

Torture, Morality and the Search for an Ultimate Principle

A subtle, or not so subtle, shift has taken place since 9/11, one that seems to have caused barely a ripple on the pond of our collective ethical identity, and that is what Slavoj Žižek in his op-ed piece for the New York Times, “Knight of the Living Dead” refers to as the normalization of torture. It seems that overnight, what was once a taboo as strong as that of rape or murder has become just another in a long list of “interrogation techniques” and a topic of debate among legislators and the citizenry. Without a blink, we have gone from the days of the Vietnam War, when a U. S. soldier who participated in a water torture technique was court-martialed (“History”), to either a complacent acceptance or an audacious justification of torture such as that put forward by Harvard Law professor Alan Dershowitz who, in a New York Times editorial, calls for the creation of legal “torture warrants” (Dershowitz “Warming”). Contending with the barbaric brutalities being inflicted on innocents in these times of terrorist cells and Al Qaeda operatives, which lend themselves well to justifications of a relaxation of the rules against torture, how can we, as a progressive and civilized people make ethical decisions regarding the use of torture, especially in a post modern age which has seen a shift from the absolute to a relativist stance as regards standards of morality. At this juncture, we must pause and ask ourselves: Is morality relative to time, place and circumstance or absolute across cultures and time? Do we still adhere to any ultimate moral principles and if so what are they? Can an examination of the theories of egoism, utilitarianism and the golden rule help us determine whether or not state-sanctioned torture is justified?

Recent attempts by the current administration of the United States to legalize interrogation techniques used at the notorious Abu Graib prison bring to light the tendency of American ethics towards a relativist rather than an absolutist stance. In an article in the New York Times from autumn of 2006, President Bush is quoted as saying, “As our troops risk their lives to fight terrorism, this bill [to allow certain interrogation techniques such as water boarding] will ensure they are prepared to defeat today’s enemies and address tomorrow’s threats” (Zernike). Presumably today’s enemies are different from those of yesterday and thus justify a relativist approach to our ethical consideration of our treatment of them. Whereas Franklin Roosevelt’s morality was absolutist to the extent that he found a proposed attempt to assassinate Hitler impermissible on moral grounds (Dershowitz Interview), George Bush’s would seem to change according to the nature of the threat we face.

If we hold that there are no objectively true moral standards, we of course run the risk of recognizing no standard at all. As W. T. Stace points out in “Ethical Relativity,” “If taken to its logical conclusion...ethical relativity can only end in destroying the conception of morality altogether” (189). If, by the example of our own recent history then, we are ethical relativists and we accept that there is no absolute ethical standard which can be applied to our use of torture, does this not render meaningless any standards of comparison not only within our culture across time but also between our culture and other civilizations? If morality can be custom fit to the political ends of the day, how can we say, as Senator Lindsey Graham recently did, that “we are better than the terrorists”? (Zernike)

We speak of our values as if there were a clear and absolute morality still evident despite the fact that we now preemptively attack sovereign countries without clear provocation, engage in water boarding and other dubious interrogation techniques, and indefinitely detain suspects without due process. As Senator Hillary Rodham Clinton recently exhorted us, "...we must hold onto our values and set an example that we can point to with pride, not shame" (Zernike). But, mired in ethical relativism as we now are, can we be sure that Senator Clinton speaks for the group? Is her opinion to be taken as representing the moral standard of the country as a whole? And what are these values she mentions? Where is a clear definition of them? Do they emanate from each individual as he or she sees fit? Again, as Stace suggests, "If any set of people has the right to have its own morality, in the end we cannot deny this, even to the individual" (191). The terrible implication here then is that we would need to extend this right even to a terrorist.

If the shift to a relativist stance is troublesome, it is only underscored by the egoist argument that self interest is the only proper standard of conduct. What happens when we apply an egoist argument of the kind espoused by Harry Browne to the issue of torture? In "The Morality Trap" Browne takes a very narrow view of both universal morality, which he defines as one that is supposed to bring happiness to anyone who uses it, and absolute morality which he views as a set of rules to which an individual surrenders his own happiness (195). For Browne the individual is all and he takes personal morality to a hedonistic extreme arguing that how your actions affect others is only important insofar as they, in turn, affect you. While Browne's argument is persuasive if selfishness becomes the standard and all one is looking for is personal happiness and freedom, Zizek's assertion that "Morality is never just a matter of individual conscience" rings more valid. As Zizek argues, morality "can only thrive if sustained by what Hegel called 'objective spirit,' the set of unwritten rules that form the background of every individual's activity, telling us what is acceptable and unacceptable."

