

## Tortured Justification of Torture

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Ever since the “war on terrorism” began, the issue of torturing prisoners to obtain information has been under an almost perpetual discussion. To some people, it may come as a surprise (at least it did to me) that there are people out there who actually advocate torturing suspected terrorists. Recently a new voice has joined the pro-torture chorus.

Sam Harris is a graduate in philosophy from Stanford University and he is currently completing his doctorate in studying the neural basis of belief, disbelief, and uncertainty with functional magnetic resonance imaging (fMRI). He is the author of the book “The End of Faith” which was the winner of 2005 PEN award for nonfiction. Through this book, Harris has managed to upset both the faithful and the faithless. While religious people get agitated reading his strong criticism of religion, the hard-core atheists get turned-off by Harris’ invitation to meditation. The book is a strong polemic against religion and, in my opinion, Harris should have confined it to that. Unfortunately, the author has ventured into other territories in the book, largely hurting his own theses that he presents while criticizing religious dogma.

In the chapter titled “A science of good and evil”, Sam Harris tries to ethically justify the use of torture on the prisoners of war, and by war he means “war on terrorism”. His case for allowing torture to be dispensed to accused terrorists begins with the example of the paradigmatic ticking bomb as presented by Alan Dershowitz on CBS’s 60 minutes.

Harris invites us to imagine that, “your seven-year-old daughter being slowly asphyxiated in a warehouse just five minutes away, while the man in your custody holds the key to her release. If your daughter won’t tip the scales, then add the daughters of every couple for a thousand miles—millions of little girls have, by some perverse negligence on the part of our government, come under the control of an evil genius who now sits before you in shackles.”

If you don't like Harris' imagined scenario, you can cook up your own. For example, a nuclear bomb about to go off in a major city, killing thousands of people in mere seconds, and you having the person who knows the location of the bomb in your custody. The very need for imagining these scenarios is the fact that there hasn't been a single such case in real life, otherwise Harris would have referred to that instead of appealing to our imaginations. While these imaginary scenarios have been the theme of many a successful movies, TV series and thriller novels, the chances of such a thing happening in real life are extremely low. Deriving moral principles from such a rare occurrence and then applying the principle on all situations seems nonsense to me.

Sam Harris is not ignorant about the fact that there have been several studies that indicate that torture doesn't work. There have been credible reports that US government has either been actively involved in torturing prisoners captured in Afghanistan, Iraq and other places or it has been shipping them to countries like Egypt whose governments have no moral scruples when it comes to torturing people even for political reasons. However, that did not stop the Madrid and London bombings. Harris knows all this and to remove this wrinkle, he presents another angle to defend the morality of torture.

The larger case that Harris builds for moral justification of torture is based on the comparison of torture with collateral damage. Harris says that collateral damage is far more deplorable than the torture. Nobody willingly tortures innocent kids but innocent kids die as the consequence of bombings. The collateral damage, Harris maintains, is a necessary consequence of the modern war. So, he says, people who allow their governments to wage war on another country must know that innocent people are going to be killed and maimed as collateral damage. Thus, he concludes, these people who have agreed to collateral damage have no moral right to object to torture because torture is much more discriminatory than collateral damage. In other words, if you have signed off on a bigger evil, you shouldn't now object to the lesser one.

Collateral damage is always considered an unintended consequence of war. Nobody, at least in theory, intentionally perpetrates collateral damage. It is frequently said that all efforts should be made to minimize collateral damage or eliminate it if possible. Harris himself, in another chapter of the book (“The problem with Islam”) asserts that if George W. Bush had at his disposal a perfect weapon, a hypothetical device that only kills the people that you intend to kill, “there is no reason to think that he would have sanctioned the injury or death of a single innocent person.” While collateral damage is unintentional in theory, torture is definitely not. Despite all the imaginary scenarios, it remains a fact that torture doesn’t always get dispensed only to gain information. In many cases it is used to determine the person’s guilt and at many other times, the line between the two, gaining information and determining guilt, becomes too blurred. There can be no moral equivalence that can be established between unintentional consequences of collateral damage and torture.

Sam Harris loves to put things in perspective. Knowing that the information obtained through torture is notoriously unreliable, Harris offers us the following argument on the same lines on comparing collateral damage and torture, “Given the damage we were willing to cause to the bodies and minds of innocent children in Afghanistan and Iraq, our disavowal of the torture in the case of Khalid Sheikh Mohammed seems perverse. If there is even one chance in a million that he will tell us something under torture that will lead to the further dismantling of Al Qaeda, it seems that we should use every means at our disposal to get him talking.”

