

# The historical justifications for using torture in western culture

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Historically, torture has been legally practiced and carefully delimited by law. There were specific rules as to who could be tortured, when, by whom, for how long and applying which method. According to the United Nations Convention, implemented in 1987, against torture or other cruel, inhuman and degrading treatment or punishments, defines torture as " any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted by or at the instigation of a public official on a person for such purposes of obtaining from him or a third person information or confession, punishing him for an act he committed, or intimidating him or other persons or for any reason based on discrimination of any kind.

The Convention also outlawed cruel and degrading treatment but does not define such treatment. Many attempts have been made to define " severe" treatment. General Jay Bybee (USA) argued that the pain or suffering must be of such a high level of intensity that the pain is difficult for the subject to endure, suggesting that " severe" pain must be severe enough to lead to organ failure or death, the implication being that pain that was of less severity should not be defined as torture and should therefore be acceptable by law.

In this essay I will examine various forms of torture in its looser definition, used within western culture at different times, and analyse their justifications and impact. Examples of torture used by Western perpetrators can be either psychological or physical and include: shaming, public humiliation (e. g. being displayed naked), lengthy interrogation, exploitation of phobias including mock executions, extended sleep deprivation, extended solitary confinement, sensor deprivation, tooth extraction, beatings and physical <https://assignbuster.com/the-historical-justifications-for-using-torture-in-western-culture/>

violence, blinding light, boiling, bone breaking, castration, drowning including waterboarding and so on.

Bone-breaking was used in medieval times to extract information or a confession of treason or adultery. This tended to be successful in obtaining a confession, although it is difficult to establish how dependable any information gained under duress might have been. Another example of torture used in Western Europe in the late 1930s to 1945 was against Jews during the Holocaust. Jews were firstly humiliated in the streets, lost their businesses and later their homes and possessions, eventually subjected to starvation, mock executions and gassing in concentration camps.

The justification for such behaviour appears to be ridding German society of the Jews who were seen as not Aryan, and not really human. It is interesting to note that by this time all such acts with the exception of concentration camps were being committed in public. The justification used by those operating the concentration camps was mainly " following orders given by those in greater authority. " Acts of torture against women (witchcraft) took place in medieval times when women were accused of witchcraft, tied up and thrown into deep water.

If they floated they were considered to have been rejected by good forces and were therefore evil, and burnt at the stake. If they were accepted by the water (and drowned) then they were considered to have been innocent. The purpose of such acts of torture would have been to enforce conformity, superstition and women's dependence on men. An interesting example of modern day torture in the west is what was carried out against Prisoners of

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War in Germany during the second world war, when prisoners from the Allies were routinely tortured to reveal escape plans and secret agents.

The justification would have been the greater good and national pride. I believe that acts of cruelty were carried out in Prisoner of War camps as a deterrent to others, but mainly it was to extract evidence about secret agents who could then be stopped. A current example of torture is western troops in Iraq who have been found guilty of committing humiliating and cruel acts of torture on Iraqi civilians such as water-boarding and using stress positions. In their defence they indicated they were carrying out orders, but their superiors have successfully denied that they condoned such behaviour.

The fact that it has happened in several different unrelated incidents indicates that superior officers either condoned it or turned a 'blind eye' towards it and thus failed to supervise adequately. Justification of such torture carried out against civilians cited at the trials have included revenge for terrorist acts against western troops plus a belief that the superior officers supported and took responsibility for 'softening up' interrogation suspects. There may be a belief that Iraqi civilians are all potential suicide bombers and thus particularly hard to prevent and dangerous.

Because the suicide bomber is alien to western culture and possibly seen as even more evil than other terrorists it may be that the troops feel they have to pressurise civilians more than the militia activists do. Most people in current Western society would regard torture as evil, but the terrible threat of terrorism has led to a serious reconsideration of torture as a way of

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extracting information. There is therefore a utilitarian argument in favour of using torture to gather information which will be used to save the lives of innocent people and that the use of torture against one individual is therefore a price to be paid.

Harvard's Alan Denslouting in 1995 pointed out that after months of torture, one Abdul Hikin Murat revealed various terrorist plans which were then prevented. The evil of torture is seen as sometimes being outweighed by good outcomes. One frequently used justification for torture is that the means justifies the end - it is sometimes necessary to use torture to extract information considered vital to save many lives - for example being at risk of acts of terrorism.

