ON TORTURE, I: State Violence and Brutality, & Totalitarianism

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[excerpt]

You will note that one issue I discuss below is the infamous "ticking bomb" scenario. That fictional invention continues to be criminally abused by the torture advocates. As I explained in the spring of 2003, the problem with this fantasy is an epistemological one: the example fails because of the specific means by which we acquire knowledge, and the patterns in how we do so. The "ticking bomb" scene is common in a certain kind of Hollywood thriller, and it has been made cheap and utterly unoriginal by endless repetition and imitation. However, it is virtually, if not entirely, impossible that such a situation would ever develop in this manner in real life.

The fact that those who advocate the "legitimated" use of torture find it necessary to avail themselves of such an obviously false hypothetical reveals that other concerns drive their campaign to make the most monstrous kind of inhuman brutality "acceptable" to any degree at all. They pretend to bring intellectual rigor to their unforgivable task -- but their allegedly "serious" arguments are full of the most obvious defects. The pretense at intellectual engagement serves a crucial function: it is the cover for much darker motives, which they do not care to face -- or to name. I will deal with those motives, and with the forces that drive advocacy of this kind of extreme cruelty, in the final parts of this series.

[From March 15, 2003, the following essay was originally titled: "Some Additional Thoughts on Torture -- and Some Observations
from Hannah Arendt."

Continuing the discussion about whether our government should officially sanction torture as a means of eliciting information, even in very delimited circumstances, there are several additional points that I think need to be addressed. Before getting to Hannah Arendt's remarks, let me cover a few preliminary matters.

First, I just came across this item at TalkLeft, which quotes part of a new report:

One of the issues addressed in the report is the recent allegations in the news media that U.S. military officials are employing illegal interrogation techniques to elicit information from detainees in the U.S. and abroad. Some of these techniques include hooding and sleep deprivation and physical beatings. The Lawyers Committee has urged Secretary of Defense Rumsfeld to address these allegations by making clear the unambiguous U.S. prohibition against all forms of torture and other cruel, inhuman and degrading treatment or punishment.

I want to leave aside what the merits of this report may or may not be -- and focus instead on the last sentence above. Think about how the reversal of current U.S. policy might appear. I guess it might sound something like this:

The government of the United States hereby announces that, after long and serious deliberation, it has decided the current world crisis necessitates a revision of the previous official policy of the government with regard to the use of torture. Whereas previously the government of the United States had eschewed and condemned in the strongest possible terms any and all uses of torture, the United States has now
concluded that, in certain strictly regulated and proscribed situations, the use of torture and other cruel, inhuman and degrading treatment or punishment is necessary and required, and will henceforth be considered a part of the legitimate methods to be utilized by the U.S. government in its unceasing efforts to protect the lives and safety of U.S. citizens. We are also putting into place, and will implement immediately, strict safeguards to ensure that the use of torture and other degrading treatment of certain suspect and/or criminal human beings will be utilized only when absolutely necessary, and only to the extent required in the judgment of those government officials empowered to supervise the use of such procedures. For obvious security reasons, we decline at this time to specify those particular methods of torture to be used in the future by the U.S., but we can assure the community of nations that we will not employ excessively inhumane methods of torture, but only the less severe, and less permanently damaging, forms of torture. Further details concerning these matters and policies will not be provided at this time.

Is this what people mean when they advocate bringing the use of torture out "into the light," and "regulating" it so that it will be used "properly"? But perhaps you might prefer a "softer" version of this official announcement. Is that the case?

Moving on. There is a serious, and fundamental, problem in the nature of the hypotheticals that are typically employed in discussing this issue. Those hypotheticals usually run along these lines: We know (for example) that a nuclear device has been planted in New York City. We know that it is set to go off within the next 24 hours. And we know that this individual we have just apprehended knows
where the nuclear device is.

If the matter were not so serious, I would be tempted to say only that people who offer such hypotheticals have been watching too many movies. But since the matter is so serious, I will point out the following error: this is not how the situation is at all likely to develop -- in real life. Think about it for a moment. If you in fact knew all of those elements, don't you think it likely that you would also already know where the bomb is? How would a situation develop where you knew all the other variables, but it just happened that you didn't know where the bomb was? I submit that it is not at all likely, except in the imagination of a Hollywood scriptwriter.

