where my thoughts are.

One of my largest weaknesses to my argument is the emphasis on human life. Some would argue that this concern for life is placed more on “ terrorists” and not for American’ lives that could be saved[8], however I feel this is untrue. I simply, in good conscious, cannot condone my country (which wants to be an example to the world) to harm someone based on a possibility they have vital information and are an enemy of the state.

Reason also plays a large role in why I view torture in a negative light, as there are many issues that I see with torture that do not match up logically.

First is that the assumption that the person being tortured is guilty. In most real situations, it’s not really clear whether someone is guilty of the crimes of <https://assignbuster.com/ethics-of-torturing-prisoners-of-war-philosophy-essay/>

which they are accused. That's why the United States has trials, which is regarded as essential to freedom and democracy. If one could assume that all people held prisoner by our government are by definition guilty, then there is no reason for the constitutional right to a fair trial. However, the record is clear that many prisoners are innocent. In fact, the majority of people held prisoner by the Americans at Abu Ghraib had absolutely no connection to any violence at all. A large number were not even suspected of being criminals[9]. Given the number of errors made in recent years by veteran CIA, FBI and Secret Service agents, it is not safe to assume all those detained by the United States are guilty. The second assumption that torture advocates work under, that I myself do not agree, is that torture works and the information is reliable. However, it's been shown that information given under torture is commonly unreliable[10]. Most people will say anything, true or false, to stop the pain of torture[11]. Also if the detainee is connected to an organization they may not have the information being asked of them. Here one can see that my reasoning does not allow me to justify this practice as I see many logical flaws in addition to possible alternatives to torture that may be more effective.

While I do not support torture, I do understand the need for interrogation to gain valuable information. Luckily there are alternative interrogation techniques that do not require harming the captive. Matthew Alexander (a pseudonym name used for security reasons) led an interrogations team assigned to a Special Operations task force in Iraq in 2006 and later became author of " How to Break a Terrorist: The U. S. Interrogators Who Used

Brains, Not Brutality, to Take Down the Deadliest Man in Iraq” wrote a letter to the Washington Post of his unit’s successful interrogation techniques:

[Our techniques are] based on building rapport with suspects, showing cultural understanding and using good old-fashioned brainpower to tease out information. I personally conducted more than 300 interrogations, and I supervised more than 1, 000. The methods my team used are not classified (they’re listed in the unclassified Field Manual), but the way we used them was, I like to think, unique. We got to know our enemies, we learned to negotiate with them, and we adapted criminal investigative techniques to our work (something that the Field Manual permits, under the concept of “ruses and trickery”). It worked. Our efforts started a chain of successes that ultimately led to Zarqawi.

Alexander goes on to say that his techniques had a higher success rate than those of units that participated in torturing for information.[12]Here we can see that not only can the United States take the moral high road when it comes to interrogation techniques, but also these techniques have positive results both in terms of gaining intelligence but also adding to the cultural understanding between enemies. This will promote the idea of America as a moral example for the world. In addition, it fights misconceptions of the United States that are created by our nation’s enemies by showing that the U. S. maintains high moral and ethical standards even in times of crisis and military conflict. Exemplifying this stance on torture will allow the United States to better protect American Prisoners of War in enemy camps because they will be able to authoritatively hold other states to the same standard.

In Conclusion, as a result of my moral development through this course I feel that my own reasoning, tradition, and faith led me to be against torture as a means of gaining information in interrogating prisoners of war. Not only does this practice violate international law but it also violates my own moral reasoning. The potential to save one human is not equivalent to harming another individual and as such practices like torture place American soldiers at risk as they validate enemies' anti-American propaganda in addition to give our enemies the moral high ground or the justification to torture American captives. I believe there are more effective and more human interrogation techniques in which the United States can participate in order to secure the wellbeing of American lives.