However, LeBossiere points out that information extracted through torture is so unreliable, as people will often confess or divulge anything at all, true or fabricated, to bring the torture to an end. Therefore it follows that if the information extracted cannot be relied on, it is worthless and therefore there is no justification whatsoever in torture. The Gestapo's use of torture against the French resistance in the 1940s and the French use of torture against Algerian resistance of the 1950s were both considered largely ineffectual.

Diederik Lohman, Human Rights Activist, found that torture typically led to information that is not accurate. Many people will say almost anything to bring an end to their terrible suffering, threats and mistreatment. So torture cannot be seen as a reliable way of acquiring accurate intelligence. Torture does however, seem to be an effective means of intimidation. Authoritarian

states have successfully used torture as a way of achieving political control and as a means of creating informers.

There are three main arguments against using torture- firstly, adopting torture and the threat of torture as a practice corrupts the society in question. Secondly the use of torture to obtain information which may prevent terrorism simply replaces one type of terrorism with another, and thirdly, terrorism is denounced as evil and its opponents like George Bush claim the moral high ground. But a society that accepts the use of torture cannot claim the moral high ground. They themselves are committing an act of terrorism and there can be no moral justification for torture.

People all over the world in recent times have to live with terrible memories relating to torture, whether as a victim, survivor, perpetrator or bystander and on occasion more than one of these categories. But perception of events is always distorted to meet the needs and values of the present. Justification for torture has often been that someone was simply 'obeying orders' that others have done much worse and that circumstances at that time made the torture or mass murder essential. An interesting question arises when considering those being tried in their old age for crimes committed against humanity when the defendant was in their prime.

It begs the question - Would they in their frail state be capable of committing such crimes now? Has the real criminal somehow escaped leaving behind a frail, elderly and essentially ordinary person to stand trial in their place? Not all powerful people standing trial for crimes committed at the height of their power present as elderly frail innocents. Some such as Emilop Massero - a <https://assignbuster.com/the-historical-justifications-for-using-torture-in-western-culture/>

convicted Argentinian ex junta commander, is quoted as having said " I am responsible but not guilty.

My judges may have the chronicle, but History belongs to me and that is where the final verdict will be decided. Appeals to higher loyalties of evasions of responsibilities (simply following orders) are attempts to deny history and to be judged by standards of the past rather than of today (human rights and justice). Many people cannot help wondering whether if they had been there at that time and in those circumstances would they have behaved in that way. Some societies prefer to forget the suffering altogether and therefore there is nothing to remember. The ideal of an International Criminal court assumes that social control is bound up with accountability.

The truth about the past is needed in order to achieve justice in the present. Conversely other societies prefer not to open the past to scrutiny and to set up barriers to memory. Stalinism for example, involved the deliberate suppression and distortion of history, however Havel pointed out that the Stalinist rewriting of history was never very effective - " It is truly astonishing to discover how, after decades of falsified history and ideological manipulation, nothing has been forgotten. "

In totalitarian states, the truth is shaped in relation to a single centre, a homogeneous core of beliefs which cannot be questioned. The past is constantly adapted and revised to reflect changes in belief and the current political agenda. Some events are 'airbrushed' out of history, but may also be restored when previously unacceptable ideas or persons are rehabilitated.

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In post-modern market societies, knowledge disintegrates and is subject to scepticism, and revision. The truth is obscured in too much information, documentaries and dramatic reconstructions. Information and memory simply fall away, and the past is erased without censorship or propaganda becoming necessary.

Western democratic societies still encourage rewriting of history, often on the grounds of diplomacy or promoting western interests - former terrorists who win power suddenly become worthy of negotiations with western states who previously refused to deal with them, with no or little attempt at a principled justification. Some western attempts at justification have included statements that there must always be another point of view. Evidence of massacres and other atrocities in such cases are often downgraded to being considered as merely a series of allegations or claims.

To conclude, no state or individual particularly wishes to torture suspects but nearly all state they need to extract information to protect citizens. This justification is used in current Western societies facing terrorist attacks on civilian populations and also on troops in Iraq and Afghanistan. Few would attempt to justify their actions as being necessary to protect the regime in power, but this is very often what drives torture. I believe there is an extremely fine line between protecting civilian populations from terrorist attack or military forces from insurgent attacks, and protecting the government in question.

All forms of torture are considered by most educated people morally repugnant in today's western societies, owing to a steady increase in

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awareness of human rights issues as led by the United Nations. It is concerning to see the United States attempting to define torture which is acceptable to them. Today, all states have the power through the United Nations to produce a new code of justice based on recognizing human dignity and the equal and inalienable rights of every individual.