Let’s play along with Sam Harris and add another perspective. The biggest terrorist attack by Al Qaeda to date was 9/11 when about 3,000 people were killed. According to the US Department of Justice statistics, more than 10,000 people are murdered every year in USA as a result of gun crimes. Many of the guns involved in these incidents are illegally obtained. Since Sam Harris is all in favor of torturing accused Al-Qaeda members to stop another 9/11 from happening, would he be open to torturing suspected illegal gun

sellers in USA to know the names of the buyers?

One of the main themes of Harris' book is how religion contemptuously ignores the life on earth in favor of the hereafter. Harris must realize that while it is true that many human rights have been and still being trampled on by religious zealots, an equal amount, if not more, has been sacrificed on the altar of political expedience. The ticking bomb scenario that has been presented as somewhat of a conclusive argument only shows that Harris thinks that principles only need to be stood by when its convenient to stand by them. Things like civilization, democracy, liberty that Harris and others like him are advocating to save by sacrificing moral principles are, arguably, the products of those very principles.

What kind of future civilization are we trying to engineer by sacrificing the principles of the current one? If we agree to what Harris is proposing, what would he be advocating next? He might be saying next that all Muslims living in USA should wear a visibly identifiable sign, maybe a green crescent, on their dresses because, let's admit it, if we can agree to the prospect of collateral damage, we should care least about such things because wearing a sign doesn't kill innocent human beings. The game of justifying immoral brutal acts in the name of so-called ground realities has been played to its fullest potential by religious and secular entities alike without causing any improvement in human conditions and it must stop now.

In his article titled "In Defense of Torture" that appeared in The Huffington Post in October 2005, Sam Harris argues that he is advocating torture to be used in "rare circumstances" I find it hard to believe that Sam Harris is naive enough to think that once given the permission to use torture, any government in the world will restrict itself to use torture only in the scenarios dreamt up by Harris. Once given this license, any administration in the world can make every case a ticking bomb scenario. You can easily imagine the explanations; "we had so-and-so in our custody and we strongly suspected that he had the knowledge of an impending terrorist attack. To save innocent human lives, we decided to adopt extreme measures to extract information. Whatever we did, it was done with

the best of intentions. For moral justification of our acts, please read Sam Harris”

In the chapter titled “In the shadow of God”, Sam Harris has taken the medieval institution of Inquisition to task. Harris has described the harrowing details of the misery that the accused heretics had to go thru at the hands of the church during various Inquisitions. Torture was Inquisition’s main weapon and Harris, naturally, offers no moral justification for church in that instance. The church used torture not just to make accused heretics confess of their heresy but also to obtain information about their accomplices. The Inquisition was initially aimed, as Harris reports, at the movement of Catharism. The Cathars’ beliefs were considered heretic by the church and to save the souls of people who had become Cathars and who were not Cathars yet but faced the risk of becoming one and thus losing their souls to the devil, the church decided to act against Cathars.

The Inquisition didn’t start with the torture. Harris quotes Saint Dominic announcing to Cathars, “For many years I have exhorted you in vain, with gentleness, preaching, praying, weeping. But according to the proverb of my country, ‘Where blessing can accomplish nothing, blows may avail’” That sums up the thought behind the torturing of accused heretics. How did these people who represented the loving and merciful God resort to crushing people’s toes and burning them on stake? Harris tells us, “The justification of this behavior came straight from Saint Augustine who reasoned that if torture was appropriate for those who broke the laws of men, it was even more fitting for those who broke the law of God”

Harris may not realize that but the justification offered by Saint Augustine is eerily similar to his own. In both cases, the situation in which torture is being sought is being compared to a direr situation providing the justification for torture. One can even argue that Saint Augustine’s justification carries more weight than Harris’ if we compare them within the perspectives they are offered in. Harris is concerned with the loss of life in a terrorist attack while Saint Augustine’s concern is with the eternal life hereafter. While Saint Augustine’s case for torture is based on pure faith, Harris’ case is

speculative and based on some twisted logic. In absence of any conclusive evidence, Harris is displaying as much faith in his assertions as the church and that is an unfortunate fact considering that the title of his book is “The end of faith”.

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