The underlying problem is this: in real life, all of these facts -- what it is that is planned, where, when and by whom -- are precisely those facts which you will be in the process of discovering. It is fantasy to think that you would have all the answers, save one. And this doesn't even address the serious problem as to the accuracy of any information you are likely to get by employing torture on the individual in custody. To put it another way: in real life, it is much more likely that you will know that something terrible is going to happen, but you're not certain exactly what the nature of it is. And you might know the city, and you might know that it's probably going to happen in the next 24 or 48 hours (or "very, very soon," or "within the next week"). Finally, you might be 80% or 90% certain that this particular individual knows what it is that is planned, and where and when it's going to happen -- but I doubt very much that it would transpire that you would know with absolute certainty that a given individual has the single piece of information that you happen to be missing. Forget about fiction scenarios, and ask yourself how this type of situation would be likely to actually develop in the real world -- and you will see that the usual hypotheticals are hopelessly inaccurate and misleading.
I also want to add another aspect to one of the major points of my earlier post: that the grant of any government power will always grow, including the grant of the power to use torture to elicit information. At this point, virtually everyone, at any point on the political spectrum, acknowledges the potential for widespread government corruption (and some of us consider it much more than merely a "potential"). In the general area of business regulation, for example, everyone knows how common it is to encounter graft, payoffs, kickbacks, and the like. Why do people who advocate the official endorsement of torture suddenly forget this fact, and seem unable to utilize the knowledge they already possess when the subject is torture? And I ask that question especially of [so-called, self-described] libertarians, who are known for their skepticism of the "wise" use of any form of government power. How hard is it to believe, once torture has been endorsed as a legitimate tool of the government, that some government official will "arrange" to have a longstanding personal enemy taken into custody, to be given some form of "special treatment"? After hearing of so many instances in the last decade or so of IRS audits being used against "enemies," forfeiture being used a weapon by the government, and far too many similar kinds of "punishment" to name, why would you think that torture would be exempt from this particular form of abuse? Face it, and face it now: it wouldn't be. Is that what you want to open the door to, by having our government officially sanction the use of torture?

And another point: some people have made the argument that the nature of the war on terror, and the particularly grave dangers posed by the enemies we now face, make "extraordinary" measures necessary -- to avoid, for example, another 9/11. Please remember the lessons of history, and read or reread the story of the rise of Nazism, or of the "excuses" utilized immediately prior to one of the
Soviet (or Communist Chinese) purges. Governments have always used the excuse of an "emergency" to significantly broaden their powers, and to claim the right to use "extraordinary" means. And those means are always justified by an appeal to "public safety," or an appeal to "saving the lives of our citizens," or something similar. It was precisely this kind of mentality that led to adoption of the first Patriot Act, which many of the lawmakers voting for it did not even bother to read, either in whole or in part. And we are still discovering the new government powers granted in that act -- and the same pattern will make another appearance in the wake of another domestic attack, you may be certain, and that may bring us Patriot Act II, containing a whole new host of government powers of which very few people will even be aware.

This is precisely how the road to a totalitarian government is followed; it has always been thus, and it always will be. This brings me to some remarks of Hannah Arendt's, from her monumental work *The Origins of Totalitarianism*. In these excerpts, note the special importance of torture in the nature and operation of the totalitarian state. Clearly, and mercifully, we are still quite far away from the additional Nazi horrors that Arendt describes -- but I would urge you to think about the *principles* involved here. Also, in one sense, we might not be that far away: after all, how long did it take to descend from Weimar Germany into the hell of the full-blown Nazi nightmare? Ten years? Fifteen years? Not that long; the blink of an eye in historical terms. With that in mind, consider the following (this is from Chapter 12, "Totalitarianism in Power," Part III -- "Total Domination"; I've added the highlights):

Once the moral person has been killed, the one thing that still prevents men from being made into living corpses is the differentiation of the individual, his unique identity. In a sterile
form such individuality can be preserved through a persistent stoicism, and it is certain that many men under totalitarian rule have taken and are each day still taking refuge in this absolute isolation of a personality without rights or conscience. There is no doubt that this part of the human person, precisely because it depends so essentially on nature and on forces that cannot be controlled by the will, is the hardest to destroy (and when destroyed is most easily repaired) [Footnote: Bettelheim...describes how "the main concern of the new prisoners seemed to be to remain intact as a personality" while the problem of the old prisoners was "how to live as well as possible within the camp."]