The only useful part of Browne's interpretation of personal morality is his advisory on the long term effects of one's actions. According to Browne, "A useful morality will prevent you from doing things that might take years to correct." Thus, while Michael Levin could argue in 1982 in his article "A Case for Torture" that "Western democracies will not lose their way if they choose to inflict pain as one way of preserving order," twenty-five years on we must consider the precedent we are setting and the long-term consequences of creating provisions that alter our commitment to the Geneva Conventions. As Ken Roth, Executive director for Human Rights Watch, warns in a CNN interview with Alan Dershowitz, "The U. S. sets a model for the world." If we violate the prohibition on torture, "we send the signal that the end justifies the means and we reaffirm the false logic of terrorism" (Dershowitz Interview).

Another difficulty with Browne's personal morality is that it can be seen to justify actions generally considered to be immoral as long as the end result produces happiness for the individual. Such an argument sounds very similar to the utilitarian theory put forth by Jeremy Bentham which weighs every action not by the effect on its recipient but according to the pleasure it produces or the pain it prevents for the person or group taking the action. By the utilitarian argument, the use of torture by a community could be judged permissible if six criteria were suitably met: Torturing the suspected terrorists would need to produce happiness (or good, security, benefit, advantage, etc.); the intensity of the happiness produced would have to be of a sufficient level to warrant

torture; the happiness gained would have to be of a sufficient duration; possess an acceptable degree of certainty; be felt in our immediate vicinity (i.e. the homeland); have a reasonable chance of fecundity, that is, of continuing; and possess purity, that is, a reasonable expectation of not inviting pain, in the form of retaliation.

Again, as with Browne, obvious problems arise with this model. As Burr and Goldinger point out in their introduction, on this basis, certain kinds of acts “might turn out to be right ...If it would produce the best results for all concerned [except the victim, of course, and his group,] then it would be right to lie, steal, and even murder” (181), or in this case, torture. Indeed, utilitarianism begs the question, “Happiness for whom? Right for whom?” It smacks of relativism and could just as easily be used by a terrorist as by elected officials in a representative democracy.

This all begins to sound like some perverse reversal of perhaps the most reasonable approach to ethical problems, the golden rule. R. M. MacIver, in “the Deep Beauty of the Golden Rule” argues that the golden rule is the only ethical principle that “stands by itself in the light of its own reason” (211). Whereas with the other ethical theories discussed here, an argument for torture can logically be made, using the golden rule as a measuring stick, the argument for its absolute prohibition could not be clearer. Unlike egoism, utilitarianism, and ethical relativism, which focus, as in the first two examples, on the end goal of happiness, or, as in the last example, on the variability of values, the golden rule is a “universal of procedure” and “prescribes a mode of behaving, not a goal of action” (MacIver 211). Its beauty lies in its very simplicity: *Do to others as you would have them do to you.*

This rule precludes torture on two counts, the first one being obvious in at least one of its applications. It seems safe to say that no one “in their right mind” would choose to be tortured, so by this rule, no one could then torture any other. But then, very few of us can imagine hijacking a jetliner and crashing it into a skyscraper, or taking schoolchildren hostage, or belonging to a group that condones blowing oneself up in a crowd of innocent bystanders. If we did push ourselves to imagine performing such acts and if we deemed it worthy of torture either as punishment or to secure information to prevent similar acts, we may well admit that were we to commit such atrocities, then we, too, might be subject to such an extreme measure. As MacIver makes clear, the golden rule does not mean that we should treat others as they want to be treated, only as we would expect to be treated were the situations reversed.

Not only does the golden rule bid you “transcend your isolation” - see yourself in the place of others and see others in your place, it also requires you to test your values, or at least, as MacIver explains, your way of pursuing them. Taking torture as a case in point, if you should disapprove of, say, an Islamic Jihadist group torturing an American soldier ostensibly to gain information, that is, if you disapprove of their treating the soldier as we have treated detainees at Guantanamo, that is a clear sign that by the standard of our own values we have mistreated those detainees.

The power of the golden rule does not lie only in its concern for others but in what it says about the preservation of our own best instincts and values. If we resort to torture, either openly and legally as Dershowitz suggests we do, or clandestinely, putting us “in the company of the most vile regimes of the past half-century” (Corn), we must ask ourselves what harm we do to ourselves as well. As MacIver asserts, when we maltreat others, we detach ourselves from an understanding of them, and by extension,

from an understanding of ourselves. We insulate ourselves and narrow our own values. Most dangerously, we cut ourselves off from what we and they have in common. And it is this commonness that is more enduring and more satisfying than what we possess in insulation. (212) Thus, for all our power, when we drive a wedge as hateful as torture between ourselves and other members of our common species, we weaken ourselves. Fear soon follows and fear will lead us surely down other uncertain and potentially disastrous paths. In the end, the evil we do to others, we do to ourselves.

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